



محكمة قطر الدولية
ومركز تسوية المنازعات
QATAR INTERNATIONAL COURT
AND DISPUTE RESOLUTION CENTRE

In the name of His Highness Sheikh Tamim bin Hamad Al Thani,
Emir of the State of Qatar

Neutral Citation: [2020] QIC (C) 3

IN THE CIVIL AND COMMERCIAL COURT
OF THE QATAR FINANCIAL CENTRE

5 September 2020

CASE No. 2 of 2020

BETWEEN:

DENTONS & CO (QFC BRANCH)

Applicant

v

BIN OMRAN TRADING & CONTRACTING LLC

Respondent

COSTS ASSESSMENT

Before:

Mr Christopher Grout, Registrar

JUDGMENT

Introduction

1. The background relating to this case is set out in the judgment of the First Instance Circuit of the Court reported at [2020] QIC (F) 7. In short, the Applicant brought proceedings against the Respondent in relation to unpaid legal fees. The Respondent failed to engage with the Court process and the Court acceded to an application for summary judgment, awarding the Applicant QAR 118,625.00 (in respect of the unpaid legal fees) plus costs to be assessed if not agreed.
2. Having been unable to agree the issue of costs, the Applicant filed an application for costs to be assessed on 29 July 2020 ('the Application'). I wrote to the Respondent giving it an opportunity to file and serve a response. The Respondent initially refused to accept receipt of correspondence from the Court but ultimately did so on 11 August 2020. It was given until the 24 August 2020 to file a response but failed to do so. It was advised that, after that date, I would undertake the Costs Assessment on the basis of the written submissions filed and served to date.

The Need for a Hearing

3. I am afforded a 'wide discretion' as to the procedure to be adopted when undertaking a Costs Assessment.¹ Ordinarily, such assessments will be undertaken on the papers, i.e. without the need for an oral hearing. In this case, the Applicant has not sought an oral hearing. As with the substantive hearing before the Court, the Respondent has failed to engage with the process. I am satisfied that it is appropriate to undertake the Costs Assessment on the written material provided to date without the need for any oral submissions.

¹ *Hammad Shawabkeh v Daman Health Insurance Qatar LLC* [2017] QIC (F) 2, at paragraph 21. That principle was not interfered with by the Appellate Division of the Court in the same case in its judgment dated 11 September 2017.

The Principles to be Applied

4. Ordinarily, for costs to be recoverable, they must be reasonable. In *Hammad Shawabkeh v Daman Health Insurance Qatar LLC* [2017] QIC (C) 1 I laid down the principles to be applied when assessing ‘reasonable costs.’ At paragraphs 10-12 I said:

How is the issue of reasonableness to be approached? In my judgment, in order to be recoverable costs must be both reasonably incurred and reasonable in amount. If they are not then they are unlikely to be recoverable.

I have identified the following (non-exhaustive) list of factors which will ordinarily fall to be considered when assessing whether or not costs have been reasonably incurred by a party and, if they have, whether they are also reasonable in amount:

- (a) Proportionality;*
- (b) The conduct of the parties (both before and during the proceedings);*
- (c) Efforts made to try and resolve the dispute without recourse to litigation (for example through Alternative Dispute Resolution);*
- (d) Whether any reasonable settlement offers were made and rejected; and*
- (e) The extent to which the party seeking to recover costs has been successful.*

When considering the proportionality factor, the following (again non-exhaustive) factors are likely to fall to be considered:

- (a) In monetary or property claims, the amount or value involved;*
- (b) The importance of the matter(s) raised to the parties;*
- (c) The complexity of the matter(s);*
- (d) The difficulty or novelty of any particular point(s) raised;*
- (e) The time spent on the case;*
- (f) The manner in which work on the case was undertaken; and*
- (g) The appropriate use of resources by the parties including, where appropriate, the use of available information and communications technology.*

5. Those principles were, upon review by the First Instance Circuit of the Court, approved.² In the present case, the Applicant did not seek to suggest, in its written submissions, that those principles should not be applied here.

The Submissions

6. The Application provides that ‘The Claimant’s costs incurred to date amount to approximately QAR 20,000.’ The documents in support of this comprised an invoice in the sum of USD 3,015.50 (QAR 10,976.42) plus a detailed breakdown of the work done and time spent by various fee earners. The Applicant confirmed, in subsequent correspondence, that the only amount being claimed as part of this Costs Assessment was QAR 10,976.42, the excess relating to costs incurred after the issuance of the Court’s judgment.
7. The detailed breakdown, filed in support of the Application, reveals that four different fee earners had spent a total of 8.4 hours on the case. The narrative accompanying the breakdown explains the nature of the work which, broadly speaking, relates to the preparation, filing and service of both the Claim Form and the Application for Summary Judgment.

Consideration and Conclusions

8. I have not had the benefit of any submissions from the Respondent. It is therefore unclear which, if any, of these costs they take issue with and why. In reaching a conclusion, I intend to apply a reasonably broad-brush approach whilst keeping firmly in mind the principles set out at paragraph 4 above.
9. I have already had occasion to find that self-represented law firms are entitled, as a matter of principle, to recover professional costs incurred in furtherance of bringing a

² *Hammad Shawabkeh v Daman Health Insurance Qatar LLC* [2017] QIC (F) 2 at paragraph 20. The decision of the Court to approve those principles was not interfered with by the Appellate Division of the Court in the same case in its judgment dated 11 September 2017.

claim, providing that the costs claimed are reasonable- see *Pinsent Masons LLP (QFC Branch) v Al Qamra Holding Group* [2018] QIC (C) 1, at paragraphs 18-29. Whilst I am not bound to accept that a particular law firm's published rates are automatically reasonable, in the absence of a fixed costs regime or regulations which deal with recoverable legal fees following litigation before the Court, the best I can do is consider whether the rates charged in the present case are broadly in line with other cases I have dealt with.

10. I am satisfied that the rates charged in respect of each fee earner are reasonable. Moreover, although this was a very straightforward case, this is reflected by the fact that very few hours were spent preparing it. I am entirely satisfied that the 8.4 hours claimed in preparing, filing and serving the Claim Form and Application for Summary Judgment are reasonable. The hours spent are also proportionate taking into account, in particular, the value and simple nature of the claim.

Conclusion

11. For the reasons given above, the Applicant's submissions in relation to its reasonable costs are successful and the Applicant is entitled to recover QAR 10,976.42 from the Respondent.

12. Accordingly, the Respondent shall pay to the Applicant the sum of QAR 10,976.42.

By the Court,



Mr Christopher Grout

Registrar

