

SCHEDULE OF COSTS PRECEDENTS  
PRECEDENT D

IN THE HIGH COURT OF JUSTICE

1999 - 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 AND IN ACCORDANCE WITH  
REGULATION 107A OF THE CIVIL LEGAL AID (GENERAL) REGULATIONS 1989**

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Legal Aid Certificate No. 01. 01. 99. 32552X issued on 9th September 1999.

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 1999. The claim form was issued in October 1999 and in February 2000 the proceedings were listed for a two day trial commencing 25th July 2000. 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 proceedings were conducted on behalf of the claimant by an assistant solicitor, admitted November 1998. The bill is divided into three parts.

**Part 1 Costs payable by the defendant to the date of grant of legal aid**

This covers the period from 8th July 1999 to 8th September 1999. In this part the solicitor's time is charged at £140 per hour (including travel and waiting time) and letters out and telephone calls at £14.00 each.

## **Part 2 Costs payable by the defendant from the date of grant of legal aid**

This part covers the period from 9th September 1999 to the present time, the client having the benefit of a legal aid certificate covering these proceedings. In this part, solicitor's time in respect of costs payable by the defendant has been charged as in Part 1 plus costs draftsman's and trainee's time charged at £85 per hour.

## **Part 3 Costs payable by the LSC only**

This part covers the same period as Part 2. In this part solicitor's time in respect of costs payable by the LSC only are charged at the prescribed hourly rates plus enhancement of 50%.

Preparation: £74

Attending counsel in conference or at court: £36.40

Travelling and waiting: £32.70

Routine letters out: £7.40

Routine telephone calls: £4.10

Item No.	Item	Amount claimed	VAT	Amount allowed	VAT
	<b>Part 1: COSTS PAYABLE BY THE DEFENDANT</b>				
	<b>Claimant</b>				
1	8th July 1999 - First Instructions - 0.75 hours	£ 105.00	£ 18.38		
2	Routine Letters out - 3	£ 42.00	£ 7.35		
	<b>Witnesses of Fact</b>				
3	Routine Letters out - 2	£ 28.00	£ 4.90		
	<b>The Defendant</b>				
4	8th July 1999 - Timed letter sent - 0.5 hours	£ 70.00	£ 12.25		
	To Summary	£ 245.00	£ 42.88		
	<b>Part 2: COSTS PAYABLE BY THE DEFENDANT</b>				
	7th October 1999 - Claim issued				
5	Issue fee	£ 400.00	—		
	21st October 1999 - Particulars of claim served				
	25th November 1999 - Time for service of defence extended by agreement to 14th January 2000				
	17th January 2000 - Filing allocation questionnaire				
6	Fee on allocation	£ 80.00	—		
	20th January 2000 - Case allocated to multi track				
	9th February 2000 - Case management conference				
	Engaged 0.75 hours	£105.00			
	Travel and waiting 2.00 hours	£280.00			
7	Total solicitor's fee for attending	£ 385.00	£ 67.38		
	23rd February 2000 - Claimant's list of documents				
	12th April 2000 - Payment into court of £25,126.33				
	13th April 2000 - Filing pre-trial checklist				
8	Fee on listing	£ 400.00	—		
	28th June 2000 - Pre-trial review				
	Engaged 1.5 hours	£210.00			
	Travel and waiting 2.00 hours	£280.00			
9	Total solicitor's fee for attending	£ 490.00	£ 85.75		
10	Counsel's brief fee for attending pre-trial review (Miss GH)	£ 600.00	£ 105.00		

Item No.	Item	Amount claimed	VAT	Amount allowed	VAT
	25th July 2000 - 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			
11	Total solicitor's fee for attending	£ 1,015.00	£ 177.63		
12	Counsel's brief fee for trial (Miss GH)	£ 2,000.00	£ 350.00		
13	Fee of expert witness (Dr IJ)	£ 850.00			
14	Expenses of witnesses of fact	£ 84.00			
	26th July 2000 - Attending second day of trial when judgment "was given for the claimant in the sum of £78,256.83 plus" "£1,207.16 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			
15	Total solicitor's fee for attending	£ 840.00	£ 147.00		
16	Counsel's fee for second day (Miss GH)	£ 650.00	£ 113.75		
	<b>Claimant</b>				
	Timed attendances in person and by telephone - see Schedule 1				
17	Total fees for Schedule 1 - 7.50 hours	£ 1,050.00	£ 183.75		
18	Routine letters out and telephone calls - 26 (14 + 12)	£ 364.00	£ 63.70		
	<b>Witnesses of fact</b>				
	"Timed attendances in person, by letter out and by " telephone - see Schedule 2				
19	Total fees for Schedule 2 - 5.2 hours	£ 728.00	£ 127.40		
20	Routine letters out (including e mails) and telephone calls - 6 (4 + 2)	£ 84.00	£ 14.70		
21	Paid travelling on 9th October 1999	£ 22.96	£ 4.02		
	<b>Medical expert (Dr IJ)</b>				
22	11th September 1999 - long letter out 0.33 hours	£ 46.20	£ 8.09		
23	30th January 2000 - long letter out 0.25 hours	£ 35.00	£ 6.13		
24	23rd May 2000 - telephone call 0.2 hours	£ 28.00	£ 4.90		
25	Routine letters out and telephone calls - 10 (6 + 4)	£ 140.00	£ 24.50		
26	Dr IJ's fee for report	£ 350.00	—		
	<b>Solicitors for the defendant</b>				
27	19th February 2000 - telephone call 0.25 hours	£ 35.00	£ 6.13		
28	Routine letters out and telephone calls - 24 (18 + 6)	£ 336.00	£ 58.80		
	<b>Communications with the court</b>				
29	Routine letters out and telephone calls - 9 (8 + 1)	£ 126.00	£ 22.05		

Item No.	Item	Amount claimed	VAT	Amount allowed	VAT
30	<b>Communications with Counsel</b> Routine letters out (including e mails) and telephone calls - 19 (11 + 8)	£ 266.00	£ 46.55		
31	<b>Work done on documents</b> Timed attendances - see Schedule 3 Total fees for Schedule 3 - 45.25 hours at £140 + 12 hours at £85	£7,355.00	£ 1,287.13		
32	<b>Work done on negotiations</b> 23rd March 2000 - meeting at offices of solicitors for the Defendant Engaged - 1.5 hours £210.00 Travel and waiting - 1.25 hours £175.00 Total solicitor's fee for meeting	£ 385.00	£ 67.38		
33	<b>Other work done</b> Preparing and checking bill Engaged: Solicitor - 1 hour £140.00 Engaged: Costs Draftsman 4 hours £340.00 Total on other work done	£ 480.00	£ 84.00		
	To summary	£19,625.16	£3,055.70		
	<b>Part 3: COSTS PAYABLE BY LSC ONLY</b>				
	<b>Claimant</b>				
34	11th September 1999 - telephone call Engaged 0.25 hours £18.50 Enhancement 50% £9.25 Total solicitor's fee	£ 27.75	£ 4.86		
35	10th April 2000 - telephone call Engaged 0.1 hours £4.10 Enhancement 50% £2.05 Total solicitor's fee	£ 6.15	£ 1.08		
36	<b>Legal Aid Board and LSC</b> 2nd August 2000 - Report on case Engaged 0.5 hours £37.00 Enhancement 50% £18.50 Total solicitor's fee	£ 55.50	£ 9.71		
37	Routine letters out and telephone calls Letters out - 2 £14.80 Telephone calls - 4 £16.40 Total solicitor's fee	£ 31.20	£ 5.46		
38	<b>Other work done</b> Preparing and checking bill Engaged: Solicitor - no claim Engaged: Costs Draftsman - 1 hours £74.00 Total on other work done	£ 74.00	£ 12.95		
	To summary	£ 194.60	£ 34.06		

Item No.	Item	Amount claimed	VAT	Amount allowed	VAT
	<b>SUMMARY</b>				
	<b>Costs payable by the Defendant</b>				
	Part 1	£ 245.00	£ 42.88		
	Part 2	£19,625.16	£ 3,055.70		
	Total costs payable by the Defendant	£19,870.16	£ 3,098.58		
	<b>Costs payable by LSC only</b>				
	Part 3	£ 194.60	£ 34.06		
	<b>Grand Totals</b>				
	Costs payable by the Defendant	£19,870.16	£ 3,098.58		
	Costs payable by LSC only	£ 194.60	£ 34.06		
	Grand total	£20,064.76	£ 3,132.63		