

NOT to be  
Jd. Proceed

ACCOUNT OF EXPENSES

incurred by THE LEGAL AID (SCOTLAND FUND

to

BONAR MACKENZIE, W.S., EDINBURGH

in causa

IM v. AM



against



1975  
Sept 20

Fee for obtaining pursuer's precognition 3 shs 15 0

35 Extending same and three copies 1 8

03 Session fee @ 7½% 1 2

Fee for obtaining pursuer's son's precognition 1 sh 5 0

10 Extending and three copies 6

Session fee @ 7½% 4

Oct 3 Attce with pursuer going over the position and having Legal Aid papers completed Eng ½ hr 2 5

Framing Memorandum 1 sh 1 0

Extending and two copies 5

Completing Section 1 Application 1 5

Framing and completing Emergency Legal Aid Certificate 3 0

Wtg Secretary enclosing Section 1 application together with application for Emergency Certificate 8

Intimating same 8

48

ALLOTY COURT FORWARD

34

14 Wtg Registrar General enclosing cheque and requesting he forward the Extract Marriage and four Birth Certificates and annexing the appropriate details 1 60

Paid same 3 75

Wtg Dr Henderson advising him of our interest in this case and requesting he forward a medical report 80

21 Wtg Secretary ackng Emergency Certificate 20

Perusing and checking same 75

Instructing R D Mackay Advocate with papers requesting he draft a Summons advising him of the position and the complications in this case 2 pp 1 60

Paid him fee 12 00

List of papers and copy 80

Wtg pursuer reporting that we have now instructed Counsel to draft a Summons and shall keep her advised 80

Wtg Dr Henderson ackng letter and advising him that we act for the pursuer requesting we have his report as soon as possible 80

25 Perusing draft Summons 50

Perusing Note by Counsel 50

Making two copies 40

Wtg pursuer reporting requesting she call in order that we may go over the Summons 80

Wtg defender's agents Messrs Mowat Mackenzie ackng letter noting their client's proposals and confirming that we shall contact our client and advise them accordingly 80

Wtg Dr Henderson ackng report and enclosing cheque in settlement of his fee 80

Paid him fee 5 60

Perusing report 1 50

27 Attce with pursuer going over the Summons and Note together with the proposals received from the defender and noting that she is prepared to

	3.	B/FORWARD	21	35	41	83
5 48						
27	Agency revising Summons and Note					50
50	29 Making six copies of Summons					
	5 shs ea				4	00
	Agency signetting Summons					50
	Paid dues			50		
	Agency serving on defender				1	00
	Wtg defender's agents advising them we have now contacted our client obtained her instructions and comments and advising them accordingly					80
	Instructing R D Mackay Advocate with papers and requesting he attend Court and move for interim interdict in this matter					80
	Paid him fee		2	00		
80	List of papers and copy					80
£2.50	Attce at Court when the pursuer's motion was granted and the pursuer was granted interim interdict					
	Eng 1 hr				5	00
	Procuring and booking Interlocutor					80
31	Wtg Registrar ackng letter noting what he sayd advising him that we just require the marriage certificate and the birth certificate for the child and accordingly enclosing a further cheque for £5.25					80
	Paid same		5	25		
	Instructing Messrs Gray & Donald, Sheriff Officers with principal Summons and copy Interlocutor and requesting they effect service of same on the defender					80
	Paid them fee		2	39		
v 1	Attce at telephone with the pursuer going over the letter received from the defender's agents and obtaining her comments and instructions					50
	Wtg defender's agents ackng letter noting what they say advising them that we have been informed by our client she does not accept that the items specified belong to the defender and that these belong to the family					

4	Wtg defender's agents ackng letter noting what they say and we shall advise our client accordingly		20
	Wtg pursuer advising her that we have now obtained an interdict against her husband from selling the house and that the Summons should now have been served and enclosing a copy letter received from her husband's agents and requesting she deal with it as necessary		80
	Making one copy of letter	1 sh	30
10	Attce with pursuer discussing the letter received from her husband's agents and obtaining her comments and confirming we shall advise the other side accordingly	Eng ½ hr	2 50
	Wtg defender's agents advising them accordingly of our client's comments re. the defender's allegations and informing them of the reasons for our client's action	2 pp	1 60
27	Wtg defender's agents ackng letter noting what they say		20
	Wtg pursuer requesting she call		20
3	Attce with oursuer discussing her husband's proposals obtaining her comments and instructions and we shall advise her once we have heard further from the other side	Eng 1 hr	5 00
	Wtg defender's agents advising them accordingly		80
	Wtg pursuer confirming that we have now been in touch with the defender's agents and we have advised them to instruct the defender to contact our client to arrange at what time the items could be picked-up which belonged to the defender		80
9	Wtg Registrar General ackng the extract marriage certificate		20
	Perusing same		75
	Wtg Secretary enclosing same		20
	Wtg pursuer reporting and advising her that we are having trouble in obtaining the birth certificate of the child [redacted] and requesting she confirm the child's full name		80


  
 PROBATION DEPARTMENT  
 OF THE COURT OF THE CITY OF NEW YORK  
 C/FORWARD

31 49 73 78

10 Wtg defender's agents ackng letter and advising them that as yet we do not have a date for the undefended Proof as we are awaiting the outcome of our client's Legal Aid Application

11 Attce at telephone with pursuer obtaining her daughter's full name and date of birth

Wtg Registrar General advising him accordingly and enclosing further cheque

Paid same

3 00

19 Wtg defender's agents ackng letter and we are taking our client's instructions and shall contact them again shortly

Wtg pursuer enclosing photocopy letter received from her husband's agents and requesting she call

Making one copy of letter 1 sh

29 Wtg Registrar ackng the final extract birth certificate

Perusing same

Wtg Secretary enclosing same

076  
an

6 Wtg defender's agents ackng letter advising them that we are considering their proposals and requesting they let us have sight of their client's business accounts

28 Wtg defender's agents ackng letter enclosing their client's accounts informing them that we shall now obtain our client's comments and advise them thereon

Perusing accounts

1 5

Wtg pursuer reporting and requesting she call

2

eb

2 Attce with the pursuer going over the position and noting that she would drop her claim for a periodical allowance if the defender would accept a reduced capital sum

Eng 1 hr

5 0

Wtg defender's agents advising them

6

10 Wtg Secretary ackng letter and as requested returning all the papers

23 Wtg the defender's agents ackng letter noting what they say and we are obtaining our client's comments and instructions and shall contact them in due course

Wtg the pursuer that we have now heard from the defender's agents that they are not prepared to move from their earlier proposals and requesting she call

rch 12 Wtg Secretary ackng certificate

Perusing and checking same

14 Attce at telephone with pursuer noting what she says and confirming we shall forward the required accounts

Making one copy 3 shs

Wtg the pursuer with copy accounts

23 Wtg defender's agents ackng letter and advising them that we are still having discussions with our client as to how this matter should be settled

pril 2 Wtg defender's agents ackng letter noting all that they say and advising them that our client is at present arranging finance in order to buy the defender out and requesting they delay any action meantime

Wtg pursuer reporting and requesting she advise us when she will be ready to start form negotiations

ay 19 Wtg defender's agents ackng letter and we shall take the matter up with our client

Wtg pursuer requesting she advise us of the present position as we are now being pressed by the other side

Fee for examining titled and preparing Disposition by [redacted] in favour of Mrs [redacted] of [redacted] reversionary interest in 1 [redacted] Price £10.521

192

Fee for preparing Standard Security by Mrs [redacted] in favour of Halifax

19 Fee for drafting and extending Minute of Corroboration by Mrs [redacted] to the Halifax Building Society (2 shs) in connection with taking over existing Loan of £3,521 and obtaining same signed

20 0

Fee for drawing and extending Assignment of Lease by [redacted] in favour of Mrs [redacted] of subjects [redacted] (North) [redacted] (2 shs) obtaining Landlords consent and for relative correspondence

25 00

OUTLAYS *Please give reasons why no expenses should be found to or by either party in view of the large amount of money changing hands.*

Stamp on Assignment

50

Recording dues of Disposition

18 75

Recording dues of Standard Security

4 00

3 Wtg defender's agents reporting and that we are now lodging the Process in this case and we feel that a Joint Minute will be appropriate

80

Making up Process and lodging

1 50

Framing Inventory of Productions

50

Extending and copy

40

Lodging same

50

Paid dues

9 00

Wtg up duplicate Inventory

30

Extending and copy

40

Enquiring for appearance - none

50

18 Wtg defender's agents ackng letter and noting what they say and we shall now obtain our client's instructions and comments and shall advise them accordingly

80

Wtg pursuer that we have now been informed by her husband's agents that he is not prepared to pay any periodical allowance but he is prepared to pay £50 per month alimnt for the child [redacted] and requesting we hear from her as soon as possible

2 pp

1 60

20 Fee for incidental procedure

20 00

169.37

76

8. B/FORWARD

66 74 427

7 Making three copies of productions  
7 shs ea

5 6

20 Proof and completion fee

42 5

Paid [redacted] Advocate fee for attending

8 00

25 Wtg Faculty Services for note of Counsel's fees

35

35

15 Attce at telephone with the pursuer noting that she has not received any payments lately in respect of maintenance for the child [redacted]

85

Wtg defender's agents advising them accordingly and the defender should commence payments immediately

1 35

77

rch 15 Framing Sr4 1 sh

1 70

Extending same

50

Wtg Secretary with SR4 and Account of Expenses

£1.35

1 35

17.70 Posts and incidents *add 10 w/s p. 2.*

57 79

10

£188.77

Add Outlays

~~48~~ 62

491

132 53

~~614~~ 15

624 15

13 50

*Agents Fee*

*Auditor's Fee (inc. VAT)*

14 04

651 69

The Auditor of Court of Session is respectfully requested to tax the foregoing account of expenses on an agent and client, third party or Fund paying basis.

*Taxed off*

188 77

£462 92



3.11.77

Deputy Secretary  
Legal Aid Central Committee  
Law Society of Scotland

Edinburgh 23<sup>rd</sup> January 1979. The foregoing account is taxed at the sum of £462 92.



MRS. [REDACTED]

v.  
[REDACTED]

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This is a taxation between the Law Society and the Solicitors who act for the Assisted Person Pursuer.

The action was one of divorce and at an early stage in it negotiations took place with a view to a Joint Minute being lodged.

The Joint Minute which was lodged and approved by the Court deals with custody, aliment and periodical allowance and then is stated in the following terms:-

(4) In order to settle the claim for a capital sum (a) the defender shall convey to the pursuer his interest in the dwellinghouse known as [REDACTED] (b) the defender shall assign to the pursuer his interest in the lease and business known as [REDACTED] and (c) the pursuer shall assign to the defender her interests in the [REDACTED] and (d) the pursuer will pay to the defender the sum of £8,500.

(5) That no expenses shall be found to or by either party.

The work done to give effect to the Joint Minute was completed before decree and is detailed on pages 6 and 7 of the Account. The Solicitors charged Scale I fee on the conveyance. The Law Society were not prepared to allow such a fee and if a fee is to be allowed at all they contended for a Scale II fee. It became common ground that the Minute of Corroboration for the Halifax Building Society should not be allowed. It will be observed that by agreement between the parties there were to be no expenses found due or by either party.

In the circumstances of this particular case it seems to the Auditor that Section 1(5) of the Legal Aid (Scotland) Act 1967 is applicable because the work done was assistance to the client as would be usually given by a Solicitor in steps incidental to the proceedings in giving effect to a settlement to bring the proceedings to an end. Accordingly the Auditor has allowed the charges but not on the basis of Scale II.