***THIS COMPLETED PAGE IS TO BE INCLUDED WITH THE APPLICATION FORM WHEN LODGED***

**COVER SHEET TO COSTS ASSESSMENT APPLICATION**

**To assist with allocation to an appropriate assessor, please nominate the general subject matter of the legal work done or the type of court matter involved in the costs to be assessed by crossing the relevant box(es) and attaching to the front of the application for assessment.**

☐ Administrative Law, including

☐ Tax

☐ Commercial

☐ Commercial arbitration (with a Court order if under LPA 2004)

☐ Insurance

☐ Corporations Law

☐ Building and construction

☐ Common Law

☐ Defamation

☐ Personal Injury – including public liability

☐ Motor Vehicle Accidents

☐ Professional negligence

☐ Possession 􏰀

☐ Equity (general)

☐ Family Provision

☐ Guardianship, de facto relationships

☐ Probate

☐ Land and Environment Court

☐ Tribunals

☐ Dust Diseases Tribunal

☐ NCAT

☐ Other Tribunal

☐ Other

☐ Criminal

☐ Family Law

(for costs between client and their own lawyer only – for any court orders see Family Court Rules)

☐ General Federal

(for costs between client and their lawyer only – any court orders see Federal Court Rules)

☐ Industrial

☐ Workers Compensation

☐ Property including conveyancing.

☐ Any other area of law …………………………………………………………………..

**Form A 1.3**

**APPLICATION FOR ASSESSMENT OF COSTS**

**RETAINING LAW PRACTICE v BILLING LAW PRACTICE**

*Legal Profession Uniform Law (NSW) s 198*

*Legal Profession Act 2004 (NSW) s 351*

**MANAGER COSTS ASSESSMENT**

Assessment Number:

**[Name of applicant retaining law practice]**

*(Ensure that you use the correct name of the law practice)*

Costs Applicant

**[Name of respondent billing law practice]**

*(Ensure that you use the correct name of the law practice)*

Costs Respondent

The costs applicant, a law practice, applies for assessment of costs charged by the costs respondent; a law practice retained by the costs applicant on behalf of a client, in accordance with the particulars set out in Section A and provides the further information and certification set out in Sections B and C.

*Note: This form is intended for applications under the Legal Profession Uniform Law (NSW) (‘UL’) or the Legal Profession Act 2004 (‘LPA04’). For corresponding applications under the Legal Profession Act 1987 Pt 11 as preserved by the Legal Profession Act 2004 Sch 9 cl 18, adapt this form appropriately.*

*If there is inadequate space to provide the required information, attach additional pages or expand the spaces in the form.*

## **Particulars**

In this section, the costs applicant is referred to as ‘you’ and the costs respondent is referred to as the Billing Law Practice.

1. Did the Client first instruct you in the matter to which the costs relate before 1 July 2015, or on or after that date?

\*Before / \*On or after (\*delete as appropriate)

(Note: If instructions were first given before that date, LPA04 Pt 3.2 applies; if given on or after that date, UL Pt 4.3 applies.)

1. Identify the costs that you want assessed.
	1. State the date and **ATTACH** a copy of each bill from the Billing Law Practice which includes costs that you want assessed. (If a bill also includes costs that you don’t want assessed, clearly identify those costs.)

…………………………………………………………………………………

* 1. If any of the costs you want assessed are not set out in a bill from the Billing Law Practice but have been paid, identify those costs, how and when the claim for payment was made, the amounts claimed and paid, and the date and amount of each relevant payment.

…………………………………………………………………………………

1. What is the total amount that the Billing Law Practice claimed for the costs that you want assessed?

$………………

1. How much of the claimed amount has been paid? Specify the date and amount of each payment.

Date:………… Amount: $………….

1. How much do you say is the proper amount for those costs? (Do not subtract amounts that have been paid.)

$………………

1. How much of the claimed amount do you object to? (This should be the difference between the amounts at 3 and 5 above.)

$………………

|  |
| --- |
| **For registry use only:**The application fee will be the **greatest** of the following three amounts:* 1. 1% of the amount in dispute $............................. (Item 3 – Item 5 = Item 6); or
	2. 1% of the remaining unpaid amount $.......................... (Item 3 – Item 4); or
	3. $100 – this is the minimum application fee.
 |

1. Set out your objections to the amounts claimed by the Billing Law Practice for the costs that you want assessed in a separate document headed ‘Objections’. **ATTACH** that document to this application.
2. Is there a costs agreement or purported costs agreement between you and the Billing Law Practice with respect to the costs? If so, state the date when it was entered into and **ATTACH** a copy.

………………………………………………………………………………………………

1. If you claim that the costs agreement breaches or was entered into in breach of UL Pt 4.3 Div 4 or LPA04 Pt 3.2 Div 5, give particulars of that claim. Otherwise leave this part blank.

………………………………………………………………………………………………

1. If you claim that the terms of the costs agreement are not fair and reasonable, give particulars of that claim. Include particulars of any claim under LPA04 s 328, if applicable.
Otherwise leave this part blank.

………………………………………………………………………………………………

1. If you claim that the Billing Law Practice failed to give disclosure in relation to costs as required by UL Pt 4.3 Div 3 or LPA04 Pt 3.2 Div 3, provide the details and documents in (a) and (b) below.

Otherwise leave this part blank and ignore (a) and (b).

* 1. Give particulars of the disclosures that were given and **ATTACH** copies of the disclosure documents, or state that no disclosure was given, as the case may be.

…………………………………………………………………………………………..

* 1. Say succinctly how and why the disclosure was deficient.

…………………………………………………………………………………………..

1. Set out any further information that is relevant to the assessment of the costs.

……………………………………………………………………………………………….

…………...…………………………………………………………………………………

## **Addresses**

The addresses of the costs applicant, costs respondent and any interested parties are set out below:

*(Note: Full details must be given for client and if the parties are legally represented, the names, addresses and other contact details of their legal representatives are required.)*

#### Costs applicant

Name:

Address:

Telephone:

Email:

#### Costs applicant’s legal representative

Name:

Address:

Telephone:

Email:

Reference:

#### Costs respondent

Name:

Address:

Telephone:

Email:

#### Costs respondent’s legal representative

Name:

Address:

Telephone:

Email:

Reference:

#### Other

## Certification and Authority

I certify that there is no reasonable prospect of settlement of the matter by mediation.

I authorise the costs assessor to whom this matter is referred to have access to, and to inspect all my documents that are held by me, or by any law practice or Australian legal practitioner or Australian-registered foreign lawyer concerned, in relation to this matter.

(Signed)…………………………………………………………………………………

**\*Costs Applicant / \*Costs Applicant’s legal practitioner** (delete as appropriate)

**Date:**