

GHANA BAR ASSOCIATION

PROPOSED SCALE OF FEES - MID-YEAR REVIEW CONFERENCE ON 20TH APRIL, 2022 AT LABADI BEACH HOTEL IN ACCRA

INTRODUCTION

Remuneration for legal services must measure up to the value of the time spent or value created as determined by the economic environment in which the service is provided.

The Scale of Fees covers charges for professional services rendered by lawyers. Fees are quoted in both Ghana Cedis and US Dollars and are to be applied to services rendered to Ghanaian clients and international clients respectively as prescribed by law.

The essence of these guidelines shall be negotiation and agreement between Counsel and the client within the range prescribed below before the commencement of the provision of legal services. The law entitles every lawyer to reasonable compensation for his services. In negotiating for fees a lawyer shall adhere to these approved tariffs and shall avoid charges which either overestimate or undervalue the service rendered, though in legal aid cases, the poverty of the client may require a less charge or even none at all.

The negotiation will take into consideration the nature and/amount of work involved and estimated time to be spent on it.

The terms of payment may include a deposit of up to fifty percent of the agreed fees payable upon firm instructions being given to commence work unless the Client and Counsel agree otherwise.

In negotiating the terms of the fee, Counsel and the Client may agree on any method/basis and terms of payment acceptable to them including:

- a) Fixed fee;
- b) Fixed fee plus success fee;
- c) Hourly fees;
- d) Hourly fees plus success fee; and
- e) Fixed fee for part of the work and hourly fees for the other part.

Where percentage rates are applied in computing fees, they may range from five percent (5%) to twenty-five percent (25%) unless otherwise agreed.

A. Initial Consultation Fees

Ghanaian clients

- | | | |
|-------------------------------------|---|---------------------|
| i. Senior Counsel (10+years) | - | GH¢2,000.00 maximum |
| ii. Counsel (5-9 years) | - | GH¢1,500.00 maximum |
| iii. Junior Counsel (under 5 years) | - | GH¢1,000.00 maximum |

International clients

- | | | |
|-------------------------------------|---|---------------------------|
| i. Senior Counsel (10+years) | - | US\$500 - \$1,000 maximum |
| ii. Counsel (5-9 years) | - | US\$375-\$750 maximum |
| iii. Junior Counsel (under 5 years) | - | US\$250-\$500 maximum |

Counsel may charge hourly rates for an extended Initial Consultation.

B. Hourly Rates

Hourly rates may range between the amounts stated below unless otherwise agreed:

- | | | |
|--------------------------------------|---|---------------------------|
| (i) Senior Counsel (10+years) | - | GH¢2,000.00 - GH¢4,000.00 |
| (ii) Counsel (5-9 years) | - | GH¢1,000.00 - GH¢3,000.00 |
| (iii) Junior Counsel (under 5 years) | - | GH¢600.00 - GH¢2,000.00 |

International Clients

- | | | |
|--------------------------------------|---|---------------------|
| (i) Senior Counsel (10+years) | - | US\$500 - US\$1,000 |
| (ii) Counsel (5-9 years) | - | US\$375 - US\$750 |
| (iii) Junior Counsel (under 5 years) | - | US\$250 - US\$500 |

C. Retainer Fees

The law permits a lawyer to accept retainer for advice. However a lawyer shall be separately instructed and separately remunerated by fees for each piece of work done, and shall not undertake to represent any person, authority or corporation in all their court work for a fixed annual salary. The minimum rate for retainer may be GH¢8,000.00 per month depending on the scope of work contained in the retainer provided that the clients shall be entitled to free consultation in addition to a discount of up to twenty percent (20%) for other legal services.

D. Out-of-Pocket Expenses

These are incidentals, costs and out of pocket expenses incurred in the provision of legal services on behalf of the Client and should be discussed at the start of the engagement. They may include filing fees, stamping of documents, swearing of affidavits, service of processes, telephone, fax, e-mail, photocopying, printing and binding, courier services, transportation and accommodation, preparation of appeal records, execution of judgments and notarization among others. These shall be billed for separately and paid by the client. A deposit should be paid on account by the client before commencement of work. Out-of-pocket expenses should be billed at cost because expenses are not profit items.

E. Brief Fees in the Circuit & High Courts

The following brief fees shall be charged for cases falling under these headings:

- a) **Land Litigation** – 10% - 20% of the value of the land or hourly rates would apply if the work involved exceeds the 20% value of the land.
- b) **Labour Litigation** – 10% - 20% of the total award or hourly rates would apply if the hourly rates exceed 20% of the claim.
- c) **Human Rights Litigation** - GH¢12,000.00 - GH¢60,000.00 or hourly rates would apply if the hourly rates involved exceed GH¢60,000.00.
- d) **Estate Litigation** - 5%-20% of the total value of the estate or hourly rates would apply if the hourly rates involved exceed the 20% value of the estate.
- e) **Maritime Litigation** - Ghana Cedi equivalent of US\$30,000-US\$70,000 or hourly rates would apply if the hourly rates involved exceed US\$70,000.
- f) **Aviation Litigation** - Ghana Cedi equivalent of US\$30,000-US\$70,000 or hourly rates would apply if the hourly rates involved exceed US\$70,000.
- g) **Libel Litigation** - GH¢30,000.00 to GH¢60,000.00 or hourly rates would apply if the hourly rates involved exceed GH¢60,000.00.
- h) **Landlord and Tenant Litigation** - 5% to 15% of value of claim or hourly rates would apply where there is no value or if hourly rates involved exceed 15% of the claim.

i) Matrimonial Causes

- Dissolution & Custody only GH¢30,000.00 – GH¢90,000.00 or hourly rates would apply if the hourly rates involved exceed GH¢90,000.00.
- Property Settlement & Financial Provision contest - 10% - 20% of claim or hourly rates would apply if the hourly rates exceed 20% of the claim.

j) **Adoption** Ghana Cedi equivalent of US\$2000 –US\$4,000.

k) **Debt Recovery Litigation** 10%-25% of value of amount.

l) Company Litigation

- **Directorship litigation** GH¢60,000.00 – GH¢120,000.00 or hourly rates would apply if the hourly rates involved exceed GH¢120,000.00.
- **Shareholder Rights** 10%-20% of value of shareholding or hourly rates would apply if the hourly rates involved exceed 20% of the shareholding.
- **Winding-Up application** -5% of value of company assets or hourly rates would apply if the hourly rates involved exceed 5% of the asset value.

m) **Insolvency Litigation** GH¢10,000.00 minimum

n) **Insurance Litigation** – 15% - 25% of the claim or hourly rates would apply if the hours involved exceed 25% of the claim.

o) Legal Representation Before Statutory Bodies

Representation of clients at the Labour Commission, CHRAJ, Regional House of Chiefs, Quasi-Judicial Bodies and Committees of Inquiry will attract the same rates as brief fees in the High Court.

Representation of clients at the National House of Chiefs will attract the same rates as Civil Appeals in the Court of Appeal

p) Criminal Trials

- **Bail Application** – GH¢5,000.00 – GH¢30,000.00
- **Misdemeanor Trials** – GH¢30,000.00 – GH¢60,000.00
- **Felony Trials** – GH¢60,000.00 – GH¢120,000.00
- **Indictable Trials** – GH¢40,000.00 – GH¢300,000.00

q) **Criminal Watching Briefs** – GH¢20,000.00 – GH¢60,000.00

Provided that in all cases under Sections **p** and **q** above, hourly rates will be applied where the hours involved exceed the maximum fee.

F. Brief fees for District Courts

Brief fees for District Courts should not exceed 50% of the brief fees charged in the High Court and Circuit Court.

G. Refresher Fees

Where litigation stretches over an unreasonably long period, there should be renegotiation on refresher fees after **every year** provided that the delay should not be traced to the default or inaction of the lawyer. However, where hourly rates apply, there shall be no need for refreshing or renegotiating fees save the review of the hourly rates.

H. Brief Fees for Appeals

Civil Appeals

High Court	-	15% of value of subject matter or if no value then GH¢90,000.00 – GH¢180,000.00
Court of Appeal	-	15% of value or if no value GH¢120,000.00 – GH¢300,000.00
Supreme Court	-	15% of value or if no value GH¢300,000.00 – GH¢600,000.00
Review Application	-	20% of value of if no value GH¢150,000.00 – GH¢300,000.00

Criminal Appeals

High Court	-	GH¢60,000.00 – GH¢150,000.00
Court of Appeal	-	GH¢150,000.00 – GH¢240,000.00
Supreme Court	-	GH¢150,000.00 – GH¢300,000.00

I. Specialised Services

a) Power of Attorney – Fee for Two (2) hours maximum or hourly rates would apply if the hours involved exceed two hours.

b) Statutory Declaration - Fee for Two (2) hours maximum or hourly rates would apply if the hours involved exceed two hours.

c) Notary Fees – two (2) hours maximum or hourly rates would apply if the hours involved exceed two hours.

d) Legal Opinion Writing

- **Intra-Country** - minimum rate of GH¢20,000.00

- **Cross-Border**- minimum rate of US\$6,000 (Ghana Cedi equivalent)

J. Conveyance

The fees for any conveyance are based on value of the property being conveyed. Where the value of the property is:

- | | | |
|--|---|--|
| i) Up to GH¢40,000.00 | - | 15% maximum |
| ii) Over GH¢40,000.00 and up to GH¢200,000.00 | - | 15% for first GH¢40,000.00 and balance at 12% maximum |
| iii) Over GH¢200, 000.00 and up to GH¢400,000.00 | - | 12% for first GH¢400,000.00 and balance at 10% maximum |
| iv) Over GH¢400,000.00 and up to GH¢1,000,000.00 | - | 10% for first GH¢400,000.00 and balance at 7.5% maximum |
| v) Over GH¢1,000,000.00 | - | 7.5% for first GH¢1,000,000.00 and balance at 5% maximum |

K. Tenancy Agreement

Fee for tenancy agreements shall be based on the yearly rent and other considerations involved.

Where the yearly rent or other consideration involved is:

- i) Up to GH¢40,000.00.00 per annum - 15% maximum
- ii) Over GH¢40,000.00 and up to GH¢100,000.00 - GH¢6,000.00 plus 10% maximum per annum

iii) Over GH¢100,000.00 and up to GH¢200,000.00- GH¢6,000.00 plus 7.5% maximum per annum

iv) Over GH¢200,000.00 per annum - GH¢6,000.00 plus 5% maximum

Alternatively, where practicable, Counsel may charge one month's rent as legal fees.

L. Incorporation of Partnership

The Cedi equivalent of a fee of US\$1,000 shall be charged for the incorporation of a partnership and the drafting of a partnership agreement shall attract an additional fee range between US\$1,000 – US\$2,000 payable in the Ghana Cedi equivalent. Hourly rates would apply if the man hours exceed US\$2,000.

M. Company / Registration

A fee range between US\$1,000 – US\$4,000 payable in the Ghana Cedi equivalent shall be charged for the incorporation of a company. A separate fee ranging between US\$1,000 – US\$2,000 shall be charged for the preparation of the Regulations of the Company. Hourly rates would apply if the man hours involved exceed US\$2,000.

N. Commercial Agreements

For the preparation of Commercial agreements including research, legal opinion drafting and engrossment or finalization, but excluding conferences with clients:

a) The fee shall be the same as hourly rates for each hour spent, or

b) the fees shall be based on a percentage of the consideration or lump sum involved in the agreement as follows:

i) Less than GH¢20,000.00, the fees shall not exceed 15% thereof;

ii) Over GH¢20,000.00, the fee shall not exceed 10% thereof;

iii) Over GH¢100,000.00 but less than GH¢300,000.00 the fee shall not exceed 7% thereof;

iv) Over GH¢300,000.00 but less than GH¢1,000,000.00 the fee shall not exceed 5% thereof;

v) Over GH¢1,000,000.00 the fee shall not exceed 3% thereof.

O. Wills

a) Simple wills (without any trust or limitation or dispositions) – GH¢6,000.00 maximum, or hourly rates will apply if the hours exceed GH¢6,000.00

b) Complicated wills – GH¢18,000.00 maximum, or hourly rates will apply if the hours exceed GH¢18,000.00

P. Probate and Letters of Administration (Non – Contentious)

Value of Estate

Fees to be charged

a) Up to GH¢200,000.00

GH¢14,000.00 maximum

b) Over GH¢200,000.00

GH¢14,000.00 for the first GH¢200,000.00 plus up to 5% for any additional value.

The preparation of *Vesting Assent* and the *Winding Up of an Estate* should not be included as part of the matters relating to Probate and Letters of Administration and must be treated as separate matters. The fees to be charged for *Vesting Assent* and *Winding Up of an Estate* shall be the same provided that where the same lawyer was responsible for the Probate and Letters of Administration, the maximum fee for the *Vesting Assent* and *Winding Up of an Estate* shall not exceed 50% of the fees approved.

Q. Compensation Claims

Where the lawyer negotiates compensation claims for property, land, et cetera, acquired by government, the fees shall not exceed 15% of the total compensation paid.

R. Debt Recovery

Debt collection, as its name implies, involves the recovery of monies such as rent, contract payments and other debts for and on behalf of clients. This may be achieved in two main ways:

i. by correspondence, or

ii. by instituting legal action for the recovery of the debt or by acting on behalf of the debtor for any such action.

All expenses for the recovery of debts should be borne by the client.

a) Debt Collection by Correspondence

Where the amount involved is up to and includes:

- I. GH¢50,000.00 - 10% maximum
- II. GH¢200,000.00 - 10% for the first GH¢50,000.00 and balance at 7% maximum
- III. GH¢800,000.00 - 10% for first GH¢50,000.00, 7% for balance up to GH¢200,000.00 and remaining balance at 5% maximum
- IV. Over GH¢800,000.00 - 10% for first GH¢50,000.00, 7% for balance up to GH¢200,000.00, 5% for balance up to GH¢800,000.00 and remaining balance at 3% maximum

b) Debt Collection by Instituting Legal Action

Fees are provided for under brief fees [see Clause E(k) supra]

APPROVED AT THE MID-YEAR REVIEW CONFERENCE AND EFFECTIVE THIS
.....TH DAY OF APRIL 2022

.....
(SGD) Yaw Acheampong Boafo
National President

.....
(SGD) Kwaku Gyau Baffour
National Secretary