

SCA Query Reference	Q122848 - (PQ44813/19)
Query Title	Legal costs in medical negligence (2018)
Requestor	Madeline Meade DOH (re: PQ from Michael McGrath T.D)
Date of request	25/10/2019
Report run date	30/10/2019
Reporting period	2018

Query

“To ask the Minister for Health the amount paid in legal costs to each of the top ten named legal firms representing plaintiffs in medical negligence cases in 2018; the number of cases that payments relate to in tabular form; and if he will make a statement on the matter.”

Response from SCA:

- The information contained in this report has been extracted from the National Incident Management System (NIMS).
- Medical negligence claims are identified on NIMS through the Incident / Hazard Category of Clinical Care. This report relates to Clinical Care claims being managed by the SCA on behalf of the HSE.
- Plaintiff legal costs relate to the payment made to the Plaintiff’s legal team i.e. Solicitors and Counsel and are also inclusive of expert fees which are discharged by the Plaintiff’s solicitor. These expert fees may relate to actuarial, engineering, medical, witness fees etc.

Criteria used

- Table 1 shows the top 10 named Legal firms representing plaintiff legal costs made in relation to Clinical Care claims in 2018 with highest paid totals.
- This report is correct as of 30/10/2019

Question 1: Top 10 Legal Firms by Plaintiff Legal Costs paid in 2018

Payee	Amount Paid	No. of Claims
Augustus Cullen Law Solicitors	€6,766,998	46
Callan Tansey Solicitors	€2,630,707	33
Cantillons Solicitors	€1,956,262	16
Cian O'Carroll Solicitors	€1,813,367	15
Damien Tansey Solicitors	€1,040,387	4
Ivor Fitzpatrick & Co. Solicitors	€931,121	5
Orpen Franks Solicitors	€864,534	7
M.M. Halley & Son Solicitors	€765,362	4
C.M. Haughey Solicitors	€700,286	4
Gallagher Shatter Solicitors	€685,123	1

Table 1: Top 10 Legal firms representing Plaintiffs by total costs paid and number of claims involved in payments for 2018

Definitions:

National Incident Management System (NIMS): Incidents (which include claims) are reported using the “National Incident Management System”. This is hosted by the State Claims Agency (SCA) for the HSE, other Healthcare enterprises and State Authorities. An incident can be a harmful Incident (Adverse Event), no harm incident, near miss, dangerous occurrence (reportable circumstance) or complaint.

Agency Solicitor Fees: Fees paid to solicitors engaged by the Agency.

Claim: A claim refers to notification of intention to seek compensation for personal injury and/or property damage where it is alleged the State was negligent. The application may be in the form of a letter of claim, an InjuriesBoard.ie application, or a written/oral request.

Plaintiff Legal Costs: Plaintiff legal costs relate to the payment made to the Plaintiff’s legal team i.e. Solicitors and Counsel and are also inclusive of expert fees which are discharged by the Plaintiff’s solicitor. These expert fees may relate to actuarial, engineering, medical, witness fees etc.

Transaction Reporting Date: This refers to the date that payments were issued.