

PLEASE READ THESE NOTES CAREFULLY

VALIDATUM™ LTD is a pricing research and consultancy company established by lawyer Richard Burcher after 30 years in private practise - www.validatum.com

VALIDATUM™ has for several years, been providing valuable pricing research and consultancy services to law firms. We now invite barristers to participate in the first pricing survey designed specifically with your needs in mind.

It will take you about 15 minutes to complete the survey and you can see your progression through the survey on the progress bar at the top of the page.

Participating in these Surveys and purchasing the reports and analysis is likely to be one of the best investments in your business that you can make. There is no substitute for good market information when it comes to making critical costing decisions. We believe that practitioners cannot make informed management and pricing decisions without good comparative data.

This survey report will enable you to understand amongst other things:

- * How your hourly rates compare with colleagues in your region and nationally.
- * How hourly rates align with number of years in practise
- * How hourly rates vary based on work/client type.
- * Fixed daily rates
- * Treatment of office expenses
- * Termination fees
- * And much more

The report will be sent out by e-mail only, as a PDF file. It will include colour graph/table depiction of the results of each question and a commentary and analysis.

We invite you to complete the Survey (at no cost), whether you intend to purchase the report or not. You don't have to make that choice until the end of the Survey. However, as you can see below, there is a strong financial incentive to participate in the Survey - half the non-participatory price.

Barristers that complete the Survey

\$150 plus GST total cost

Barristers that do NOT provide any Survey response:

\$300 plus GST total cost

NOTE ALSO:

1. The survey can only be completed on-line. We do not supply hard copy of the questions as we cannot conveniently use your answers in the statistical analysis.

2. Richard Burcher of VALIDATUM™ LTD has a well established reputation within the legal profession for high quality costing research and costing consulting services. Our work is endorsed by the NZLS and the NZBA. Your answers will be treated with utmost confidentiality by us. Individual responses will not be provided to the NZLS, NZBA or District Law Societies or any other third party. No practitioner will be able to be identified in the published results. The answers will be used for no other purpose than to provide you with tabulated results by region and nationally. Our privacy policy is available for inspection on our

website www.validatum.com

3. The survey closes at 5:00pm Friday 20th November 2009, and we will be distributing the reports before Christmas office closure.

4. If you have any queries concerning the survey, please e-mail Gail Burcher - gail@validatum.com

Thank you, Richard Burcher

A Bit About You

* 1. Where do you practice?

Auckland/Wellington

Other North Island

Christchurch/Dunedin

Other South Island

* 2. I am a...

Queens Counsel/Senior Counsel

Barrister

* 3. My legal career has been divided as follows:

Number of years worked in a law firm as an employee
and/or partner

Number of years as a Barrister sole

Total number of years legal experience

Charging Methodology

The pricing of private litigation work has always been relatively subjective. These questions look at this issue a little further.

4. Which of the following BEST DESCRIBES your approach to the pricing of your private litigation work (ie. not Legal Aid). If more than one of the following choices is applicable to you, you can select a maximum of THREE of them.

- I have an hourly rate, I record time diligently and I usually charge whatever it totals
- I have an hourly rate and record my time diligently but I often end up discounting whatever it totals
- I have an hourly rate, I record time diligently but I also look at the other reasonable fee factors to see if an uplift or premium is warranted
- I use a dollar rate per trial day to calculate the cost of the whole file eg. if it is a three-day trial and I work on \$15,000 a day, the whole file is likely to cost \$45,000 from start to finish
- I give clients a wide set of parameters
- I give clients a fixed-price and generally I am able to stick to it

Legal Aid v Full Paying Clients

* 5. Estimate the percentage of your total revenue derived from Legal Aid and private instructions:

(a) % of annual income derived from Legal Aid

(b) % of annual income derived from private instructions
(including mediation and arbitration)

Revenue By Work Type

* 6. Estimate the percentage of your total revenue derived from each of the following areas of work (both Legal Aid and full paying clients). Leave blank any boxes that don't apply to you:

% of annual income derived from Mediation and Arbitration	<input type="text"/>
% of annual income derived from Family Law	<input type="text"/>
% of annual income derived from Criminal Law	<input type="text"/>
% of annual income derived from Mental Health Law	<input type="text"/>
% of annual income derived from Employment Law	<input type="text"/>
% of annual income derived from Civil/Commercial (specifically; contracts, land, torts, IP, company, insolvency)	<input type="text"/>
% of annual income derived from Other Law	<input type="text"/>

Hourly Rate by Work Type

* 7. What is your notional hourly chargeout rate for full paying clients, exclusive of GST for each of the following areas of work. Enter N/A in the answer field for those areas you don't work in. PLEASE DO NOT ENTER YOUR LEGAL AID RATES - ONLY THE RATE FOR FULL PAYING CLIENTS

Family Law	<input type="text"/>
Criminal Law	<input type="text"/>
Mental Health Law	<input type="text"/>
Employment Law	<input type="text"/>
Civil/Commercial (specifically; contracts, land, torts, IP, company, insolvency)	<input type="text"/>
Other Law	<input type="text"/>

Legal Aid

* 8. Do you undertake any Legal Aid work?

Yes

No (skip Q. 2 and click "Next" below)

9. What is your hourly chargeout rate for Legal Aid clients, exclusive of GST for each of the following areas of work. Enter N/A in the answer field for those areas you don't work in. REMEMBER that Legal Aid rates are quoted inclusive of GST so you will need to divide your Legal Aid rate by 9 and multiply by 8 to get the answers for this question.

Family Law	<input type="text"/>
Criminal Law	<input type="text"/>
Mental Health Law	<input type="text"/>
Employment Law	<input type="text"/>
Civil/Commercial (specifically: contracts, land, torts, IP, company, insolvency)	<input type="text"/>
Other Law	<input type="text"/>

Differentiated Charges by Jurisdiction

* 10. Do you have differentiated hourly chargeout rates depending on jurisdiction

Yes

No (skip Q.2 and click "Next" below)

11. My base chargeout rate (whether based on an hourly rate or otherwise) is typically higher for appellate work as follows:

% loading or premium for High Court work

% loading or premium for Court of Appeal work

% loading or premium for Supreme Court work

Urgency and Results Achieved

* 12. Where I am required to complete a task under circumstances of urgency, or I produce a particularly good result for a client, I usually add a premium by way of a percentage uplift of.....(enter whatever percentage uplift you consider appropriate including 'nil' if applicable)

	Lower end %	High end %
(a) % uplift or premium for urgency	<input type="text"/>	<input type="text"/>
(b) % uplift or premium for a very good result	<input type="text"/>	<input type="text"/>

Termination Fees

Some barristers charge a termination fee if proceedings are abandoned or settled immediately prior to trial, the rationale being that the time has been set aside and other work declined so there is an opportunity cost to the barrister.

* 13. Do you charge a termination fee?

Yes

No

If you do charge a termination fee, explain what you charge/your methodology

Office Expenses

* 14. In relation to office expenses (OE) such as tolls, faxes, stationery and the like, do you generally....

- Track OE accurately and charge them to the client
- Build OE into my hourly rate
- Charge a single fixed OE figure as a separate item on the bill
- Charge a separate OE figure but add it to the fee rather than show it separately

Income

This is the only section of the survey that is not compulsory and if you have a strong objection to completing these couple of questions relating to income, please feel free to skip them and move to the next section.

However, please do consider completing the questions. Sole practitioners and barristers are more prone than those practitioners working within law firms, to feeling a sense of isolation and an inability to access this kind of information - information that is important to help those practitioners understand where their practice sits relative to colleagues.

We wish to reassure you again about the total confidentiality of this information. Our comprehensive privacy policy is set out on our website www.Validatum.com. We have been gathering this kind of sensitive information for years and our research work enjoys the support of the NZLS. We take our confidentiality obligations extremely seriously - one indiscretion would destroy our business.

If you do not have finalised end of year accounts for 2009, just estimate.

15. I work....

Full time

Part Time (75%)

Part Time (50%)

Part Time (25%)

16. My gross income/turnover (excluding GST) for the year ended 31 March 2009 was...

17. My net income ie. gross income excluding GST, and all usual operating expenses. (Disregard any interest charges and if you have income splitting strategies in place, add back that income to give a more accurate total)

Order Report

* 18. I confirm that I wish to receive a copy of the survey report and analysis AND I have the authority to order it. I am aware that the cost is \$150 plus GST.

Yes (complete all your details in Q.2)

No (skip Q.2 and click "Next" below)

19. Please complete all fields below

Name

PO Box

Town/City

Post Code

My E-mail Address

(which I have checked carefully as the report will only be e-mailed!)

Further Information

We have been providing pricing research and pricing consultancy services to the legal profession for several years. There aren't many more important aspects of the running of our practices than getting the price right.

From time to time we will be running fee surveys (the next one will be on relationship property work) that may be of interest to you. We also from time to time disseminate to colleagues at no cost, other pricing information such as the latest High Court and LCRO decisions.

However, we do not wish to invade your privacy by sending such information to you if you do not want it so we invite you to complete one of the options below. Thank you, Richard Burcher

* 20. I would like to be kept informed of forthcoming fee surveys and other pricing and related information.

Yes

No

Final Comments

21. Please add any comments or suggestions you may have about either this survey or any other matters concerning pricing of legal services.

Thank you, Richard Burcher

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