

## DIN TORAH - INFORMATION TO LITIGANTS BETH DIN COSTS

### PAYMENT OF COSTS

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1. In accordance with *halachah*, *Beth Din* costs for a *Din Torah* hearing are shared equally between the two parties. Jewish law does not follow the principle that the loser pays the costs of the winner.
2. It is, however, open to the parties to agree alternative arrangements beforehand i.e. they can reach an agreement between themselves as to who should pay the costs.
3. There may be exceptional circumstances in which the *Beth Din* awards costs against one party, but this will only be the case if the *Beth Din* feels that the party who brings the case has been vexatious or frivolous, and has wasted the time of the *Beth Din* and the other party.

### CONSTITUTION OF THE BETH DIN

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4. Hearings before the *Beth Din* can take place either before a full *Beth Din*, consisting of three *Dayanim*, or before a single *Dayan*.
5. The parties are free to elect to have their case heard either before a full *Beth Din*, or before a single *Dayan*. This choice should be notified to the Registrar at the time of application.

### ORAL AND WRITTEN DECISIONS

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6. Parties to a *Din Torah* can opt for an oral decision only, or a written Award without detailed reasons. In such cases, the costs for the *Din Torah* will simply reflect the time spent on the actual hearing before the *Beth Din*, and on reaching a decision.
7. Alternatively, the parties can opt for a full reasoned Award, in which the submissions of the parties are set out, together with the reasoning of the *Beth Din* and its conclusions. The *Beth Din* will usually provide such an Award if requested, but reserves the right to issue a brief Award which defines the decision of the *Beth Din* without giving detailed reasons for the decision.

### SCALE OF CHARGES

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The scale of charges is dependent on the size of the claim :

- a. Small Claims hearing charges are £50 per party for a claim less than £2500, and £100 per party for a claim between £2500 and £5000. These charges only apply when both parties have agreed together to resolve their dispute in the Small Claims Beis Din according to the rules and conditions of the Small Claims Beis Din.
- b. For claims between £5000 and £50,000 , the charges are : for a single *Dayan* £120 per hour, per party. This charge relates to the time spent at the actual hearing. An additional pro rata charge may be made to include time spent on subsequent research by the *Dayan*, if required, and/or time spent on the writing of the Award.

For a hearing before a full *Beth Din* (3 *Dayanim*) the charge is £600 per party for a session (morning or afternoon only), or £1200 for a full day. An additional charge may be made if the case involves considerable time spent by the *Dayanim* on research and/or on the writing of the Award.

- c. For claims upwards of £50,000 the charges are : for a single *Dayan* £150 per hour, per party. This charge relates to the time spent at the actual hearing. An additional pro rata charge may be made to include time spent on subsequent research by the *Dayan*, if required, and/or time spent on the writing of the Award.

For a hearing before a full *Beth Din* (3 *Dayanim*) the charge is £750 per party for a session (morning or afternoon only), or £1500 for a full day. An additional charge may be made if the case involves considerable time spent by the *Dayanim* on research and/or on the writing of the Award.

- d. In accordance with current civil practice, the *Beth Din* will endeavor to give an estimate of time involved in processing the case.
  - e. Mediation charges are £100 per party per hour for disputes under £30,000 ; £120 per hour for above £30,000.
8. There is a **non-refundable** fee for the submission of an application for a Din Torah as follows :
- a. For all claims up to £5000 there is a charge of £50. This is **deductible** from the charge for the Din Torah itself.
  - b. For claims between £5000 and £50,000 there is **non-deductible** charge of £75.
  - c. For claims upwards of £50,000 there is a **non-deductible** charge of £125.
9. It is not always possible to quantify, in advance, how long research on a particular case may take, or how long it will take to write the Award, as these factors may depend upon the complexity of the case, which may only become apparent after the hearing/s.
10. Normally it is required that the parties deposit 7 days in advance, on account of *Beth Din* costs, £600 or £1200/£750 or £1500 (as above), per party for a hearing before a full *Beth Din*, or £240 per party for a hearing before a single *Dayan* (payment to be made to “Federation of Synagogues”). These payments are held on account, and any necessary adjustments will be made thereafter.
11. In accordance with standard Arbitration procedure, the parties are entitled to receive a copy of the Award once they have both paid for it. Until such time Arbitrators retain a lien on the Award. However, there is the option for one party to pay both parties’ costs and the Award will then be issued to the party which has paid, in which case the party which has paid will be entitled to recover the costs paid on behalf of the other party from that party, as one of the terms of the Award.
12. In cases of financial hardship, and especially where a case is complex but involves a relatively small sum, application should be made in advance to the Registrar to determine the appropriate charge to be applied, and the Registrar will consult with the Treasurers of the Federation of Synagogues

Rabbi B. Marks

Registrar to the *Beth Din*

Information accurate as of 1<sup>st</sup> January 2020