

Office of the Legal Costs Adjudicators

Annual Report 2024



An tSeirbhís Chúirteanna
Courts Service



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2024 at a Glance



- 912 cases filed
- 1019 cases completed



- €145,330,982 in claims filed
- €35,256,421 in claims determined
- €14,769,551 in deductions made



- 179 cases determined
- 171 Hearings
- 7 weeks from filing to hearing date

Foreword

I am delighted to present the Annual Report of the office for 2024.

The past year saw the retirement of Paul Behan after many years of service as both a Taxing Master and Legal Costs Adjudicator. Great thanks are due to Paul for his work in establishing the office in 2019 and serving as the first Chief Legal Costs Adjudicator. This report serves as a testament to his work in ensuring adjudications take place in a fair, efficient and timely manner.

I was appointed by the Government as the Chief Legal Costs Adjudicator in October 2024. Stephen Boggs B.L. was appointed by the Government as a Costs Adjudicator in June. I have no doubt that Stephen will make a valuable contribution to the work of the office.

This report sets out the work of the office in 2024. It will be seen the figures for 2024 remained relatively consistent with 2023. 912 valid applications were received, slightly down from the 1015 received in 2024. 179 determinations were made in 2024 compared to 181 in the previous year.

Of particular note is that the average time from receipt of a valid application to the allocated hearing date remained at 7 weeks. In effect this means that there are no delays between lodging an application and a case coming up for hearing.

I would like to thank the staff of the Office for their tireless work during the year. It would simply not be possible for the Office to function without them.

I would also like to thank the Courts Service including the Senior Management Team, Estates Management Unit, ICT unit, Courts IT, LRU and others, who assist us in our work and the smooth running of the business of the office.

Particular thanks are due to the Department of Justice and the senior management of the Courts Service for their assistance in the recruitment and appointments to the Office.

Barry Magee
Chief Legal Costs Adjudicator

About the Office

Our Mission

The Office of the Legal Costs Adjudicators mission is to:

1. 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;
2. 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;
3. provide this service in a timely manner, providing and supporting access to justice.

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 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, a commitment to improving services, adapting innovative processes, adherence to best practices and developing strategies for improvement.

What We Do

The Office was established in October 2019 and took over the functions of the Office of the Taxing Master. The statutory powers, functions and duties of the Office are set out in Part 10 of the Legal Services Regulation Act 2015 and Order 99 of the Rules of the Superior Courts.

By its statutory powers, the Office of the Legal Costs Adjudicators, in addition to having the previous powers of the Taxing Master, 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 remit of the office.

Party and party costs are the most common legal costs dealt with on Adjudication. These usually derive from an Order of the Court, which directs one party to an action to pay the costs of another. The Office only deals with Court Orders of the Superior Courts, i.e. the High Court, Court of Appeal or Supreme Court.

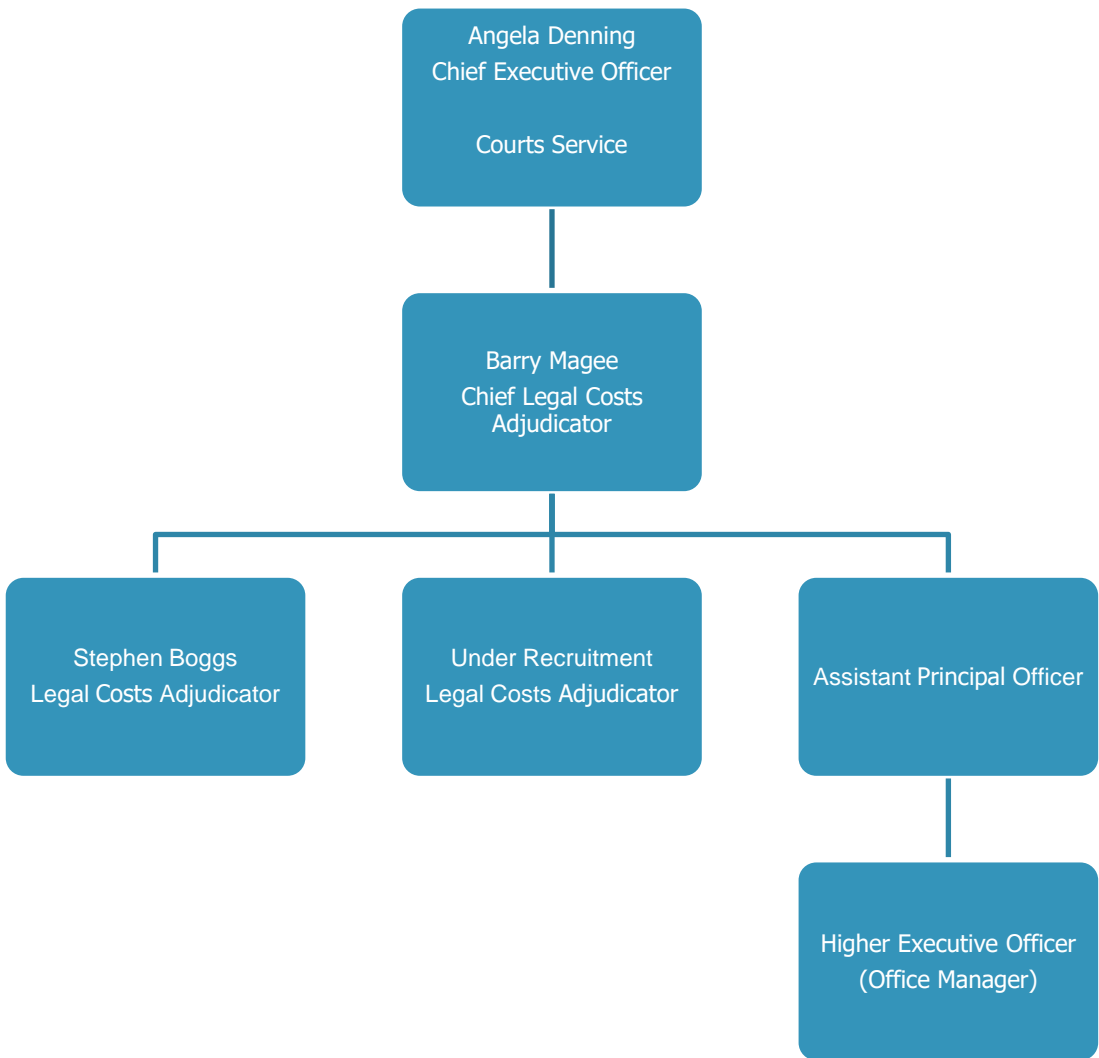
Circuit Court costs arising in proceedings are determined by County Registrars, as is provided in s.141 of The Legal Services Regulation Act, 2015 and the Circuit Court Rules. The Office of the Legal Costs Adjudicator does not have any jurisdiction or power to deal with Circuit Court party and party costs.

District Court costs are dealt with by the District Court Judge.

Disputes relating to legal costs and expenses as between legal practitioners and their clients fall within the remit of the Office of the Legal Costs Adjudicators. The Office has sole jurisdiction to deal with such costs irrespective of value or subject matter. Legal Practitioners have prescribed duties relating to legal costs contained within the Legal Services Regulation Act 2015. The Legal Costs Adjudicators have a duty to hear and determine disputes relating to the amount and whether such costs represented work actually undertaken and whether such charges have been reasonably incurred and are reasonable in amount.

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

Governance and Management Structure



The Year in Review

Strategic Priority 1: Supporting the Legal Costs Adjudicators

The Legal Costs Adjudicators sat for adjudication on 172 dates in 2024. These were a mix of physical, remote or hybrid sittings.

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

Strategic Priority 2: Providing High Quality Service to Court Users

In accordance with s.140 of the Legal Services Act 2015, the Office continues to populate the on-line register of determinations, and the reasons for determination in accordance with law.

In 2024 the office undertook to update the Office's webpage on our provision of services through the Irish language.

Strategic Priority 3: Develop and Support Our People

In 2024 the office continued to invest in and support our staff to ensure a skilled, high-performing office delivering quality services to stakeholders.

Strategic Priority 4: Improve Processes and Case Management

Throughout 2024 effort was made to set up a more efficient case management process. From when a determination is made a timeline of 6 weeks for the completion of cases was implemented with allowance for more in depth matters.

A system of quarterly follow up contact on determined cases resulted in shorter turnaround timelines and more detailed tracking by the office.

Strategic Priority 5: Optimise Use of Technology

The case reporting system was utilised to track case progression and financial tracking.

The Office continued to hold online hearings using the Courts Service online hearing platform where appropriate.

Strategic Priority 6: Ensure Effective Governance and Accountability

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

To ensure the continuity of business activities in case of a major incident or disaster the office conducted the annual review and update of the Office of the Legal Costs Adjudicators Business Continuity Plan in 2024.



Activity

Applications in 2024

The following table shows valid applications filed with the Office of the Legal Costs Adjudicators in 2023 and 2024.

Originating Case Type	2024		2023	
	No. of Cases	Amount Claimed €	No. of Cases	Amount Claimed €
Road Traffic Accidents	181	14,373,430	207	19,322,452
Employer & Occupiers Liability	152	16,090,889	170	15,325,818
Judicial Review	88	27,349,535	94	11,076,920
Medical Negligence	136	42,937,766	159	55,359,386
Other Litigation	78	11,990,815	79	12,161,560
Breach of Contract	N/a	N/a	36	12,434,288
Motions Interlocutory	39	3,071,247	25	1,362,539
Appeal - Court of Appeal	22	3,340,211	39	8,436,446
Public Liability	23	1,919,796	31	2,215,051
Wards of Court	43	2,229,322	36	2,705,856
Commercial Court	3	1,811,090	3	1,887,867
Professional Negligence	18	3,378,629	24	3,792,519
Probate Matters	13	998,283	7	592,427
Appeal - Supreme Court	2	1,331,032	8	1,884,754
Assault & Battery	13	1,687,308	17	1,761,936
Employment Law	11	1,020,197	4	847,360
Security for Costs	1	9,209	3	496,655
Injunctions	7	1,815,234	14	1,218,572
Bankruptcy	1	90,418	3	109,076

Originating Case Type	2024		2023	
	No. of Cases	Amount Claimed €	No. of Cases	Amount Claimed €
Sale of Land	1	219,489	1	60,668
Companies Act	4	430,425	3	117,797
Legal Practitioner and Client	5	428,607	6	439,622
Planning Matters	1	104,390	6	3,140,685
Defamation. Libel & Slander	6	1,803,204	7	1,280,860
Garda Compensation Acts	1	26,144	3	214,328
Constitutional Law	3	908,917	2	934,212
Tribunal of Inquiry	N/a	N/a	4	2,144,795
Arbitration	6	920,782	4	832,806
Family Law	11	849,898	11	782,980
Article 40/Habeas Corpus	2	71,082	3	111,357
Nuisance	4	595,220	N/a	N/a
Judgement Mortgage/Land	9	19,372	2	6,189
Case Stated	N/a	N/a	1	279,650
Pension Claims	N/a	N/a	1	182,103
Conveyancing	1	62,824	2	60,197
Contract	27	3,446,217	N/a	N/a
Total €	912	145,330,983	1015	163,579,728

Figure 1: Valid Applications Filed by Type and Value 2023/24

Completed Cases

It is part of the remit of the Office to facilitate the resolution of legal costs disputes as part of the wider public policy objectives to encourage parties to a dispute to resolve them, whether by formal or informal mechanisms. A matter may settle between the parties after it is filed with the Office and before any adjudication takes place.

Originating Case Type	No. of Cases	Amount Claimed €
Road Traffic Accidents	195	15,091,344
Employer & Occupiers Liability	160	22,444,535
Judicial Review	92	27,080,872
Medical Negligence	164	56,975,118
Other Litigation	93	15,427,275
Motions Interlocutory	32	1,930,929
Appeal - Court of Appeal	30	4,385,862
Public Liability	27	2,400,957
Wards of Court	55	2,859,964
Commercial Court	4	2,320,129
Professional Negligence	16	2,468,241
Probate Matters	6	380,806
Appeal - Supreme Court	3	2,004,159
Assault & Battery	13	1,720,085
Employment Law	6	722,322
Security for Costs	2	577,504
Injunctions	11	978,111
Sale of Land	1	219,489
Companies Act	3	392,007
Legal Practitioner and Client	4	268,593

Originating Case Type	No. of Cases	Amount Claimed €
Defamation. Libel & Slander	9	1,349,508
Garda Compensation Acts	4	240,473
Constitutional Law	2	119,347
Arbitration	5	841,679
Family Law	11	886,654
Article 40/Habeas Corpus	5	182,439
Nuisance	1	56,082
Judgement Mortgage/Land	6	14,942
Contract	34	4,657,839
Pension Matters	1	182,103
Bankruptcy	4	326,843
Solicitors Acts	3	175,308
Case Stated	1	279,650
Residential Institutions Redress Board	1	28,117
Conveyancing	1	43,877
Tribunal of Inquiry	3	1,191,124
Planning Matters	11	4,884,332
Total €	1019	176,108,620

Figure 2: Completed Cases by Type and Value

Determined Cases

179 cases were determined in 2024. These cases were heard by a Legal Costs Adjudicator at a hearing with a reasoned decision then being furnished to the parties either orally or in writing.

Originating Case Type	No. of Cases	Amount Claimed €	Amount Deducted	Amount Allowed
Road Traffic Accidents	27	1,824,727	518,162	1,306,564
Employer & Occupiers Liability	15	1,862,983	778,588	1,084,395
Judicial Review	16	3,202,554	1,842,613	1,359,941
Medical Negligence	24	17,285,772	7,362,539	9,923,233
Other Litigation	16	2,611,503	947,692	1,663,811
Motions Interlocutory	20	911,019	512,938	398,081
Appeal - Court of Appeal	10	712,360	266,166	446,194
Appeal - Supreme Court	1	917,704	208,799	708,905
Public Liability	2	128,604	43,599	85,005
Professional Negligence	1	387,792	146,078	241,714
Probate Matters	2	55,447	6,990	48,458
Wards of Court	1	10,685	241	10,444
Planning Matters	3	2,583,484	1,290,210	1,293,274
Employment Law	3	502,577	200,919	301,658
Security for Costs	1	9,209	2,308	6,901
Injunctions	5	373,428	156,288	217,140
Companies Act	1	79,319	9,963	69,356
Legal Practitioner and Client	1	17,524	88	17,436
Defamation. Libel & Slander	1	157,260	40,101	117,158
Constitutional Law	1	140,368	49,926	90,442

Originating Case Type	No. of Cases	Amount Claimed €	Amount Deducted	Amount Allowed
Family Law	7	574,087	157,073	417,015
Nuisance	1	46,155	9,668	36,487
Judgement Mortgage/Land	9	19,372	4,183	15,189
Contract	11	842,488	214,419	628,069
Total €	179	35,256,421	14,769,551	20,486,870

Figure 3: Cases Determined by Type and Value

Year End Case Status

Cases on hand at year end are cases previously lodged with the Office that are not yet completed. This can be for a variety of reasons, including; the parties having sought an adjournment, the matter not having been heard, a decision being prepared or a S.160 consideration has been sought.

Originating Case Type	No. of Cases	Amount Claimed €
Road Traffic Accidents	64	6,496,498
Employer & Occupiers Liability	49	4,930,719
Judicial Review	35	5,747,775
Medical Negligence	52	25,501,966
Other Litigation	26	4,085,140
Motions Interlocutory	31	3,192,839
Appeal - Court of Appeal	20	3,078,874
Public Liability	7	477,743
Wards of Court	9	398,432
Commercial Court	2	412,152
Professional Negligence	8	2,297,698
Probate Matters	12	699,238
Appeal - Supreme Court	6	645,970
Assault & Battery	5	647,068
Employment Law	4	315,802
Security for Costs	1	24,548
Injunctions	4	1,573,912
Bankruptcy	1	90,418
Companies Act	3	147,922
Legal Practitioner and Client	5	622,763

Originating Case Type	No. of Cases	Amount Claimed €
Planning Matters	1	104,390
Defamation. Libel & Slander	2	1,063,845
Constitutional Law	3	2,665,351
Solicitors Act	2	134,357
Arbitration	4	1,013,652
Family Law	7	482,024
Article 40/Habeas Corpus	1	36,597
Nuisance	2	292,607
Judgement Mortgage/Land	5	10,618
Conveyancing	1	62,824
Contract	22	8,639,197
Total €	394	75,892,939

Figure 4: Cases on Hand at Year End by Type and Value

Adjourned Cases

Cases may be adjourned where matters are under active discussion, a party is not in a position to proceed or for some other reason. This process continues to be managed carefully by the Legal Costs Adjudicators to maintain a balance between all parties to the process to ensure procedural fairness. This requires active case management on the part of the Adjudicators.

There were 284 Cases part heard or adjourned throughout 2024. This consists of 13 cases from 2019, 5 from 2020, 12 from 2021, 11 from 2022, 32 from 2023 and 211 from 2024.

Register of Determinations

The Legal Services Regulation Act, at s.140 provides that a Register of Determinations is to be maintained, with certain statutory exceptions.

Not every adjudication results in a written decision/report. Oral decisions are frequently delivered to the parties. The parties are entitled to a written decision should they so wish.

A written decision is usually only prepared where requested by a party, where the issue to be decided is of legal importance or, the Adjudicator considers is appropriate to do so. Decisions following a request for a consideration pursuant to S.160 are given in writing.

Time from Application to Hearing

The average time from an application being lodged to the first hearing date was 7 weeks in 2024. This is consistent with the average time of 7 weeks in 2021 through to 2023.

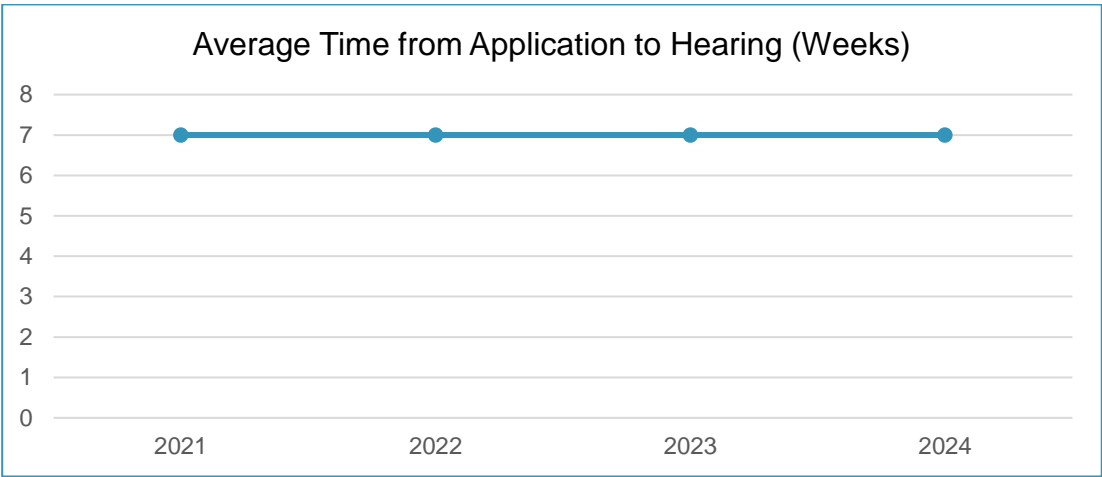


Figure 5: Average Time to Hearing

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. This involves the matter being reviewed and reconsidered by the Adjudicator.

17 new Consideration Applications were raised in 2024.

14 Consideration Applications matters were heard.

A decision by a Legal Costs Adjudicator reached following a Consideration hearing may be subject to Review by the High Court in accordance with s.161 of the Act.

Consideration Originating Case	No. of Cases	Total Amount Claimed €
Medical Negligence	8	€10,049,463.05
Planning Matters	1	€2,273,710.14
Constitutional Law	1	€140,368.32
Road Traffic Accidents	1	€92,538.32
Employer and Occupiers Liability	1	€79,948.65
Motions Interlocutory	2	€72,363.37
Appeal - Court of Appeal	1	€72,051.14
Judicial Review	1	€63,034.59
Probate Matters	1	€17,385.82
Total	17	€12,860,863.40

Figure 6: Considerations by Type and Value

County Registrars Summary

It is a requirement of s. 141(5) that each County Registrar is to report 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 displayed below is from the relevant period as received by the Chief Legal Costs Adjudicator, from the County Registrars.

Applications Year End Status by Circuit	Struck Out	Adjourned	Settled	Certified	Other
Dublin Circuit	38	4	198	72	0
Cork Circuit	17	2	8	24	2
Southeastern Circuit	3	1	14	13	0
Western Circuit	1	5	5	5	0
Midland Circuit	2	4	15	12	0
Northern Circuit	0	0	9	7	0
Eastern Circuit	1	6	10	5	2
Southwestern Circuit	0	2	12	16	30
Total	62	24	271	154	4

Figure 7: County Registrar Year End Status by Circuit

