

SCHEDULE OF COSTS PRECEDENTS
PRECEDENT B

IN THE HIGH COURT OF JUSTICE

2000 - B - 9999

QUEEN'S BENCH DIVISION

BRIGHTON DISTRICT REGISTRY

BETWEEN

AB

Claimant

- and -

CD

Defendant

**CLAIMANT'S BILL OF COSTS TO BE ASSESSED PURSUANT
TO THE ORDER DATED 26th JULY 2001**

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 1999 and in February 2000 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, and the base costs were summarily assessed

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. | Disbursements | Profit Costs |
|----------|--|------------|---------------|--------------|
| | 8th July 2000 - EF & Co instructed | | | |
| | 22nd July 2000 - AEI with Eastbird Legal Protection Ltd | | | |
| 1 | Premium for policy | — | £ 120.00 | — |
| | 9th February 2001 - Case management conference at which costs were awarded to the Claimant and the base costs were summarily assessed at £400 | | | |
| 2 | Success fee on costs of case management conference (40% of £400) plus VAT | £ 28.00 | | £ 160.00 |
| | 28th June 2001 - Pre trial review: costs in the case (base costs included base costs at trial) | | | |
| | 25th July 2001 - First day of trial | | | |
| | 26th July 2001 - Second day of trial at which judgment was given for the claimant as follows: Compensation: £78,256.83 Interest thereon: £1,207.16 Base costs to trial Solicitor's fees: £12,500.00 plus £2187.50 VAT thereon Counsel's fees: £3,200.00 plus £560.00 VAT thereon Other disbursements: £2,300.00 plus £4.02 VAT thereon | | | — |
| 3 | Success fee on solicitor's base costs awarded at trial (40% of £12,500) plus VAT | £ 875.00 | | £ 5,000.00 |
| 4 | Success fee on Counsel's base costs awarded at trial (75% of £3,200) plus VAT | £ 420.00 | £ 2,400.00 | |
| | Other work done | | | |
| | Preparing and checking bill | | | |
| | Engaged: Solicitor - 0.25 hours | £ 35.00 | | |
| | Engaged: Costs draftsman - 1.75 hours | £ 148.75 | | |
| 5 | Total base fee for other work done plus VAT | £ 32.16 | | £ 183.75 |
| 6 | Success fee for other work done (40% of £183.75) plus VAT | £ 12.87 | | £ 73.50 |
| | Totals: | £ 1,368.03 | £ 2,520.00 | £ 5,417.25 |
| | Profit Costs | | | £ 5,417.25 |
| | Disbursements | | | £ 2,520.00 |
| | VAT | | | £ 1,368.03 |
| | Grand total: | | | £ 9,305.28 |