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CHIEF STATE SOLICITOR'S OFFICE

**CSSO Guidance to Counsel
on
Submission of Counsels' Fee Notes**

June 2023

CSSO Guidance to Counsel on Submission of Counsels' Fee Notes

1. Process involved in approval and payment

By way of background information, it may assist Counsel to note the following in respect of the CSSO's process for the payment of fees:-

- 1.1. In order for the CSSO to satisfy Comptroller & Auditor General audit requirements on the payment of Counsels' fees, there is a detailed approval process which must be adhered to on all fee notes.
- 1.2. The process involves each fee note being subject to a multi-step approval process, which may include the Attorney General's Office and, in some instances, the Department of Public Expenditure, NDP Delivery and Reform, prior to sanction by the CSSO Counsels' Fees Unit Head and the ultimate payment by the CSSO Finance & Accounts Unit.
- 1.3. Counsel should note that payments cannot be made unless up to date Bank Details have been notified to the CSSO Finance & Accounts Unit **and** Counsel is tax compliant at the time the payment is to be made.
- 1.4. Pursuant to the CSSO's arrangement with the Bar Council, the CSSO endeavours to discharge fees notes by the end of the Quarter following the Quarter in which the fee note is received.

2. Submission of fee notes

2.1. Counsel should submit fee notes by email to the dedicated address:

feenote@csso.gov.ie

2.2. Only **one** fee note per email should be submitted (to allow for the recording of receipt and timely registration of fee note).

2.3. In order to allow for the timely registration of the fee note, the subject line of the email should include:

- (a) CSSO file reference; and
- (b) CSSO case/file title.

2.4. For auditing and accounting purposes, all fee notes submitted by email must be:-

- (a) on Counsel letterhead and
- (b) dated (within 3 days of submission).

2.5. For auditing and accounting purposes, all fee notes submitted by post must be:-

- (a) on Counsel letterhead;
- (b) signed and
- (c) dated within 7 days of receipt.

*Please see below further information on submitting fee notes by email **

3. Format of fee notes

3.1. For auditing and accounting purposes, all fee notes must contain the following information:-

- (a) Name of Counsel;
- (b) Address;
- (c) DX number;
- (d) Phone number;
- (e) Email address of Counsel;
- (f) VAT number of Counsel.

3.2. Each fee note must contain:-

- (a) Name of instructing CSSO Legal Officer (located in contact section of CSSO letter) and
- (b) CSSO file reference (located in CSSO letter) and
- (c) Full case title e.g.: 2017/01234 [Joe Bloggs v Minister for Justice, Equality & Law Reform].

3.3. No more than one case should be included on each fee note.

3.4. Fee notes should be submitted in Word or PDF format.

Failure to include any of the above information may result in the return of the fee note for re-submission and will delay registration, processing and payment of the fee note.

4. Content of fee notes

4.1. Each fee note should itemise the work being billed for and should set out:-

- (a) A description of work/items of work - please see suggestions in Appendix 1;
- (b) The date the work was provided;
- (c) The fee amount being suggested per item;
- (d) The sub-total, correct calculation of VAT and total fee claimed.

4.2. Deductions required pursuant to the Financial Emergency Measures in the Public Interest Act, 2009 will be calculated by the CSSO prior to payment and Counsel should not make such deductions themselves.

4.3. As a general rule, the Brief Fee suggested should encompass research, review of documentation, consideration of papers, attendance at all For Mention dates and all ongoing telephone and email communications but should not include substantive written advices.

4.4. In respect of written product (e.g. Pleadings), Counsel should not suggest fees for different drafts of the same document or for the background reading involved. The fee sought should be for production of the final written product.

5. Additional guidance on submission of fee notes

5.1. Adherence to the following practices will assist in the efficient processing of fee notes by the CSSO:-

- (a) no copy fee notes should be submitted to the CSSO unless clearly marked "DUPLICATE";
- (b) items of work already claimed on a previous fee note (whether paid or unpaid), should not be included on a subsequent fee note claiming for new items;

- (c) where possible, both Senior and Junior Counsel fee notes should be submitted at the same time;
- (d) fee notes should be submitted on completion of the work requested.

Queries can be emailed to the Counsels' Fees Unit: CounselsFeesUnit@csso.gov.ie

Chief State Solicitor's Office

June 2023

[This Guidance will be updated from time to time.]

Further information on submitting fee notes by email

- A fee note template is attached at Appendix 2. This may be downloaded in Word format from the [Information for Suppliers & Counsel](#) page on our website.
- When sending a fee note by email, Counsel should use their law library email address or other email address currently used when communicating with this Office. If Counsel wish to use another email address when submitting a fee note by email, this address must firstly be **authorised** by this Office to ensure the source from which the fee note is emanating is verified. Authorisation can be obtained by notifying the Counsels' Fees Unit of the new address. The Counsels' Fees Unit will subsequently communicate with Counsel and with other internal stakeholders to complete the verification process.
- We are unable to accept fee notes from BarrCloud.
- Fee notes **only** should be sent to the dedicated address. No other material should be sent with the fee note, e.g. covering letter, opinion, affidavit, etc. Any additional material sent **will not be forwarded** to the instructing CSSO Legal Officer so Counsel should continue to communicate with the instructing CSSO Legal Officer directly on all items of work with the exception of the fee note/s.
- Counsel are directed to **use one system only** for submitting fee notes, not both. If Counsel submit a fee note by email they should refrain from also sending that fee note in hard copy. Sending a fee note in both forms will slow down the process of payment as it will necessitate further checking by the Counsels' Fees Unit to ensure no duplication of billing/payment.

Appendix 1

Sample descriptors for items of work

- Brief
- Refresher
- Legal submissions
- Advice / Opinion
- Affidavit
- Statement of opposition
- Consultation (*include the duration*)
- Defence
- Notice for particulars
- Brief fee on motion
- Notice of motion
- Taking judgment
- Costs application
- Notice of appeal
- Respondent's notice
- Directions hearing
- Plenary summons

Appendix 2
Fee Note Form Template

Counsel Name:	
Counsel Address:	
Counsel VAT number:	

Date of Fee Note:	
Fee Note Number:	
CSSO File Reference:	
CSSO File Title:	
CSSO Legal Officer:	

Date of Service	Description of Service	Fee sought (excluding VAT)
Sub-total fees:		
Total VAT:		
Balance due:		