

# Dramatic cut in legal costs as objection is lifted

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A TAXING Master's decision to cut the legal bill in a case by 82 per cent has been confirmed after the solicitors involved in the case withdrew their objection.

In June, Taxing Master Charles Moran reduced the fees charged in a judicial review case from €2.143 million to only €393,472 after expressing his "disgust and bewilderment" at the level of costs claimed. He described them as "revolting in the extreme".

Mr Moran was ruling in a case involving Newbridge, Co Kildare solicitors' firm Patrick V Boland & Son, and four barristers, including former attorney general Harry Whelehan SC.

A cost accountant acting for Denis Boland, of Patrick V Boland, then lodged an objection to the Taxing Master's ruling. However, this was withdrawn on the last day of the legal term at the end of last month.

This means Patrick V Boland & Son's High Court instruction fee is reduced to €85,000 from €975,000.

The firm's instruction fee in the Supreme Court is reduced from €75,000 to €20,000.

A claim of €10,000 for postage, photocopying, paper and other such costs is reduced to €1,000.

The ruling also cut the High Court brief fees of barristers Paul Gardiner SC and Mr Whelehan to €25,000 each from €110,000 each.

Dan Boland BL had his brief fee claim of €75,000 reduced to €16,670, and Cormac McNamara BL had his brief fee claim of €75,000 reduced to zero.

Mr Gardiner's brief fee for the Supreme Court was reduced to €30,000 from €100,000, while Mr McNamara's was reduced to €20,000 from €75,000 claimed.

The case involved an injured party, Declan O'Brien, and the Personal Injuries Assessment Board (Piab), and the fees were those charged by the team representing Mr O'Brien.

In 2005 the High Court ruled that the Piab could not deal directly with claimants who wanted to be represented by solicitors.

Mr O'Brien, of Tullamore, Co Offaly, was a meat factory worker who suffered an injury.

His case was supported by the Law Society.

Piab appealed the case to the Supreme Court, which rejected the appeal in December 2008. Costs were granted against the Piab and went to be taxed.

A Piab spokesman last night welcomed the withdrawal of all objections to the Taxing Master's decision.

Asked about Piab's costs in the case, he said these amounted to €588,000 - €314,000 for solicitors Arthur Cox and €274,000 for a team of barristers.

The spokesman said Piab's costs were not comparable with those of the plaintiff because the board required legal advice on foot of the High Court judgment on how to deal with clients and to deal with the arguments made by the Law Society.

The case was heard over two days in the High Court and one day in the Supreme Court.

In his decision, Mr Moran commented: "In my 15 years as Taxing Master or indeed in all my years involved in litigation, I have never encountered such grossly excessive fees being marked by learned counsel or solicitors.

"I can hardly find the words strong enough to describe my disgust and bewilderment at the level of these costs being claimed."

Figures released in 2008 showed that Patrick V Boland & Son had received fees of €16 million by then for work representing clients in Army deafness claims.

## ROLE DEFENDED FIRM SAYS IT ACTED PROFESSIONALLY

PATRICK V Boland & Son last night rejected any contention that it had acted unethically or without integrity in the matter.

The firm, based in Newbridge, Co Kildare, said it did not agree with the Taxing Master's decision, but had withdrawn its objection because the publicity was distracting it from other business.

"Patrick V Boland and Son took this decision reluctantly. It acted in good faith throughout this process, and submitted its bill of costs through normal channels to an established taxing process," the statement said.

"Due to the level of commentary which prevailed from the preliminary findings, we felt the interests of our clients were best served by focusing on our work

rather than on a distracting appeal process." The firm said it acted responsibly and professionally at all times in a case of national importance, which had secured the rights of citizens to legal representation before the courts in their dealings with the Piab.

The case had taken almost five years and was successful at the High Court and the Supreme Court. The firm had prepared over 23,000 files and papers for the case.

"The firm does not agree with the findings of the Taxing Master, yet believed that the level of public commentary surrounding the publication of his preliminary findings was sufficient to be distracting to our responsibilities as a small local firm of serving our clients to the best of our ability."