

Review of Lawyer's Charges

1. Service of Notice of Appointment for Review of Lawyer's Charges - Rule 10.13:

- a. A **lawyer** seeking to review his/her own accounts or retainer agreement or both:
- **Documents to Prepare:** Prepare Notice of Appointment for Review (includes signed copies of accounts to be reviewed and any retainer agreement, if any).
 - **Ten (10) Days Notice:** File & serve the NAR and accounts and retainer agreement **10 days** before the appointed date of the review.
- b. A **client** seeking to review his/her lawyer's charges or retainer agreement or both:
- **Documents to Prepare:** Prepare Notice of Appointment for Review (include signed copies of accounts to be reviewed, if they are available, and any retainer agreement, if any and if available).
 - **Ten (10) Days Notice:** File & serve the NAR and accounts and retainer agreement (if available) **10 days** before the appointed date of the review.

2. Lawyer's Responsibility to File Accounts & Retainer Agreement(s) - Rule 10.14:

If a lawyer is served with a Notice of Appointment for Review of accounts or retainer agreement or both:

- **Documents to File:** Lawyer must file copies of account(s), properly signed, client wishes to have reviewed and any retainer agreement (if any), whether subject to review or not. (See attached Appointment for Review which addresses the *which accounts to review* issue.)
- **Five (5) Days Prior:** Lawyer to file the above documents **five (5) days** before the date of the review. No need to serve on client.

3. Time Limitation for Review - Rule 10.10:

- (1) A retainer agreement may not be reviewed more than **six (6) months** after date the agreement is terminated.
- (2) A lawyer's charges (account(s)) may not be reviewed more than **six (6) months** after the date the account was sent to the client.

4. Appeal Period after Review - Rule 10.26:

- (4) Appellant to file and serve . . . within **one (1) month** after date of the review officer's decision (not receipt of it).
- (5) Respondent to file and serve any written argument **ten (10 days)** after service of the notice of appeal.

Assessment of Litigation Costs (Bills of Costs)

1. Party Entitled to Costs Initiates the Assessment - Rule 10.37(2):

- **Documents:** Prepare proposed Bill of Costs and Notice of Appointment for Assessment.
- **Ten (10) Days Notice:** File & serve the NAA and proposed Bill of Costs **10 days** before the appointed date of the assessment.

2. Any Other Party Initiates the Assessment & Request for Proposed Bill of Costs - Rule 10.37(3):

- **Documents:** Prepare Notice of Appointment for Assessment and a Request that entitled party prepare a proposed Bill of Costs.
- **Twenty (20) Days Notice:** File & serve the NAA and Request for proposed Bill of Costs **20 days** before the appointed date of the assessment.

3. Recipient of Request for Proposed Bill of Costs - Rule 10.37(4):

- **Documents:** Prepare a Proposed Bill of Costs.
- **Ten (10) Days Notice:** File & serve the Proposed Bill of Costs on every other party **10 days** before the appointed date of the assessment.

4. Time Limitation for Assessment - Part 4, Division 6 - Delay in an Action:

There is **no** prescribed time period for assessment of a Bill of Costs. **Rule 4.31** addresses remedies available if there has been delay. **Rule 4.33** imposes a "must dismiss the action" provision which seems unlikely to relate to the assessment of a Bill of Costs.

5. Appeal Period after Assessment - Rule 10.44: (See "Appeal Period after Review," above)

- Note:**
1. All dates, save for the time limitation for review of retainer agreements or of lawyer's accounts, may be varied by the Review or Assessment Officer, as the case may be. See **Rules 10.13(4), 10.14(2) & 10.37(5)**.
 2. Please encourage parties, especially self-represented parties, to serve their documents as soon as feasibly possible and not to wait till the last moment allowed by the ARC.