

Form 4

Confirmation of Instructions that Law Practice is not Required to Provide Disclosure under s260 (s263(2)(c))

Note: A barrister (being a law practice retained by another law practice) is only obliged to provide disclosure of the information necessary for the instructing solicitor (being the other law practice) to comply with s261(1) of the *Legal Profession Act*, s261(1). The instructing solicitor is not obliged to make disclosure if the client is one of the types of clients described in s261(2)(c) of the Act or the solicitor's costs have been agreed under a tender (s261(2)(d)) or if a client is not required to pay the costs (s261(2)(e)) or in any circumstance prescribed by the Regulations (s261(2)(f)).

Some of the clients listed in s261(2)(c) are public companies and their subsidiaries, financial services licensees, liquidators, administrators, receivers, partnerships with more than 20 members, joint venture companies, a Minister of the Crown, a government department or a public authority.

Dear [insert]

Thank you for your instructions to [insert instructions].

On the basis of the information that you have provided to me you are not required to comply with s261(1) of the *Legal Profession Act* in respect of these instructions and therefore I am not required to disclose to you any cost information for that purpose.

You are not required to comply with the Act because [insert reason, for example your client is a public company].

Please advise me should this position change.

My legal costs in respect of these instructions will be calculated on the following basis:

[For example

\$[insert] per hour plus GST for advice and preparation and \$[insert] per day plus GST for court hearings and otherwise on the terms set out in my letter of retainer dated [insert].

OR

A fixed fee of \$[insert]

OR

Under the [insert] Scale as varied from time to time].

Yours....