



ADMIN & CORPORATE TRAINING

LEGAL COSTS WORKSHOP

DURATION

1 Day

PURPOSE OF THIS WORKSHOP

This workshop will provide you with the necessary skills in drawing and opposing Bills of Costs together with the relevant ethical background and rules and provide a better understanding between the difference between civil litigious and non-litigious matters and the consequences of this difference

CERTIFICATION

On completion of the programme, the participant will receive an Attendance Certificate in Legal Costs from the Law Society of South Africa/L.E.A.D

GENERAL LEARNING OUTCOMES

After completion of this training the participant should be able to:

1. Introduction

- Briefly explain the concept of "legal costs".
- Distinguish between litigious and non-litigious matters.
- Explain the importance of the following:
 - balancing of duties;
 - the economics of an Practitioners practice;
 - early advice to client and estimate of costs.
- Explain the legal principles that are applicable to contingency fees and retainer fees.
- List the various forms of record keeping that are important to ensure proper office administration.



2. Ethics and relation to cost

- Explain the nature and impact of the following concepts:
 - overreaching;
 - undercharging;
 - recovery/attempted recovery of costs for work not strictly necessary;
 - manufacturing (fabricating) costs;
 - fee sharing;
 - failure to keep proper accounting records;
 - failure to render accounts;
 - failure to pay accounts;
 - excessive recovery of collection commission;
 - excessive recovery of fees in respect of legal aid matters

3. Non-litigious matters

- Explain the approach towards non-litigious matters.
- Define the concept "determination".
- Indicate what the effect is of Section 69(d) and (h) regarding costs in non-litigious matters.
- Indicate the criteria that must be taken into account in the determination of fees.
- Indicate the principles that govern liability of a client for increased amounts, resulting from an assessment at his request.

4. Civil litigious matters

- Explain the concept "Practitioners and client" costs.
- Indicate the types of the costs orders that a magistrate may grant in terms of the Magistrate's Court rules.
- Distinguish between:
 - party and party costs;
 - practitioners and client costs;
 - practitioners and own client costs;
 - costs de bonis propriis;
 - wasted costs;



- reserved costs;
 - costs in the cause;
 - costs of the day;
 - costs;
 - no order as to costs.
- Indicate the circumstance in which a party must apply for a “specific costs order” in:
- The High Court;
 - The Magistrate’s Court.
- Indicate the instances in which an offer to pay costs will be taxable, as if it had been awarded by the Court.

5. Prescribed tariffs

- Explain the application of rules 48, 67, 68 and 70 of the Uniform Rules of the High Court, with regard to:
- party and party costs;
 - practitioners and client costs;
 - practitioners and own client costs.
- Explain the application of sections 80 and 81 of the Magistrate’s Court Act, Rules 33, 34 and 35 thereto and Tables A and B of annexure 2 to the rules to:
- party and party costs;
 - practitioners and client costs;
 - practitioners and own client costs;
 - collections.

6. Bills of costs

- Indicate the importance of drawing appropriate bills of cost.
- Indicate and explain the various pre-requisites for drawing a bill.
- Distinguish between “fees” and “disbursements”.
- Indicate the source of what can be claimed in the case of practitioners – client and party – party costs, respectively.



7. Settling a bill of cost

- Indicate that the bill can either be agreed to by the parties or can be taxed.

8. Formal requirements for taxation

- Indicate when notice for taxation has to be given in:
 - The High Court;
 - The Magistrate's Court
 - Appellate Division proceedings.
- Explain the importance of a certificate for purposes of taxation in the High Court.
- Indicate when a party can consent to the taxing of a High Court bill of costs in his/her absence.

9. Taxation

- Indicate the contents of the rules applicable to taxation in the High and magistrate's Court.
- Explain the provisions pertaining to taxability of High Court and Magistrate's Court matters respectively.

10. Review of taxation

- Explain the contents of the rules applicable to review of taxation in the Magistrate's Court and High Court respectively.
- Indicate which items will be subject to review.
- List the principles on which the court will interfere with an award by the taxing master.

11. Recovery of costs

- List the steps that can be taken.

12. Legal aid matters

- Indicate the basis for remunerating Practitioners in respect of legal aid matters.
- Explain whether an Practitioners who acts in a legal aid matter may receive additional fees directly or indirectly from the client.
- Explain the principles applicable to civil litigations matters where legal aid applies.

13. Value added tax

- Indicate how VAT can be levied.