

Fee recovery assistance available to members for fees unpaid after three months

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A great deal has been written this year about the significant economic impact caused by the COVID-19 pandemic.

In order to provide practical assistance to members, for the duration of the COVID-19 pandemic, members whose fees have been unpaid for more than 90 days (but less than two years), can now access the Bar Association's fee recovery assistance service.

Ordinarily, the Association will only assist members to recover fees which have been outstanding for more than six months (but less than two years). The change from six months to three months is a practical measure to improve timely payment during this challenging period.



WHAT THE BAR ASSOCIATION DOES

Put simply, the Bar Association assists members with recovery from solicitors of unpaid fees. There is a dedicated section in the Member Portal on the Bar Association's website headed *Fee Recovery*. The Fee Recovery Policy is at: <https://nswbar.asn.au/practice-support/costs-billing/fee-recovery>.

Assistance will generally be provided as follows:

1. The Bar Association will write to the solicitor requesting payment.
2. In the event that payment is not forthcoming, the Association will phone the solicitor seeking an explanation.

In providing this assistance, the Bar Association is not undertaking to act for the member in any legal capacity.

HOW TO REQUEST ASSISTANCE

To request assistance you email: feerecovery@nswbar.asn.au.

Requests for fee recovery assistance should include the following:

1. a letter/email containing a brief chronology of events;
2. a copy of your disclosure and any costs agreement;
3. a copy of all the invoices you have rendered; and
4. any relevant correspondence.

The Bar Association can also assist with general enquiries concerning fee recovery. For general enquiries use the email address or phone the Bar Association on (02) 9232 4055.

FEE RECOVERY AFTER ASSISTANCE

If the assistance provided by the Association is not successful, a barrister will then need to consider pursuing her or his fees. The methods of recovery are also set out in the Fee Recovery section on the Bar Association website.

The Bar Association does not assist or act for a member in this regard.

It must be said that a sensible course after you have exhausted your own efforts in being paid, and before formal recovery action, is to seek the assistance of the Bar Association. The assistance of the Bar Association has been successful in many cases and avoided the need for formal recovery action by barristers.