



Bar Association of Queensland

Bar Council Ruling 21 August 2017

Devilling

In pursuit of the Association's objects of promoting fair and honourable practice amongst barristers and of discouraging and preventing unsatisfactory professional conduct, on 21 August 2017 the Bar Council resolved to issue the following Ruling:

1. It is the duty of a barrister who employs a devil –
 - a. to pay adequate and reasonable remuneration for work actually done by the devil;
 - b. where the devil is a junior counsel of 3 or fewer years' standing since their first call, to agree that remuneration with the devil in writing (including by electronic communication) for particular work before the devil is employed to do the work; and
 - c. to pay the devil –
 - i. when the employing barrister is paid for the work; or
 - ii. within 30 days of the devil rendering a memorandum of fees for the work;whichever is sooner.
2. It is open to the barrister and the devil to agree that the devil shall be remunerated at a fixed fee, at an hourly rate or by an amount calculated as a reasonable percentage of the barrister's fee to the client, having regard, in particular, to the extent to which it will be necessary for the barrister to supervise or review the work performed by the devil.
3. A barrister may not employ a devil on a speculative basis such as that the devil will only be entitled to payment for the devil's work if or when the client pays the barrister.
4. A devil who has not been paid by a barrister may apply to the Honorary Secretary for assistance in the collection of any outstanding fees. The Honorary Secretary may refer the matter to the Bar Council.

This ruling is made pursuant to clause 18.5(d) of the Association's Constitution and, subject to the *Legal Profession Act 2007*, is binding on members of the Association.

Under clause 18.7 of the Constitution, any member who claims to have been prejudicially affected by this ruling may make a written request that the ruling be referred to the Association's next General Meeting. Any such request should be forwarded to the Chief Executive.

Christopher Hughes QC
President