

NOTE

by AUDITOR

in causa

██████████, A.P.,  
against.

██████████

JF v R

*pre LA work at Taxation then allowed  
it when a/c returned - Allowed 20 out  
of 24 hours for preparing for 3 days of proofs  
allowed writing client to call*

The taxation of this Account took place on 5th July 1979 when it was continued to enable the pursuer's Solicitors to produce evidence to support the charges contained in their Account relative to the length of the Medical Records which had been recovered under Specification, and subsequently copied. Certain copies of the Productions were subsequently produced to me and I have now dealt with this aspect of the Account.

The other main point which was taken by the representative of the Central Committee who attended the taxation was the work as shown in the Account which was done prior to the lodgement of the Legal Aid Application. I was not referred to any authorities nor indeed

was I referred to any part of the Regulations in support of the contentions made by said representative of the Central Committee.

In consequence I have made my own researches since the taxation and I find that I had made a decision in a similar case upon the same point in August 1976 in a case ██████████ where again I had to tax an Account because of similar objections taken by the Law Society. I therefore find myself having to decide the same point again.

As I have said, I was not referred to any cases at the taxation nor was any new argument advanced to me that my previous decision was wrong. I therefore propose to follow the decision which I made in that case for the reasons which I expressed at that time and I have taxed the Account accordingly.

ACCOUNT OF EXPENSES

LEGAL AID CODE  
01066

incurred by

Pursuer

to

Messrs Alex Morison & Company W S

in causa

██████████ (A P)

PURSUER

against

████████████████████

DEFENDERS

1977

Feb

9 Attendance on you taking your instructions regarding your claim for damages and noting your statement and fully discussing matters 1 hour

8 50

Framing your Statement 1 sheet

1 70

Making 3 copies thereof 1 sheet each

80

writing Mr ██████████ explaining our interest and asking him to call in order to give a statement

1 35

16 Attendance at telephone on Mr. ██████████ when he advised us that Mr ██████████ had left his employment and was in College at Glasgow and noting of how and when to get in touch with him

85

March

16 Writing you to call

35

31 Attendance on you discussing matters and noting that Mr ██████████ will call to give us a statement and advising 1/2 hour

4 25

April

2 Attendance on Mr ██████████ taking his statement 1 hour

8 50

Framin his statement 2 sheets

3 40

Making 3 copies thereof 2 sheets each

1 60

Writing you advising that we have taken a statement from Mr ██████████ and advising regarding the expiry of the trienium and explaining regarding the difficulties in proving your case 2 pages

2 70

*Abated Ven allowed*

FORWARD

34 00

BROUGHT FORWARD

~~80p~~ 6.80  
 3.60  
 85  
 6.80  
~~50p~~ 1.35  
 2.51  
 85  
 2.55  
 85  
 4.25

			34	00
		Framing Initial Writ 4 sheets	6	80
		Extending and <sup>3</sup> 4 copies 4 sheets each	3	60
		Attendance at Court obtaining Warrant for Service		85
		Paid dues	6	00
		Instructing Messrs Gray & Donald to serve summons	1	35
	20	Paid their fee	2	51
	21	Attendance at Court enquiring for appearance, Notice of Appearance lodged		85
		Making up Process and lodging same	2	55
		Agency certifying copy of Initial Writ		85
	27	Attendance at Sheriff Court, cause tabled and sisted to enable the pursuer to apply for Legal Aid	4	25
	28	off Framing Legal Aid Application 1 sheet	1	70
		Making 3 copies thereof 1 sheet each		80
		Framing Legal Aid Memo 1 sheet	1	70
		Making 3 copies thereof 1 sheet each		80
		Writing you with Legal Aid papers for signature and return		35
May	3	Attendance on you on your call when you handed us legal aid papers duly signed and discussing matters as to further corrotoration and noting your additional statement 1/2 hour	4	25
		Framing your additional Statement 1 sheet	1	70
		Making 3 copies thereof 1 sheet each		80
		Writing Secretary, Lothians and Borders with legal aid and other relative papers and advising	1	35
		Writing defenders agents intimating legal aid application		35
June	13	Writing you advising that Legal Aid has been offered and advising you to pay the first instalment and take up your Certificate	1	35

## BROUGHT FORWARD

		8	51	70	25
	Writing Secretary, Lothians and Borders in ack				35
June	27 Perusing Legal Aid Certificate			1	70
	Lodging				85
	Framing motion 1 sheet			1	70
	Making 3 copies thereof 1 sheet each				80
	Framing Minute of Amendment 1 sheet			1	70
	Making 3 copies thereof 1 sheet each				80
	Writing defenders agents intimating motion and Minute of Amendment and advising that Legal Aid has been granted			1	35
	28 Lodging Motion and Minute of Amendment				85
	29 Attendance at Court case continued on Adjustment Roll and Minute of Amendment allowed, Defences ordered $\frac{1}{2}$ hour			4	25
July	11 Perusing Defences			1	70
	Making copy Defences 3 sheets			1	50
	Writing defenders agents in ack				35
	12 Writing you with copy Defences and asking you to call				35
Aug	17 Attendance at Court, case continued to 28th Sept $\frac{1}{2}$ hour			4	25
	25 Attendance on you discussing matters, going over Defences, noting your comments and discussing obtainment of further medical report arranging for us to fix appointment with [REDACTED] 1 hour			8	50
	Writing [REDACTED] explaining our interest and asking him to arrange for appointment for you for medical report and explaining matters 2 pages			2	70
	Framing Adjustments 2 sheets			3	40
	Making 3 copies thereof 2 sheets each			1	60
	Lodging Adjustments				85
	Writing defenders agents intimating adjustments				35
Sept	28 Attendance at Court, Record Closed, Proof fixed for 28th Nov $\frac{1}{2}$ hour			4	25

BROUGHT FORWARD

Tax

W/P  
W/P

6/10

Oct

W/P  
W/P

W/P  
W/P

Nov

		8	51	114	50
	Writing you advising of date fixed for Proof			1	35
	Writing [redacted] advising of Proof date (1/2)			1	35
	Writing [redacted] advising same (1/2)			1	35
10	Writing William Hodge & Co, Shorthand Writers advising of Proof Date and paying their booking fee			1	35
	Paid William Hodge & Co booking fee	7	50		
1	Revising medical report received from [redacted] 1/2 hour Revising = 85p per sheet			2	55
	Making 3 copies medical report 4 sheets each			3	20
	Writing [redacted] in ack and settling his fee			1	35
	Paid his fee (PLEASE TOUCH)	22	00		
8	Framing motion 1 sheet			1	70
	Making 3 copies thereof 1 sheet each				80
	Writing defenders agents intimating motion				35
	Lodging				85
9	Attendance at Court when Proof discharged and continued to Proof Diet Roll of 11th Nov 1/2 hour			4	25
9	Writing [redacted] advising Proof discharged				70
	Writing [redacted] similarly				70
	Writing you fully advising			1	35
	Writing William Hodge advising that Proof discharged				70
11	Attendance at Court Proof fixed for 23rd Feb 1/2 hour			4	25
17	Writing you advising of date fixed for Proof			1	35
	Writing [redacted] similarly				70
	Writing [redacted] similarly				70

FORWARD

38 01 145 40

BROUGHT FORWARD

*Free*  
*Free* £1.00  
*Free* £1.00

*Free* £1.70

*Free*

Jan  
  
  
  
  
  
  
  
  
  
Feb

			38	01	145	40
		Writing [redacted] fully advising and asking him to call			1	35
		Writing defenders agents advising of date fixed for Proof			1	35
		Writing William Hodge advising of date fixed for Proof			1	35
29		Writing William Hodge with booking fee			1	35
		Paid their fee	5	00		
		Attendance on Mr [redacted] discussing matters and noting his version of the accident 1/2 hour			4	25
28	Jan	Perusing defenders motion No 10 of Process			1	70
		Perusing defenders Minute of Amendment No 11 of Process			1	70
		Perusing defenders Specification of Documents No 12 of Process			1	70
		Making copy of Motion, Minute of Amendment and Specification 1 sheet each			1	50
1	Feb	Attendance at Court, Minute of Amendment received, Answers allowed in 7 days Specification granted 1/2 hour			4	25
2		Writing Manager D H S S advising of our interest and asking for the statement of benefits paid to you in connection with accident			1	35
		Writing you to call				35
8		Attendance at telephone on defenders agents discussing matters				85
		Attendance on you discussing matters and advising 1/2 hour			4	25
		Framing Minute of Amendment 2 sheets			3	40
		Making 3 copies thereof 2 sheets each			1	60
		Framing motion 1 sheet			1	70
		Making 3 copies thereof 1 sheet each				80
		Writing defenders agents with copy Minute of Amendment and copy Motion and fully advising regarding the Minute of Amendment and the likely date for the calling in Court 2 pages			2	70

## BROUGHT FORWARD

43 01 182 90

	Lodging motion			85
	Lodging Minute of Amendment			85
	Writing defenders agents in reply to their letter of 7th Feb and advising that we have no objections to medical examination		1	35
	Agency citing 4 witnesses		6	80
	Writing you explanatory regarding your attendance at Court and with conduct money		1	35
	Writing Mr [REDACTED] similarly			70
	Writing Mr [REDACTED] similarly			70
	Writing Mr [REDACTED] regarding his attendance at Court		1	35
14	Perusing Answers for Defenders to Minute of Amendment		1	70
	Making copy thereof 2 sheets		1	00
	Writing defenders agents in reply to their letter		1	35
15	Attendance at Court, Minute of Amendment and Answers received and record amended $\frac{1}{2}$ hour		4	25
	Borrowing Process			85
	Instructing Messrs E J Sharp to print Record		1	35
	Writing defenders agents advising that Record is being printed		1	35
16	Writing Mr [REDACTED] in reply to his letter and advising that it is necessary for him to attend Court on 23rd Feb and that his loss of wages will be met by Law Society at end of action		1	35
18	Revising Proof Print Closed Record 10 pages		1	70
	Writing Messrs E J Sharp to instruct prints			35
	Perusing productions for defender 1 hour		5	10

FORWARD

43 01 217 20

BROUGHT FORWARD

43 01 217 20

Making copy productions 24 sheets each ✓ 12 00

Preparing for Proof <sup>3</sup> 7 hours 59 50

*Normal at court for proof and for 24 sheets - plus*

22 Lodging Closed Record 85

23 Framing Specification of Documents 1 sheet 1 70

Making 3 copies Specification 1 sheet each 80

Lodging 85

Attendance on you discussing matters prior to Proof 1/2 hour 4 25

Attendance at Proof engaged 10 a.m to 4.30 p.m. 6 1/2 hours (the lunch-break) 65 00

Attendance at telephone (6 calls) to Royal Infirmary, Northern General and Leith Hospital attempting to ascertain the whereabouts of the pursuer's medical records (these telephone calls were made between 19th Feb and 23rd Feb) 5 10

Attendance at Telephone on Mr [redacted] discussing matters 85

28 Framing Order for service on Leith Hospital 1 sheet 1 70

Making copy Specification 2 sheets 1 00

Making copy Interlocutor 1 sheet 50

Agency serving on Leith Hospital 1 70

Writing Records Dept Leith Hospital advising fully 1 35

Framing Order for service on Northern General 1 sheet 1 70

Making copy Specification 2 sheets 20

Making copy Interlocutor 1 sheet 10

Agency serving on Northern General 1 70

Writing Records Dept Northern General advising and asking them to let us have the documents called for as soon as possible 1 35

Ordering Certified Copy Interlocutor 85

Uplifting same 85

34-00

W/O



## BROUGHT FORWARD

43 01 381 10

Paid dues

75

March	1	Writing William Hodge advising of continued Diet of Proof	1	35
		Writing Mr [REDACTED] advising of continued Diet of Proof		35
		Writing you advising of date fixed for continued Diet	1	35
		Writing Mr [REDACTED] advising of date fixed for continued Diet and advising of the likely time that his evidence would be required	1	35
		Writing defenders agents advising of continued Diet of Proof and advising that the Specification has been served on the Leith Hospital and Northern General and advising regarding medical records recovered under their Specification from the Royal Infirmary 2 pages	2	70
	9	Uplifting medical records of Leith Hospital from Sheriff Court		85
		Perusing same 1 hour	5	10
	17	Paid E J Sharp fee for Record Agency settling	16	50
			1	35
April	12	Writing Mr [REDACTED] advising that we are unable to settle his wages at present as the case is unfinished	1	35
	24	Writing Lord Advocate with copy Specification and asking him to authorise release of requested documents	1	35
		Attendance at telephone on Sheriff Clerk discussing matters regarding the Specification of Documents		85
May	4	Attendance at telephone on Sheriff Clerk who advised that documents from Northern General had arrived and could be uplifted		85
	6	Attendance at Court uplifting documents		85
		Perusing documents 1 hour	5	10
	29	Agency citing 3 witnesses	5	10
		Writing you explanatory regarding your attendance at Court	1	35

FORWARD

43 76 428 80

BROUGHT FORWARD

43 76 428 80

Writing Mr [redacted] similarly 70

Writing Mr [redacted] advising regarding the taking of his evidence and enclosing copies of medical records for his perusal 1 35

Framing Inventory of Productions 1 70

Making 3 copies thereof 1 sheet each 80

Lodging 85

Making 4<sub>3</sub> copies productions 27 sheets each 25 65

Writing defenders agents intimating productions and advising that the shorthand writers have advised that there is no prospect of extended notes of evidence being available for the continued Proof 1 35

Attendance at telephone on Shorthand Writers discussing matters 85

30 Attendance at telephone on defenders agents discussing matters 85

June 4 Preparing for Proof 7 hours Allowed 59 50

5:20 Making 2 copies productions 72 sheets each 46 80

Framing Inventory of Productions 1 70

Lodging 85

52 Attendance on you prior to Proof 1/2 hour 4 25

Attendance at Proof 10.00 a.m. to 4.30 p.m. 6 1/2 hours 65 00

Attendance at telephone on Mr [redacted] on two occasions advising him with the expected time he would be required to give evidence 1 70

53 Attendance at Proof engaged 11 a.m. to 1 p.m. 2 hours 20 00

7 Writing you advising of date fixed for continued Proof 1 35

20 Writing Secretary, Lothians & Borders asking for advance of outlays 1 35

July 24 Preparing for Proof including perusing extended Notes of evidence of first 3 days Proof 10 hours 85 00

Sum 4.05

June 5:20

July 34.00

Final list  
liable for  
debt copy

Allowed

Sum 4.05

Sum

BROUGHT FORWARD

43 76 750 40

Aug	2	Attendance at Proof engaged 11.30 to 3.30 4 hours			40	00
Sept	22	Uplifting Judgement				85
		Paid dues	3	00		
		Perusing Judgement 1 hour		5	5	10
		Attendance at telephone on defenders agents discussing matters				85
	28	Framing motion 1 sheet			1	70
		Making 3 copies thereof 1 sheet each				80
		Lodging				85
		Writing defenders agents in reply to their letter and advising of motion we are enrolling and discussing Judgement 2 pages			2	70
Oct	3	Attendance at Telephone on Sheriff Clerk asking for a date when motion can be heard and being advising that Sheriff Sinclair is unavailable at present			1	00
		Writing defenders agents advising			1	75
	4	Writing you advising that your action was unsuccessful and that there appear to be no grounds for appeal and for your further instructions			1	75
		Writing defenders agents advising appeal marked			1	75
		Agency marking appeal				85
	23	Writing you advising of date fixed for Appeal and advising you to contact us			1	75
		Writing Sheriff Clerk advising			1	75
	25	Writing defender's agents advising of terms of letter sent to you and advising			1	75
Nov	1	Writing defenders agents very fully advising 2 pages			3	50
		Writing Sheriff Clerk advising that due to lack of instructions we are withdrawing			1	75
		Writing you very fully advising that due to lack of instructions we are withdrawing and also explaining with regard to appeal hearing 2 pages			3	50

		BROUGHT FORWARD	46	76	824	3'
		Attendance on you on your call discussing matters and noting you wish to proceed and advising that the appeal was unlikely to proceed $\frac{1}{2}$ hour			5	50
2		Writing you very fully explaining matters 2 pages			3	50
		Writing Sheriff Clerk advising that we now have instructions and that you wish to go ahead with the appeal but we are withdrawing from acting			1	75
		Writing defenders agents with copy letter sent to the Sheriff Clerk referring to our telephone conversation and advising			1	75
		Attendance at telephone on defenders agents discussing matters			1	00
		Copy letter sent 1 sheet				50
8		Writing defenders agents in reply to their letter and fully advising 2 pages			3	50
		Attendance at telephone on you obtaining your further instructions			1	00
10		Paid William Hodge Shorthand Writers fee	222	59		
		Agency settling			1	75
15		Attendance on you on your call discussing matters and advising $\frac{1}{2}$ hour			5	55
		Writing you fully advising further			1	75
17		Writing defenders agents advising that the appeal is being withdrawn and that we shall attend Court on 30th Nov in order to have the outstanding motion heard and also the appeal discharged			1	75
30		Attendance at Court when appeal was withdrawn and pursuer's liability for the expenses of the appeal assessed at nil $\frac{1}{2}$ hour			5	50
Dec 1		Attendance at Court motion for liability of expenses under section 26 c granted modification at nil $\frac{1}{2}$ hour			5	50
		Writing you advising			1	75
		Paid witness expenses as per attached schedule	128	60		
			397	95	866	40

BROUGHT FORWARD

Agency settling with 4 witnesses

Postages and incidental outlays

397 95 866 40

7 00

104 80

502 75

873 40

502 75  
6 00

£1376 15  
32 20

Agents fee for Tax

Auditors fee

139.37

8.73

148.10

Handwritten scribbles and numbers in the top left margin.

Schedule of Witness Expenses

██████████  
 against  
 ██████████

██████████ - EDINBURGH - 3 days

Witness Fees 3 days @ 75p Per day	2 25
Travelling 3 days @ 20p Per day	60
3 days subsistence £2.00 Per day	6 00
	8 85

██████████ - HADDINGTON - 2 days

Witness fees 2 days @ £0.75p Per day	1 50
Travelling expenses 2 days @ £1.10 per day	2 20
2 days subsistence £2.00 per day	4 00
Loss of Wages 2 days	26 68
	34 38

██████████ - MUSSELBURGH - 1 day

Witness fees 1 day	75
Travelling expenses	62
Subsistence	2 00
	3 37

██████████ (Consultant Orthopaedic Surgeon

Fee for Court Attendance	70 00
Further Medical Report	12 00
	82 00

£128 60	82 00	3 37	8 85
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