

The Story of Mr K & Mr M: Why you need an Accredited Specialist Family Lawyer

By Christian Tager, Paralegal

In a judgment delivered earlier this year, a Western Australian Family Law solicitor was ordered to repay \$110,000 after it was determined that he had overcharged his client and had not kept proper time records. This case is a good example why choosing the right lawyer in a Family Law dispute can make all the difference, and why the right lawyer is often one that is an Accredited Specialist.

***LM v K Lawyers* [2015] WASC 244**

In this case, Mr K was a sole practitioner from Perth who had 'little or no secretarial or administrative support,' nor was he an Accredited Specialist in Family Law.¹ However, between November 2008 and April 2010, Mr K represented Mr M in Family Law proceedings without the assistance of specialist counsel, and throughout this period Mr M was charged in excess of \$330,000 in legal fees.

Why \$330,000?

Mr K's professional fees are set at a relatively modest \$270 per hour, so how is it that in less than two years Mr M was able to amass \$330,000 in legal fees? In his judgment, Registrar Boyle noted that:

Costs may be inflated because a lawyer is deficient in his legal knowledge and skills, or is inadequately resourced, or he fails to discharge his professional responsibility to act in a way that does not burden his client with avoidable costs.²

The Registrar went on to review Mr K's timesheets, and in doing so, it became apparent that Mr M's excessive legal fees were in large part attributable to Mr K's conduct as outlined in the Registrar's comments above. Examples included:³

1. \$54 to simply print some letters, which The Registrar noted was purely a secretarial task and did not require the skill of a lawyer;
2. \$378 for what was described as a 'taxi service' for 'travelling to client, pick up, take to [Justice of the Peace], wait, sign, drop off client'; and
3. \$5,400 for 20 hours of research in one day, which the Registrar described as 'disturbing' and 'extraordinary', with the only possible explanation being a clerical error.⁴

¹ *LM v K Lawyers* [2015] WASC 244 [39] (Registrar Boyle).

² *Ibid* [13] (Registrar Boyle).

³ *Ibid* [20] (Registrar Boyle).

⁴ *Ibid* [21]-[22] (Registrar Boyle).

These examples are by no means deviations from the norm, but instead signify a systemic approach adopted by Mr K, as ‘there were 20 days in the course of the retainer where Mr K charged for more than 10 hours in a day. On six occasions he charged for 15 or more hours in a day and on three of those days for 20 or more hours.’⁵

In concluding His judgment, Registrar Boyle criticised Mr K for being ‘out of his depth’, ‘floundering in the task’, engaging in ‘work that was of an administrative or clerical nature,’⁶ and put simply ‘he did not know what he was doing.’⁷

Conclusion

The Family Law proceedings which this case followed involved the division of property between Mr and Mrs M, which totalled \$1.8 million.⁸ However, their combined legal fees totalled \$1.1 million.⁹ And unfortunately for Mr and Mrs M, better representation could have prevented such a result.

Again, this case serves as a stark illustration as to why choosing the right lawyer should not be something taken lightly. A competent lawyer is often the difference between a good result and a bad one. Further to this, the Law Society’s [Specialist Accreditation Scheme](#) allows the public to identify practitioners who are not only competent in their respective areas of law, but have also demonstrated a proven expertise in that area of law.

At Diamond Conway Lawyers, [our Accredited Specialists in Family Law](#) are Tom Doumanis OAM, Steven Lamont, and Louise Bedson, who would be happy to discuss any Family Law queries you may have on 02 9222 8000.

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⁵ Ibid [23] (Registrar Boyle).

⁶ Ibid [45] (Registrar Boyle).

⁷ Ibid [37] (Registrar Boyle).

⁸ Ibid [11] (Registrar Boyle).

⁹ Ibid [9] (Registrar Boyle).