



MEDIA RELEASE

Hon. John Hatzistergos MLC
Attorney General
Minister for Industrial Relations

Embargoed until Sunday, March 1, 2009

LAWYER FEES FOR WILL DISPUTES CURBED FROM TODAY

New laws come into force today that give judges the power to limit legal costs in cases involving disputes over wills, said Attorney General John Hatzistergos.

Mr Hatzistergos said legal costs in family will disputes routinely ran into tens of thousands of dollars and the new laws will stop lawyers running up excessive charges.

"Costs can wipe out a large portion of a deceased person's estate, leaving family members and dependents with very little," he said.

Mr Hatzistergos said the new laws, which build on the *2006 Succession Act*, will require the court to refer all family provision claims to mediation, except in special circumstances.

Also, the laws give the court broader rule making powers, which will:

- Enable the court to curb the use of expensive expert witnesses, costly medical reports and unnecessary valuations; and
- Empower the court to cut costs by determining simple cases without a hearing.

Mr Hatzistergos said the new laws would control unscrupulous lawyers who, according to the Supreme Court, had billed clients more than \$30,000 for simple one day cases, and more than \$100,000 for more complex cases.

Mr Hatzistergos said in one infamous 2005 case, known as *Sherborne Estate*, the legal costs for three adult children combined were \$605,000 – which the judge said was more money than the children had hoped to get from the will.

The case was so outrageous the judge described it as a 'dark stain on the administration of justice' and compared it to the Charles Dickens' novel *Bleak House*, said Mr Hatzistergos.

In another case involving three infant children the bill came to \$171,000 when the dispute about their deceased father's estate dragged out because of animosity between the children's mother and the father's defacto wife.

Mr Hatzistergos said the new laws had been prepared in consultation with the Bar Association, NSW Law Society, the Supreme Court and other stakeholders.

Media Contact: Simon Crittle 0400 477 924