

THE LAW SOCIETY OF SINGAPORE

PRACTICE DIRECTION 5.5.1

[Formerly PDR 2013, para 57; Council's Ruling 1 of 1996]

SHARING OF FEES BETWEEN LEGAL PRACTITIONERS

Increasing specialisation and the need to tap the experience of more senior legal practitioners has given rise to the question of sharing costs between specialist/senior legal practitioners and the instructing legal practitioners.

The Council envisages three different situations in which this question may arise:

(a) Seeking guidance

Where a legal practitioner needs to consult another legal practitioner who is either a specialist or more experienced member of the profession concerning some aspects of a case which he/she is unsure of or needs guidance on.

In these instances, the legal practitioner may obtain an opinion, whether orally or in writing, from another legal practitioner who has been consulted and an appropriate fee may be agreed upon between the legal practitioner seeking and giving guidance. There is nothing improper in seeking this kind of assistance.

(b) Referral

A legal practitioner referring a matter to another legal practitioner who may have better expertise and experience than the former legal practitioner.

A mere referral should not result in any costs being demanded or expected by the legal practitioner referring the client to another legal practitioner. This would be tantamount to 'brokering' and should not be permitted or condoned. Therefore, the legal practitioner in question should not claim costs for a mere referral.

(c) Retainer

Where the legal practitioner retains the services of the counsel owing to seniority and specialist knowledge.

In these situations, the legal practitioner continues to be the legal practitioner on record and engages the services of senior counsel to appear in court. The fees of the senior counsel may be separately agreed upon, or the fees charged to the client may be shared between the legal practitioner on record and the counsel appearing in court.

In all the three different situations mentioned above, the legal practitioner engaged by the client should consult and inform the latter that another legal practitioner will be handling the matter due to its complexity. The client's consent should be obtained before the brief is referred to another legal practitioner. If consent is not obtained, the legal practitioner's conduct will be open to query by the client and may be improper. See also rules 26 and 34 of the Legal Profession (Professional Conduct) Rules 2015 (S 706/2015).

Date: 31 January 2019

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