

SCHEDULE OF COSTS PRECEDENTS  
PRECEDENT A

IN THE HIGH COURT OF JUSTICE

2000 - B - 9999

QUEEN'S BENCH DIVISION

BRIGHTON DISTRICT REGISTRY

BETWEEN

AB

Claimant

- and -

CD

Defendant

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**CLAIMANT'S BILL OF COSTS TO BE ASSESSED PURSUANT  
TO THE ORDER DATED 26th JULY 2000**

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V.A.T. No. 33 4404 90

In these proceedings the claimant sought compensation for personal injuries and other losses suffered in a road accident which occurred on Friday 1st January 1999 near the junction between Bolingbroke Lane and Regency Road, Brighton, East Sussex. The claimant had been travelling as a front seat passenger in a car driven by the defendant. The claimant suffered severe injuries when, because of the defendant's negligence, the car left the road and collided with a brick wall.

The defendant was later convicted of various offences arising out of the accident including careless driving and driving under the influence of drink or drugs.

In the civil action the defendant alleged that immediately before the car journey began the claimant had known that the defendant was under the influence of alcohol and therefore consented to the risk of injury or was contributorily negligent as to it. It was also alleged that, immediately before the accident occurred, the claimant wrongfully took control of the steering wheel so causing the accident to occur.

The claimant first instructed solicitors, E F & Co, in this matter in July 2000. The claim form was issued in October 2000 and in February 2001 the proceedings were listed for a two day trial commencing 25th July 2001. At the trial the defendant was found liable but the compensation was reduced by 25% to take account of contributory negligence by the claimant. The claimant was awarded a total of £78,256.83 plus £1,207.16 interest plus costs.

The claimant instructed E F & Co under a conditional fee agreement dated 8th July 2000 which specifies the following base fees and success fees.

Partner - £180 per hour plus VAT

Assistant Solicitor - £140 per hour plus VAT

Other fee earners - £85 per hour plus VAT

Success fees exclusive of disbursement funding costs: 40%

Success fee in respect of disbursement funding costs: 7.5% (not claimed in this bill)

Except where the contrary is stated the proceedings were conducted on behalf of the claimant by an assistant solicitor, admitted November 1999.

E F & Co instructed Counsel (Miss GH, called 1992) under a conditional fee agreement dated 5th June 2001 which specifies a success fee of 75% and base fees, payable in various circumstances, of which the following are relevant

Fees for interim hearing whose estimated duration is up to 2 hours: £600

Brief for trial whose estimated duration is 2 days: £2,000

Fee for second and subsequent days: £650 per day

Item No.	Description of work done	V.A.T.	Disburse-ments	Profit Costs
1	8th July 2000 - EF & Co instructed 22nd July 2000 - AEI with Eastbird Legal Protection Ltd Premium for policy	-	£ 120.00	
2	7th October 2000 - Claim issued Issue fee	-	£ 400.00	
3	21st October 2000 - Particulars of claim served 25th November 2000 - Time for service of defence extended by agreement to 14th January 2001 Fee on allocation	-	£ 80.00	
	20th January 2001 - case allocated to multi-track 9th February 2001 - Case management conference at which costs were awarded to the claimant and the base costs were summarily assessed at £400 (paid on 24th February 2001) 23rd February 2001 - Claimant's list of documents 12th April 2001 - Payment into court of £25,126.33 13th April 2001 - Filing pre-trial checklist			-
4	Fee on listing	-	£ 400.00	
	28th June 2001 - Pre trial review: costs in case Engaged 1.5 hours £210.00 Travel and waiting 2.00 hours £280.00			
5	Total solicitor's base fee for attending			£ 490.00
6	Counsel's base fee for pre trial review (Miss GH)		£ 600.00	
	25th July 2001 - Attending first day of trial: adjourned part heard Engaged in Court 5.00 hours £700.00 Engaged in conference 0.75 hours £105.00 Travel and waiting 1.5 hours £210.00			
7	Total solicitor's base fee for attending			£ 1,015.00
8	Counsel's base fee for trial (Miss GH)		£ 2,000.00	
9	Fee of expert witness (Dr. IJ)	-	£ 850.00	
10	Expenses of witnesses of fact	-	£ 84.00	
	26th July 2001 - Attending second day of trial when judgment was given for the claimant in the sum of £78,256.53 plus £1207.16 interest plus costs Engaged in Court 3.00 hours £420.00 Engaged in conference 1.5 hours £210.00 Travel and waiting 1.5 hours £210.00			
11	Total solicitor's base fee for attending			£ 840.00
12	Counsel's base fee for second day (Miss GH)		£ 650.00	
	To Summary	£ -	£ 5,184.00	£ 2,345.00

Item No.	Description of work done	V.A.T.	Disburse-ments	Profit Costs
13	<b>Claimant</b> 8th July 2000 - First instructions: 0.75 hours by Partner: base fee			£ 135.00
14	Other timed attendances in person and by telephone - See Schedule 1 Total base fee for Schedule 1 - 7.5 hours			£ 1,050.00
15	Routine letters out and telephone calls - 29 (17 + 12) total base fee			£ 406.00
16	<b>Witnesses of Fact</b> Timed attendances in person, by letter out and by telephone - See Schedule 2 Total base fee for Schedule 2 - 5.2 hours			£ 728.00
17	Routine letters out, e mails and telephone calls - 8 (4 + 2 + 2 )total base fee			£ 112.00
18	Paid travelling on 9th October 2000	£ 4.02	£ 22.96	
19	<b>Medical expert (Dr. IJ)</b> 11th September 2000 - long letter out 0.33 hours: base fee			£ 46.20
20	30th January 2001 - long letter out 0.25 hours base fee			£ 35.00
21	23rd May 2001 - telephone call 0.2 hours base fee			£ 28.00
22	Routine letters out and telephone calls - 10 (6 + 4) total base fee			£ 140.00
23	Dr. IJ's fee for report	-	£ 350.00	
24	<b>Defendant and his solicitor</b> 8th July 2000 - timed letter sent 0.5 hours: base fee			£ 70.00
25	19th February 2001 - telephone call 0.25 hours: base fee			£ 35.00
26	Routine letters out and telephone calls - 24 (18 + 6) total base fee			£ 336.00
27	<b>Communications with the court</b> Routine letters out and telephone calls - 9 (8 + 1) total base fee			£ 126.00
28	<b>Communications with Counsel</b> Routine letters out, e mails and telephone calls - 19 (4 + 7 + 8) total base fee			£ 266.00
29	<b>Work done on documents</b> Timed attendances - See Schedule 3 Total base fees for Schedule 3 - 0.75 hours at £180, 44.5 hours at £140, 12 hours at £85			£ 7,385.00
30	<b>Work done on negotiations</b> 23rd March 2001 - meeting at offices of Solicitors for the Defendant Engaged - 1.5 hours £210.00 Travel and waiting - 1.25 hours £175.00 Total base fee for meeting			£ 385.00
31	<b>Other work done</b> Preparing and checking bill Engaged: Solicitor - 1 hour £140.00 Engaged: Costs Draftsman - 4 hours £340.00 Total base fee on other work done			£ 480.00
	To Summary	£ 4.02	£ 372.96	£11,763.20

Item No.	Description of work done	V.A.T.	Disburse-ments	Profit Costs
32	Success fee on solicitor's base fee on interim orders which were summarily assessed (40% of £400) plus VAT at 17.5%	£ 28.00		£ 160.00
33	VAT on solicitor's other base fees (17.5% of £14,108.20)	£ 2,468.94		
34	Success fee on solicitor's other base fees (40% of £14,108.20) plus VAT at 17.5%	£ 987.58		£ 5,643.28
35	VAT on Counsel's base fees (17.5% of £3,250)'	£ 568.75		
36	Success fee on Counsel's base fee (75% of £3,250) plus VAT at 17.5%'	£ 426.57	£ 2,437.50	
	To Summary	£ 4,479.84	£ 2,437.50	£ 5,803.28
	<b>SUMMARY</b>			
	Page 3 £	-	£ 5,184.00	£ 2,345.00
	Page 4 £	4.02	£ 372.96	£ 11,763.20
	Page 5 £	4,479.84	£2,437.50	£ 5,803.28
	Totals:	£ 4,483.86	£ 7,994.46	£ 19,911.48
	Grand total:			£ 32,389.80