The Resolution of Disputes Arising from the Provision of Services by Practising Lawyers (Extrajudicial Cases) Regulations 2018 (RAA 171/2018)

# PROCEDURAL REGULATION

1. Claims by Lawyers or Law Firms for certification and/or determination of their fee arising from the provision of services by Practising Lawyers (Extrajudicial Cases) must be submitted to the Dispute Resolution Committee (“the Committee”), in accordance with the provisions of this Procedural Regulation.
2. This Procedural Regulation does not affect the power or discretion of the Committee to regulate its mode of operation and the applicable procedure, pursuant to RAA 171/2018 and/or under any subsequent Regulation, and does not affect the powers of the Committee and/or its powers to regulate any matter not arising under this Procedural Regulation, on the basis of its general powers arising under the Law and/or the Regulations.
3. The relevant Application should follow the General Application format and shall be made in accordance with **FORM A** of the Regulations. The Application, together with all supporting documents, can be also submitted electronically, in scanned form, to the Committee’s email address: ***fees@cba.org.cy*** and shall be processed accordingly. The Applicant shall be notified of the Application number and other procedural matters electronically.
4. More specifically, the Application must list the parties, identity cards, address and contact details of the parties involved and state the relevant facts, in a concise manner. A **LIST OF EXPENSES** stating the work provided and the respective charges must also be submitted/attached.
5. The Application must expressly state the basis on which the Applicant is filing a claim for fee certification and/or determination for services rendered out of Court, i.e., whether it is based on:
	1. A written Agreement.
	2. An agreement on the fee arising from written correspondence e.g. emails, etc.
	3. A reasonable fee for the services rendered.
	4. Any other lawful case.
	5. Administration of the estate of a deceased person, for work provided by the lawyer in Court e.g. filing of application, inventory, interim accounts, etc.
	6. A Court case for work not regulated by the judicial rules or not approved by the Registrar.
	7. In the latter case, no claim for extrajudicial fee may be submitted by a lawyer, unless a relevant list of costs has been previously submitted to the competent Court and voted on by the Registry [attach the voted list (with the approved/rejected amounts) and/or the relevant minutes and/or the relevant decision of the competent Court].
6. The Applications must be accompanied by a table, as per **ANNEX A,** containing descriptions of the sought amounts and the respective charges (List of Expenses) in the relevant fields. All work items listed in each field must be accompanied by a relevant supporting document, if available, which must be numbered sequentially and attached to the table. If no supporting document is available, this should be pointed out.
7. It is the responsibility of each lawyer or law firm to substantiate and prove the statements made in each field in relation to their claim for fee certification/ determination, before the Committee, by setting out and submitting to the Committee all the facts and evidence in a simple, understandable and concise manner.
8. For cases involving the administration of the estate of deceased persons, where the lawyer is the Administrator or Executor of a Will, evidence and/or documents demonstrating the value of the deceased person’s estate at the date of death must be submitted.
9. With regard to immovable property, a Valuation Report on the market value of the property must be submitted. The Report, providing a calculation of the market value of the property(ies) at or around the date of death of the deceased, may be prepared at any time by Approved Immovable Property Valuers.
10. In case the property is located in the area of the Republic of Cyprus which is occupied by the Turkish troops, the value shall be established pursuant to the case law of the Supreme Court of Cyprus and/or the European Court of Human Rights.
11. With regard to the value of movable property, all documents, e.g. from bank accounts of the deceased, car values (by valuers) stating the value of the property at the date of death, must be produced.
12. Following the submission of the Application to the Committee, together with all supporting documents, the Applicant shall, **within 30 days from the submission**, effect service of his/her claim on all parties concerned, as per **FORM B**.
13. The Applicant shall serve all the aforementioned documents accompanied by a cover letter, by means of a private process server, on all parties concerned, both natural and legal persons who are/were clients of the lawyer/law firm. Service of the documents on natural persons must be made in person or on a person representing them (as applicable in Court cases). Service on legal persons must be made on the natural persons representing them and with whom the lawyer/law firm was/were in contact at the time the services were provided.
14. With regard to the certification of a lawyer’s fee for services of administration of the estate of a deceased person, in case the lawyer is the Administrator/Executor of a Will, service must be made on the heirs or legatees, respectively. If the lawyer is acting as the lawyer of the Administration, service must be made on the Administrator of the estate of the deceased, who is required to notify the heirs.
15. Where it is not possible to achieve good service by means of a private process server, the lawyer and/or law firm may apply to the Committee for instructions regarding substituted service.
16. In exceptional cases, or if the persons to be summoned are abroad, the Committee for the Determination of the Extrajudicial Fee may accept and consider that service has been duly made if the notice was given by double-registered letter or other acceptable means.
17. Following the service of the claim on the Respondent, the Applicant shall submit to the Committee at fees@cba.org.cy any additional documents he/she wishes to file, together with a copy of the notice of service made by a private process server, or any other appropriate means on all parties concerned, as per **FORM B.**
18. As provided in **FORM B**, the parties concerned on whom a claim is served must, in case they object thereto, notify the Committee in writing **within 30 days of the service**,by e-mail, fax or letter, and if so, file their objection within the prescribed deadline. Furthermore, they may appear in the procedure in person or through a duly authorised and/or appointed lawyer.
19. The objection shall be filed as per **FORM C**. It must follow the objection format and expressly state the points in relation to which there is an objection or dispute of the claim. It must also state the legal basis on which it is founded, attach all supporting documents and be sent electronically, in scanned form, to the Committee at fees@cba.org.cy. If the objection includes documents, these must be accompanied by a table prepared, *mutatis mutandis*, as per ANNEX A.
20. Following the filing of an objection, the Committee shall examine the case and either issue a decision or give appropriate instructions to the parties, such as set a date for instructions or hearing, if necessary, and generally exercise all the powers and duties of an Arbitrator.
21. The Committee may reject any claim or part thereof if it is unfounded and/or not sufficiently substantiated, irrespective of the respondents’ position.
22. Hearings before the Committee may also be conducted online via the Zoom platform or any other platform to be designated or with physical presence, as per the relevant instructions, if deemed necessary by the Committee. The Committee shall then reserve its decision and notify the parties of the outcome.
23. Correspondence with the Committee shall generally be made electronically by email or fax, unless there are valid reasons preventing such communication, in which case it shall be sent by post or delivered to the Association.
24. The Committee has the power to extend the deadlines at the request of the parties or to take any other decision in the interests of justice or the procedure, taking into consideration that the procedure before it is conducted in a summary manner.
25. The Committee has the power to decide on the costs of the procedure, in accordance with the case law and practice of the Courts.
26. Each party to the procedure is entitled to request that the decision issued by the Committee be summarised as per the practice of the Courts, upon affixing a €20 stamp.
27. Where a request is made to the Committee by a client of a lawyer or a law firm, seeking the determination of his/her lawyer’s fee for professional services rendered, because he/she considers that the charges were excessive and not representative of the services rendered, then a letter shall be sent, **within 30 days** and/or as soon as possible, by the Association to the said lawyer and/or law firm as prescribed in **FORM D.**

# FORM A

**CLAIM FORM FOR EXTRAJUDICIAL LAWYER’S FEE PURSUANT TO RAA 171/2018.**

# DESCRIPTION OF THE PARTIES

|  |
| --- |
| **Applicant:** |
| Name of lawyer/law firm |  |
| Address[full address] |  |
| Email[the email provided will be used for communication purposes] |  |
| Fax |  |

|  |
| --- |
| **Respondent:**[if there is more than one respondent, copy the table accordingly] |
| Name of client/natural person or company |  |
| Address[full address] |  |
| Email |  |
| Fax |  |

**FACTS**

[description of facts - general application form]

The Applicant

Name of lawyer filing the claim

................................................

Signature Lawyer/law firm

# ANNEX A [TABLE OF CLAIM ACCOMPANYING FORM A]

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **S/N** | **DESCRIPTION OF CLAIM** | **DOCUMENT NO.** | **AMOUNT OF CLAIM** | **RESERVED FOR USE BY THE COMMITTEE** |
| 1 | Example: fee for drafting a property rental agreement.Correspondence numbered inchronological order and/oragreement attached (see paragraph 3 of the claim), as well as a summary list of the documents and/or correspondence  | 1 |  500 |  |
| 2 |  |  |  |  |
| 3 |  |  |  |  |

**FORM B**

# NOTICE OF FILING OF CLAIM FOR EXTRAJUDIAL LAWYER’S FEE PURSUANT TO RAA 171/2018

[date]

|  |
| --- |
| **Applicant:** |
| Namelawyer/law firm |  |
| Address[full address] |  |
| Email[the email provided will be used for communication purposes] |  |
| Fax |  |

# BY PRIVATE PROCESS SERVER/OTHER MEANS

**To**:

|  |  |
| --- | --- |
| Name of natural person |  |
| Company name if applicable |  |
| Address[full address] |  |

Dear Sirs,

# Subject: Claim for extrajudicial lawyer’s fee under RAA 171/2018

This is to notify you that we are filing a claim against you before the Committee for the Resolution of Disputes arising from the Provision of Services by Practising Lawyers (Extrajudicial Cases) of the Cyprus Bar Association pursuant to RAA 171/2018.

The details of our claim are attached hereto.

# We wish to inform you that you have 30 days from the date of service to contest our claim, either in person or through a lawyer, before the Committee.

Objections must be sent electronically to the Cyprus Bar Association at the following addresses:

Email: ***fees@cba.org.cy*** and ***e.yiallourou@cba.org.cy***

Fax: 22873013

Address: 11 Florinis Str., 2nd floor, Office 201, 1065 Nicosia.

Should you wish to file an objection, the relevant form **(FORM C)** is attached herewith and is also available on the website of the Cyprus Bar Association at the following address:

***http:// cyprusbarassociation.org***

If you fail to appear, the Committee may take a decision against you in your absence.

Yours faithfully,

The Applicant

Name of lawyer filing the claim

............................Signature

Lawyer/law firm

# FORM C

**NOTICE OF OBJECTION FORM FOR EXTRAJUDICIAL LAWYER’S FEE PURSUANT TO RAA 171/2018**

[date]

# PARTICULARS OF THE PERSON(S) FILING THE OBJECTION

|  |  |
| --- | --- |
| Name of natural person filing the objection |  |
| Company name if applicable |  |
| Address[full address] |  |
| Email[the email provided will be used for communication purposes] |  |
| Fax |  |

**Regarding the claim by the following lawyer/law firm:**

|  |  |
| --- | --- |
| Name oflawyer/law firm filing the claim. |  |

This is to notify you that we are filing an objection in connection with a claim for lawyer’s fee certification filed against us by the above lawyer/law firm.

Our objection is based on the following facts.

# FACTS

[description of facts in the defence form]

[in case documents will be attached hereto, please use ANNEX A *mutatis mutandis*]

Yours faithfully,

The respondent

Name of the lawyer/person filing the objection

 ............................

Signature

Lawyer/law firm or person filing the objection.

# FORM D

Mr./Messrs

..............

Lawyer/s

...........

Case No. ........ - against ................

Mr./Ms ................. has contacted the Dispute Resolution Committee (the “Committee”) requesting the determination of your fee for the professional services provided to him/her as he/she considers that your charges are excessive and do not represent the services rendered.

You are requested to send to the Committee **within 30 days from today** a list of expenses with your services and the respective charges, substantiating your position in relation thereto, by completing **FORM A**, which is accompanied by **ANNEX A.**

You must also serve your list of expenses, as set out in **FORM B**, on the aforementioned person requesting him/her to set out his/her views and send them to the Cyprus Bar Association, within **30 days** of the date of service, in accordance with **FORM C** (notice of objection).

The service of the documents must be accompanied by the sample letter prescribed in **FORM B** and the prescribed **FORM C** to enable him/her to file an objection to your list, if he/she so wishes.

You are therefore requested to serve the necessary documents on the aforementioned persons and provide the Committee with proof of service.

We enclose **FORM A** (Claim Form), **ANNEX A** (which accompanies **FORM A**), **FORM B** (Notice of Filing of Claim) and **FORM C** (Notice of Objection Form).

Yours faithfully,

Cyprus Bar Association