

Legal Expenses of torts Claims

Cost category Costs in consequence to crime

Cost item Legal Expenses of torts Claims

In Anglo-Saxon legal systems in particular it may be open to victims of crime to bring civil actions seeking damages from the perpetrators. These actions may be comparatively uncommon, not least because offenders rarely have sufficient means to pay significant amounts of compensation. But where they are brought, the costs may be substantial and should be taken into account. Of course, as with statutory criminal injury compensation schemes, the sums of damages received by victims are excluded, since they refer to losses that have already been taken into account as a source of 'costs as a consequence of crime'.

Definition

Theoretical discussion

[link to relevant section in Bibliography]

Preferred estimation methodology

legal expenses incurred by crime victims who bring tort claims against alleged perpetrators: may be difficult to estimate in a conditional or contingent fee setting

Comments

should only be the legal costs of the action that are considered since any compensation awarded will be in respect of loss measured under some other head (eg intangible harm). We note that these costs are in addition to those associated with the costs of administering public compensation schemes.

Usage

rarely included: number of cases tends to be small

Offences normally included

VAP

Formula

proportion of households bringing legal claims in respect of losses from offence type j * average cost of action/no of offences (from survey)

Data sources Proportion of victims bringing tort actions average legal costs per personal injury claim (may be available from legal aid data)

Example

	0.50%	Proportion of victims of offence type j bringing tort actions
£	10,000.00	Average legal costs per personal injury claim
	50,000.00	Number of households victimised by offence type j
£	2,500,000.00	Total cost
	£50	Average costs