

Order No. 2003-1

Ms. “J”, Applicant v. International Monetary Fund, Respondent
(Assessment of compensable legal costs pursuant to Judgment No. 2003-1)

The Administrative Tribunal of the International Monetary Fund,

- having decided in Ms. “J”, Applicant v. International Monetary Fund, Respondent, IMFAT Judgment No. 2003-1 (September 30, 2003) (para. 183 and Decision, para. 3) that the Fund shall pay Applicant the reasonable costs of her legal representation in accordance with Article XIV, Section 4¹ of the Tribunal’s Statute, and
- having considered Applicant’s statement of costs, the Fund’s response, and the post-Judgment views of the parties regarding the assessment of compensable legal costs,

unanimously adopts the following decision:

First: The Administrative Tribunal accepts the statement of costs prepared by Applicant’s counsel as a valid representation of the costs “incurred by the applicant in the case” (Article XIV, Section 4). Accordingly, the Tribunal shall not, as Respondent requests, inquire into the particular fee arrangement existing between Applicant and her counsel.

Second: In the circumstances of the case, the Administrative Tribunal shall not deduct from Applicant’s compensable legal costs a sum attributed to consultation regarding Applicant’s workers’ compensation claim. That claim, which Applicant conceded during the course of the proceedings was not yet ripe for review, nonetheless was recognized in the Tribunal’s Judgment as being of an “intersecting nature” with Applicant’s disability retirement claim. (Ms. “J”, para. 89). The disputed entries on the statement of costs reflect that, at the applicable stage of

¹ Article XIV, Section 4 provides:

“If the Tribunal concludes that an application is well-founded in whole or in part, it may order that the reasonable costs incurred by the applicant in the case, including the cost of applicant’s counsel, be totally or partially borne by the Fund, taking into account the nature and complexity of the case, the nature and quality of the work performed, and the amount of the fees in relation to prevailing rates.”

consultation, both complaints were reasonably being considered in tandem.

Third: Therefore, in accordance with the requirements of Article XIV, Section 4 of the Statute, taking into account the nature and complexity of the case, the nature and the quality of the work performed, and the amount of the fees in relation to prevailing rates, the Administrative Tribunal hereby assesses the reasonable costs of Applicant's legal representation in the full amount submitted, i.e. \$16,434.32.

Stephen M. Schwebel, President

Nisuke Ando, Associate Judge

Michel Gentot, Associate Judge

Stephen M. Schwebel, President

Celia Goldman, Registrar

Washington, D.C.
December 23, 2003