

# THE LAW SOCIETY OF SINGAPORE

## PRACTICE DIRECTION 8.8.1

*[Formerly PDR 2013, para 10; PDR 1989, chap 1, paras 12(b) and 40]*

### **RESPONSIBILITY FOR THIRD PARTY FEES**

#### **A. Witnesses' Expenses**

Where a legal practitioner calls a witness to give evidence on behalf of his/her client, he/she shall, before calling upon the witness, make it clear to the witness concerned that he/she will not be personally responsible for payment of the disbursements and expenses which the witness is allowed or entitled to under the law. The legal practitioner should for his/her own protection either satisfy himself/herself that his/her client is willing and able to pay those disbursements and expenses, or if he/she has no such assurance, obtain payment from his/her client in advance of an amount sufficient to cover the expenses.

Where a legal practitioner directs a client to a foreign colleague, he/she is not responsible for the payment of the latter's charges, but neither is he/she entitled to a share of the fee of the foreign colleague.

See also rule 12(8) of the Legal Profession (Professional Conduct) Rules 2015 (S 706/2015) ('PCR 2015').

#### **B. Fees of Professionals Who Are Not Legal Practitioners**

Rule 7(5) of the PCR 2015 requires a legal practitioner who appoints another legal practitioner to pay or ensure the payment of the latter's fees unless both legal practitioners agree otherwise.

Members are not professionally liable for the fees of other professional agents they engage on their clients' behalf when there is no reciprocal professional obligation imposed by other professional bodies, except where they have engaged another legal practitioner.

A legal practitioner is therefore under no obligation to personally pay the professional fees of another professional who is not a legal practitioner unless by order of court. Responsibility to pay the fees falls on the client. A legal practitioner will not be liable for professional misconduct for failing to meet the fees of a professional agent engaged on a client's behalf. However, rule 7(5) of the PCR 2015 does not affect the legal practitioner's contractual liability to such agents or third parties. It is good practice to inform professional agents that their fees will be met by the client directly or, alternatively, to take sufficient monies to account to pay for the professional agent's fees.

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**THE COUNCIL OF THE LAW SOCIETY OF SINGAPORE**