



**THE SUPREME COURT OF BERMUDA
PRACTICE DIRECTION**

ISSUED BY THE CHIEF JUSTICE

Ref. A/50

CIRCULAR No. 11 OF 2006

Guideline Figures for Hourly Rates

1. Following the coming into effect of the Rules of the Supreme Court Amendment Rules 2005 on 1st January 2006, the old scales of costs have been abolished. The amount of costs to be allowed on taxation is now in the discretion of the Registrar. In exercising that discretion the Registrar is required by Division 1 of Part II of the Schedule to Order 62, to have regard to all the relevant circumstances, and in particular to the matters set out therein, which include *inter alia* the complexity of the matter, the skill required, the importance of the matter to the client and the amount of money involved.

2. In any particular case the starting point will be the rate which the client is actually obliged to pay his attorneys. The obligation to state that rate accurately in the bill of costs is imposed by the indemnity principle, which is reinforced by the certification required by Ord. 62, r. 29(5)(b)(iii). The question, on a taxation on the standard basis, is then whether the hourly rate actually charged is reasonable. In considering this the Registrar should have regard to the rates charged by comparable firms. For this purpose the fees charged by the paying party may give further guidance in particular cases.

3. In order to assist the Registrar when it comes to the appropriate hourly rate the following guideline figures have been derived, with the assistance of the Bar Council, from an informal survey of practitioners' rates for differing levels of post-qualification experience. For the purposes of the guidelines "post-qualification experience" is distinct from mere length of call, and refers to actual experience in practice after qualification. It can include experience outside of Bermuda as well as experience in Bermuda.

4. These guideline rates are not scale figures: they are broad approximations only. They are intended to provide a starting point. Costs and fees exceeding the guidelines may well be justified in an appropriate case and that is a matter for the exercise of discretion by the Court. In particular, in substantial and complex litigation a substantially increased hourly rate may be appropriate for fee earners over 9 years' call where other factors, including the value of the litigation, the level of the complexity or urgency or importance (public or private) of the matter, as well as any international element, may justify a significantly higher rate.

1-3 years post qualification experience	-	\$200 - \$350 per hour
4-8 years post qualification experience	-	\$250 - \$420 per hour
9+ years post qualification experience	-	\$350 per hour and upwards

Dated this 7th day of July 2006

Richard W. Ground OBE QC
Chief Justice

cc. Deputy Governor
Attorney General's Chambers
Department of Public Prosecutions
Hamilton Police Station
Commissioner of Police
Commissioner of Corrections
Magistrates' Court
Legal Aid Office