

Lawyers for claimants in Trafigura case seek £105m in costs

QC for Trafigura says claim in Ivory Coast toxic waste case is 'staggeringly high'

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Lawyers who represented the victims of toxic waste dumped in Ivory Coast are claiming £105m in legal costs, it has emerged. The costs claim was alleged to be the highest figure for a single case.

Leigh Day and Co, who represented more than 30,000 victims after they fell ill from "slops" deposited in the West African country, are claiming the sum from the oil traders Trafigura.

The case was settled last year after Trafigura agreed to make payments to the victims, although it did not accept legal liability. Trafigura says its costs were £14m. Leigh Day won £30m for the victims of the scandal in what was Britain's biggest-ever lawsuit.

Sean Wilken, Trafigura's QC, told the high court that Leigh Day's claim was "staggeringly high. I am told that this is one of the largest, if not the largest, costs claims in legal history".

The costs claim comes amid continuing controversy about the money paid to victims in Ivory Coast, since only 12,250 of them had cashed their cheques. "This court is faced with ground-breaking claims of English lawyers in circumstances where the Ivorian claimants have not been paid in full the compensation which was supposedly the rationale of this litigation," said Wilken.

Civil litigation experts said that the costs were unusually high. "£105m is a very high figure - I don't think I've ever heard a higher one in over 25 years of practice," said David Greene, head of litigation at law firm Edwin Coe. "But these class-actions take a huge amount of logistical organisation; pulling people together, vetting their claims, vetting the medical evidence, vetting the facts."

The sum is also likely to draw further attention to the use of conditional fee agreements, which enable lawyers to work for free. Although in the UK CFAs, as they are known, do not allow lawyers to take a share of compensation paid to clients, they can lead to as much as a doubling of the fees charged in successful cases. Leigh Day are claiming a so-called success fee of £40m in this case.

Earlier this year a report by the appeal judge Lord Justice Jackson recommended abolishing the measures, because of the high costs resulting in some cases.

But lawyers said that claimants who lacked the money to pay lawyers would suffer from the withdrawal of CFAs.

Martyn Day, who led the Leigh Day team, said the firm had taken the risk of paying out millions to fight the case and were entitled to the success fee.

He added the firm's legal costs and the compensation won for the victims were "two totally different" figures.

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