

Taxing Master cuts 'grossly excessive' legal bill by 82%

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A TAXING Master who granted only €393,472 of a €2.143 million legal bill expressed his "disgust and bewilderment" at the level of costs claimed.

Taxing Master Charles Moran made his comments in a recent ruling where he granted only 18 per cent of the amount sought. He described the costs claimed as "revolting in the extreme".

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

The other barristers involved were Paul Gardiner SC, Dan Boland BL and Cormac McNamara BL.

"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," Mr Moran said.

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

Mr Boland would not comment when contacted. He said the ruling is being appealed and the matter was therefore sub judice.

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.

The 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.

The PIAB was set up in 2004 with a view to reducing the costs of personal injuries claims. The High Court instruction fee charged by Patrick V Boland & Son was reduced by Mr Moran to €86,000 from the

€925,000 claimed. The Supreme Court instruction fee was reduced to €46,000 from the €100,000 claimed.

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

The brief fees of €110,000 each sought by Mr Gardiner and Mr Whelehan for the High Court hearing were reduced to €25,000 each.

Lawyers for Mr O'Brien claimed his right to be represented by a solicitor was breached by PIAB's actions in seeking to deal directly with him rather than through his authorised solicitor, Denis Boland, principal of Patrick V Boland. Figures released in 2008 showed that Patrick V Boland had received fees of €16 million by then from its work representing clients in Army deafness claims.

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