Unhappy with your fee?

SLCC’s Powers

The SLCC’s remit is to consider the quality of service provided by a practitioner/firm.

We can’t advise you on whether the amount of fees you have been charged is reasonable.

We can only direct solicitors to reduce or abate their fees following a complaint having been accepted as eligible, investigated and upheld.

What to do if you wish to challenge the amount you have been charged

Step 1

In the first instance, you should discuss the matter directly with the practitioner or the firm’s Client Relations Manager.

You may wish to ask how your fee has been calculated. If so, you should be given a summary of the work done for you and how the charges have been calculated. This information should be provided free of charge.

You are also entitled to ask for a detailed breakdown of the invoice. This should describe each letter, the time spent by each person who worked on your file and the length of each telephone call. The firm is entitled to charge for preparing this breakdown.

If you remain unhappy with the amount you have been charged, you can ask for the account to be independently scrutinised. This is called “taxation” and is carried out by an Auditor of Court.
Step 2 – Taxation

The Auditor will examine all the relevant paperwork and decide what the correct fee should be.

The Auditor does not look at whether the service provided to you was adequate.

If you wish to use the services of an Auditor, you should ask the firm to make the necessary arrangements. **Please note that signing up to use an Auditor means that you must accept the Auditor’s decision as binding.**

If you wish, you can attend a hearing before the Auditor to put forward your views. You should tell the firm that you would like to have a hearing so that this can be included in the papers sent to the Auditor. You will be advised of the date and time of the hearing by your solicitor or the Auditor.

The cost of using an Auditor is usually 3% or 4% of the final fee which is determined.

If the Auditor finds that the invoice was excessive, **this will be reduced and the practitioner/firm will have to pay the Auditor’s costs.**

If the Auditor find that the invoice was reasonable, **you are likely to be asked to pay the Auditor’s fee as well as the original invoice.**

It is standard practice for some firms to always have their fees assessed by an Auditor at the conclusion of the work. This is particularly common in executry cases. However, the firm should always advise you at the outset (usually in their Terms of Business letter) the basis up on which fees will be charged to you.
Should fees be paid?

Practitioners/firms are legally entitled to raise court actions to recover fees regardless of whether or not a complaint has been made to the SLCC. As they are entitled to take such action, doing so cannot amount to a breach of the Service Standards or Conduct Rules.

If a fee is due, you should either pay this or seek independent legal advice in connection with not doing so. If you do not pay the fee and court proceedings are raised against you, a decree could be granted and you may be found liable for the court costs. Your credit rating could also be affected.

Nothing in the SLCC’s complaint process affects when action can be taken to recover fees due and the SLCC is unable to intervene in any court proceedings.

Other useful resources

The Law Society of Scotland’s website provides information on fees, taxation and other related matters: www.lawscot.org.uk

The Auditor of the Court of Session website provides detailed information on taxation: www.auditorcos.org.uk

The Citizens Advice Scotland website provides general information on solicitors’ costs, challenging a legal bill and taxation: www.cas.org.uk

If you have any queries about this information, please contact us on 0131 201 2130 or enquiries@scottishlegalcomplaints.org.uk. You can also visit our website at www.scottishlegalcomplaints.org.uk for further information.

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