

ANNEX 36

- Country Report IRELAND

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FOR



COMMISSION EUROPEENNE

*- DG FOR JUSTICE,
FREEDOM AND SECURITY -*

**Study on the Transparency of Costs of Civil
Judicial Proceedings in the European Union**

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- COUNTRY REPORT -

- IRELAND -

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1. Identification

This study is for Ireland and was prepared by Melissa Jennings MACantab, Arthur Cox Solicitors, Earlsfort Centre, Earlsfort Terrace, Dublin 2.

2. Executive Summary

This study will explain the litigation system in Ireland. It will include details of the professionals, the courts, the courts services and other aspects such as the right to legal aid and also the contribution of experts. Ireland has a tradition of fairness, and since the 1990s has had a transparent approach to the economy in general, which is reflected in the fairness of the judicial process.

The country has a legal system based on English common law, except to the extent that it is modified by provisions of the Constitution of Ireland 1937 or subsequent legislation. The country acquired its independence from the United Kingdom in 1921. The predominant language spoken in Ireland is English. However, Irish is the national language but it is not widely spoken.

The Irish legal system is based on the English common law system, and in addition any legislation dating from the 19th century was passed by the English parliament to have effect in Ireland. Today, Irish legislation is passed by the Irish Parliament and seeks to reflect modern requirements. Also, the Irish legal system is greatly influenced by Brussels, since joining the European Union in 1973. The monetary unit in Ireland is the Euro.

The 1937 Constitution (“Bunreacht na hEireann”) was created as a statement of basic legal principles for individuals, including the right of access and right of due process to litigants. Private law still follows the English common law tradition but it is nonetheless consistently related to important constitutional principles. As a common law country where the concept of precedent is followed, Ireland does not have major codifications. Civil and commercial laws are regulated by judicial

interpretations. Judicial decision-making involves the application of law, whether common law or statutory law, to individual factual problems. Decisions of higher courts are binding on lower level courts. Common law applies, unless overridden by statute.

The present system of courts is based on that already in existence in the Court of Justice Act 1924. Ireland has a four tiers judiciary structure. The District Courts are located in 23 districts and they serve as courts of first instance. It has jurisdiction over some civil and most minor criminal cases. There are eight Circuit Courts that usually judge some of the more serious civil and criminal cases. The next level is the High Court and that exercises appellate jurisdiction and hears appeals from the lower courts. The High Court also has significant original jurisdiction over civil cases of higher monetary value and cases deriving from constitutional law, company law bankruptcy proceedings etc. Decisions of the High Court may be appealed to the Supreme Court. The Supreme Court is the final appellate court and resolves all matters. To a certain degree, it sits as a constitutional court, as well.

3. General Points about the Cost of Litigation

In Ireland, the legal profession is divided in Solicitors and Barristers. Solicitors advise clients on legal issues to be determined by a court. Barristers are experts in advocacy and represent their clients in court. Usually, a barrister is hired by the solicitor to represent the claimant in Court.

Solicitors and Barristers are members of professional bodies. Solicitors are members of the Law Society of Ireland (www.lawsociety.ie) and barristers are members of the Law Library (www.barcouncil.ie). The professional require their members to obey the ethics of their professional body.

Solicitors acting for a claimant are obliged by law to set out in writing the cost of their advice before giving any advice. It will be breach of the Law

Society Guide to Professional Conduct to omit to give this information. This is a positive aspect of litigation in Ireland as it encourages a greater of transparency in relation to solicitor's costs.

In commercial firms the Solicitors fees are charged on an hourly rate.

Schedule

Trainee	€150 per hour
Solicitors	€220 per hour
Associate	€280 per hour
Partner	€360 per hour
Senior Partner	€450 per hour

Small firms with 3 or 4 solicitors will charge according to the value of the claim and according to the complexities to the issues.

Barrister's fees can be broken down as follows:

Consultation Fees	Senior Counsel - up to €500 Junior Counsel - up to €300
Attendance at pre- trial Motion	Junior Counsel - up to €500
Drafting documentation for the claim	Senior Counsel - up to €1000
e.g. Defence	Junior Counsel - up to €500
Brief Fee	Senior Counsel - up to €5000 Junior Counsel - 50% to 2/3 of the above
Refresher fees (appearance in court)	Senior Counsel - up to €1,000 per day Junior Counsel - 50% to 2/3 of the above

Barrister's fees will vary depending on the value of the claim.

Depending on the type of claim the following other expenses are incurred by the parties to a claim:

Witness Expenses	Stamp for Summons - €15 Viaticum - approx. €50
Witness Expenses cont'd	Travel Expenses - up to €100 Loss of Work - up to €300
Expert Witnesses	Evidence by video link - up to €300 Fee for Expert Report - up to €1000 Fee for attendance at court - from €300 per hour
Court fees	All documentation for the courts is stamped. E.g. Plenary Summons costs €110.
VAT	Professional Fees and services are V.A.T. at the rate of 21%

As a general costs follow to event, that is the winning party is usually awarded the costs of the action. This means that is a claimant wins the action they will be awarded their own costs and the costs of the other party. However, this will not include expenses incurred that do not directly prove a particular aspect of the claim.

It is important to realize that the Judge has a total discretion in respect of the award of costs. The Judge might decide to award the claimant all of their own costs and 50% of the other party's costs.

The parties to claim can apply to the Taxing Master for a ruling on the costs. There will then be a stay on the Costs Order made by the Judge until the Taxing Master has made a ruling. The Taxing Master will look at the work done by the lawyers, and will decide whether the costs charged are reasonable. In addition, the party applying for taxation may be granted the right to review the other side's file, to see how the fees arose.

In practice, the Solicitor involved can aspect a Cost Accountant to assess the value of the costs. Cost Accountants will give the figure which they regard as reasonable, and their opinion will be based on previous decisions of the Taxing Master.

In the case of settlement of claim prior to trial, the costs incurred will form part of the settlement negotiations. Therefore, if the parties are hoping to settle, it is important to do so at an early stage to avoid incurring excessive costs.

The value of the claim will dictate the level of court in which the case will take place, and therefore largely dictates what level of costs will arise.

Court	Value of Claim	Costs
Circuit Court	Less than €100,000	€20,000
High Court	Greater than €100,000	€70,000 plus
Commercial Court	Greater than €100,000	€70,000 plus

The lawyer must be careful to choose the right level court, or otherwise the costs will be disproportionate to the value of the claim.

4. Court Fees

The Court fees are set out in Statutory Instruments passed by the Oireachtas (Houses of Parliament). These have been updated and increased since 2004.

Supreme Court and High Court	Supreme Court and High Court (Fees) Order 2005
Circuit Court	Circuit Court (Fees) Order 2004
District Court	District Court (Fees) Order 2004

The Court Fees are an imposition of Stamp Duty, and once the stamp duty is paid to the court office, the document is franked.

Fees:

High Court	
Plenary Summons (Initiating document)	€110 stamp
Notice of Appearance	€25
Defence	€25
Other Motion e.g. Particulars	€25
Judgment	None
Appeal to Supreme Court on point of law	€200
Transfer to Commercial Court (Notice of Motion)	€110
Summary Summons for arbitration awards in Commercial Court	€200
Circuit Court	
Civil Bill (Initiating document)	€55
Notice of Appearance	€15
Defence	€15
Other Motion	€15
Judgment	None
Appeal to High Court	€55
District Court (Enforcement in Civil and Commercial Claim)	
Notice Committal	€9
Attachment proceedings	€9

5. Transcription fees

Transcription fees do not exist in Irish courts. The Constitution of Ireland provides that the administration of justice shall be conducted in public. There proceedings are open to the public and rulings are available to the parties for free (unless the proceedings are in camera).

The judgments passed are available to the parties immediately after the case is heard. However, non parties must pay a fee of €12 and 25cents per page for each copy of the Order made by the court. The Judgment will also be available on the courts web-site (www.courts.ie).

Circuit Court rulings do not usually involve a written judgment.

6. Fees charged by Solicitors and Barristers

See above. I intend to provide sample invoices.

7. Enforcement

The decision of the court becomes enforceable once the judgment is handed down and so long as the costs are not going for Taxation, the winning party may enforce the decision. In the event that the losing party fails to pay then recourse to the courts becomes necessary. This can be an expensive part of litigation, and can be time consuming. The losing party will be charged interest on the sum owed to the winning party.

Options available to the party enforcing the judgment:

- Apply to the District Court for Committal/Attachment
 - Serve Summons for Attendance on the losing party
 - Hearing in the District Court
 - Order made by the District Court for the debt to be paid in instalments.
 - Order of Attachment made by District Court

- Apply for an Enforcement Order in the High Court.
 - Serve Notice of Motion
 - Hearing in the High Court
 - Enforcement Order granted
 - Apply to Bailiff to enforce the Order
 - Seizure of goods

- Apply to High Court for Sale of Property
 - Notice of Motion
 - Cost of €4 for ever €100 of the price of the property
 - Rarely granted - right to a home protected by the Constitution

- Arbitration Award
 - Serve Summary Summons
 - Cost stamp duty of €200
 - Hearing in the High Court granted early
 - Order made the Court for the enforcement of the award

- Apply to High Court to have the losing party declared bankrupt.
 - Notice of Motion
 - Hearing in the High Court
 - Losing party declared a bankrupt
 - Enforce the award
 - Costly procedure

8. Experts

Experts are used in many types of litigation.

- Medical experts for personal injury claims
- Engineers for Road Traffic Accidents, damage to property
- Architects/surveyors for valuations of property
- Computer Experts for issues involving technology
- Other professional for claims in relation to professional conduct

Experts are used in traditional litigation before the courts and also in Arbitration proceedings and enquiries.

While increasing the expense, it is not uncommon for evidence to be given by an expert from other English speaking countries. Claimants will face opponents who may have access to high quality expert advice, the cost of which can be borne by an Insurance company. The defendant will be seeking to preserve their reputation, and a good expert will greatly assist. However, in practice, it is common for the expert reports to be exchanged between the parties prior to any hearing in Court.

While there is organisation in Ireland which gives a guide to experts, most lawyers would be able to provide details of suitable candidates.

9. Translation and Interpretation

English is spoken in Ireland and is the main language used by the Courts. Qualified Interpreters and translators of most languages are available to give evidence in court. The cost can be expensive. Translated documents must be certified as a true translation, and the original document should be produced in Court. If the document is coming from abroad, legalisation may be required, and it should be noted that Ireland is a member of the Hague Convention.

In principle the cost of this will follow the event, as described earlier. Individuals have a right of access to courts, and if this is required for the case to be heard, then the cost of translation will be granted to the winning party.

10. Compensation of witnesses

In principle, the witness compensation is whatever is reasonable in the circumstances.

- Travel expenses
 - €100 - country is small and serviced by train and bus
 - Plane journeys for witnesses from abroad

- Hotel expenses

- Witnesses may require hotel accommodation and the expense should be reasonable.
 - Food included
- Loss of pay for missed days at work should be paid to the witness
 - Other expenses, for example attending a hospital for diabetes

This compensation is an addition to the payment of stamp duty to Courts for the witness summons, and any viaticum attached. The viaticum is not an expense, but is a payment towards the expenses in advance of the trial.

11. Security for Costs

The Rules of the Superior Court provide the procedure for applying for Security for Costs. This type of Order is sought in the High Court, where the defendant believes that the claimant will be unable to meet the costs. For example, if there is evidence that the claimant has not been at work and is not eligible for legal aid, the defendant could argue that the claimant will not be able to pay costs if they lose.

There is considerable case-law on this type of Order. The test is (1) is there evidence to show that is reasonable to argue that the claimant will not be able to pay if he/she loses (2) is there evidence that the claimant does not have a reasonable claim and does not have a reasonable prospect of success (3) the fact that the claimant is abroad does not affect his ability to pay the claim.

If the application for any Order is successful, then the claimant must pay the security into the court.

12. Legal Aid Board

In certain circumstances, legal aid is available for claimants who can't afford the cost of litigation. It is always available in all family law matters, and also in other civil actions such as personal injury, employment and civil rights. However, it is not available for litigation that are commercial, such as sale of goods, rights under an agreement, shareholder rights etc. The claimant will have to be means tested, and will have to provide evidence of income.

Solicitors appointed to the legal aid are paid a salary, and therefore are not usually awarded costs if the case is successful.

13. Conclusion

Over the last 20 years, the level transparency in commercial sector Ireland has greatly improved. The Courts have been constantly up graded, and access to information in relation to courts is good. However, the cost of litigation is factor and in particular the issue in relation to solicitors and barrister continues to cause a stumbling block to the lay litigant.

APPENDIX

Case Studies

Case Study number 1 - Family law - Divorce (excluding division of matrimonial property)

In the following Case Study please advise the party that files for divorce on litigation costs.

Case A - National situation: a couple gets married. Later they separate and agree to a divorce.

Case B - Transnational situation: Two nationals from a same Member State (Member State A) get married. The marriage is celebrated in Member State A. After the wedding, the couple moves to live and work in another Member State (Member State B) where they establish their residence. Shortly thereafter the couple separates with the wife returning to Member State A and the husband remaining in Member State B. The couple agrees to a divorce. Upon her return to Member

State A, the wife immediately files for a divorce before the courts of Member State B¹.

Case Study number 2 - Family law - Custody of the children (excluding alimony questions)

In the following Case Study please advise the suing party on litigation costs by completing the table below.

Case A - National situation: Two persons have lived together unmarried for a number of years. They have a three year old child when they separate. A court decision grants custody of the child to the mother and a right of access to the father. The mother sues to limit the father's right of access.

Case B - Transnational situation where you are a lawyer in Member State A: Two persons have lived together unmarried in a Member State (Member State B) for a number of years. They have a child together but separate immediately after the child's birth. A court decision in Member State B gives the child's custody to the mother with a right of access to the father. The mother and the child move to live in another Member State (Member State A) as authorized to do so by the Court decision and the father remains in Member State B. A few years later, the mother sues in Member State A to change the father's right of access².

¹ N.B : Article 3 of Regulation EC n°2201/2003 provides that: "In matters relating to divorce, legal separation or marriage annulment, jurisdiction shall lie with the courts of the Member State

(a) in whose territory:

— the spouses are habitually resident, or

— the spouses were last habitually resident, insofar as one of them still resides there"

² N.B : Article 8 of Regulation EC n°2201/2003 provides that : "The courts of a Member State shall have jurisdiction in matters of parental responsibility over a child who is habitually resident in that Member State at the time the court is seized."

Case Study number 3 - Family law - Alimony

In the following Case Study please advise the suing party on litigation costs by completing the table below.

Case A - National situation: Two persons have lived together unmarried for a number of years. They have a three year old child when they separate. A court decision grants custody of the child to the mother. The only outstanding dispute relates to the amount of the alimony owed to the mother by the father for the support and education of the child. The mother sues on this.

Case B - Transnational situation where you are a lawyer in Member State A: Two persons have lived together unmarried in a Member State (State B). They have a three year old child. They separate. A court decision in Member State B gives the child's custody to the mother. With the agreement of the father, the mother and the child move to live in another Member State (Member State A) where they establish their residence.

An outstanding dispute remains. This relates to the amount of the alimony owed to the mother by the father for the support and education of the child. The mother sues on this in Member State A³.

Case Study number 4 - Commercial law - Contract

³ NB Article 5 of COUNCIL REGULATION (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters provides that: "in matters relating to maintenance, in the courts for the place where the maintenance creditor is domiciled or habitually resident or, if the matter is ancillary to proceedings concerning the status of a person, in the court which, according to its own law, has jurisdiction to entertain those proceedings, unless that jurisdiction is based solely on the nationality of one of the parties"

In the following Case Study please advise the seller on litigation costs by completing the table below.

Case A - National situation: A company delivered goods worth 20.000 euros. The seller has not been paid because the buyer considers that the goods do not conform to what was agreed. The seller believes that the goods conform to what was agreed and asks for payment in full because he asserts that the goods were purpose made and he will not be able to sell them to someone else.

The seller decides to sue to obtain the full payment of the price.

Case B - Transnational situation: A company whose head office is located in Member State B delivers goods worth 20.000 euros to buyer in Member State A. The contract is subject to Member State B's law and written in Member State B's language. This seller has not been paid because the buyer located in Member State A considers that the goods do not conform to what was agreed. The seller believes that the goods conform to what was agreed and asks for payment in full because he asserts that the goods were purpose made and he will not be able to sell them to someone else. The seller decides to sue in Member State A to obtain full payment of the price as provided under the contract with the buyer.

Case Study number 5 - Commercial law - Responsibility

In the following Case Study please advise the customer on litigation costs by completing the table below.

Case A - National situation: A heating equipment manufacturer delivers a heater to an installer. The installer on-sells (and installs) the heater to a customer to equip his/her house. The house catches fire shortly thereafter. Every participant (heating equipment manufacturer, installer, end-customer) is insured. The origin of the fire is contested. Nobody wants to compensate the customer.

The customer decides to sue for full compensation the heating equipment manufacturer, the heating equipment installer and the insurance companies.

Case B - Transnational situation: A heating equipment manufacturer in a Member State B delivers heater to an installer in a Member State C. The installer on-sells the heater (and installs) the heater to a customer in Member State A to equip his/her house. The house catches fire shortly thereafter. Each participant (heating equipment manufacturer, installer, end-customer) is insured by an insurance company in its own Member State. The origin of the fire is contested. Nobody wants to compensate the customer.

The customer decides to sue in Member State A for full compensation the heating equipment manufacturer, the heating equipment installer and the insurance companies in Member State A.

TABLES TO COMPLETE IN ANSWERING EACH CASE STUDY

Case n° 1

Case Study	Court			Appeals			ADR	
	Initial court fees	Transcription fees	Other fees	Initial court fees	Transcription fees	Other fees	Is this option open for this type of case?	Costs
Case A	None	None		None	None		Not Applicable	
Case B	None	None		None	None		Not applicable.	

Case Study	Lawyer		Bailiff			Expert	
	Is representation compulsory?	Average costs	Is representation compulsory?	Pre-judgment costs	Post-judgment costs	Is use compulsory?	Cost
Case A	No	Hourly rates up to €400 by solicitors . Junior Counsel appearance in Court €500 per day Senior Counsel in Court €1000	No	Court fees. €25 per motion	No	No	No
Case B	No	Hourly rates up to €400 by solicitors . Junior Counsel appearance in Court €500 per day Senior Counsel in Court €1000	No	Not applicable	No	No	No

Case	Witness compensation		Pledge or security		Other fees	
	Are witnesses compensated ?	Cost	Does this exist and when and how is it used ?	Cost	Description	Cost
Case A	Yes if applicable	Up to €500	no	no	No	No
Case B	Yes if applicable	Up to €500	No	No	No	No

Case	Legal Aid			Reimbursement			
	When and under which conditions is it applicable?	When is support total?	Conditions?	Can the winning party obtain reimbursement of litigation costs?	If reimbursement is not total what is percentage in general?	What costs are never reimbursed?	Are there instances when legal aid should be reimbursed to the legal aid organisation?
Case A	Means tested	Means tested	Means tested	Yes	Discretion of the Judge	No circumstances	No
Case B	Means Tested	Means Tested	Means tested	Yes	Discretion of the Judge	No	No

Case	Translation		Interpretation		Other costs specific to cross-border disputes ?	
	When and under which conditions is it necessary ?	Approximative cost ?	When and under which conditions is it necessary?	Approximative cost ?	Description	Approximative cost?
Case A	If parties dont speak English	€100's per day	Same	Same	No	No
Case B	Same	Same	Same	Same	No	No

TABLES TO COMPLETE IN ANSWERING EACH CASE STUDY

Case n° 2

Case Study	Court			Appeals			ADR	
	Initial court fees	Transcription fees	Other fees	Initial court fees	Transcription fees	Other fees	Is this option open for this type of case?	Costs
Case A	None	None		None	None		Not Applicable	
Case B	None	None		None	None		Not applicable.	

Case Study	Lawyer		Bailiff			Expert	
	Is representation compulsory?	Average costs	Is representation compulsory?	Pre-judgment costs	Post-judgment costs	Is use compulsory?	Cost
Case A	No	Hourly rates up to €400 by solicitors . Junior Counsel appearance in Court €500 per day Senior Counsel in Court €1000	No	Court fees. €25 per motion	No	No	No
Case B	No	Hourly rates up to €400 by solicitors . Junior Counsel appearance in Court €500 per day Senior Counsel in Court €1000	No	Not applicable	No	No	No

Case	Witness compensation		Pledge or security		Other fees	
	Are witnesses compensated ?	Cost	Does this exist and when and how is it used ?	Cost	Description	Cost
Case A	Yes if applicable	Up to €500	no	no	No	No
Case B	Yes if applicable	Up to €500	No	No	No	No

Case	Legal Aid			Reimbursement			
	When and under which conditions is it applicable?	When is support total?	Conditions?	Can the winning party obtain reimbursement of litigation costs?	If reimbursement is not total what is percentage in general?	What costs are never reimbursed?	Are there instances when legal aid should be reimbursed to the legal aid organisation?
Case A	Means tested	Means tested	Means tested	Yes	Discretion of the Judge	No circumstances	No
Case B	Means Tested	Means Tested	Means tested	Yes	Discretion of the Judge	No	No

Case	Translation		Interpretation		Other costs specific to cross-border disputes ?	
	When and under which conditions is it necessary ?	Approximative cost ?	When and under which conditions is it necessary?	Approximative cost ?	Description	Approximative cost?
Case A	If parties dont speak English	€100's per day	Same	Same	No	No
Case B	Same	Same	Same	Same	No	No

TABLES TO COMPLETE IN ANSWERING EACH CASE STUDY

Case n° 3

Case Study	Court			Appeals			ADR	
	Initial court fees	Transcripti on fees	Othe r fees	Initial court fees	Transcripti on fees	Othe r fees	Is this option open for this type of case?	Costs
Case A	None	None		None	None		Not Applicable	
Case B	None	None		None	None		Not applicable.	

Case Study	Lawyer		Bailiff			Expert	
	Is representation compulsory?	Average costs	Is representation compulsory?	Pre-judgment costs	Post-judgment costs	Is use compulsory?	Cost
Case A	No	Hourly rates up to €400 by solicitors . Junior Counsel appearance in Court €500 per day Senior Counsel in Court €1000	No	Court fees could be up to €100	Court fees could be up to €200	No	No
Case B	No	Hourly rates up to €400 by solicitors . Junior Counsel appearance in Court €500 per day Senior Counsel in Court €1000	No	Not applicable	No	No	No

Case	Witness compensation		Pledge or security		Other fees	
	Are witnesses compensated ?	Cost	Does this exist and when and how is it used ?	Cost	Description	Cost
Case A	Yes if applicable	Up to €500	no	no	No	No
Case B	Yes if applicable	Up to €500	No	No	No	No

Case	Legal Aid			Reimbursement			
	When and under which conditions is it applicable?	When is support total?	Conditions?	Can the winning party obtain reimbursement of litigation costs?	If reimbursement is not total what is percentage in general?	What costs are never reimbursed?	Are there instances when legal aid should be reimbursed to the legal aid organisation?
Case A	Means tested	Means tested	Means tested	Yes	Discretion of the Judge	No circumstances	No
Case B	Means Tested	Means Tested	Means tested	Yes	Discretion of the Judge	No	No

Case	Translation		Interpretation		Other costs specific to cross-border disputes ?	
	When and under which conditions is it necessary ?	Approximative cost ?	When and under which conditions is it necessary?	Approximative cost ?	Description	Approximative cost?
Case A	If parties dont speak English	€100's per day	Same	Same	No	No
Case B	Same	Same	Same	Same	No	No

TABLES TO COMPLETE IN ANSWERING EACH CASE STUDY

Case n° 4

Case Study	Court			Appeals			ADR	
	Initial court fees	Transcription fees	Other fees	Initial court fees	Transcription fees	Other fees	Is this option open for this type of case?	Costs
Case A	Circuit Court fees €55	None	Pre-trial motions €15	€100	None		Not Applicable	
Case B	Circuit Court fees €55	None		None	None		Not applicable.	

Case Study	Lawyer		Bailiff			Expert	
	Is representation compulsory?	Average costs	Is representation compulsory?	Pre-judgment costs	Post-judgment costs	Is use compulsory?	Cost
Case A	No	Hourly rates up to €400 by solicitors . Junior Counsel appearance in Court €500 per day Senior Counsel in Court €1000	No	Court fees up to €100	Enforcement Orders. Application costs €100	No	No
Case B	No	Hourly rates up to €400 by solicitors . Junior Counsel appearance in Court €500 per day Senior Counsel in Court €1000	No	Not applicable	No	No	No

Case	Witness compensation		Pledge or security		Other fees	
	Are witnesses compensated ?	Cost	Does this exist and when and how is it used ?	Cost	Description	Cost
Case A	Yes if applicable	Up to €500	no	no	No	No
Case B	Yes if applicable	Up to €500	No	No	No	No

Case	Legal Aid			Reimbursement			
	When and under which conditions is it applicable?	When is support total ?	Conditions ?	Can the winning party obtain reimbursement of litigation costs?	If reimbursement is not total what is percentage in general ?	What costs are never reimbursed?	Are there instances when legal aid should be reimbursed to the legal aid organisation ?
Case A	Not applicable	Not applicable	Not applicable	Yes	Discretion of the Judge	No circumstances	No
Case B	Not applicable	Not applicable	Not applicable	Yes	Discretion of the Judge	No	No

Case	Translation		Interpretation		Other costs specific to cross-border disputes ?	
	When and under which conditions is it necessary ?	Approximative cost ?	When and under which conditions is it necessary?	Approximative cost ?	Description	Approximative cost?
Case A	If parties dont speak English	€100's per day	Same	Same	No	No
Case B	Same	Same	Same	Same	No	No

TABLES TO COMPLETE IN ANSWERING EACH CASE STUDY

Case n° 5

Case Study	Court			Appeals			ADR	
	Initial court fees	Transcription fees	Other fees	Initial court fees	Transcription fees	Other fees	Is this option open for this type of case?	Costs
Case A	€110 Setting down court fee of €110	None		€200	None	Possible transfer to the Commercial Court. Motion fee of €200.	Might be applicable	Summary Procedure €110 (fast-track)
Case B	€110 Setting down court fee of	None		€200	None	Possible transfer to the Commercial Court. Motion fee of	Not applicable.	Summary Procedure €110.

Case Study	Court			Appeals			ADR	
	Initial court fees	Transcription fees	Other fees	Initial court fees	Transcription fees	Other fees	Is this option open for this type of case?	Costs
	€110					€200		

Case Study	Lawyer		Bailiff			Expert	
	Is representation compulsory?	Average costs	Is representation compulsory?	Pre-judgment costs	Post-judgment costs	Is use compulsory?	Cost
Case A	No	Hourly rates up to €400 by solicitors. Junior Counsel appearance in Court €500 per day Senior Counsel in Court €1000	No - not applicable	Court fees. District Court Summons for committal €9	No	No	If used could be €1,000
Case B	No	Hourly rates up to €400 by solicitors. Junior Counsel appearance in Court €500 per day Senior Counsel in Court €1000	No	Not applicable	No	No	No

Case	Witness compensation		Pledge or security		Other fees	
	Are witnesses compensated ?	Cost	Does this exist and when and how is it used ?	Cost	Description	Cost
Case A	Yes if applicable	Up to €500	Not applicable	no	No	No
Case B	Yes if applicable	Up to €500	No	No	No	No

Case	Legal Aid			Reimbursement			
	When and under which conditions is it applicable?	When is support total?	Conditions?	Can the winning party obtain reimbursement of litigation costs?	If reimbursement is not total what is percentage in general?	What costs are never reimbursed?	Are there instances when legal aid should be reimbursed to the legal aid organisation?
Case A	Not applicable			Yes Possible hearing by the Taxing Master.	Discretion of the Judge	No circumstances	No
Case B	Not applicable			Yes. Possible hearing by the Taxing Master	Discretion of the Judge	No	No

Case	Translation		Interpretation		Other costs specific to cross-border disputes ?	
	When and under which conditions is it necessary ?	Approximative cost ?	When and under which conditions is it necessary?	Approximative cost ?	Description	Approximative cost?
Case A	If parties dont speak English	€100's per day	Same	Same	No	No
Case B	Same	Same	Same	Same	No	No

