

2020

# ANNUAL REPORT 2020

THE HIGH COURT  
OFFICE OF THE LEGAL COSTS ADJUDICATORS



**Supporting Access to Independent, Impartial  
and Objective Resolution of Legal Costs Disputes**

*in a modern digital Ireland*

## **Annual Report Published by the Chief Legal Costs Adjudicator with the support of the Courts Service**

### **Editors:**

Chief Legal Costs Adjudicator

Paul M. Behan

Assistant Principal Officer to the Chief Legal Costs Adjudicator

Natasha Whyte

# THE HIGH COURT

## OFFICE OF THE LEGAL COSTS ADJUDICATORS



### Our Mission

The Office of the Legal Costs Adjudicators Mission is to enable access to independent, impartial and objective resolution of legal costs disputes. Through the provision of a courteous and professional service in the performance of its statutory function. To maintain and provide transparency throughout the process from inception to completion, with reasoned outcomes being published, in so far as is permitted by the law, and accessible via the register of determinations, so as to inform both legal practitioners and the public. It is our mission to provide this service in a timely manner, providing and supporting access to justice.

**In support of this mission, the Office pursues two strategic goals:**

- *Supporting the Legal Costs Adjudicators*

Supporting the Chief Legal Costs Adjudicator and the Legal Costs Adjudicators is a statutory obligation of the Courts Service and by extension the Office and is central to our mission. As well as being a key strategic priority in its own right, it is also key to the achievement of all our strategic priorities.

- *Providing High Quality Service to Court Users*

A core part of our mission is the provision of a consistent, impartial, timely and excellent service to court users, consistent with the limitation of the Office's statutory remit.

### Our Vision

Over time, as the number of adjudications are completed and the register of determinations is updated, a body of information will be publicly available to inform the public and practitioners of the range of legal costs, the manner in which they are determined and the reasons underlying the determination.

### Our Values

We are committed in performing our functions and fulfilling our responsibilities, to independence, fairness, integrity, professionalism, innovation and accountability. Our strengths derive from the expertise of the staff within the office. With a commitment to improving services, adapting innovative processes and adherence to best practices and developing strategies for improvement.



# Annual Report 2020

## CONTENTS

<b>Foreword by the Chief Legal Costs Adjudicator.....</b>	<b>6</b>
Chapter 1 About the Office of the Legal Costs Adjudicators.....	10
Chapter 2. The Year in Review.....	11
Chapter 3. Governance and Management Structures.....	23
Chapter 4. Activity.....	24
Chapter 5. County Registrars Summary Report.....	45
2020 at a Glance.....	54



### FOREWORD



#### Foreword by the Chief Legal Costs Adjudicator

As Chief Legal Costs Adjudicator, in accordance with my obligations pursuant to s.146 of the Legal Services Regulation Act 2015, I am pleased to present my Annual Report of activities covering the year to the end of 2020. The Office was established by commencement of Part 10 of the 2015 Act on 7<sup>th</sup> October 2019. This Annual Report represents the first full calendar year, in which the Office was in being.

2020 was a year which, in common with the Courts Service and the wider legal and public community, presented unprecedented challenges for everyone, including the Office of the Legal Costs Adjudicators. The Covid-19 Global pandemic presented a most challenging of environments within which to conduct business, which is almost exclusively outward facing towards the general public and legal practitioners.

That part of the office's Mission Statement which details our values, is to perform our functions with independence, fairness, integrity, professionalism, innovation and accountability. The Mission Statement, contains a commitment to improving services, adapting innovative processes, adherence to best practices and developing strategies for improvement.

These values were tested, as public hearings were suspended with the coming into effect of public health restrictions in March, 2020. This was unprecedented and it would be fair to say that there was little understanding of the scale of the problem or the challenges that it would present, not only in the early stages but as things altered, throughout the year.

Although public sittings were suspended in the initial period of the pandemic, the functions of the Office continued, by issuing written determinations and putting strategies in place to move to a more digital platform. Significant development work had been undertaken with the Courts ICT personnel to develop an e-filing platform for the initiation of Applications for Adjudication of Legal Costs. This is in keeping with the overall strategy of the Civil Service Renewal program, to move to a more digitised platform.

Phase one of the Courts Service ICT High Court e-filing of Applications for Legal Costs Adjudication project was delivered through the Court Services Online (CSOL) platform. The development of this facility allows legal practitioners and legal costs accountants to lodge Applications for Legal Costs Adjudication in the Office of the Legal Costs Adjudicators electronically in cases where parties have a functioning CSOL account.

Following the coming into effect of the first public health restrictions, many steps had to be undertaken. There were steps immediately required to notify all parties to scheduled adjudication hearings. It was necessary to adjust the office accommodation, hearing rooms and all public areas. Offices were modified significantly, so as to provide a safe workplace for staff and users of the service alike. The first set of restrictions meant that public hearings could not take place. This remained the case from 18<sup>th</sup> March 2020 to June 2020. In this period, investigations and discussions were held with Courts Service staff and the development of a remote platform through VMR was implemented to enable cases to be heard remotely. This was tested over time. It was necessary to first communicate with all parties on each side of cases, to ascertain the position of each case, deal with the responses from parties. This involved several hundred exchanges of communications, from letters, email and telephone contacts. In order to process cases, those cases requiring dates were re-assigned new listings.

A weekly remote call over was fixed for each Thursday at 9.30am of cases, so that those cases that were settled or for other reasons, no longer required a hearing date could be struck out and priority given to those cases which required a hearing. By mid-June 2020, every case that had been deferred had been reset for a remote hearing, where suitable, or placed into a reserve list for a physical Adjudication, when public sittings could be safely held.

At the end of June 2020, when restrictions were somewhat relaxed, normal physical sittings were resumed, with staggered times, so as to facilitate the safe ingress and egress to the building and the work of the office would be undertaken in a socially distant and safe manner. These procedures continued to the end of July 2020. After the Holiday break in August, sitting's resumed in September in a similar way. Remote hearings were offered to parties, where they requested same and where the cases were suitable for such. Level 3 restrictions were imposed on 18<sup>th</sup> September 2020 and remote hearings resumed and continued. Level 5 restrictions were again imposed on 21<sup>st</sup> October 2020. A modified version of level 3 restrictions returned on 1<sup>st</sup> December 2020. Remote hearings continued to be held until the end of term on 21<sup>st</sup> December 2020. Determinations continued to be made, and issued at all times,



## Annual Report 2020

either issued electronically to the parties, or via remote hearings. The Remote call over on a Thursday, continues on weekly basis as it is helpful to all users of the service.

A searchable online register of determinations has been developed to allow for the office to meet its statutory requirements. These online facilities will yield benefits for legal costs accountants and practitioners and members of the Public. Over time, this will aid in providing transparency around legal costs, their value and the assessment process and rationale underlying the determinations. A number of improvements in the search function were identified and following liaison with ICT services, it is hoped that these changes will be implemented in 2021.

Barry Magee was appointed Legal Costs Adjudicator by the Government in accordance with s.148 of the 2015 Act. He took up his post on 19<sup>th</sup> October 2020. I warmly welcome his appointment to the Office.

As the figures appearing hereafter will show, the year 2020 was a year in which despite the challenges presented by the Covid-19 pandemic, it was a busy one, with significant increases in the workload of the office.

Finally, the staff of the Office quickly and readily adapted to all new processes and procedures, with unfailing dedication, good humour and commitment to public service, to the users of the Office, both professional and lay persons. It is only right that I acknowledge their huge assistance and efforts. Genuinely, the office business could not have functioned and adapted as it did, without the exceptional effort displayed by each of them. I am truly indebted to them.

On behalf of the Office of the Legal Costs Adjudicators, I am pleased to present the Annual Report for 2020.



**Paul M. Behan**  
Chief Legal Costs Adjudicator

**April 2021**



## CHAPTER 1 - About the Office of the Legal Costs Adjudicators

---

Part 10 of The Legal Services Regulation Act, 2015 was commenced on 7<sup>th</sup> October 2019 (Commencement of Certain Provisions) (No.2) Order 2019. S.I No. 502 of 2019. This resulted in the establishment of a new regime for the adjudication of legal costs, with the abolition of the Office of the Taxing Master and the work of that Office being transferred to the Office of the Legal Costs Adjudicators.

The statutory powers, functions and duties of the Office, derive from Part 10 and Schedule 1 of the Legal Services Regulation Act, 2015. These statutory powers are underpinned by the Rules of the Superior Courts (Costs) 2019.

By its statutory powers, the Office of the Legal Costs Adjudicators, in addition to having the previous powers of the Taxing Masters, deals with disputes on legal costs, usually but not always, as between parties involved in litigation in the Superior Courts. There are other matters such as disputes between a legal practitioner and his or her client which also fall within the statutory remit of the office.

Party and Party costs usually derive from an Order of the Court. This is where a Court or an authorised body, directs one party to a cause to pay the costs of another. Party and Party Costs usually arise from proceedings in the Superior Courts, see Part 11 of the Legal Services Regulation Act, 2015.

Circuit Court costs arising in proceedings are determined by County Registrars, as is provided in s.141 of The Legal Services Regulatory Act, 2015 and the Circuit Court Rules. The Office of the Legal Costs Adjudicator does not generally have any jurisdiction or power to deal with Circuit Court Party and Party costs, but does have jurisdiction to deal with Circuit Court Costs, only where they arise as part of a wider dispute as between a legal practitioner and client.

Disputes as between legal practitioners and their clients fall within the remit of the Office of the Legal Costs Adjudicators. Legal Practitioners have prescribed duties, contained within the Act. The Legal Costs Adjudicators have a duty to hear and determine disputes relating to the amount and whether such costs are reasonable.

Importantly the Office of the Legal Costs Adjudicators does not have power to deal with complaints about or touching upon matters of poor or inadequate services, or complaints relating to misconduct, such matters are currently dealt with by the Legal Services Regulatory Authority.

### *Appointments and Welcome*

Following the commencement of Part 10 of the Legal Services Regulation Act, 2015, which established the new Office of the Legal Costs Adjudicators. and the subsequent appointment of Paul M. Behan as Chief Legal Costs Adjudicator (formerly Taxing Master Behan) and Legal Costs Adjudicator Niall O'Hanlon.

On 19<sup>th</sup> October 2020 the Government appointed Barry Magee as an additional Legal Costs Adjudicator.

Mr. Magee joined the Office on the 19<sup>th</sup> of October 2020 and brought with him, a wealth of experience and a great depth of knowledge of quasi-judicial decision making.

Previously Mr. Magee has worked as a solicitor in the private and public sectors in a wide range of areas including private client, environmental, conveyancing, probate, judicial review, regulatory and administrative law. He also served as the full time Chairperson of the Refugee Appeals Tribunal/International Protection Appeals Tribunal.

Mr. Magee's wide range of professional experience, his interpersonal skills and his experience of conducting adjudicative tribunals, will be a most welcome addition to the office.



*Figure 1:- Legal Costs Adjudicator Barry Magee Photo*

## CHAPTER 2 – The Year in Review

---

### ***1) Covid-19 and the Response of the Office***

The Office of the Legal Costs Adjudicators safety policy, in line with that of the Courts Service, is to be proactive in maintaining a healthy and safe working environment for all employees, the Adjudicators, legal costs accountants, legal practitioners, members of the public, visitors, and contractors who may be affected by our undertakings, across our location.

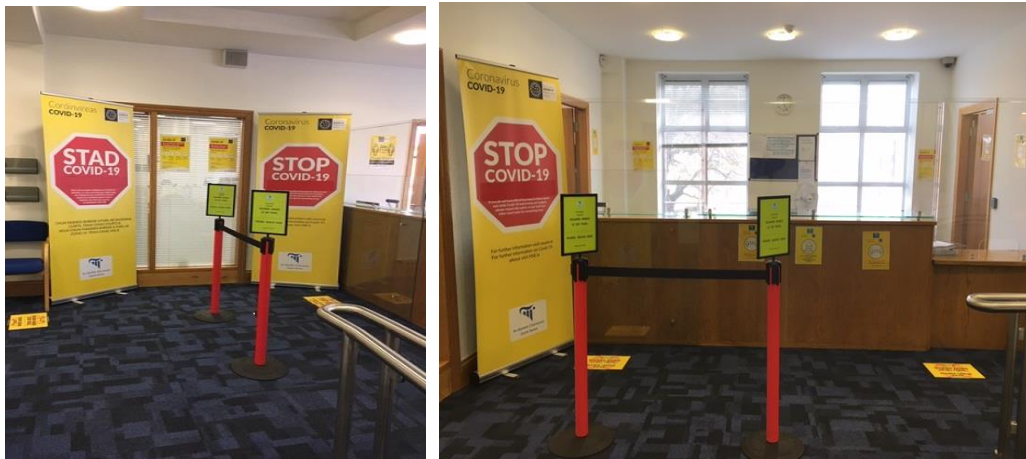
The Office in line with the Courts Service has done its utmost to ensure the continued safety, health and welfare of all persons at our location during the Covid-19 pandemic by implementing and maintaining the Courts Service Covid-19 Safety Management Programme. The setup of a Covid-19 Safety Compliant office has required a lot of work and cooperation by and from the staff, Adjudicators and our legal partners, members of the public, visitors, and contractors. Access to the Office, is permitted only along public health guidelines.

In totality the office has implemented hygiene controls, social distancing controls, people traffic flow management controls, case listing management, public office management - management of appointments and walk-ins and staff rostering controls, to ensure the continuity of business.

The overarching principle of implementing these measures is to protect the health and safety of staff and users of the Office.

### *Public Counter and Waiting Area*

In the public counter and waiting area hand sanitising stations, capacity signage and people traffic management signage have been installed. Additionally, a flexible glass screen has been fitted at the public counter as a further Covid-19 safety measure, with social distancing demarcation in place on the floor. The installed traffic management system allowing persons to access and egress the counter while maintaining social distancing at 2m. While the queueing system in place allows for 2 persons max. capacity at Public Counter area.



*Figure 2:- Office of the Legal Costs Adjudicators Reception and Public Counter Photo*

A sliding scale of public access to the Office, to deal with urgent matters and those specific tasks, that cannot be achieved by other methods, strictly limited counter activity has been employed by the office, which is Covid-19 restriction level dependant. At level 5 Restrictions - no public interface is occurring unless urgent and by appointment. At other Covid restrictions levels public interface is available by appointment for non-urgent business.

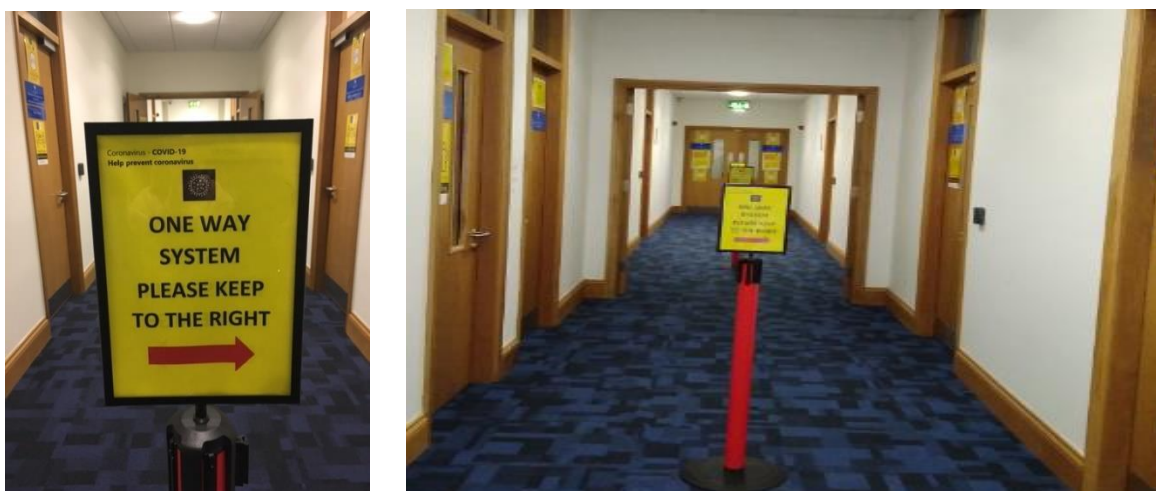
The e-filing platform for the lodgment of Applications for Adjudication has continued to operate as normal via the Court Service Online portal ( [www.csol.ie](http://www.csol.ie) ) for registered users, throughout all restriction levels. In tandem with a 'drop box' facility, made available to members of the public, in the ground floor reception area to facilitate the physical submission of documentation. The availability of this facility has been and continues to be clearly communicated. Telephones, email, post and Dx facilities continued to operate as normal during all level of restriction.

### *Adjudication Rooms and Corridors*

Following the installation of remote technology in late June 2020 a sliding scale of Adjudication Room activity has been employed by the office, which is Covid-19 restriction level dependant.

A weekly remote call over of the following weeks cases is held each Thursday during the legal term and is used as an effective case management tool, with applications concerning matters listed for the following week being dealt with. The suitability of each case for remote hearing is determined on a case by case basis, by the assigned Legal Costs Adjudicator, having regard to all circumstances and the position of the parties to the adjudication.

At level 5 Restrictions no face-to-face hearings occur unless urgent and by direction of the assigned Legal Costs Adjudicator. Suitable Adjudication hearings are being heard remotely and in accordance with s. 156(4) of the Legal Services Regulation Act, 2015, in public, with the adjudicator operating the Digital Audio Recording (DAR) technology so as to ensure a record of the proceedings is maintained. Access to these remote hearings is made available to interested parties and the media on request.



*Figure 3:- Corridor adjoining Adjudication Rooms 1 & 2 traffic flow management system.*

Dependent on the level of Covid-19 restrictions applying, face-to-face hearings are occurring but only on a staggered basis following the installation of a number of Covid-19 safety measures: -

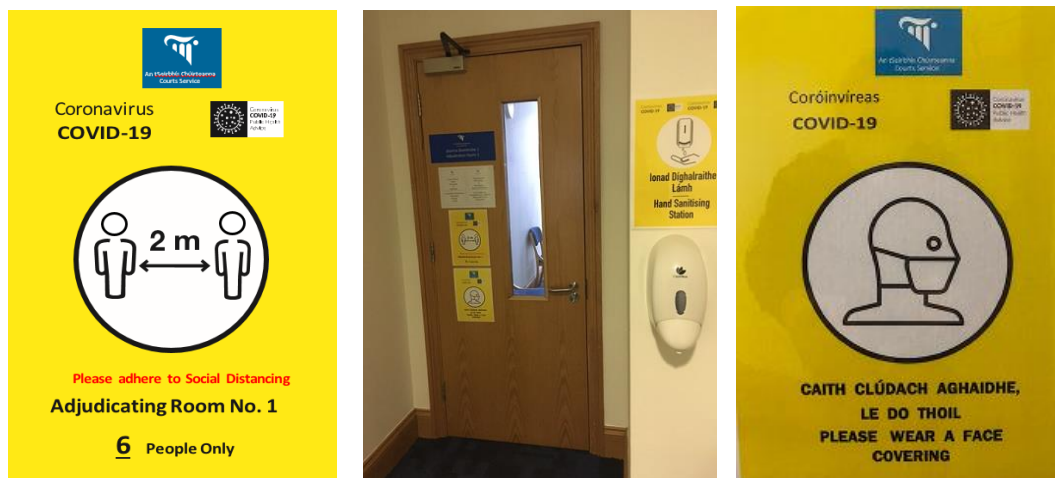
- Availability and use at all appropriate times of remote technology to reduce the need to physically attend hearings;
- Weekly management of hearing list in advance via call over the previous week and assigning time specific schedules, to manage physical distancing requirements;
- Strict capacity management of adjudication rooms with designated seating in place;
- Strict capacity management of corridors adjoining Adjudication rooms and social distancing traffic flow management in place;
- Use of natural ventilation by numerous windows with air-conditioning unit if required;
- Plexiglass screens in place at witness box and Adjudicators bench;





*Figure 4:- Plexiglass screens installed at witness boxes and Adjudicators bench*

- Advisory Covid-19 signage in place on entry, and in Adjudication Room;
- Face coverings being used by all attendees in Adjudication Rooms when face-to face;



*Figure 5 - Adjudication Room 1- Capacity and Face Mask signage, along with Hand sanitising station*

- A Cleaning Programme in place to ensure all Adjudication Rooms are cleaned before start of day, with high-frequency touch points cleaning occurring at lunchtime;
- Closing of all consultation rooms to the public;
- Hand sanitiser stations in place in all public areas, on entrance to each Adjudication Room and on entry and exit from the office.
- Maintenance of track and trace logs.

## 2) Progress Against Our Strategic Priorities

### **Strategic Priority 1: Supporting the Legal Costs Adjudicators**

A core role of the Office is the provision of support for adjudication sittings, and the necessary resources and assistance which allows the Legal Costs Adjudicators to administer independent, impartial and objective resolution of legal costs disputes. During 2020 the office provided support for the Legal Costs Adjudicators and all adjudication sittings.

Through the Court Services Online (CSOL) platform Legal Costs Adjudication applications continued to be accepted and processed by the office throughout the year.

Legal Costs Adjudication Application waiting times, just prior to the initial Covid-19 restriction period, stood at 6 weeks, which increased to 16 weeks following the onset of restrictions and the required suspension of physical sittings. Investigations and discussions were held and the development of a remote platform through VMR was implemented to enable cases to be heard remotely. By mid-June 2020, every case that had been deferred had been reset for a remote hearing, where suitable or placed into a reserve list for a physical Adjudication, when public sittings could be safely held. This worked to reduction waiting times down to 11 weeks by years end.

Sixty one hearing days, were conducted remotely in 2020. This includes 30 Remote Call over days and 31 Remote Hearing days, with 84 Adjudications heard remotely. In addition, there is the day to day applications for adjournments to *inter alia*, facilitate settlement discussions, afford additional times to parties, deal with applications for extensions of time and the myriad of issues that can arise from day to day. It was a challenging environment for all parties to Adjudications and staff within the Office of the Legal Costs Adjudicators.



*Figure 6:- Remote Hearings – Delivered by Legal Costs Adjudicator Barry Magee and Chief Legal Costs Adjudicator Paul M. Behan*

In meeting its statutory requirements the office continues to populate the on-line register of determinations, on an ongoing basis, with the publishable reasons for determination. Over time, this will



aid in providing transparency around legal costs, their value and the assessment process and rationale underlying the determinations. Following feedback from users a review of the search function of the Register of Determinations was undertaken in 2020, where a number of improvements in the search function were identified and following detailed consultation with ICT services, it is hoped that these changes will be implemented in 2021.

### *Strategic Priority 2: Providing High Quality Service to Court Users*

As part of its core mission the office is involved, either directly or indirectly, in providing services to a wide range of court users, including legal costs accountants, legal practitioners, other public bodies, non-governmental agencies as well as directly to members of the public. Although the Office is independent and cannot offer advice, it does assist parties by explaining the practices and procedures surrounding Legal Costs Adjudication, so as to ensure that a party is seeking the correct service.

### *Website Development*

In 2020, significant development of the office's website homepage on [www.courts.ie](http://www.courts.ie) occurred. to provide reliable, up to date and user-friendly access to information in accordance with content best practice principles.

Information developed and held on the website includes sections on

- General Information on Legal Costs Adjudication
- Legal Costs Adjudication Forms
- E-Filing of Applications for Legal Costs Adjudications to the High Court
- Legal Costs Adjudicators Register of Determinations
- Publications – Strategic Plan 2020-2023, Annual Report 2019

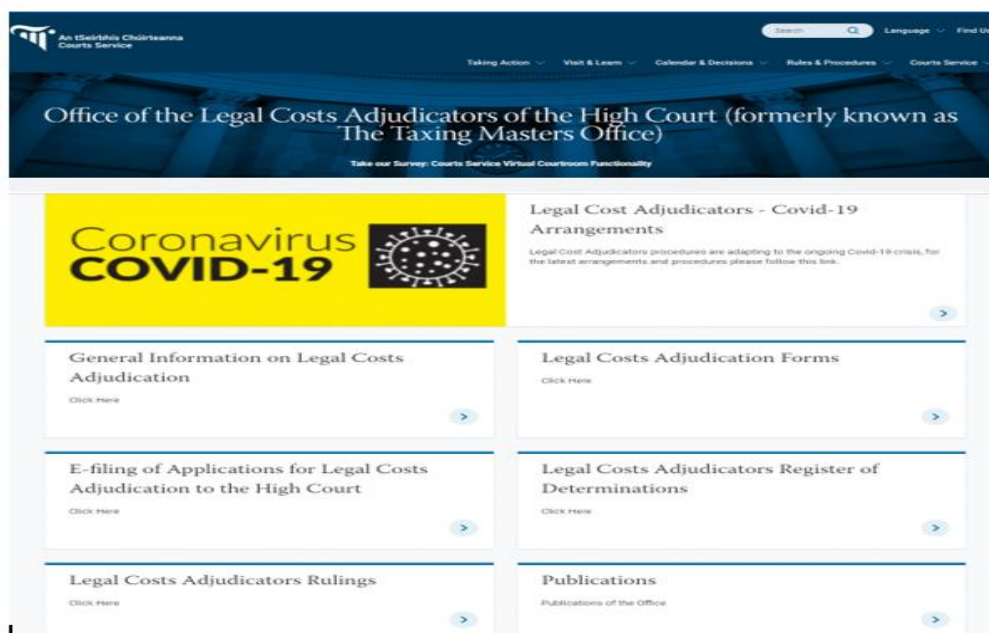


Figure 7:- Office of the Legal Costs Adjudicators Website Home Page on [www.courts.ie](http://www.courts.ie)

The office will continue to further develop its homepage over the next 12 months where improvements are identified.

### *Procedural obstacles and devising strategies for resolution*

Following a stakeholder meeting in early 2020 the Institute of Legal Costs Accountants (ILCA) highlighted a lack of clarity around the assigned hearing date shown on the legislative forms - Notice of Application for Adjudication (Party & Party and Legal Practitioner and Client)(O.99 r.23(1). In collaboration with the ILCA a new set of forms were designed by the office to run along-side the existing legislative forms - Notice of Hearing Date for Adjudication (Party & Party and Legal Practitioner and Client), with a practice direction issuing.

***Practice Direction Number 1 of 2020 - Notice of a Hearing date for Adjudication – issued 27/02/20***

### ***Strategic Priority 3: Develop and Support Our People***

The office relies on having staff that are well trained, dedicated and innovative to support the operational and strategic objectives of managing adjudication sittings, supporting the Legal Costs Adjudicators and meeting the evolving needs of court users.

In 2020 – In order to embed the new legislative regime and ICT system, a number of new work practices and procedures, in consultation with staff, were developed. Out of these a number of, quick guides were created, with training delivered to staff on same.

Additionally, a new Summary of Costs excel sheet was developed, in consultation with staff and court users, to align summary of costs information displayed on CSOL with the adjudicated allowed cost marked on the Bill of Costs and to provide a clear breakdown of adjudicated figures for both internal and external stakeholders. Thus improving the efficiency of the agreement of costs process, between the Office and the Legal Costs Accountants / Legal Practitioners. The staff, in order to fully utilise this new tool, completed Microsoft Office training offered by the Courts Service via the L&D Connect portal.

A Culture of innovative and continuous learning and development has been embedded in the office, through the use of the performance management system, with a focus on regular and effective conversations between managers and staff.

All of the above has enabled the delivery of an effective and efficient service to both the Legal Costs Adjudicators and court users, alike.

### ***Strategic Priority 4: Improve Processes and Case Management***

Working with the Adjudicators and other stakeholders, we continue to support improved access to justice through case management, collaboration and reform.

In 2020, following the onset of the Pandemic, and the initial cessation of physical sittings, a meeting was held with stakeholders to trial the new VMR technology, to discuss the feasibility of remote call overs and gather input on what case types would best lend themselves to remote hearings.

Following this initiative a weekly remote call over was fixed for each Thursday, of the following weeks cases, so that those cases that were settled or for other reasons, no longer required a hearing date could be struck out and priority given to those cases going on for hearing.

The weekly remote call over, has acted as a valuable case management tool for both the Legal Costs Adjudicators and court users alike. It ensures the efficient management of cases, and use of Adjudicators and Court Users time, and has acted to reduce cases waiting times. As such it is likely that Remote call overs will continue to be the norm post pandemic.

### *Strategic Priority 5: Optimise Use of Technology*

The increased use of technology is key to meeting the challenge of maintaining services to the Legal Costs Adjudicators, staff, legal costs accountants, legal professions and the public, and to meet legislative requirements and the demand for additional eGovernance and online services.

#### *e-Filing platform - Uptake and Embedding*

Phase one of the Courts Service ICT High Court e-filing of Applications for Legal Costs Adjudication project was launched following the commencement of part 10 of the Legal Services Regulation Act 2015 via the Court Services Online (CSOL) platform. The development of this facility allows legal practitioners and legal costs accountants to lodge Applications for Legal Costs Adjudication in the Office of the Legal Costs Adjudicators electronically in cases where parties are legally represented.

In 2020 work has been conducted to promote the uptake and embed the use of the new E-filing system both in terms of external and internal users. A set of ICT system quick guides were developed for internal users with the associated training delivered.

An ICT system user manual was developed and made available to all external users via the office's website homepage and a circulation e-mailed to the office's court list recipient group. The office staff, both, acted as a helpdesk in relation to users e-filing application queries and promoted the use of the manual throughout the year, as well as working to resolve any obstacles raised by the users. All of the above has resulted in the successful uptake and embedding of e-filing.

# Annual Report 2020

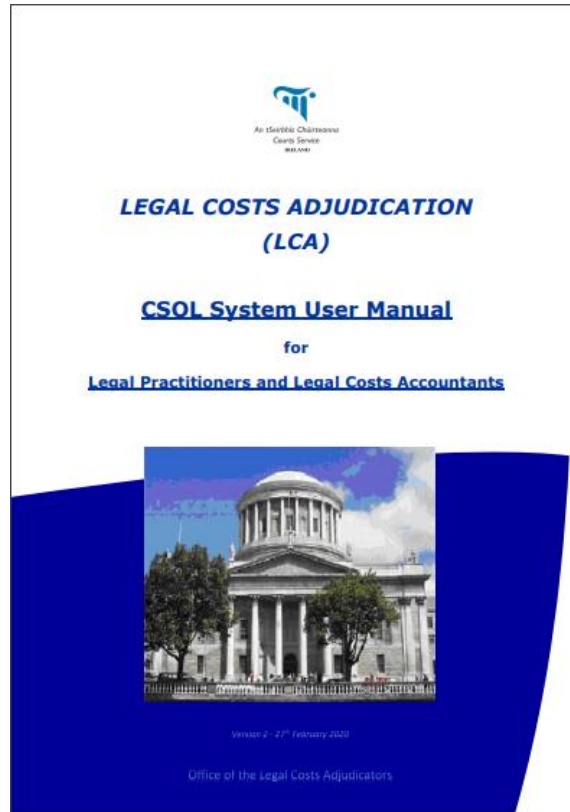


Figure 8:- Photos of the External Manual for legal practitioners and legal costs accountants

Table of Contents	
Glossary.....	4
Data Convention.....	5
1. Introduction.....6	
2. What is CSOL.....6	
3. Setting up a User Account and Signing into CSOL.....6	
3.1 Court System (CSOL) Login Screen.....	6
3.2 Setting Up a Legal Firm / Legal Costs Accountant account.....	7
3.3 Signing into your account.....	11
4. Landing Page Menu Bar Functions.....11	
4.1 My Dashboard.....	11
4.1.1 My Dashboard Home Page for Legal Firm Users.....	12
4.1.2 My Dashboard Home Page for Legal Costs Accountant Users.....	12
4.2 Case List.....	13
4.2.1 How to Filter the Case List.....	14
4.2.2 Case Screen.....	15
4.2.2.1 Plaintiff / Defendant Tabs.....	16
4.2.2.2 Case Detail Tab.....	16
4.2.2.3 Summary of Costs Tab.....	17
4.2.2.4 Listings Tab.....	18
4.2.2.5 Events Tab.....	19
4.2.2.6 Court Documents Tab.....	20
4.3 My Account.....	22
4.4 Manage Users.....	23
4.4.1 Available Access Levels to CSOL.....	23
4.4.2 How to Create an Additional User Account.....	25
4.4.3 How to Activate Additional User Account.....	26
4.4.4 How to Edit User Account Access Rights and Details.....	27
4.4.5 How to Deactivate User Account (GDPR).....	27
4.5 My Reports.....	29
4.6 eDiary.....	30
4.7 Payment History.....	31
4.8 High Court Search.....	31
4.9 eRegister.....	32
4.10 Information.....	33
5 Creating an Application for Adjudication of Legal Costs (LCA).....	33
5.1 Case Details – Step 1.....	35
5.2 Original Case Plaintiff – Step 2.....	38
5.3 Original Case Defendant – Step 3.....	42
5.4 Application Details – Step 4.....	46
5.5 Summary of Costs – Step 5.....	49
5.6 Review – Step 6.....	51
5.7 Declaration – Step 7.....	52
6 Submission of Manual Documentation.....	54
6.1 Prerequisite Documentation Checklist.....	54
6.2 Approval / Rejection of Application.....	55
7 Notice of Application for Adjudication.....	57
8 Making an Online Payment.....	58
8.1 Court Application Fee Payment Required.....	58
8.2 Court Duty Payment Required.....	61
9 Certificate of Determination.....	66
10 Request for Consideration.....	67
11 Request to Withdraw an Application for Adjudication.....	68
12 Request to Mention / Re-Enter an Application for Adjudication.....	69
13 Appendix (Forms).....	70

Author: Natasha Whyte

Page 2 of 113

Author: Natasha Whyte

Page 3 of 113

Figure 9:- Photos of the Contents Page of the External Manual for legal practitioners and legal costs accountants

## Annual Report 2020

In 2020 - 830 cases were filed, of these 585 cases were filed via the e-platform. The remaining 245 cases, comprised of 224 transitional cases, covered by the provisions contained in s.165 of the Legal Services Regulation Act, and 21 Legal Practitioner and Client cases, fell to be uploaded by the office.

Case Number	Plaintiff	Defendant	Last Event	Case Type	Court Office	Court Area
H.LCA.OLCA.2020.000933			Case Completed	Adjudication of Legal Costs	Office of the Legal Costs Adjudicators	High Court
H.LCA.OLCA.2020.000932			Application Approved	Adjudication of Legal Costs	Office of the Legal Costs Adjudicators	High Court
H.LCA.OLCA.2020.000931			Hearing	Adjudication of Legal Costs	Office of the Legal Costs Adjudicators	High Court
H.LCA.OLCA.2020.000930			Case Completed	Adjudication of Legal Costs	Office of the Legal Costs Adjudicators	High Court
H.LCA.OLCA.2020.000929			Adjourned to Hearing	Adjudication of Legal Costs	Office of the Legal Costs Adjudicators	High Court
H.LCA.OLCA.2020.000928			Costs Notified	Adjudication of Legal Costs	Office of the Legal Costs Adjudicators	High Court
H.LCA.OLCA.2020.000927			Adjourned to Hearing	Adjudication of Legal Costs	Office of the Legal Costs Adjudicators	High Court
H.LCA.OLCA.2020.000926			Case Completed	Adjudication of Legal Costs	Office of the Legal Costs Adjudicators	High Court
H.LCA.OLCA.2020.000925			Case Completed	Adjudication of Legal Costs	Office of the Legal Costs Adjudicators	High Court
H.LCA.OLCA.2020.000924			Case Completed	Adjudication of Legal Costs	Office of the Legal Costs Adjudicators	High Court

Figure 10:- Screen shot of Court Service Online (CSOL) E-Filled Legal Costs Adjudication Applications

### Development of Statistical Reporting Functionality

In order to generate and utilise targeted data from the Courts Service On-Line (CSOL) platform to optimise the legal costs adjudication process, increase overall efficiency and provide accurate data for inclusion in the office's annual report, development of statistical report functionality is required.

In 2020 work has commenced on the development of statistical report functionality under the following three streams - Financial Reports, Workflow Reports and Annual Reports.

A number of reports have been developed under each of these streams, with additional ones to be developed in 2021.

### Strategic Priority 6: Ensure Effective Governance and Accountability

Effective governance and accountability are priorities for the Office of the Legal Costs Adjudicators.

#### Demonstrate transparency and accountability

In 2020, the development of both financial and workflow reports has ensured submission of both an accurate and appropriate quarterly oversight of the work of the office to the Courts Service Senior Management Team and to the CEO of the Courts Service Ms. Angela Denning.

## Annual Report 2020

Under section 146. (1) of the Legal Services Regulations Act, 2015 the Chief Legal Costs Adjudicator shall, not later than 30 April in each year, prepare a report (in this section referred to as the “annual report”) of the activities of the Office in the immediately preceding financial year and submit it to the Chief Executive Officer of the Courts Service.

Additionally, under section 146 (5) The annual report shall be laid before each House of the Oireachtas together with the annual report of the Courts Service.

The submission of the office’s annual report, in fulfilment of its statutory duties, ensures a transparent overview of the Year’s work conducted by the office.

### *Ensure compliance with the General Data Protection Regulation (GDPR), Data Protection, Act 2018.*

Given the wide variety of cases dealt with by the office and the potential risk for breaches of the General Data Protection Regulation (GDPR), Data Protection, Act 2018 to occur, a GDPR culture has been embedded in the office. This has been achieved through staff meetings, briefings and training designed to build commitment to the culture and values of the Office.

Additionally a Certificate of *In-Camera* Status stamp and Form has been developed by the office, with a practice direction issuing in relation to the form, whereby any party who seeks to lodge a Bill of Costs for Adjudication, may only do so on completing and duly lodging, a Certificate of *In Camera* Status (Form No.18), with the Office of the Legal Costs Adjudicators.

### *Practice Direction 2 of 2020 – Certificate of In Camera Status – issued 27/02/20*

### **3) Preparation and Issuing of Functional Guidelines for Consultation**

It is a requirement of s. 142 of the Legal Services Regulation Act, 2015 that functional guidelines are to be prepared and issued after a consultation period. The Act provides

#### *Guidelines on performance of functions of Chief Legal Costs Adjudicator under this Part*

*142. (1) After consulting with the Minister, the Minister for the Environment, Community and Local Government and any person or body that the Chief Legal Costs Adjudicator considers to be an appropriate person or body to be consulted for the purposes of this section, the Chief Legal Costs Adjudicator may from time to time prepare, for the guidance of Legal Costs Adjudicators, legal practitioners and the public, guidelines not inconsistent with this Act (including any regulations made under this Act) or Rules of Court indicating the manner in which the functions of the Chief Legal Costs Adjudicator and the Legal Costs Adjudicators are to be performed.*

*(2) The Chief Legal Costs Adjudicator shall ensure that guidelines prepared by him or her under this section are published as soon as practicable after the guidelines have been prepared.*

## Annual Report 2020

*(3) Without prejudice to the generality of subsection (1), guidelines under this section may—*

*(a) describe the procedures for the adjudication of legal costs under this Part,*

*(b) set out the documents and other information that are required by or under this Part to accompany an application for the adjudication of legal costs,*

*(c) describe the notices and other information that will be provided by the Legal Costs Adjudicator in relation to any such applications,*

*(d) identify the provisions of this Part and the Rules of Court relevant to an application, including those relating to the time limits within which the documentation and information referred to in paragraph (b) are to be provided,*

*(e) describe the procedures that are to be followed in the Office of the Legal Costs Adjudicators in relation to the adjudication of legal costs,*

*(f) provide guidance as to the circumstances in which a Legal Costs Adjudicator may exercise his or her powers under subsection (4) or (5) of section 156 ,*

*(g) set out the fees that are to be charged in the Office of the Legal Costs Adjudicators in respect of the services provided by it, and the manner in which those fees may be paid,*

*(h) provide such other information as appears to the Chief Legal Costs Adjudicator to be appropriate, having regard to the purposes of the guidelines referred to in subsection (1).*

The draft guidelines were prepared and issued for consultation in accordance with the provisions above in 2020. It is expected that these will be finalised, taking on board submissions and comments made. These guidelines will be published on the Office of the Legal Costs Adjudicators website home page on [www.courts.ie](http://www.courts.ie) in 2021.



## CHAPTER 3 - Office of the Legal Costs Adjudicators Governance and Management Structure

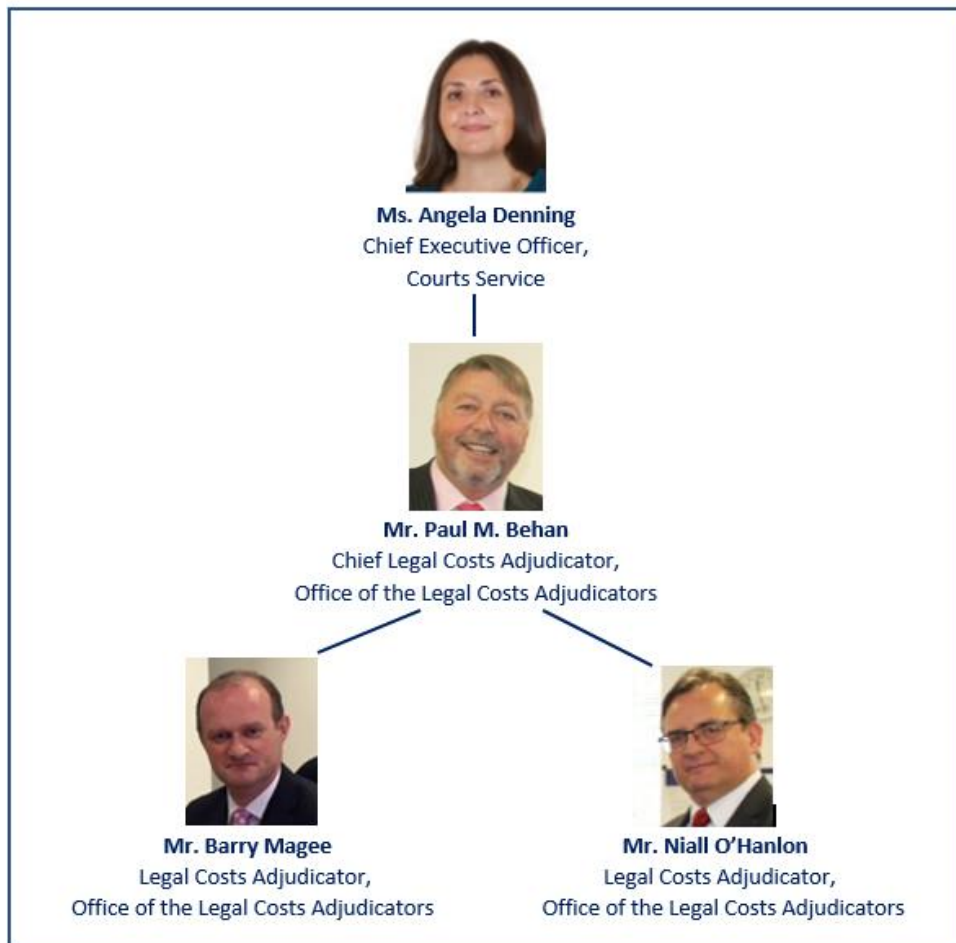


Figure 11:- Office of the Legal Costs Adjudicator Governance Structure



Figure 12:- Office of the Legal Costs Adjudicator Management Structure



## CHAPTER 4 - Activity

---

### 1. *Total Number of Applications filed in 2020*

A total number of 830 applications were filed in 2020. Because of the dates of the High Court Orders and on their own facts, 224 of these fell to be dealt with as an Adjudication having regard to the transitional provisions contained in s.165 of the Legal Services Regulation Act, which provides

#### *Transitional — matters in course and legal proceedings*

*165. (1) Where, before the day on which this subsection comes into operation, a matter has been referred for taxation and a hearing has taken place on the matter, whether before a Taxing-Master or a County Registrar exercising the powers of a Taxing-Master, the matter shall be dealt with in accordance with the applicable law as it stood before that day notwithstanding the provisions of this Part.*

*(2) Where, before the day on which this subsection comes into operation, a decision has been made on a matter referred to taxation, any review of the decision shall be determined in accordance with the applicable law as it stood before that day, notwithstanding the provisions of this Part.*

*(3) Where, before the day on which this subsection comes into operation, a matter has been referred for taxation but a hearing has not yet taken place on the matter, the matter shall be dealt with as though the referral were an application for adjudication of legal costs under section 154 made on the day on which the matter was referred for taxation.*

*(4) Where, immediately before the day on which this subsection comes into operation, any legal proceedings are pending to which a Taxing-Master, or a County Registrar exercising the powers of a Taxing-Master, is a party and the proceedings have reference to any functions that on or after that day are functions of the Chief Legal Costs Adjudicator or a Legal Costs Adjudicator, the name of the Chief Legal Costs Adjudicator or Legal Costs Adjudicator, as the case may be, shall, in so far as the proceedings relate to those functions, be substituted in those proceedings for that of the Taxing-Master, or County Registrar, or added in those proceedings, and those proceedings shall not abate by reason of such substitution.*

#### *Comparison – 2020 and 2019.*

The tables and the graphics below indicate that at the end of 2019, some 602 cases were on hand. This includes the cases which were transferred over to the Office of the Legal Costs Adjudicators, following the abolition of the Taxing Masters Office.

As 2020, represents the first full year of operation of the Office, a total of 830 cases were received. In order to give some useful comparison, in percentage terms this represents an increase of 228 cases or a round figure percentage of 38%.

## Annual Report 2020

As the figures show, the quantum of the cases in hand increased significantly from €89,710,519 to €113,211,333, an increase in the sum of €23,500,814. In percentage terms an increase of about 26%.

A breakdown of the type and status of the cases filed in 2020 versus those on hand on establishment day in 2019 can be seen from the graphic below – demonstrating the wide variety of cases dealt with by the office.

*Filed Cases by Originating Case Type – In List Form*

Originating Case Type	2020		2019	
	No. of Cases	Amount Claimed €	No. of Cases	Amount Claimed €
Road Traffic Accidents	171	12,970,373	152	11,890,465
Employer & Occupiers Liability	130	10,770,634	86	9,312,701
Judicial Review	114	13,603,980	60	6,372,656
Other - Litigation	81	7,298,594	14	3,310,125
Medical Negligence	53	20,878,825	67	22,926,116
Motions Interlocutory	39	2,225,020	60	3,276,650
Public Liability	33	2,250,298	31	3,209,097
Contract	24	4,947,157	32	6,443,082
Appeal - Court of Appeal	21	2,045,724	23	5,998,218
Immigration Law	18	2,306,602	1	102,189
Probate Matters	15	458,052	3	214,438
Appeal - Supreme Court	13	2,531,850	11	1,680,089
Constitutional Law	13	387,731	1	1,802,773
Tribunal of Inquiry	10	16,114,513	5	1,872,746
Family Law	10	1,764,998	1	7,479
Defamation. Libel & Slander	9	2,251,529	11	2,763,622
Commercial Court	9	3,836,282	4	5,404,301
Solicitors Acts	8	163,694	8	332,088
Employment Law	8	863,655	1	41,879
Arbitration	7	1,382,321	3	259,544
Companies Act	7	333,724	3	41,887
Assault & Battery	6	1,078,775	7	760,953
Security for Costs	6	299,483	-	-
Legal Practitioner and Client	6	580,529	-	-
Planning Matters	4	639,825	1	179,391
Article 40/Habeas Corpus	3	101,310	1	300,992
Injunctions	3	381,873	-	-
Other - Professional Negligence	3	218,069	-	-
Wards of Court	1	29,453	7	473,623
Bankruptcy	1	192,136	3	178,912
Garda Compensation Acts	1	29,800	2	57,665
Sale of Land	1	233,829	1	182,459
Judgement Mortgage	1	12,576	-	-
Residential Institutions Redress Board	1	28,117	-	-
Case Stated	-	-	2	236,927
Pension Matters	-	-	1	77,452
<b>Total</b>	<b>830</b>	<b>€113,211,333</b>	<b>602</b>	<b>€89,710,519</b>

Figure 13:- Table showing the breakdown of Legal Costs Adjudication applications by originating case type in 2020 & 2019

### Originating Case Type – By Area

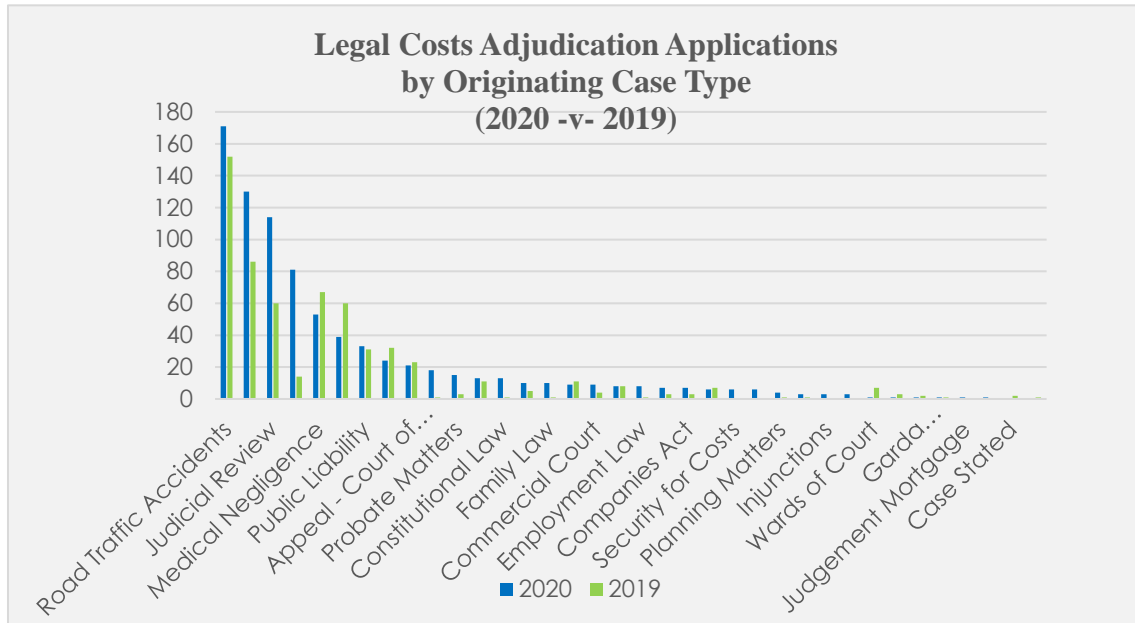


Figure 14:- Graph of Number of Legal Costs Adjudication Applications Filed per Case Type in 2020 and 2019

### Originating Case Type – Monetary Value

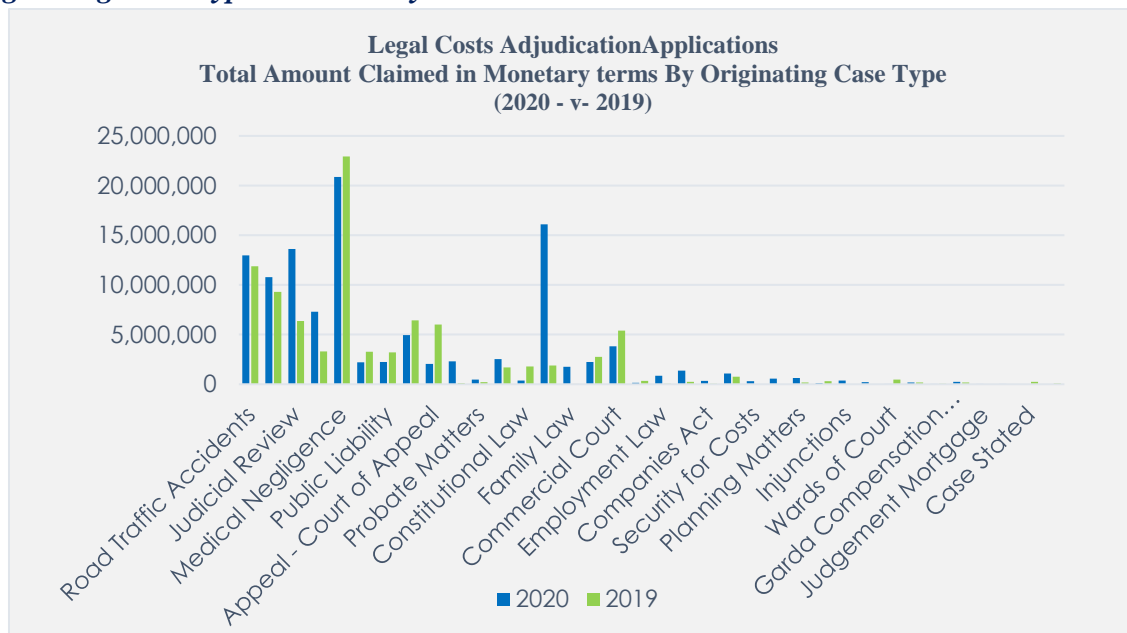


Figure 15:- Graph of Total Amount Claimed in Legal Costs Adjudication Applications per Case Type in 2020 and 2019

## 2. Year End Case Status

It is part of the landscape of the business of the Office, that cases that may have been adjourned, part settled or part heard, will be dealt with across the calendar year. Thus it emerges that a total number of 1,005 cases were dealt with in 2020. This is comprised of the 830 applications filed in 2020 and 175

## Annual Report 2020

cases from 2019, having been adjourned into 2020 or re-listed on request of the parties. The result is that the Office had on hand claims for €146,801,262.

This can be illustrated in the graphic below.

Originating Case Type	No. of Cases	Amount Claimed €
Road Traffic Accidents	200	15,916,243
Employer and Occupiers Liability	146	12,520,869
Judicial Review	123	15,130,413
Other - Litigation	86	9,226,659
Medical Negligence	77	29,752,414
Motions Interlocutory	64	3,919,953
Public Liability	40	3,983,734
Contract	39	7,854,737
Appeal - Court of Appeal	28	3,278,116
Immigration Law	18	2,306,602
Probate Matters	17	660,867
Appeal - Supreme Court	16	3,303,863
Defamation, Libel and Slander	16	4,742,290
Solicitors Acts	16	495,782
Constitutional Law	14	2,190,503
Tribunal of Inquiry	14	17,919,920
Commercial Court	10	4,094,743
Family Law	10	1,764,998
Arbitration	9	1,560,757
Assault & Battery	8	1,308,053
Companies Act	8	349,792
Employment Law	8	863,655
Legal Practitioner and Client	6	580,529
Security for Costs	6	299,483
Planning Matters	5	819,215
Article 40/Habeas Corpus	4	402,302
Bankruptcy	4	371,048
Injunctions	3	381,873
Other - Professional Negligence	3	218,069
Wards of Court	2	105,364
Case Stated	1	174,095
Garda Compensation Acts	1	29,800
Judgement Mortgage	1	12,576
Residential Institutions Redress Board	1	28,117
Sale of Land	1	233,829
<b>Total</b>	<b>1,005</b>	<b>€146,801,262</b>

*Figure 16:- Table showing the breakdown of Legal Costs Adjudication Cases, dealt with during 2020, by originating case type*

## Annual Report 2020

A breakdown of the cases dealt with in the period 1<sup>st</sup> January 2020 to 31<sup>st</sup> December 2020, demonstrates that 52% of the cases were settled between the parties, 10% were determined and concluded, 37% are as of the end of December 2020, adjourned pending further hearings, or the matters are subject to further mediation or negotiation. There is a total of 13 in number or less than 1% of these cases subject to a request for consideration in accordance with s.160 of the 2015 Act.

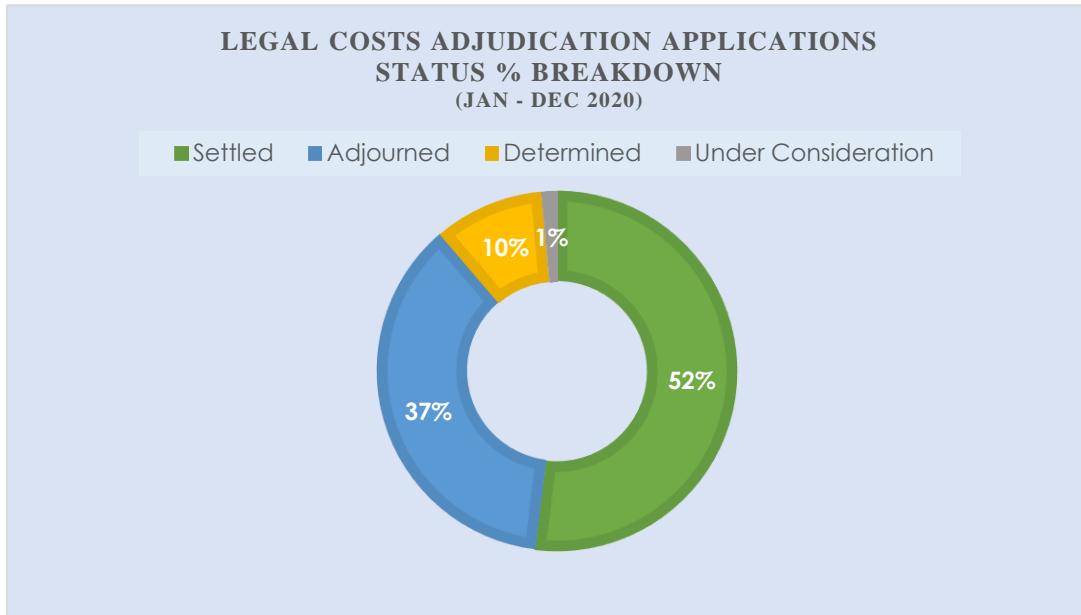


Figure 17:- Graph of Year End - Legal Costs Adjudication Applications Case Status

Case Status	No. of Cases	%
Settled	522	52
Adjourned/Part heard	369	37
Determined	101	10
Under Consideration	13	1
<b>Total</b>	<b>1,005</b>	<b>100</b>

Figure 18:- Table of 2020 Year End - Legal Costs Adjudication Applications Case Status

### 3. Settled Cases

In many instances, the parties to an Adjudication, will take the opportunity to resolve disputes regarding legal costs. The Office of the Legal Costs Adjudicators facilitates the resolution of disputes. In keeping with many adjudicative processes, parties often resolve their disputes close to, during, or after a hearing. The 2015 Act, provides in s. 153 (2) that in the event of a dispute between a legal practitioner and client,

that the parties shall take all appropriate steps to attempt to resolve the dispute. The relevant provisions are as follows

### *Legal practitioner to attempt to resolve dispute*

*153. (1) Where a client disputes any aspect of a bill of costs, he or she shall, within 21 days of the bill of costs being provided to him or her under section 152 , send the legal practitioner concerned a statement in writing setting out the nature of the dispute.*

*(2) Where a legal practitioner receives a statement in accordance with subsection (1), he or she shall, before making an application under section 154 (5), take all appropriate and reasonable steps to attempt to resolve the dispute by informal means, which may include, where appropriate and with the consent of the client, mediation.*

*(3) Where the legal practitioner or the client, as the case may be, having made reasonable attempts to resolve the dispute in accordance with subsection (2), is of the opinion that the attempt has failed, he or she shall inform the other party in writing of that opinion.*

*(4) In reckoning the period of time for the purposes of subsection (5) or (7) of section 154 , the period beginning on the date on which the client sends the legal practitioner a statement under subsection (1) and ending on the date on which the legal practitioner or the client, as the case may be, informs the other party of his or her opinion referred to in subsection (3), shall be disregarded.*

*(5) Failure by a client to pay a bill of costs to a legal practitioner within the time period referred to in section 154 (5) shall not be construed as a formal communication of the existence of a dispute by the client to the legal practitioner.*

There is also power within s.156(2) that a Legal Costs Adjudicator can invite the parties to an Adjudication to refer their disputes to mediation. The relevant provisions are as follows

*(2) A Legal Costs Adjudicator may invite the parties to an adjudication to refer their dispute to mediation or another informal resolution process if he or she considers that to do so would be appropriate in all the circumstances, whether or not any of the parties have requested that the Legal Costs Adjudicator do so.*

*(3) If the parties agree to refer their dispute to mediation or other process referred to in subsection (2), the Legal Costs Adjudicator shall adjourn the determination of the application and may give any other direction that he or she considers will facilitate the resolution of the dispute.*

## Annual Report 2020

As indicated previously 52% of the total cases dealt with in the period 1<sup>st</sup> January 2020 to 31<sup>st</sup> December 2020, were settled between the parties. The breakdown of settled cases is shown below: -

### *Settled cases – By List Type*

<b>Settled Cases -</b>	<b>No. of</b>	<b>Total Amount Claimed €</b>
Road Traffic Accidents	110	8,037,581
Employer and Occupiers Liability	95	8,677,546
Judicial Review	79	8,054,853
Medical Negligence	54	13,883,826
Other - Litigation	41	3,595,649
Public Liability	24	1,340,832
Motions Interlocutory	23	1,794,635
Contract	16	3,913,856
Constitutional Law	12	35,066
Immigration Law	11	1,286,827
Appeal - Court of Appeal	10	1,291,032
Tribunal of Inquiry	10	16,469,644
Appeal - Supreme Court	5	800,534
Defamation, Libel and Slander	5	704,985
Family Law	5	1,233,087
Legal Practitioner and Client	5	574,994
Employment Law	4	349,310
Commercial Court	3	567,168
Companies Act	3	273,089
Arbitration	2	163,660
Assault & Battery	2	336,499
Probate Matters	2	40,965
Security for Costs	1	56,593.67
<b>Total</b>	<b>522</b>	<b>€73,482,231</b>

*Figure 19:- Table showing the breakdown of settled cases by originating case type in 2020*



### Settled Cases - By Case Type

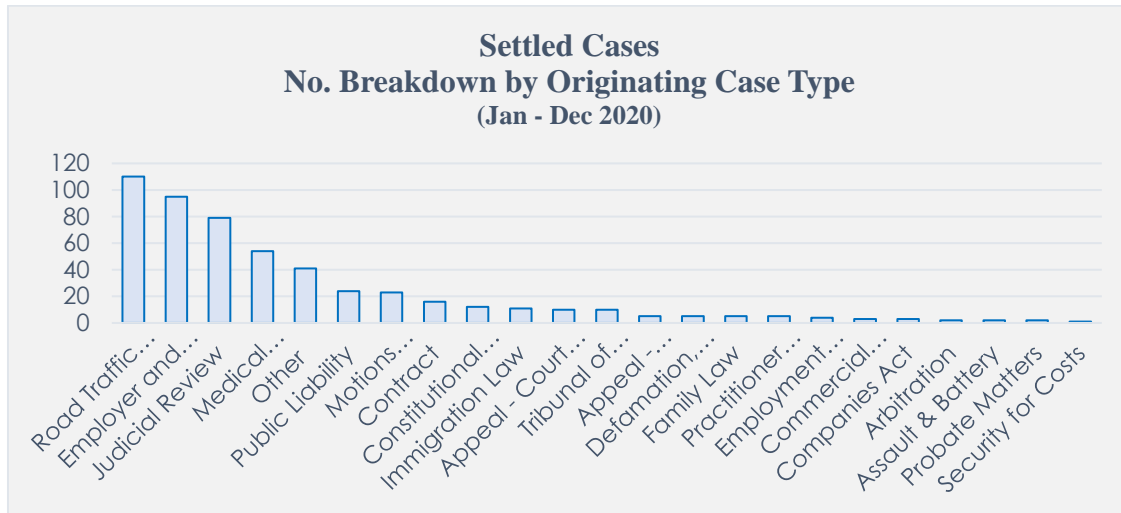


Figure 20:- Graph of Settled Cases - No. breakdown by Originating Case Type

### Settled Cases - By Monetary Value

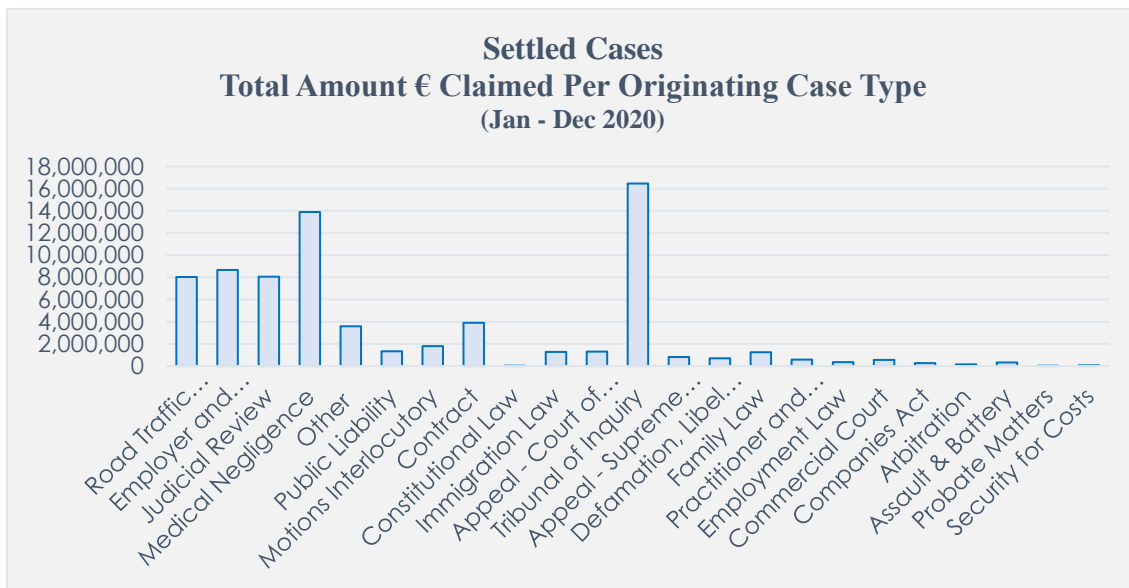


Figure 21:- Graph of Settled Cases - Total Amount Claimed € per Originating Case Type

## 4. Adjourned Cases

There are many reasons why matters may be adjourned. This is relevant where matters are under active discussion or a party was not in a position to proceed for one reason or another. In general terms, the Office tries to have a presumption against adjournment applications, without good reasons. Another reason is the short period of time for reporting and the implementation of new systems, New Rules of the Superior Courts and a variation of the application of the 2015 Act. All of these factors combined indicate that whilst matters are getting on for hearing in a short period of time, some flexibility was necessary for all concerned parties. Cases may be adjourned for written determinations.

During 2020, the prevailing conditions caused by the pandemic, certainly affected the ordinary conduct of business. In general, matters took longer, including remote hearings, the absence of parties' legal representatives from offices and business premises, inevitably fed into the elongation of the process.

In so far as the Office of the Legal Costs Adjudicators was concerned, the application of fair procedures and due process had to be balanced with any perception of the prevailing pandemic being used as an artifice to avoid dealing with matters of legal costs or creating an unfair process to another party. This required care and consideration in handling adjudication of costs. It is also a fact, that not all parties are equipped with the facility to deal with matters online. This process was managed carefully by the Legal Costs Adjudicators so as to maintain a balance between all parties to the process so as to ensure fairness.

### 5. *The Value of Legal Costs in issue*

The office had, in the period 1<sup>st</sup> January 2020 to 31<sup>st</sup> December 2020, claims for legal costs and expenses for adjudication in the sum of €146,880,633, illustrated as follows: -

Case Status	Total Amount Claimed €
Under Consideration	3,324,470
Determined	9,734,722
Adjourned/Part heard	60,259,839
Settled	73,482,231
<b>Total</b>	<b>€146,801,262</b>

Figure 22:- Table of Total Amount Claimed € in Legal Costs Adjudication Applications in 2020 per Case Status

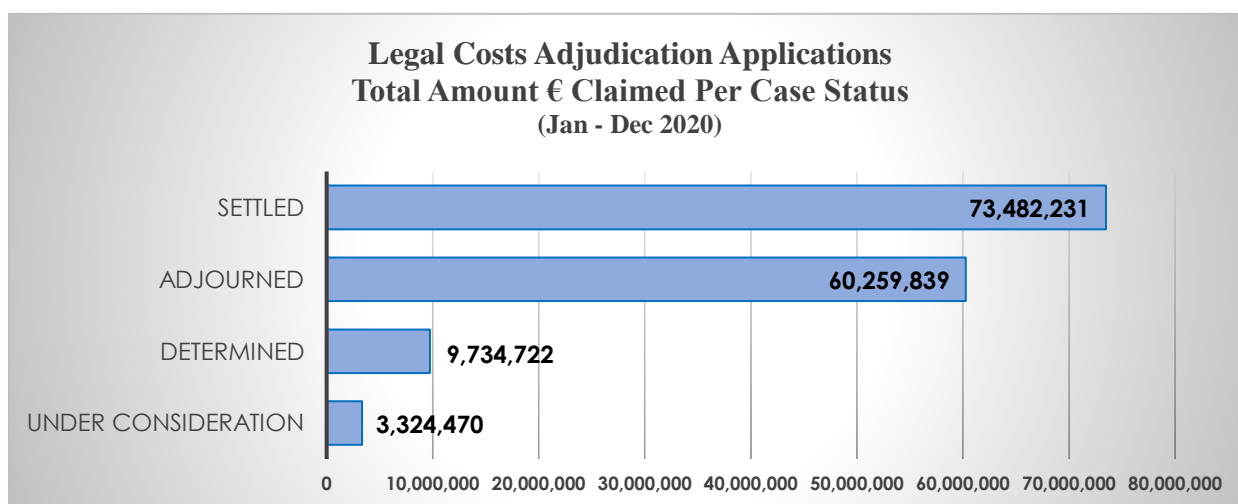


Figure 23:- Graph of Total Amount Claimed in Legal Costs Adjudication Applications per Case Status

## 6. Determined Cases

The cases completed and determined, which are not under negotiation or subject to a consideration are as below:-

Determinations Originating Case Types	No. of Cases.	Total Amount Claimed €	Total Amount Deducted €	Total Amount Allowed €	% Disallowed
Road Traffic Accidents	20	1,678,455	519,859	1,158,596	31
Motions Interlocutory	19	1,184,716	407,657	777,059	34
Employer and Occupiers Liability	9	511,215	126,591	384,624	25
Contract	8	540,648	241,401	299,248	45
Appeal - Court of Appeal	7	794,291	439,776	354,515	55
Judicial Review	6	921,187	436,512	484,674	47
Other - Litigation	5	202,249	71,076	131,173	35
Solicitors Acts	5	178,590	41,726	136,864	23
Companies Act	4	58,914	12,952	45,961	22
Public Liability	4	1,025,072	317,595	707,477	31
Assault & Battery	2	229,277	62,960	166,318	27
Probate Matters	2	122,049	26,297	95,752	22
Tribunal of Inquiry	2	328,706	199,017	129,689	61
Arbitration	2	50,750	12,708	38,043	25
Appeal - Supreme Court	1	13,274	6,800	6,474	51
Commercial Court	1	1,441,753	305,492	1,136,261	21
Defamation, Libel and Slander	1	177,585	30,593	146,992	17
Family Law	1	170,224	73,954	96,270	43
Medical Negligence	1	30,676	11,219	19,457	37
Planning Matters	1	75,091	42,959	32,132	57
<b>Total</b>	<b>101</b>	<b>€9,734,722</b>	<b>€3,387,143</b>	<b>€6,347,579</b>	<b>35</b>

Figure 24:- Table Breakdown of Determined Cases per Originating Case Type



Of the amount claimed, approximately 65% of the amounts claimed were allowed. This is not suggestive that 35% of all the costs claimed were unreasonable, there are many reasons why costs incurred may not be recovered, such as a limitation on the amount recoverable, having regard to the terms of settlement or a Court Order or a difference in the interpretation of a liability for costs, or in some cases, the type of costs sought may not simply be recoverable on the applicable law or facts of the case. The powers contained within Part 10 of the Legal Services Regulation Act, 2015 include the particulars of the enquires required to be made by the Legal Costs Adjudicator so as to ensure that the claims presented and adjudicated are reasonable in amount.

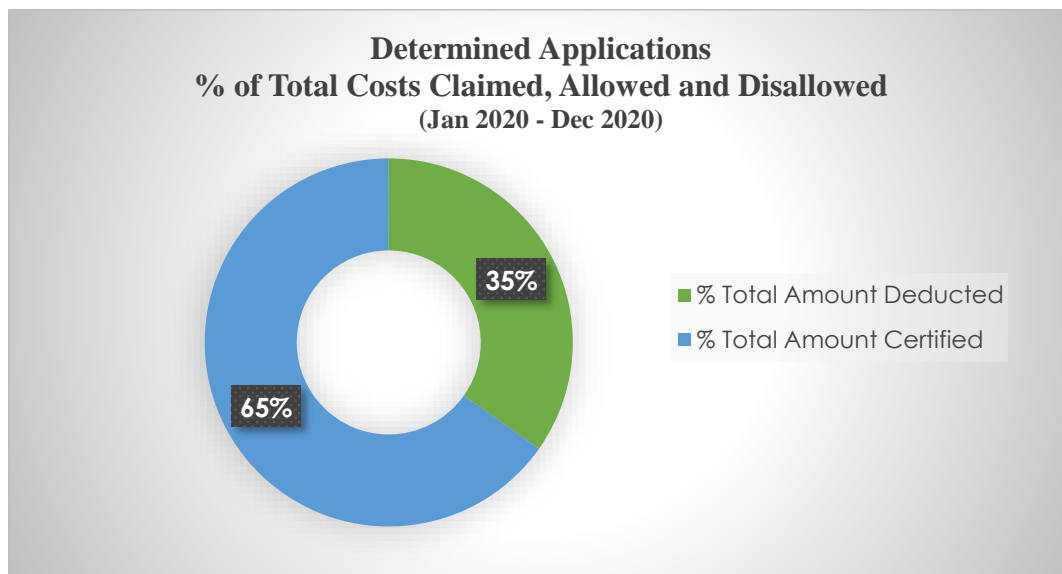


Figure 25:- Graph of % of Total Costs Claimed – Allowed and Disallowed in Determined Cases

In monetary terms, the result is as below

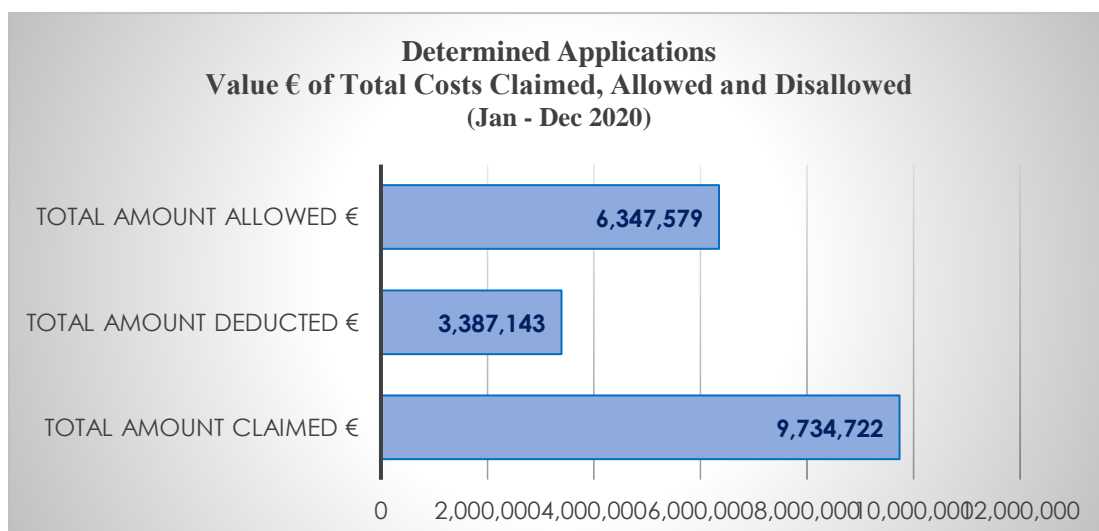


Figure 26:- Graph of Amount € of Total Costs Claimed - Allowed and Disallowed in Determined Cases

The chart below takes each case determined by case type in monetary terms.

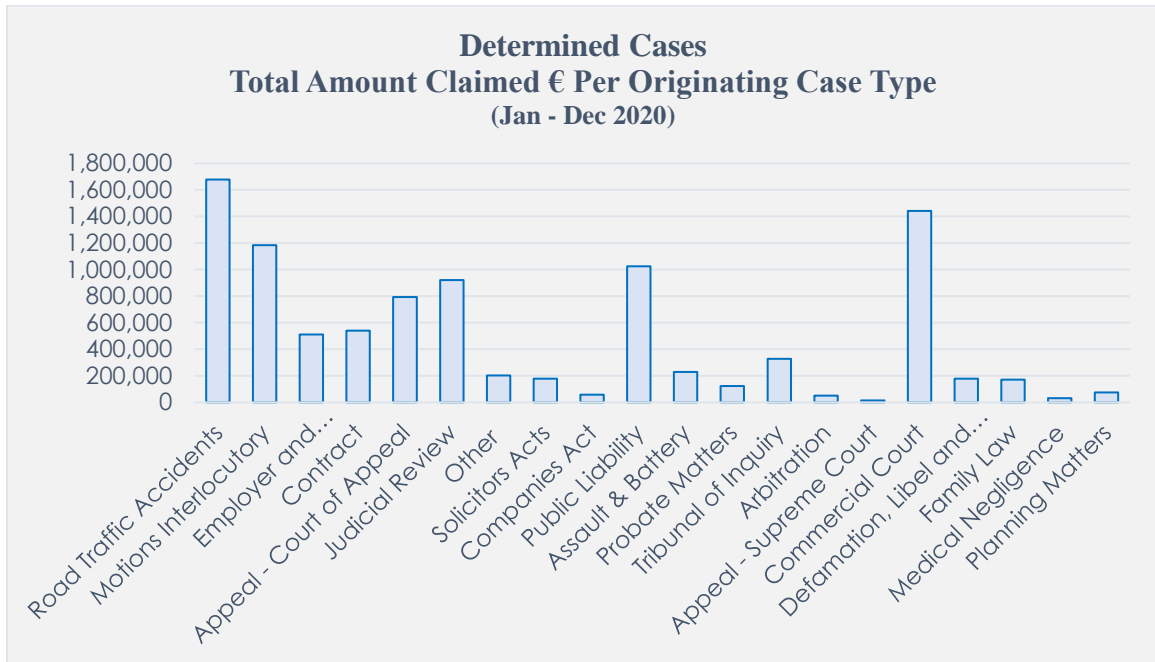


Figure 27:- Graph of Total Amount € of Costs Claimed Per Originating Case Type in Determined Cases

Looked at side by side as to claim and allowance

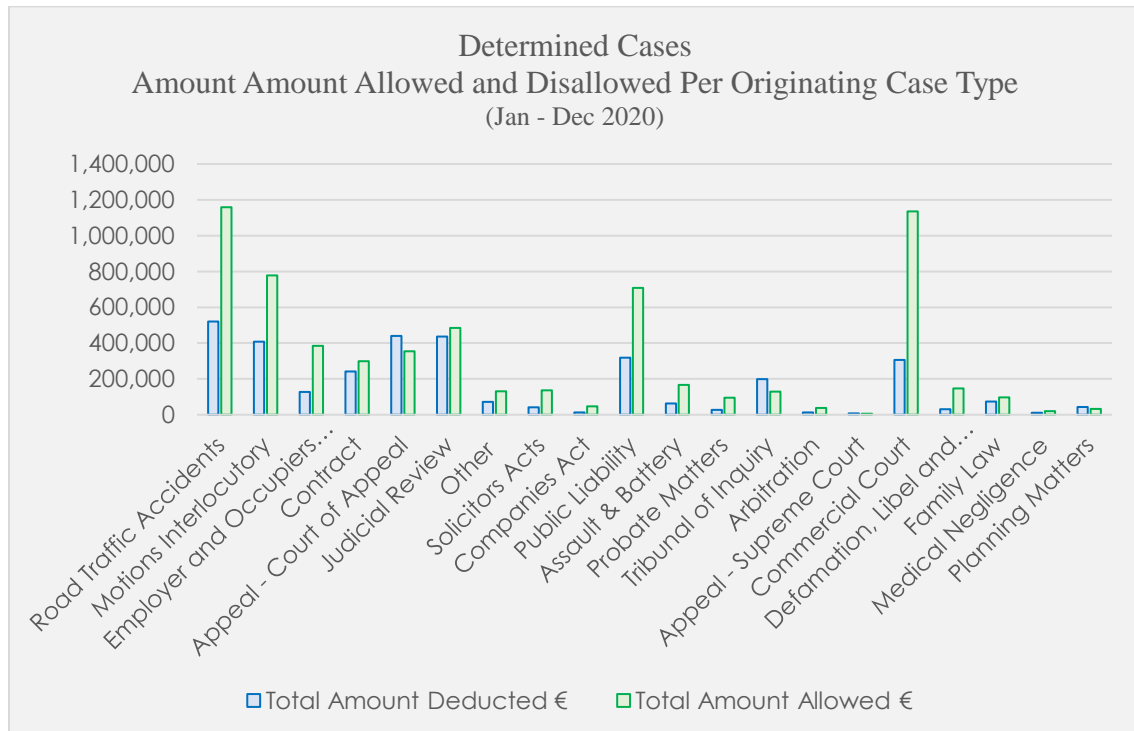


Figure 28:- Graph of Amount € - Allowed and Disallowed Per Originating Case Type in Determined Cases

The number of cases determined by case type is as follows.

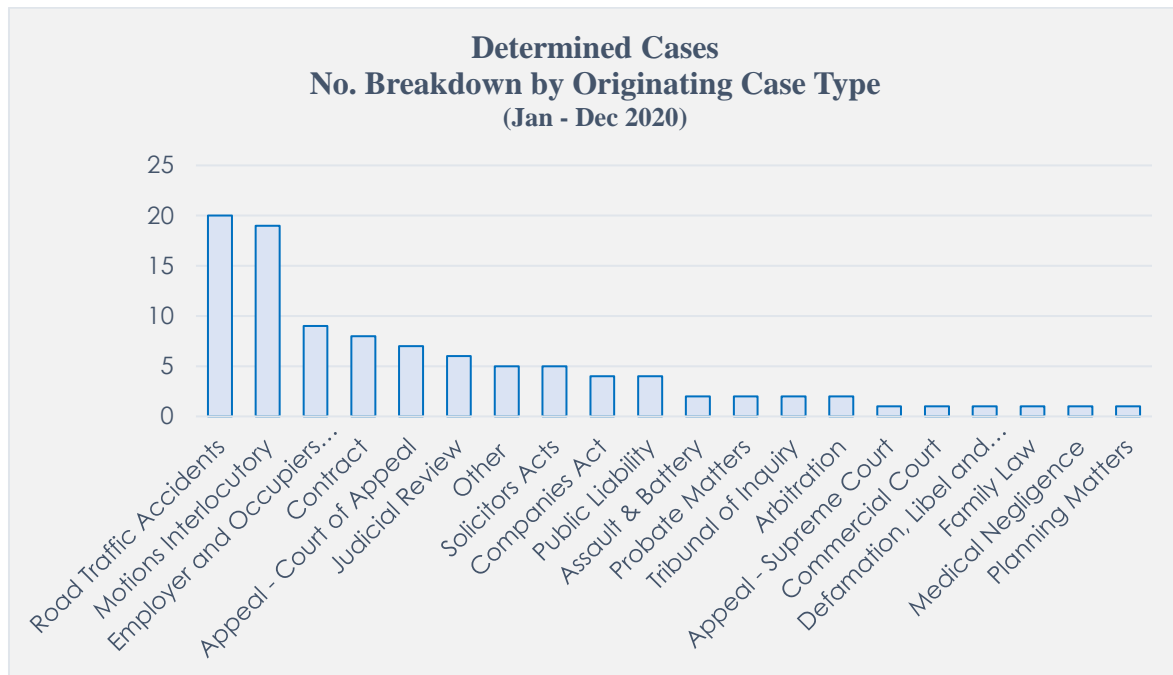


Figure 29:- Graph of Determined Cases - No. breakdown by Originating Case Type

## 7. Register of Determinations

The Legal Services Regulation Act, at s.140 provides that a Register of Determinations is to be maintained. With certain exceptions, that the outcome of Adjudications are to be written and published by way of Reports. The Act provides as follows

### Register of determinations

*140. (1) The Chief Legal Costs Adjudicator shall ensure that a register of determinations is established and maintained in relation to applications for adjudication of legal costs under this Part.*

*(2) Subject to this section, the register of determinations shall contain the following particulars in relation to each application:*

*(a) the date of the receipt by the Office of the application;*

*(b) the names of the parties to the adjudication;*

*(c) the date of receipt by the Office of the bill of costs and each other document in connection with the application, including, if the application arises from contentious business, the title of the proceedings and record number of the proceedings (if any);*

*(d) the date on which the adjudication is assigned and, where the adjudication is assigned to a Legal Costs Adjudicator, the Legal Costs Adjudicator to whom the adjudication is assigned;*

*(e) the outcome of determination made under section 157 (1) and the dates on which it was made and on which the notice of it was furnished to the parties;*

*(f) where a party applies under section 160 for a determination to be considered, the date on which the Legal Costs Adjudicator concerned makes his or her decision under section 160 (5), the date on which notice of that decision is furnished to the parties and, where a new determination is made under section 160 (5)(b), the outcome of that determination;*

*(g) where a party applies under section 161 for a review of a determination made under section 160 , the date on which the High Court determines that review, the outcome of the review and, where the High Court remits the matter under section 161 (4)(b)(i), the determination of the Legal Costs Adjudicator to whom the matter is remitted;*

*(h) the reasons for the determination, prepared by the Chief Legal Costs Adjudicator in accordance with subsection (3).*

*(3) Subject to subsections (4) to (7), the Chief Legal Costs Adjudicator shall prepare, and cause to be placed on the register of determinations, the reasons for a determination unless—*

*(a) the adjudication relates to an application for adjudication of legal costs as between the parties to proceedings which—*

*(i) were held otherwise than in public, or*

*(ii) if there had been a hearing, would have been held otherwise than in public,*

*(b) the adjudication relates to an application for adjudication of legal costs as between a legal practitioner and his or her client,*

*(c) the adjudication relates to an application for adjudication of legal costs as between the parties to proceedings where the proceedings have been settled prior to the conclusion of the hearing by a court of the proceedings, or*

*(d) the Chief Legal Costs Adjudicator considers, having obtained the views of the parties to the adjudication, that it would be contrary to public interest for that information to be published.*

*(4) For the purposes of subsection (3), the Chief Legal Costs Adjudicator need not publish the reasons for a determination where he or she is of the opinion that the adjudication concerned does not involve a matter of legal importance.*

*(5) Where paragraph (a), (b) or (c) of subsection (3) applies, notwithstanding that subsection and subsection (2), the Chief Legal Costs Adjudicator shall cause to be published the outcome of and the reasons for the determination, as well as the information referred to in paragraphs (b) and (c) of subsection (2), in such a manner that—*

*(a) where subsection (3)(a)(i) applies, information which is protected from disclosure by reason of those proceedings is not disclosed,*

*(b) where subsection (3)(a)(ii) applies, information is not disclosed which would have been protected from disclosure if the matter had been disposed of by proceedings which would have been held otherwise than in public, and*

*(c) where subsection (3)(b) applies, the client concerned may not be identified, whether by name, address, or economic activity.*

*(6) Where the adjudication concerned relates to legal costs as between parties to proceedings, or a legal practitioner and his or her client, the Chief Legal Costs Adjudicator shall ensure that the information referred to in subsection (2) is published in such a manner that commercially sensitive information relating to either party, or to the client, as the case may be, is not disclosed.*

*(7) A reference to a determination in subsection (2)(h) shall be construed, as the case may be, as a reference to—*

*(a) subject to paragraphs (b) and (c), a determination made under section 158 (1),*

*(b) subject to paragraph (c), where a party applies under section 160 for a determination to be considered, and a new determination is made under section 160 (5)(b), that determination, or*

*(c) where a party applies under section 161 for a review of a determination made under section 160 , and the High Court remits the matter under section 161 (4)(b)(i), the determination under that provision of the Legal Costs Adjudicator to whom the matter is remitted.*



*(8) The register of determinations shall be available for inspection without payment, during office hours by any person who applies to inspect it, and on a website of the Courts Service.*

Determined Case Status	No.
Published	32
Withheld	62
Other	20
<b>Total No. of Determinations</b>	<b>114</b>

*Figure 30:- Table of Determined Cases Status in relation to the Register of Determinations*

A total of 114 cases were determined in the period between 1<sup>st</sup> January 2020 and 31<sup>st</sup> December 2020. Of these, 28% are published and uploaded to the Register. 54% of the cases, were subject to the restrictions contained within s.140 and 18% have yet to be uploaded.

Determined cases, which are subject to being uploaded to the Register of Determinations, have reports prepared in accordance with s. 157(8) and s.157(9) of the Act, which provides that when an Adjudicator has completed the Determination on an item or a series of items, the Act provides

#### *Determination of applications*

*157. (1) A Legal Costs Adjudicator, having considered an application in accordance with section 155 , shall, in accordance with this section, make a determination in respect of that application.*

*(2) A determination shall, as soon as practicable after it is made, be furnished to the parties to the adjudication.*

*(3) Subject to the other provisions of this section, and the principles relating to legal costs specified in Schedule 1, a Legal Costs Adjudicator shall confirm the charge in respect of an item of legal costs the subject of the application if, having regard to the matters that he or she considered and ascertained under section 155 , he or she considers that—*

*(a) charging in respect of the item is fair and reasonable in the circumstances, and*

*(b) the amount charged in the bill of costs in respect of that item is fair and reasonable in the circumstances.*

*(4) A Legal Costs Adjudicator shall, if he or she determines that it is fair and reasonable to charge an amount in respect of an item but that the amount of the charge in respect of the item is not fair and reasonable, determine a different amount to be charged in respect of that item.*

*(5) A Legal Costs Adjudicator shall not confirm an amount for a disbursement unless—*

*(a) there is a valid voucher or receipt in respect of the disbursement, or*

*(b) the parties have agreed, and the Legal Costs Adjudicator is satisfied, that such a voucher or receipt is not required.*

*(6) A Legal Costs Adjudicator shall not confirm a charge in respect of a matter or item if the matter or item is not included in a notice referred to in section 150 or, as the case may be, is not the subject of an agreement referred to in section 151, unless the Legal Costs Adjudicator is of the opinion that to disallow the matter or item would create an injustice between the parties.*

*(7) If a Legal Costs Adjudicator is of the opinion that a party to the application has neglected or refused to provide documents, and that the refusal or neglect would likely be prejudicial to the interests of one or more of the other parties, the Legal Costs Adjudicator shall, in order to minimise the prejudice to those interests—*

*(a) determine the application to the extent possible in the circumstances, and*

*(b) determine that only a nominal amount is to be payable to the party who has neglected or refused to provide the required documentation.*

*(8) The Legal Costs Adjudicator, having made a determination, shall prepare a report under subsection (9) —*

*(a) where he or she considers it to be in the public interest, or*

*(b) upon request by any party to the adjudication, made not later than 14 days after the making of the determination.*

*(9) A report referred to in subsection (8) shall set out the matters or items the subject of the adjudication and a brief outline of the background to the provision of the legal services concerned and the principal issues relating to the context of the provision of those services and—*

## Annual Report 2020

(a) specify the work involved relating to the matters or items the subject of the adjudication which was considered in reaching the determination,

(b) specify the various stages of the legal services and the stage of the legal process at which such work was carried out by reference to distinct aspects of the course of the work,

(c) set out a summary of the written or oral submissions made by or on behalf of the parties to the adjudication, and

(d) give reasons for his or her determination.

(10) A copy of any report under subsection (8) shall be furnished to any requesting party to the adjudication as soon as practicable after it has been prepared.

The volume of cases available to view on the Register has increased in accordance with the number of cases determined. This has required the application of significant resources on the part of the Legal Costs Adjudicators, in addition to their role of dealing with cases and public sittings, preparation of written determinations and extraction of information for incorporation on the register is conducted on an ongoing basis. The appointment of a third Legal Costs Adjudicator in 2020, will assist in the process going forward.

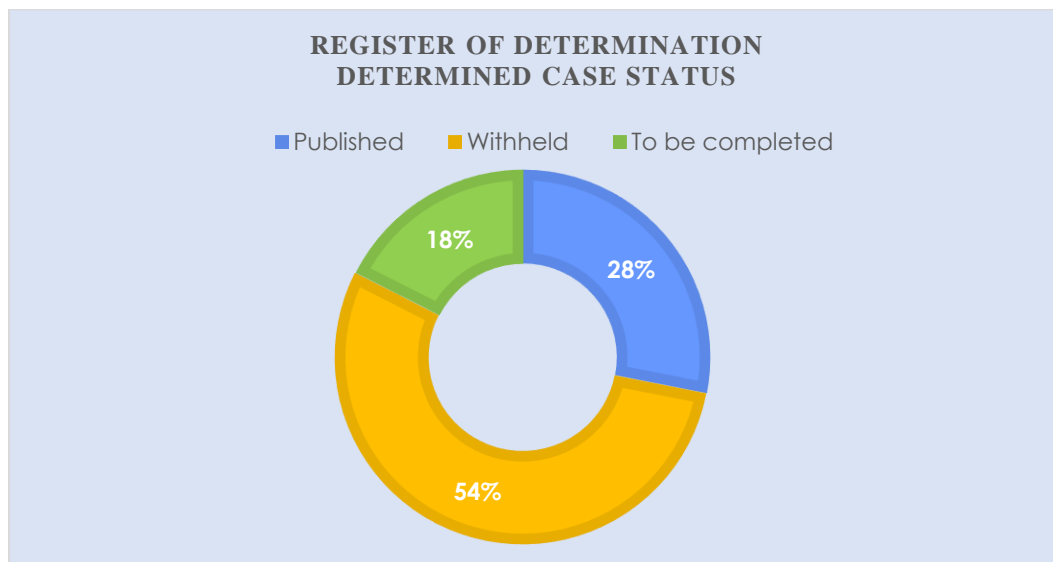


Figure 31:- Graph of Determined Cases Status in relation to the Register of Determinations

Determination Reason Withheld Under	No.
s.140 (3)(a) (i)	9
s.140 (3)(b)	2
s.140 (3)(c)	36
s.140 (3)(d)	1
s.140 (4)	14
<b>Total Withheld</b>	<b>62</b>

Figure 32:- No. of Determinations withheld from the Register of Determinations under the relevant section of the Legal Services Regulation Act, 2015

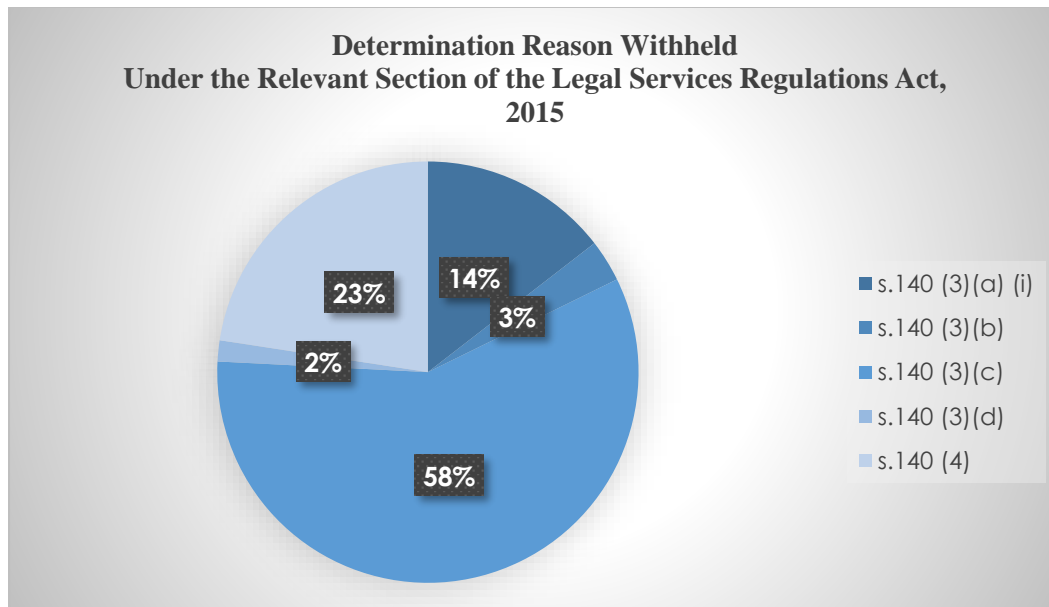


Figure 33:- Graph showing the % of Determinations withheld from the Register of Determinations under the relevant section of the Legal Services Regulation Act, 2015

Determination Reason Published	No.
s.157(9)	33
s.160	3
<b>Total Published</b>	<b>36</b>

Figure 34:- No. of Reports published on the Register of Determinations under the relevant section of the Legal Services Regulation Act, 2015

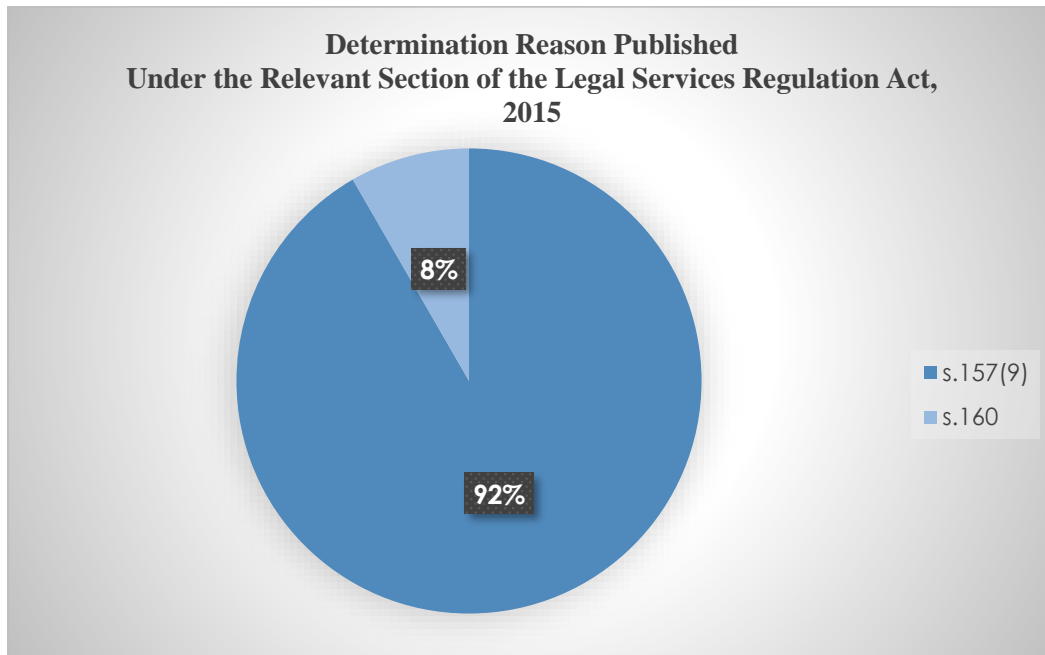


Figure 35:- Graph showing the % of Determinations published on the Register of Determinations under the relevant section of the Legal Services Regulation Act, 2015

## 8. Request for Consideration

Any party who is dissatisfied with a Determination made by a Legal Costs Adjudicator can apply pursuant to s.160 of the Act for a Consideration. The relevant section provides

### *Consideration by Legal Costs Adjudicator of determination*

*160. (1) Where a party to an adjudication is dissatisfied with a decision of a Legal Costs Adjudicator under section 157 to confirm a charge, not to confirm a charge or to determine a different amount to be charged in respect of a matter or item the subject of the adjudication, he or she may, within 14 days of the date on which the determination is furnished to him or her under section 157 (2), apply to the Legal Costs Adjudicator for the consideration of the decision and the making of a determination under this section.*

*(2) An application under subsection (1) shall be—*

*(a) in such form as may be specified in rules of court or, where applicable, under section 166, and shall specify by a list in a short and concise form the matters or items, or parts thereof, to which the decision of the Legal Costs Adjudicator being objected to relates and the grounds and reasons for such objections, and*

*(b) made on notice to the other party to the adjudication.*

*(3) The Legal Costs Adjudicator shall, if he or she considers it appropriate to do so, and upon the application of the party entitled to the costs, issue an interim determination pending consideration of an application under subsection (1), in respect of—*

*(a) the remainder of the matters or items in the determination to which no objection has been made, and*

*(b) such of the matters or items that are subject of the application as the Legal Costs Adjudicator considers reasonable.*

*(4) For the purposes of an application under subsection (1), the Legal Costs Adjudicator shall reconsider and review his determination having regard to the matters or items specified under subsection (2)(a), and sections 155 to 158 shall apply in relation to such a consideration.*

*(5) The Legal Costs Adjudicator, having considered an application under this section may decide—*

*(a) not to vary his or her determination, or*

*(b) to make a new determination,*

*and the determination referred to in paragraph (a) or (b) shall, subject to section 161 , take effect immediately.*

*(6) The functions of a Legal Costs Adjudicator in relation to an application under this section shall, insofar as practicable, be performed by the Legal Costs Adjudicator who made the determination to which the application relates.*

As matters stood at 31<sup>st</sup> December 2020, 1% of all cases were subject to a Request for Consideration. It follows that as the number of cases are Adjudicated, that this number will increase. In addition, a decision by a Legal Costs Adjudicator on a Consideration, is subject to Review by the High Court in accordance with s.161 of the Act, which provides.

#### *Review of determination of Legal Costs Adjudicator*

*161. (1) A party to an adjudication who has made an application under section 160 may, not later than 21 days after the date on which the Legal Costs Adjudicator has made his or her determination under section 160 (5), apply to the High Court for a review of the determination concerned.*

*(2) A review under this section shall be made by motion on notice to all other parties to the adjudication and the Chief Legal Costs Adjudicator.*

*(3) The court shall hear and determine the review on the evidence that was tendered to the Legal Costs Adjudicator unless the court orders that other evidence be submitted.*

## Annual Report 2020

(4) The court shall, having heard the review under subsection (1) —

(a) confirm the determination of the Legal Costs Adjudicator, or

(b) allow the review and—

(i) remit the matter to the Legal Costs Adjudicator to determine the adjudication in accordance with the decision of the court, or

(ii) substitute its own determination for that of the Legal Costs Adjudicator.

(5) The High Court shall allow a review under subsection (4)(b) only where it is satisfied that the Legal Costs Adjudicator has, in his or her determination, erred as to the amount of the allowance or disallowance so that the determination is unjust.

(6) In this section “court” means—

(a) if the adjudication the subject of the review is in relation to party and party costs, the court that heard the proceedings to which those costs relate, and

(b) in any other case, the High Court.

The cases subject to a Request for Consideration in the period 1<sup>st</sup> January to 31<sup>st</sup> December 2020 are as follows.

### ***Request for Consideration– In List Form***

<b>Consideration Originating Case -</b>	<b>No. of Cases</b>	<b>Total Amount Claimed €</b>
Defamation, Libel and Slander	3	1,872,342
Road Traffic Accidents	3	337,850
Solicitors Acts	3	175,308
Other - Litigation	2	34,155
Appeal - Supreme Court	1	730,719
Case Stated	1	174,095
<b>Total</b>	<b>13</b>	<b>3,324,470</b>

Figure 36:- Table showing the breakdown of cases Under Consideration by originating case type

**Request for Consideration– Graphic by Originating Case Type**

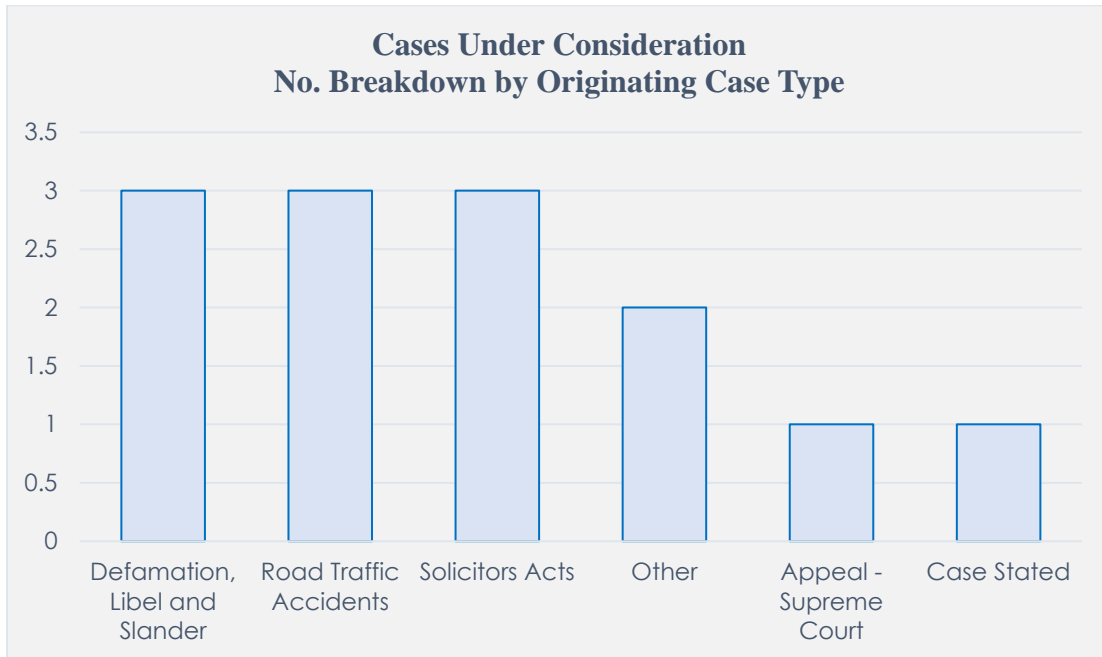


Figure 37:- Graph of breakdown of cases Under Consideration by originating case type

**Request for Consideration–Graphic by Amount and by Area**

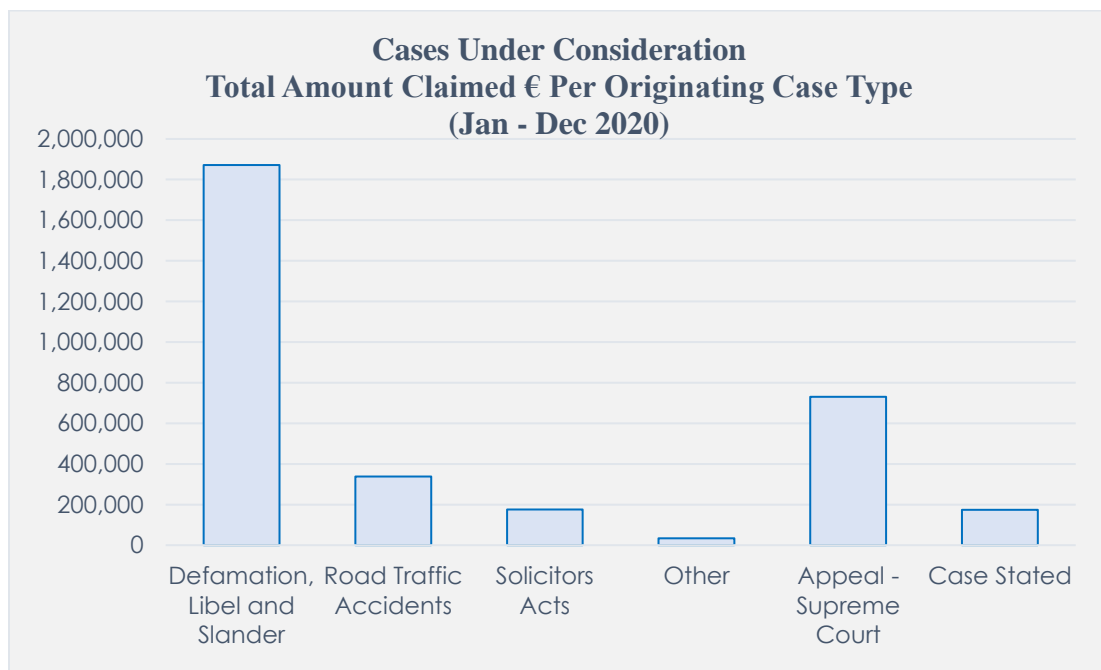


Figure 38:- Graph of Cases Under Consideration - Total Amount Claimed € per Originating Case Type



## CHAPTER 5 - County Registrars Summary Report

It is a requirement of s. 141(5) that a County Registrar is to report to the Chief Legal Costs Adjudicator, as follows

*(5) Each County Registrar shall report annually to the Chief Legal Costs Adjudicator providing a summary of the information contained in the register of taxation determinations maintained by him or her.*

The information received by the Chief Legal Costs Adjudicator, from the County Registrars for the relevant period is shown below:-

Taxation Applications Year End Status	No. of Cases
Struck Out	42
Adjourned	26
Settled	114
Certified	190
<b>Total</b>	<b>372</b>

Figure 39:- Table of Year End – Case Status reported by County Registrars

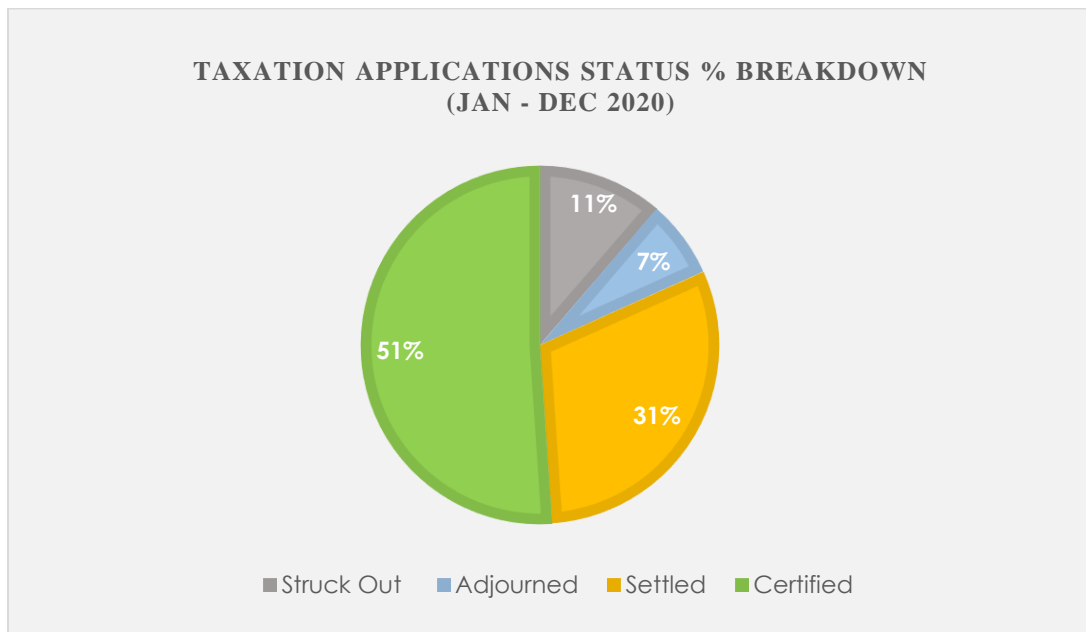


Figure 40:- Graph of Year End – Taxation Case Status reported by County Registrars

*Taxation Applications Year End Status in List Form – by Circuit*

Taxation Applications Year End Status by Circuit	No. Struck Out	No. Adjourned	No. Settled	No. Certified	% Certified
Dublin Circuit	39	1	60	78	44
Northern Circuit	1	6	7	13	48
Midland Circuit	1	2	13	14	47
Eastern Circuit	0	12	12	28	54
South Western Circuit	0	0	0	13	100
South Eastern Circuit	0	2	16	31	63
Western Circuit	1	3	6	13	57
<b>Total</b>	<b>42</b>	<b>26</b>	<b>114</b>	<b>190</b>	<b>51</b>

Figure 41:- Table showing the breakdown of taxation applications by Circuit for the period 1/01/20 to 31/12/20

*Taxation Applications Year End Status Graphic – by Circuit*

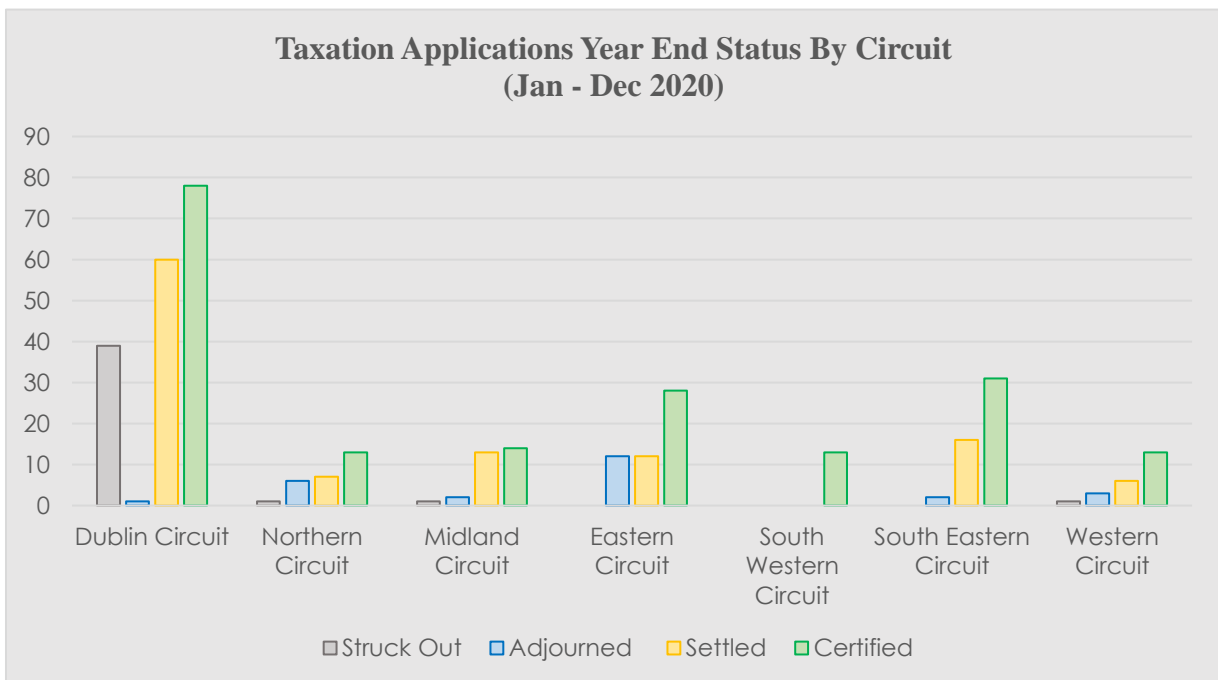


Figure 42:- Graph of Taxation Applications Year End Status by Circuit

## Annual Report 2020

### *Taxations Certified in Monetary List Form – Dublin Circuit*

<b>Circuit</b>	<b>Total Amount Claimed €</b>	<b>Total Amount Deducted €</b>	<b>Total Amount Certified €</b>	<b>Date of Determination</b>	<b>Outcome</b>
Dublin Circuit	22,074	6,423	16,899	16/01/2020	Certified
Dublin Circuit	20,888	3,902	18,339	16/01/2020	Certified
Dublin Circuit	3,069	0	3,309	16/01/2020	Certified
Dublin Circuit	7,097	1,280	6,281	16/01/2020	Certified
Dublin Circuit	21,980	969	22,691	30/01/2020	Certified
Dublin Circuit	18,787	940	19,271	30/01/2020	Certified
Dublin Circuit	24,686	2,588	23,858	30/01/2020	Certified
Dublin Circuit	20,841	840	21,601	30/01/2020	Certified
Dublin Circuit	27,217	8,877	19,804	06/02/2020	Certified
Dublin Circuit	52,588	8,893	47,183	06/02/2020	Certified
Dublin Circuit	21,278	7,416	14,966	13/02/2020	Certified
Dublin Circuit	16,263	3,534	13,746	13/02/2020	Certified
Dublin Circuit	12,678	1,116	12,482	13/02/2020	Certified
Dublin Circuit	7,255	1,872	5,807	13/02/2020	Certified
Dublin Circuit	19,429	4,149	16,497	13/02/2020	Certified
Dublin Circuit	16,684	2,673	15,131	20/02/2020	Certified
Dublin Circuit	18,548	3,491	16,257	20/02/2020	Certified
Dublin Circuit	15,581	4,826	11,611	20/02/2020	Certified
Dublin Circuit	17,939	5,801	13,105	20/02/2020	Certified
Dublin Circuit	31,310	12,906	19,875	20/02/2020	Certified
Dublin Circuit	20,039	6,812	14,283	27/02/2020	Certified
Dublin Circuit	12,806	200	13,614	27/02/2020	Certified
Dublin Circuit	13,087	201	13,910	27/02/2020	Certified
Dublin Circuit	12,819	508	13,295	27/02/2020	Certified
Dublin Circuit	16,809	7,692	9,845	05/03/2020	Certified
Dublin Circuit	18,023	219	19,228	05/03/2020	Certified
Dublin Circuit	14,842	2,743	13,059	12/03/2020	Certified
Dublin Circuit	12,632	4,114	9,197	12/03/2020	Certified
Dublin Circuit	29,588	9,235	21,976	30/06/2020	Certified
Dublin Circuit	31,848	5,224	28,752	15/07/2020	Certified
Dublin Circuit	15,323	3,254	13,029	15/07/2020	Certified
Dublin Circuit	21,237	0	22,933	15/07/2020	Certified
Dublin Circuit	27,257	8,242	20,534	15/07/2020	Certified
Dublin Circuit	16,109	0	17,397	15/07/2020	Certified
Dublin Circuit	32,896	3,400	31,917	15/07/2020	Certified
Dublin Circuit	20,544	2,013	20,081	15/07/2020	Certified
Dublin Circuit	13,240	2,444	11,722	15/07/2020	Certified
Dublin Circuit	13,357	0	14,421	09/07/2020	Certified
Dublin Circuit	11,070	0	11,950	09/07/2020	Certified
Dublin Circuit	19,943	3,449	17,806	09/07/2020	Certified
Dublin Circuit	20,039	6,812	14,283	27/02/2020	Certified
Dublin Circuit	13,658	1,087	13,571	19/11/2020	Certified
Dublin Circuit	29,062	2,193	29,013	19/11/2020	Certified



## Annual Report 2020

Dublin Circuit	-	-	17,679	19/11/2020	Certified
Dublin Circuit	2,732	-	2,004	19/11/2020	Certified
Dublin Circuit	25,567	9,572	17,337	19/11/2020	Certified
Dublin Circuit	22,618	5,138	18,941	19/11/2020	Certified
Dublin Circuit	6,812	544	7,356	19/11/2020	Certified
Dublin Circuit	12,254	2,052	11,018	20/11/2020	Certified
Dublin Circuit	32,747	4,371	30,640	20/11/2020	Certified
Dublin Circuit	24,306	3,703	22,251	20/11/2020	Certified
Dublin Circuit	20,119	1,993	19,574	20/11/2020	Certified
Dublin Circuit	6,599	1,679	4,921	26/11/2020	Certified
Dublin Circuit	6,595	1,679	4,917	26/11/2020	Certified
Dublin Circuit	6,794	246	6,548	26/11/2020	Certified
Dublin Circuit	6,705	279	6,426	26/11/2020	Certified
Dublin Circuit	6,644	1,131	5,513	26/11/2020	Certified
Dublin Circuit	14,984	186	14,797	26/11/2020	Certified
Dublin Circuit	13,476	4,673	8,803	26/11/2020	Certified
Dublin Circuit	21,247	5,063	16,184	26/11/2020	Certified
Dublin Circuit	22,389	6,485	15,904	26/11/2020	Certified
Dublin Circuit	19,941	5,200	14,741	26/11/2020	Certified
Dublin Circuit	25,350	7,724	17,626	26/11/2020	Certified
Dublin Circuit	13,991	1,561		26/11/2020	Certified
Dublin Circuit	17,183	696	17,799	26/11/2020	Certified
Dublin Circuit	13,949	2,955	10,995	27/11/2020	Certified
Dublin Circuit	5,638	550	5,488	27/11/2020	Certified
Dublin Circuit	8,516	596	8,552	27/11/2020	Certified
Dublin Circuit	43,078	6,139	39,871	01/12/2020	Certified
Dublin Circuit	48,616	16,735	34,425	01/12/2020	Certified
Dublin Circuit	14,698	2,733	12,917	25/11/2020	Certified
Dublin Circuit	27,635	5,148	24,349	25/11/2020	Certified
Dublin Circuit	27,067	3,431	25,594	25/11/2020	Certified
Dublin Circuit	42,051	16,931	27,128	01/12/2020	Certified
Dublin Circuit	42,745	11,583	33,650	25/11/2020	Certified
Dublin Circuit	20,432	3,615	18,161	25/11/2020	Certified
Dublin Circuit	24,859	2,527	24,116	01/12/2020	Certified
Dublin Circuit	5,070	1,006	4,384	01/12/2020	Certified
<b>Total</b>					<b>78</b>

Figure 43:- Table showing Monetary Breakdown of Certified Taxation Applications by the Dublin Circuit

*Taxations Certified in Monetary List Form – Northern Circuit*

Circuit	Total Amount Claimed €	Total Amount Deducted €	Total Amount Certified €	Date of Determination	Outcome
Northern Circuit	16,564	1,995	15,729	28/08/2020	Certified
Northern Circuit	27,213	5,993	22,915	28/08/2020	Certified
Northern Circuit	54,314	12,491	45,167	31/08/2020	Certified
Northern Circuit	29,528	7,439	23,849	26/11/2020	Certified
Northern Circuit	22,679	4,424	19,711	31/08/2020	Certified
Northern Circuit	33,295	7,766	27,569	31/08/2020	Certified
Northern Circuit	27,488	8,340	20,676	31/08/2020	Certified
Northern Circuit	14,755	2,353	13,395	31/08/2020	Certified
Northern Circuit	14,150	2,987	12,050	25/11/2020	Certified
Northern Circuit	21,768	4,400	18,752	25/11/2020	Certified
Northern Circuit	26,168	8,286	19,306	25/11/2020	Certified
Northern Circuit	21,897	4,135	19,179	25/11/2020	Certified
Northern Circuit	26,868	9,118	19,165	26/11/2020	Certified
<b>Total</b>					<b>13</b>

Figure 44:- Table showing Monetary Breakdown of Certified Taxation Applications by the Northern Circuit

*Taxations Certified in Monetary List Form – by Midland Circuit*

Circuit	Total Amount Claimed €	Total Amount Deducted €	Total Amount Certified €	Date of Determination	Outcome
Midland Circuit	73,889	15,806	62,722	04/03/2020	Certified
Midland Circuit	34,626	8,853	27,829	26/02/2020	Certified
Midland Circuit	28,731	5,228	25,384	04/03/2020	Certified
Midland Circuit	23,742	7,700	17,322	03/06/2020	Certified
Midland Circuit	24,756	4,108	22,296	03/06/2020	Certified
Midland Circuit	22,667	3,040	19,627	03/06/2020	Certified
Midland Circuit	-	-	-	21/04/2020	Certified
Midland Circuit	-	-	-	21/04/2020	Certified
Midland Circuit	47,044	12,837	36,943	21/04/2020	Certified
Midland Circuit	33,397	9,493	25,816	12/11/2020	Certified
Midland Circuit	28,955	7,846	22,797	22/05/2020	Certified
Midland Circuit	19,183	4,001	16,459	22/05/2020	Certified
Midland Circuit	13,215	2,680	11,374	16/06/2020	Certified
Midland Circuit	22,226	9,520	13,722	16/12/2020	Certified
<b>Total</b>					<b>14</b>

Figure 45:- Table showing Monetary Breakdown of Certified Taxation Applications by the Midlands Circuit

## Annual Report 2020

### *Taxations Certified in Monetary List Form – by Eastern Circuit*

<b>Circuit</b>	<b>Total Amount Claimed €</b>	<b>Total Amount Deducted €</b>	<b>Total Amount Certified €</b>	<b>Date of Determination</b>	<b>Outcome</b>
Eastern Circuit	13,833	-	8,604	21/02/2020	Certified
Eastern Circuit	8,707	-	5,078	21/02/2020	Certified
Eastern Circuit	15,816	1,866	15,066	25/03/2020	Certified
Eastern Circuit	5,597	923	5,048	01/10/2020	Certified
Eastern Circuit	25,879	9,634	17,541	01/10/2020	Certified
Eastern Circuit	14,698	-	14,741	01/10/2020	Certified
Eastern Circuit	14,932	-	12,366	01/10/2020	Certified
Eastern Circuit	13,989	-	10,438	01/10/2020	Certified
Eastern Circuit	30,383	8,553	23,604	05/11/2020	Certified
Eastern Circuit	26,061	8,631	18,822	24/09/2020	Certified
Eastern Circuit	16,413	4,684	11,729	05/11/2020	Certified
Eastern Circuit	23,825	11,766	12,058	05/11/2020	Certified
Eastern Circuit	16,517	-	11,733	05/11/2020	Certified
Eastern Circuit	16,749	5,548	12,097	05/11/2020	Certified
Eastern Circuit	9,962	1,195	9,463	17/12/2020	Certified
Eastern Circuit	12,471	2,153	11,142	17/12/2020	Certified
Eastern Circuit	9,749	738	9,731	17/12/2020	Certified
Eastern Circuit	-	-	-	08/05/2020	Certified
Eastern Circuit	-	-	-	05/06/2020	Certified
Eastern Circuit	-	-	-	05/06/2020	Certified
Eastern Circuit	-	-	-	05/06/2020	Certified
Eastern Circuit	-	-	€16,890.68	05/06/2020	Certified
Eastern Circuit	-	-	€16,296.39	17/07/2020	Certified
Eastern Circuit	-	-	€15,466.91	23/10/2020	Certified
Eastern Circuit	-	-	€10,233.10	27/11/2020	Certified
Eastern Circuit	-	-	€15,348.82	11/12/2020	Certified
Eastern Circuit	-	-	72,753.69	08/01/2021	Certified
Eastern Circuit	-	-	€26,600.53	11/12/2020	Certified
<b>Total</b>					<b>28</b>

*Figure 46:- Table showing Monetary Breakdown of Certified Taxation Applications by the Eastern Circuit*

*Taxations Certified in Monetary List Form – by South Western Circuit*

Circuit	Total Amount Claimed €	Total Amount Deducted €	Total Amount Certified €	Date of Determination	Outcome
South Western Circuit	-	-	3,105	14/01/2020	Certified
South Western Circuit	-	-	11,054	27/07/2020	Certified
South Western Circuit	-	-	37,107	27/07/2020	Certified
South Western Circuit	-	-	17,307	27/07/2020	Certified
South Western Circuit	-	-	18,584	27/07/2020	Certified
South Western Circuit	-	-	7,803	12/10/2020	Certified
South Western Circuit	-	-	14,110	16/10/2020	Certified
South Western Circuit	-	-	22,079	16/10/2020	Certified
South Western Circuit	-	-	928	18/11/2020	Certified
South Western Circuit	-	-	8,198	11/12/2020	Certified
South Western Circuit	-	-	18,392	11/12/2020	Certified
South Western Circuit	-	-	18,842	11/12/2020	Certified
South Western Circuit	-	-	17,987	11/12/2020	Certified
<b>Total</b>					<b>13</b>

Figure 47:- Table showing Monetary Breakdown of Certified Taxation Applications by the South Western Circuit

*Taxations Certified in Monetary List Form – by South Eastern Circuit*

Circuit	Total Amount Claimed €	Total Amount Deducted €	Total Amount Certified €	Date of Determination	Outcome
South Eastern Circuit	27,682	1,476	26,206	19/02/2020	Certified
South Eastern Circuit	12,588	0	13,596	16/01/2020	Certified
South Eastern Circuit	26,669	6,038	22,311	02/07/2020	Certified
South Eastern Circuit	20,171	2,829	18,702	02/07/2020	Certified
South Eastern Circuit	20,528	5,791	15,937	02/07/2020	Certified
South Eastern Circuit	19,681	9,326	11,179	22/12/2020	Certified
South Eastern Circuit	-	-	9,324	19/08/2020	Certified
South Eastern Circuit	-	-	6,912	27/05/2020	Certified
South Eastern Circuit	-	-	19,851	02/07/2020	Certified
South Eastern Circuit	11,426	500	11,798	29/10/2020	Certified
South Eastern Circuit	36,631	9,102	27,529	18/08/2020	Certified
South Eastern Circuit	17,764	367	18,781	13/01/2020	Certified
South Eastern Circuit	13,459	0	14,531	17/02/2020	Certified
South Eastern Circuit	22,843	5,922	18,273	24/02/2020	Certified
South Eastern Circuit	15,509	3,621	12,831	24/02/2020	Certified
South Eastern Circuit	10,241	185	10,857	24/02/2020	Certified
South Eastern Circuit	25,009	8,207	18,146	24/02/2020	Certified



## Annual Report 2020

South Eastern Circuit	7,394	0	7,978	09/03/2020	Certified
South Eastern Circuit	25,379	3,572	23,519	07/04/2020	Certified
South Eastern Circuit	21,783	6,516	16,484	07/04/2020	Certified
South Eastern Circuit	14,891	2,370	13,523	07/04/2020	Certified
South Eastern Circuit	9,855	369	10,238	20/04/2020	Certified
South Eastern Circuit	16,569	3,175	14,528	14/09/2020	Certified
South Eastern Circuit	8,711	308	9,075	12/10/2020	Certified
South Eastern Circuit	26,025	8,802	18,599	19/10/2020	Certified
South Eastern Circuit	19,681	9,326	11,179	22/12/2020	Certified
South Eastern Circuit	15,885		15,885	26/05/2020	Certified
South Eastern Circuit	11,881	767	12,004	02/06/2020	Certified
South Eastern Circuit	9,535	1,209	8,992	02/06/2020	Certified
South Eastern Circuit	5,475	1,589	7,064	02/06/2020	Certified
South Eastern Circuit	19,558	1,560	21,118	11/09/2020	Certified
<b>Total</b>					<b>31</b>

Figure 48:- Table showing Monetary Breakdown of Certified Taxation Applications by the South Eastern Circuit

### *Taxations Certified in Monetary List Form – by Western Circuit*

<b>Circuit</b>	<b>Total Amount Claimed €</b>	<b>Total Amount Deducted €</b>	<b>Total Amount Certified €</b>	<b>Date of Determination</b>	<b>Outcome</b>
Western Circuit	-	-	16,440	16/01/2020	Certified
Western Circuit	-	-	18,476	24/06/2020	Certified
Western Circuit	-	-	13,166	24/06/2020	Certified
Western Circuit	-	-	25,800	24/06/2020	Certified
Western Circuit	-	-	29,192	24/06/2020	Certified
Western Circuit	-	-	22,815	24/06/2020	Certified
Western Circuit	27,339	5,146	23,962	22/07/2020	Certified
Western Circuit	28,886	-	23,124	24/07/2020	Certified
Western Circuit	-	-	10,066	24/07/2020	Certified
Western Circuit	41,322	12,377	31,258	25/11/2020	Certified
Western Circuit	18,825	5,351	14,351	25/11/2020	Certified
Western Circuit	10,339	1,372	9,680	25/11/2020	Certified
Western Circuit	27,938	6,303	23,363	25/11/2020	Certified
<b>Total</b>					<b>13</b>

Figure 49:- Table showing Monetary Breakdown of Certified Taxation Applications by the Western Circuit



## 2020 AT A GLANCE

### REMOTE SITTINGS

30 REMOTE CALLOVERS

31 REMOTE HEARINGS - 84  
CASES HEARD

FROM 1<sup>ST</sup> JANUARY TO 31<sup>ST</sup> DECEMBER

**830**

**APPLICATIONS FILED**

OF THESE

**585** WERE ELECTRONICALLY FILED

### WEBSITE DEVELOPMENT

- E-filing User Manual
- Adjudication Forms
- Publications
- Register of Determinations

### CASE STATUS

**522** SETTLED 

**114** DETERMINED

**369** ADJOURNED/  
PART HEARD

### STRATEGIC PLAN 2020-2023

Supporting Access to  
Independent, Impartial  
and Objective  
Resolution of Legal  
Costs Disputes

## THE REGISTER OF DETERMINATIONS

OF THE **114** CASES DETERMINED

**32**

REASONS FOR DETERMINATION WERE  
**PUBLISHED**

**62**

REASONS FOR DETERMINATION WERE  
**WITHHELD**

**13** ARE UNDER CONSIDERATION & **20** ARE TO BE COMPLETED



Oifig na mBreithneoirí Costas Dlíthúil,  
An Árd Chúirt,  
1ú Urlár, Teach na gCeannaithe,  
27/30 Cé na gCeannaithe,  
Baile Átha Cliath 8.

Office of the Legal Costs Adjudicators,  
The High Court,  
1<sup>st</sup> Floor, Merchants House,  
27/30 Merchants Quay,  
Dublin 8.

Teileafón/Telephone: 01 888 6301, Facsimhíir/FAX: 01 672 8670, DX 1001 Four Courts,

Ríomhphost/E-mail: [info\\_legalcostsadjudicators@courts.ie](mailto:info_legalcostsadjudicators@courts.ie)