

Counsel worked harder to cut costs \$17m lawyer 'did good job'

By HEDLEY THOMAS

JUNIOR counsel Graham Grant, who earned up to \$700,000 a month from the public purse, worked so hard that senior colleagues worried about his health and family life, it was claimed yesterday.

Clive Grossman QC, the man who approved many of Mr Grant's \$3,025-an-hour fee notes for his work on a complex legal case, yesterday defended his and the Legal Department's handling of the issue.

Describing the Bumiputera Malaysia Finance Ltd (BMFL) case as the most important in Hong Kong legal history, he said Mr Grant worked so many hours because the Legal Department did not have the funds to hire more counsel.

"It is easy to criticise in hindsight. But when you have a unique situation like this, you have to take novel managerial steps," said Mr Grossman, the former head of the Legal Department's Commercial Crime Unit.

In any other country a

case the size of BMFL would have had at least two QCs and three or four juniors working on it. We were under pressure to cut costs and the way we did it was to make Grant work harder.

"I remember being concerned the fees were high, but I knew we had agreed a rate and he was doing the work that we expected of him.

"The work had to be done. If it was a choice between doing the work so as to avoid an adjournment and not sleeping, I would expect him to do the work.

"I was very concerned about his health and family life. I called him into my office and said he had to stop. He refused," said Mr Grossman.

Mr Grant and the Legal Department are now at the centre of three inquiries - by legislative councillors, the Director of Audit and the Attorney-General - amid concern over the staggering fees paid to him.

Mr Grant, who has billed up to 18 hours of work in a day and received \$17.1 million of taxpayer's funds in

30 months, was handed the BMFL case when he left the Legal Department for the private Bar.

Director of Public Prosecutions (DPP) Peter Nguyen, who last week told legislators that if there was any criticism for approving the fees it could be made of the then Commercial Crime Unit head, has since denied saying the head had acted improperly.

However, legislators including lawyers Martin Lee Chu-ming QC, Simon Ip Sik-on and Moses Cheng have criticised the department's handling of the fees and have questioned how a counsel can bill for as many as 18 hours of work.

Mr Grossman, who was the unit's head until he left the department 10 months ago, said: "I am quite prepared to take full responsibility for everything I did and I make no apology."

Mr Nguyen has told legislators that some time in 1993 the instructing solicitors, Clifford Chance, had "unfortunately" refused to continue vouching for the work charged by Mr Grant.

Mr Grossman said this was partly because verification by Clifford Chance of Mr Grant's "very detailed" fee notes was an exercise which became costly and time-consuming. The arrangement ended and Mr Grossman approved the notes.

"However, we had no doubts that if Grant said he was working X number of hours, he was working X number of hours. We were not held to ransom.

"My concern was to ensure that the hours had been spent productively. I achieved that. He has done a superb job," he said.

"We did this case on a shoe-string. I realise the amounts of money are phenomenal but if we had done the case with the number of counsel there should have been, the cost would have been much higher overall. It did not run wild."

He said the then DPP John Wood considered capping Mr Grant's fees to a monthly maximum, but believed it would have been wrong because a deal had already been struck.