



Information for persons seeking appointment as a costs assessor

The Chief Justice of NSW is seeking applications from legal practitioners wishing to be appointed as costs assessors under the *Legal Profession Act 2004*. The appointments are expected to take effect from 1 January 2014.

What do costs assessors do?

Costs assessors assess party/party and practitioner/client legal costs and may also be appointed to participate in the review of other costs assessors' decisions.

What will I be paid?

The current rate of remuneration for costs assessors is \$192.50 per hour inclusive of GST.

How do I know if I am eligible for appointment and how long does an appointment last?

Schedule 5 of the *Legal Profession Act 2004* sets out eligibility for appointment as a costs assessor. On this occasion the appointments will be for a period of up to 3 years.

How do I apply?

Persons seeking appointment as a cost assessor must:

- 1. Provide a current resume and a statement that demonstrates an ability to meet the following selection criteria that:**
 - you have been admitted as a legal practitioner for five (5) years and hold a current NSW practising certificate
 - you are not an undischarged bankrupt and have not been subject of a Personal Insolvency Agreement
 - you possess a good understanding of costs assessment principles and the processes under the *Legal Profession Act 2004* and the *Legal Profession Regulation 2005*
 - you have current legal practice experience
 - you have professional integrity and credibility within the legal community
 - you have excellent written communication skills and can write clear reasons
 - you can deal with matters promptly, effectively and comply with strict timeframes
 - you can manage parties and deliver assessments with the cost of the process not being out of proportion to the amount in issue
 - you have the skills to be able to conduct the assessment process entirely electronically
 - you are willing to attend the annual Costs Assessment Seminar, and
 - you are willing to conduct costs assessments under those aspects of the regime recommended in the Chief Justice's Review of Costs Assessment as may be implemented, including in person and telephone conferences as appropriate.
- 2. Complete the attached Declaration and Preferred Areas of Legal Practice form.**
- 3. Provide written references from two (2) referees who can attest to your competency in respect of the legal practice areas identified in the attached form and in costs practice, as well as your knowledge of costs principles, the *Legal Profession Act 2004* and Regulations.**

Applications are to be sent to Jennifer Hedge, Manager, Costs Assessment by email: jennifer_hedge@agd.nsw.gov.au

**The closing date for applications is 10 October 2013.
Late applications will not be considered.**

DECLARATION

I, of

.....
do solemnly and sincerely declare that:

1. I hold a current NSW practising certificate.
Practising certificate number
2. I have been admitted as a legal practitioner since,
being a period of at least five (5) years.
3. I confirm that my understanding of costs assessment principles, practice and procedure is as set
out in my statement.
4. I have never been the subject of an adverse finding of a Statutory Committee, Tribunal or Court,
except as set out below:
.....
.....
.....
4. I am not aware of current proceedings before a Statutory Committee, Tribunal or Court in which
I am a party where adverse findings may follow except as set out below:
.....
.....
.....
5. I am not an undischarged bankrupt and I have not entered into any arrangement, composition or
Personal Insolvency Agreement pursuant to the *Bankruptcy Act 1966* (Cth).
6. I authorise the Professional Standards Division of the Law Society of New South Wales, the Bar
Association and the Legal Services Commissioner to advise the Manager, Costs Assessment
and release to the Manager, Costs Assessment any information in relation to any referral to a
Disciplinary Body or any adverse disciplinary findings that have been made or may be made
against me at any time.

I declare that the contents of this application are true and correct.

**I make this solemn declaration conscientiously believing the same to be true, and by
virtue of the provisions of the [Oaths Act 1900](#) (NSW).**

Signature: **Date:**

Witness: **Date:**

.....
(Print Name and authority)

Certificate under section 34 (1) (c) of *Oaths Act 1900* by Witness

**Please cross out any text that does not apply*

I, a [*insert qualification as witness*]
....., certify the following matters concerning the making of this *statutory
declaration by the person who made it:

1 *I saw the face of the person or *I did not see the face of the person because the person was wearing a face covering, but I
am satisfied that the person had a special justification for not removing the covering.

2 *I have known the person for at least 12 months or *I have not known the person for at least 12 months, but I have
confirmed the person's identity using an identification document and the document I relied on was

Date: **Witness:**

PREFERRED AREAS OF PRACTICE for

(insert name)

Please tick areas that you would prefer to assess:

An applicant must be able to demonstrate that he or she has expertise in a preferred area of practice.

- Administrative Law (excluding appeals)
- ADT
- Appeals (all types)
- Building and construction
- Commercial – including banking, commercial arbitration and insurance
- Common Law – general (including defamation etc)
- Corporations Law
- Criminal
- CTTT
- Dust Diseases Tribunal
- Equity – general
- Family Law (between client and practitioner)
- Family Provision
- General Federal (between client and practitioner)
- Guardianship, de facto relationships
- Industrial
- Land and Environment Court
- Motor Vehicle Accidents
- Personal Injury – including public liability etc
- Possession
- Probate
- Professional negligence
- Tax
- Tribunals – (other than CTTT or ADT)
- Workers Compensation
- Other - identify if you have a specialty not listed

TYPES OF APPLICATIONS:

- Party/Party
- Practitioner Client – includes both Practitioner/Client and Client/Practitioner