

**Order No. 1998-1, Assessment of compensable legal costs (December 18, 1998)**

The Administrative Tribunal of the International Monetary Fund,

- having decided in Judgment No. 1997-1 (Ms. "C.", Applicant v. International Monetary Fund, Respondent, August 22, 1997) that:

“...the Applicant shall be awarded reasonable costs of her legal representation. In the circumstances, compensable costs shall be agreed between Applicant and the Fund. In the event that agreement cannot be reached, the Tribunal will assess costs having regard to the submissions of the Applicant and of the Fund.”,

and

- having issued Order No. 1997-1, interpreting terms of the above decision, and

- having received communications from the parties to the effect that they are unable to reach agreement as to the method of calculating compensable costs and the amount thereof, and hence seek the Tribunal’s assistance in the matter, and

- having reviewed the parties’ arguments regarding the method of calculation of compensable costs in the light Article XIV of the Tribunal Statute<sup>1</sup>, as well as the Tribunal’s Order No. 1997-1 and Explanatory Memorandum, and relevant jurisprudence,

unanimously adopts the following decision regarding assessment of costs pursuant to Judgment No. 1997-1:

First: The parties are unable to reach agreement as to the reasonable costs of Applicant’s legal representation awarded in Judgment No. 1997-1,

Second: The Tribunal will now, therefore, assess the costs, having regard to the submissions of the Applicant and of the Fund,

Third: Given the limited degree to which Applicant was successful in comparison with her total claims, that is, that she prevailed not on her main claim but only on a related claim, and taking into account the nature and complexity of the case, its preparation by her counsel, and

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<sup>1</sup>Art. XIV, para. 4: “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.”

the amount of their fees in relation to prevailing rates, the Fund is liable to pay the reasonable costs of Applicant's legal representation in the amount of \$15,000.

This Order shall be annexed to Judgment No. 1997-1 and, along with Order No. 1997-1, shall become part thereof.

Stephen M. Schwebel, President

Nisuke Ando, Associate Judge

Michel Gentot, Associate Judge

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Stephen M. Schwebel, President

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Philine R. Lachman, Registrar

Washington, D.C.  
December 18, 1998