

SCHEDULE OF COSTS PRECEDENTS
PRECEDENT C

IN THE HIGH COURT OF JUSTICE

1999 - 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 2000 AND IN ACCORDANCE WITH
REGULATION 107A OF THE CIVIL LEGAL AID (GENERAL) REGULATIONS 1989**

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 two 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 and L.S.C. 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. 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

	Description of work done	Payable by L.S.C. only			Payable by Defendant		
Item No.		V.A.T.	Disbursements	Profit Costs	V.A.T.	Disbursements	Profit Costs
	Part 1: COSTS TO DATE OF GRANT OF LEGAL AID.						
	Claimant						
1	8th July 1999 - First Instructions - 0.75 hours						£ 105.00
2	Routine Letters out - 3						£ 42.00
	Witnesses of Fact						
3	Routine Letters out - 2						£ 28.00
	The Defendant						
4	8th July 1999 - Timed letter sent - 0.5 hours						£ 70.00
5	VAT on total profit costs (17.5% of £245)				£ 42.88		
	To Summary				£ 42.88	£ -	£ 245.00
	Part 2: COSTS FROM DATE OF GRANT OF LEGAL AID						
	7th October 1999 - Claim issued						
6	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						
7	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						
8	Total solicitor's fee for attending						£ 385.00
	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						
9	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						
10	Total solicitor's fee for attending						£ 490.00
11	Counsel's brief fee for attending pre-trial review (Miss GH)				£ 105.00	£ 600.00	
	To Summary	£ —	£ —	£ —	£ 105.00	£ 1,480.00	£ 875.00

Item No.	Description of work done	Payable by L.S.C. only			Payable by Defendant		
		V.A.T. ments	Disburse- Costs	Profit	V.A.T. ments	Disburse- Costs	Profit
12	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 Total solicitor's fee for attending						£ 1,015.00
13	Counsel's brief fee for trial (Miss GH)				£ 350.00	£ 2,000.00	
14	Fee of expert witness (Dr IJ)				—	£ 850.00	
15	Expenses of witnesses of fact				—	£ 84.00	
16	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 Total solicitor's fee for attending						£ 840.00
17	Counsel's fee for second day (Miss GH)				£ 113.75	£ 650.00	
18	Claimant ~ (1) Payable by Defendant Timed attendances in person and by telephone - see Schedule 1 Total fees for Schedule 1 - 7.50 hours						£ 1,050.00
19	Routine letters out and telephone calls - 26 (14 + 12)						£ 364.00
20	Claimant ~ (2) Payable by LSC only 11th September 1999 - telephone call Engaged 0.25 hours £18.50 Enhancement 50% £9.25 Total solicitor's fee		£ 27.75				
21	10th April 2000 - telephone call Engaged 0.1 hours £4.10 Enhancement 50% £2.05 Total solicitor's fee		£ 6.15				
22	Witnesses of fact Timed attendances in person, by letter out and by telephone - see Schedule 2 Total fees for Schedule 2 - 5.2 hours						£ 728.00
23	Routine letters out (including e mails) and telephone calls - 6 (4 + 2)						£ 84.00
24	Paid travelling on 9th October 1999				£ 4.02	£ 22.96	
	To Summary	£ —	£ —	£ 33.90	£ 467.77	£ 3,606.96	£ 4,081.00

Item No.	Description of work done	Payable by L.S.C. only			Payable by Defendant		
		V.A.T. ments	Disburse-Costs	Profit	V.A.T. ments	Disburse-Costs	Profit
25	Medical expert (Dr IJ) 11th September 1999 - long letter out 0.33 hours						£ 46.20
26	30th January 2000 - long letter out 0.25 hours						£ 35.00
27	23rd May 2000 - telephone call 0.2 hrs					£ 28.00	
28	Routine letters out and telephone calls - 10 (6 + 4)						£ 140.00
29	Dr IJ's fee for report				—	£ 350.00	
30	Solicitors for the defendant 19th February 2000 - telephone call 0.25 hours						£ 35.00
31	Routine letters out and telephone calls - 24 (18 + 6)						£ 336.00
32	Communications with the court Routine letters out and telephone calls - 9 (8 + 1)						£ 126.00
33	Communications with Counsel Routine letters out (including e mails) and telephone calls - 19 (11 + 8)						£ 266.00
34	Legal Aid Board and LSC ~ Payable by LSC only 2nd August 2000 - Report on case Engaged 0.5 hours £37.00 Enhancement 50% £18.50 Total solicitor's fee			£ 55.50			
35	Routine letters out and telephone calls Letters out - 2 £14.80 Telephones call - 4 £16.40 Total solicitor's fee			£ 31.20			
36	Work done on documents Timed attendances - see Schedule 3 Total fees for Schedule 3 - 45.25 hours at £140 + 12 hours at £85						£ 7,355.00
37	Work done on negotiations 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
38	Other work done ~ (1) Payable by Defendant Preparing and checking bill Engaged: Solicitor - 1 hour £140.00 Engaged: Costs Draftsman - 4 hours £340.00 Total on other work done (1)						£ 480.00
	To Summary	£ —	£ —	£ 86.70	£ —	£ 350.00	£ 9,232.20

Item No.	Description of work done	Payable by L.S.C. only			Payable by Defendant		
		V.A.T. ments	Disburse-Costs	Profit	V.A.T. ments	Disburse-Costs	Profit
	Other work done ~ (2) Payable by LSC only						
	Preparing and checking bill						
	Engaged: Solicitor - no claim						
	Engaged: Costs Draftsman - 1 hour						
	<u>£74.00</u>						
39	Total on other work done (2)			£ 74.00			
40	VAT on total profit costs payable by Defendant (17.5% of £14,176.20)			£2,480.84			
41	VAT on total profit costs payable by LSC only (17.5% of £205.60)	£ 35.98					
	To summary	£ 35.98	£ —	£ 74.00	£2,480.84	£ —	£ —
	SUMMARY						
	Part 1 - Pre Legal Aid						
	Page 3	£ —	£ —	£ —	£ 42.88	£ —	£ 245.00
	Part 2 - Costs since grant of legal aid						
	Page 3	£ —	£ —	£ —	£ 105.00	£ 1,480.00	£ 875.00
	Page 4	£ —	£ —	£ 33.90	£ 467.77	£ 3,606.96	£ 4,081.00
	Page 5	£ —	£ —	£ 86.70	£ —	£ 350.00	£ 9,232.20
	Page 6	£ 35.98	£ —	£ 74.00	£2,480.84	£ —	£ —
	Totals	£ 35.98	£ —	£ 194.60	£3,096.49	£5,436.96	£14,433.20
	Grand totals						
	Costs payable by Defendant						£22,966.65
	Costs payable by LSC only						£ 230.58
	Grand total:						£23,197.23