



IN THE SUPREME COURT OF BERMUDA
PRACTICE DIRECTION

ISSUED BY THE REGISTRAR

Ref. A/50

Tuesday 5 July 2016

CIRCULAR No. 15 of 2016

Filing and Serving Bill of Costs for Taxation

1. All Bills of Costs (BOC) filed in the registry should be done under a cover letter addressed to the Registrar identifying the particular costs order(s) under which they arise.
2. Counsel are reminded of RSC Order 62/30(3) which requires the party who filed the BOC to serve it on every other party entitled to be heard at the taxation hearing within seven (7) days of filing. Once service is made, the party who filed the BOC must then inform the Registrar that this has been done. A taxation hearing will be fixed by the Registrar where Counsel have either:
 - (i) copied all other parties entitled to be heard to the cover letter enclosing the BOC; or
 - (ii) stated in the covering letter that service will be made within 7 days
3. In any event, Counsel are reminded of paragraph 4 of Circular No. 6 of 2011 which calls for all correspondence to the Registry to be copied to the other parties.

Revised Guideline Figures for Hourly Rates

4. Following Circular No. 11 of 2006, the Registrar has had cause to review the need for updating the guideline rates set out therein.
5. The Registrar's starting point in deciding the amount of costs to be allowed is to have regard to the actual rate which the Client is obliged to pay the attorney.
6. For taxations on the standard basis, it must be decided whether the hourly rate allowed is reasonable.
7. The Registrar has looked to the rates currently charged by the various law firms in aid of considering the question of reasonable hourly rates.

8. Applying the same approach to guideline rates as was done in Circular No. 11 of 2006, the below revised guideline rates are broad approximations and “post qualification experience” remains distinct from mere length of call:
- 1-3 years post qualification experience - \$300 - \$400 per hour
 - 4-9 years post qualification experience - \$350 - \$500 per hour
 - 10+years post qualification experience - \$500 per hour and upwards

Contested Taxation Hearings

9. In cases where the costs claimed in the BOC exceed \$100,000, the objections should be filed at least 14 days in advance of the date fixed for the taxation hearing. For all other matters, the objections should be filed at least 7 days in advance of the hearing.
10. Objections should specifically refer to each item number on the BOC where issue is taken. Further, the reasons for each objection should be clearly stated.
11. Generally, impromptu objections will not be heard as a matter of right.
12. If the objecting party intends to refer the Registrar to any relevant documentation in support of its objections, any such materials should be made readily available for review/inspection at the taxation hearing. Where these materials are in the sole possession of the entitled party, the objecting party should make it known to the other side that this material will be needed at the hearing.
13. Where Counsel intend to refer the Registrar to any case law, a list those cases should be filed with the BOC objections. Counsel will *not* be expected to print any hard copies of reported Bermuda cases or provisions of Bermuda law for the Registrar’s benefit.

Dated this 5th day of July 2016



Shade Subair-Williams
REGISTRAR