

DIN TORAH - INFORMATION TO LITIGANTS BEIS DIN COSTS

PAYMENT OF COSTS

1. In accordance with *halachah*, *Beis 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 *Beis Din* awards costs against one party, but this will only be the case if the *Beis Din* feels that the party who brings the case has been vexatious or frivolous, and has wasted the time of the *Beis Din* and the other party.

CONSTITUTION OF THE BEIS DIN

4. Hearings before the *Beis Din* can take place either before a full *Beis 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 *Beis Din*, or before a single *Dayan*. This choice should be notified to the Registrar at the time of application.

ORAL AND WRITTEN DECISIONS

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 *Beis 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 *Beis Din* and its conclusions. The *Beis Din* will usually provide such an Award if requested, but reserves the right to issue a brief Award which defines the decision of the *Beis Din* without giving detailed reasons for the decision.

SCALE OF CHARGES

8. a. In accordance with current civil practice, the *Beis Din* will endeavor to give an estimate of time involved in processing the case.
b. Mediation charges are £100 per party per hour for disputes under £30,000 ; £120 per hour for above £30,000.
9. There is a **non-refundable** fee for the submission of an application for a *Din Torah* as follows :
 - a. For all claims up to £4999 inclusive there is a charge of £50. This is **deductible** from the charge for the *Din Torah*.
 - b. For claims between £5000 and £49,999 there is **non-deductible** charge of £75.
 - c. For claims upwards of £50,000 there is a **non-deductible** charge of £125.

10. The cost of the actual Dinei Torah hearings is linked to the size of the claim, as per the chart below. The attention of parties looking to avail themselves of this service is drawn to the fact that the Beis Din of the Federation of Synagogues is a not-for-profit charitable institution. The Beis Din exists to provide service both to members and, where possible, non-members and note should be made of the fact that the amounts charged by the Beis Din do not reflect the true costs involved in providing this service.

11. The costs *per party* are :

Claim Value	Single Dayan	Three Dayonim
Up to	Rate per Hour	Per Session
£1,999	£75	N/A
From		
£2,000	£100	N/A
£5,000	£125	£600
£15,000	£150	£750
£25,000	£175	£900
£40,000	£200	£1,000
£60,000	£250	£1,250
£100,000	£350	£1,750
£250,000	£500	£2,500
£1,000,000	£500	£3,000

12. 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.

13. For a full Beis Din hearing, the costs per party will be required deposited 7 days in advance (payment to be made to “Federation of Synagogues”). These payments are held on account, and any necessary adjustments will be made thereafter.

14. 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.

15. 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 *Beis Din*

Information accurate as of 1st June 2021