

**THE GRAND COURT OF THE CAYMAN ISLANDS
FAMILY DIVISION**

**CAUSE NO. FAM 36 of 2011
(LACV0162/2012)**

BETWEEN:

MG

Petitioner

AND

WTG

Respondent

**AN APPLICATION PURSUANT TO SECTION 29 OF THE LEGAL AID LAW
2016 FOR THE RE-TAXATION OF AN INVOICE NUMBER 20170535 DATED
19 FEBRUARY 2018 FOLLOWING THE ISSUING OF THE TAXING
OFFICER'S DECISION APPROVED AND RELEASED ON 12 APRIL 2018;**

CONSIDERED ON THE PAPERS WITH THE CONSENT OF THE PARTIES:

Ruling Delivered by: Hon Justice Ingrid Mangatal

**Written Submission received
from the assigned Attorney-at-Law
seeking re-taxation: 15 May 2018**

Ruling Delivered: 18 July 2018

Released for Publication: 3 September 2018



HEADNOTE

Section 29 of the Legal Aid Law, 2015 – Re-taxation of invoice rather than “appeal”.

RE-TAXATION RULING

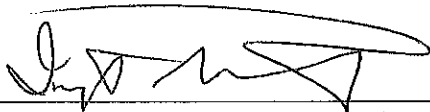
1. By way of letter dated 10 May 2018, the Attorneys for the Petitioner, Brady Attorneys-at-Law, sought what they referred to as “*an appeal*” against a taxation certificate dated 12th April 2018, issued in this matter by the Taxing Officer, for



the Clerk of the Courts. The letter from Brady, Attorneys-at-Law expressly referred to Section 29 of *the Legal Aid Law, 2015* ("*the Law*").

2. The Court notes that Section 29 of *the Law* indicates that the application is to be dealt with by the Judge by way of a re-taxation of the entire bill of costs, without regard to the decision of the Clerk of Courts. Further, that when re-taxing a bill of costs, the Judge shall act in an administrative capacity and his (or her) certificate of legal aid taxation shall be final and conclusive.
3. I note that in this particular case, the dispute is really about a sum that is in my view relatively "*de minimus*". The Invoice or Bill that Brady Attorney-at-Law complain about was taxed down from a claimed CI\$3,295 to CI\$2,674. Whilst this represents, according to Brady Attorneys-at-Law, a reduction of just under 19%, in my view, the most cost-effective way to deal with this application is to deal with it on the papers.
4. In my judgment, it is appropriate to re-tax the Bill in the sum of CI\$2,674 and I will issue a certificate of Legal Aid Taxation to this effect.
5. The Applicant complained about the reduction of the process server's fee from CI\$75 to CI\$30. In my view there is no merit in that complaint because section 23(2) (a) of *the Law* provides that an Attorney-at-Law in a standard legal aid case, is entitled to be paid fees for service of documents, "*provided that the amount recoverable should not exceed that prescribed by the Court Fees Rules, 2009*". The Court fees Rules provided for a fee of CI\$30 for service by the Bailiff of the relevant documents in the George Town area, where the subject documents were served. Further, although the Attorneys claimed that there were special urgent circumstances which called for other than Court Bailiff Service, it would appear that the Attorneys had not sought prior approval from the Legal Aid Director – see Notice to All Legal Aid Attorneys from the Clerk of Courts dated 19 December 2013.

6. Mr. Joshi of Brady Attorneys-at-Law complained that the Bill was effectively approved by Carter J on 28th July 2018 when the Judge made an order for “*the costs of and occasioned by the Application*”. However, this was not so because these costs would have to be taxed in order to be crystalised.
7. As regards the other complaints; where a reduction was made because it was considered “*excessive*”, I have considered the comments in Mr. Joshi’s letter. However, I am not persuaded to allow any amounts higher than the Taxing Officer allowed. In circumstances where the invoice has been marked down in respect of “*chaser*” or “*follow-up*” emails, Brady, Attorneys-at-Law should have been aware of the Guidelines issued by the Director of Legal Aid, by way of Notices to Legal Aid Attorneys dated 19 December 2013, 1st December 2015 and 18th August 2017, that “*nothing will be allowed for chaser or follow-up calls or emails*”.
8. In the circumstances, I am minded to re-tax the invoice in the same amount as allowed by the Taxing Officer.



**HON. JUSTICE INGRID MANGATAL
JUDGE OF THE GRAND COURT**

