

25th OCTOBER 1979.

COPY /

THOMSON & BAXTER, W. S.,

UNQUALIFIED - BLOCK PREC'S

N O T E

by

THE AUDITOR OF THE COURT OF SESSION

MA v. DA

in causa



This was a taxation between the Solicitors acting for an Assisted Person and the Law Society Legal Aid Department.

The dispute was about Block Fees for precognitions. The Law Society maintained that these should be reduced because the precognitions were taken by a non-qualified person on behalf of the Solicitors. The Solicitors maintained that they should be paid the full fee as stated in the Table of Fees which they stated does not provide for a reduction in the circumstances in this case.

The Auditor takes the view that as these fees are part of the Table of Fees authorised by the Court they are meant to be applied. The Auditor has power to increase or decrease these block fees in exceptional circumstances. He does not consider the circumstances in this case to be exceptional. Some alteration has been made in respect of copies and these have been given effect to in the taxation.



" W. RUFUS SMITH. "

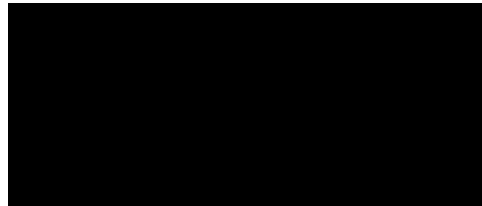
£ 50 fee based on time -  
- i.e. time for qualified sol.

ACCOUNT of EXPENSES  
incurred to  
THOMSON & BAXTER, W.S.  
in causa



Pursuer

against



Defender

Certified no agency passing.

*TL DT*

VAT on Counsel's

fees  
Perusing statements in this 9/c

1977  
Aug.

22	Wtg. you ack. encls. and encl. legal aid papers for completion and to let us have statements corroborating your client's statement	£ 1.35
	Wtg. Drummond & Co. that we are enrolling motion to sist cause and to let us have letter from DHSS stating that their client is now unemployed	1.35
23	Enrolled motion	.85
	Perusing papers	5.10
	Completing legal aid papers	5.00
25	Attendance on telephone with you noting your client had kept diaries of when the defender had called for children	.85
	Interlocutor and booking	1.35
30	Wtg. Law Society with legal aid memorandum and application etc. for consideration	1.35
	Wtg. you ack. enclosures, that defender's agents are to let us have a wages certificate as their client is now working, and as to access	1.35
	Wtg. Drummond & Co. noting their client is working again and to let us have wages cert. encl. intimation copies of their client's legal aid application etc. for acceptance, that our client has never refused access and the trouble is that their client arrives late or does not turn up	1.35

*2005*

1977  
Aug.  
Sept.

£2.55

		Brought Forward	£	19.90
29	Aug.	Perusing statement by [redacted]	X	2.55
2	Sept.	Wtg. Law Society ack. emergency cert. returning Form SLA38 duly signed and returning papers so that full application may be considered		1.35
		Perusing emergency legal aid certificate		.85
7		Wtg. you that we have received an emergency legal aid certificate for your client and are waiting to see if Drummond & Co. abandon the Minute		1.35
13		Lodged emergency legal aid certificate		.85
16		Wtg. Law Society with copy of letter from Drummond & Co. dated 24th August from which they will see that defender is now working again and it appears reasonable that our client oppose the variation of aliment		1.35
		Copy letter		.50
21		Wtg. you that we now have wages statement from defender's agents and that she should have nearer £22 per week, commenting and as to them wishing a copy of note stuck through letter box on 9th August		1.35
		Wtg. Drummond & Co. ack. copy of wages certificate and encl. copy of note which their client stuck through letter box and that our client added date after money was received		1.35
27		Wtg. Drummond & Co. that no doubt we will let them have our client's Answers when her legal aid application has been dealt with		1.35
6	Oct.	Wtg. you that we have now received legal aid certificate and that defender's agents are to enrol motion on 7th to vary present award of aliment		1.35
		Perusing legal aid certificate		.85
		Wtg. Drummond & Co. that we will oppose their motion		1.35
		Wtg. you that we think your client is wise in not attempting to seek an increase		1.35
		Lodged legal aid certificate for pursuer		.85
7		Wtg. Drummond & Co. that we have in fact received a legal aid certificate and instructed Counsel		1.35

Carried Forward £ 39.85

Brought Forward £ 39.85

1977  
Oct.

10	Wtg. J.A. Farrell to appear at Motion Roll on 11th inst. to oppose motion and encl. papers stated	1.35	
11	Wtg. J.A. Farrell to draft Answers to pursuer's Minute	1.35	
	Paid fees incl. VAT ***		
13	Wtg. J.A. Farrell encl. papers stated and to oppose defender's motion on 14th inst. for interim variation of aliment and periodical allowance	1.35	*** 15.12
	Paid fees incl. VAT ***		
	Opposed motion	.85	
14	Attendance at Motion Roll ¼ hour	3.18	
	Interlocutor and booking	1.35	
	Wtg. you advising defender's action for interim variation of the awards was refused and that we await Answers to Minute from Counsel and if the defender's agents indicate that their client wishes to pursue the Minute we will lodge Answers	1.35	
	Wtg. Drummond & Co. asking if their client wishes to insist in his Minute of Variation and result of the motion for interim variation	1.35	
	Revising Answers	.85	
	Extending same p + 3 @ 2 shs.	2.20	
19	Lodged Answers	.85	
	Enrolled motion	.85	
	Wtg. Drummond & Co. with copy of our client's Answers which we are lodging today	1.35	
	Wtg. you with copy of Answers along with copy of Counsel's Note and as to access etc.	1.35	
	Copy Note	.50	
24	Interlocutor and booking	1.35	
Nov. 2	Wtg. you that we do not understand how the defender can expect to press home his Minute if he does not attempt to exercise access	1.35	
Dec. 13	Wtg. you noting change of address for your client	.35	

Carried Forward £ 62.98 £ 15.12

1978  
Jan.

Brought Forward £ 62.98 £ 15.12

24 Perusing adjustments 2.55  
Wtg. same on 3 prints .80

26 Wtg. Drummond & Co. ack. copy of Minute as adjusted and returning Minute 1.35  
Wtg. you with copy of Minute showing adjustments and to let us have any comments 1.35

Feb.

6 Perusing additional statement X 2.55

7 Wtg. J.A. Farrell to adjust pursuer's Answers to defender's Minute and encl. papers stated 1.35

Paid fees incl. VAT \*\*\*

Wtg. you ack. additional statement by your client and have instructed Counsel X .35

14 Wtg. you noting arrangements which you are to make which appear satisfactory 1.35

March

2 Wtg. J.A. Farrell encl. additional statement by our client and her sister and to let us have pursuer's Answers further adjusted 1.35 \*\*\* 8.64

Paid fees incl. VAT \*\*\*

Wtg. Drummond & Co. that we have asked Counsel to frame adjustments and hope to intimate these shortly and as to enrolling motion to report etc. 1.35

Wtg. you ack. additional statements and commenting as to access etc. X 1/2 1.35

Perusing statements X 2.55

8 Wtg. Drummond & Co. noting motion they have enrolled and we shall intimate further adjustments to them prior to 22nd inst. 1.35

Revising adjustments .85  
Wtg. same on 2 prints .65

Revising Counsel's Note 2 shs. .85  
Extending p + 1 @ 2 shs. 1.60

9 Wtg. Drummond & Co. with copy of Answers for pursuer showing some formal adjustments 1.35

Wtg. you that Counsel has made formal adjustments and encl. copy of Second Note 1.35

Copy Note .50

10 Agency arranging Consultation for 2.30 on 16th March .85

Attendance on telephone with you advising .85

Carried Forward £ 91.43 £ 23.76

2.55

2.55

Brought Forward

£ 91.43 £ 23.76

1978  
March

10	Wtg. you confirming Consultation for 16th at 2.30	1.35	
	Wtg. Mr. J.A. Farrell confirming that we wish Consultation on 16th inst. at 2.30	1.35	
15	Wtg. Drummond & Co. ack. return of Answers with adjustments and noting motion they are to enrol	.35	
16	Preparing for Consultation ½ hour	4.25	
	Attendance at Consultation 1 hour	8.50	
	Paid Counsel's fees and VAT		16.20
17	Wtg. you advising that meeting took place between Counsel and your client and commenting thereon	1.35	
21	Wtg. Drummond & Co. ack. copy of Minute as adjusted	.35	
	Perusing adjustments	2.55	
	Wtg. same on 3 prints	.80	
28	Wtg. you that we hope access is successful this time	1.35	
April 13	Wtg. you noting that access has taken place on two occasions without difficulty and if it continues we would write other side to see if their client is prepared to drop Minute	1.35	
July 7	Wtg. Drummond & Co. advising our Counsel is Mr. J. Farrell	1.35	
Oct. 25	Wtg. Drummond & Co. ref. to letter of 5th July and to hear if they intend to fix Proof or not	1.75	
Nov. 6	Wtg. Drummond & Co. noting Proof on Minute and Answers is to take place on 20th February	.50	
	Wtg. you advising and suggesting that in early January you let us have an up-to-date statement from client advising us how access has been going	1.75	
1979 Jan. 15	Perusing additional statement ½ hour X	3.00	
16	Wtg. Drummond & Co. commenting as to access and wonder if there is any point in proceeding with Proof as this is now working satisfactorily, and commenting	1.75	
	Wtg. Mr. J. Farrell encl. up-to-date statement from client and as to above etc.	1.75	

Carried Forward £ 126.83 £ 39.96

3.00

Brought Forward £ 126.83 £ 39.96

1979

Jan.

16 Wtg. you ack. statement from client and are asking Counsel to prepare short Note X .50

Feb.

7 Wtg. Drummond & Co. noting there will not require to be a Proof so far as access is concerned and are taking instructions on aliment 1.75

Wtg. you advising and to let us have instructions re aliment 1.75

12 Wtg. you noting what you say and to know if client is prepared to agree to a variation of aliment and periodical allowance to nil 1.75

16 Attendance on telephone with you enquiring if you had any instructions re aliment as Proof is on 21th; as yet you did not 1.00

Attendance on telephone with you noting client was still in receipt of Social Security. She didn't mind periodical allowance being reduced to nil but wasn't prepared to drop aliment in case she ever came off Social Security 1.00

Attendance on telephone with Drummond & Co. advising them 1.00

Wtg. Mr. J. Farrell to attend Proof on 20th February 1.75

Paid fees incl. VAT 21.60

20 Preparing for Proof 1 hour 11.00

Attendance at Court discussing possible settlement and thereafter in Court when case settled 1 hour 11.00

Paid [redacted] travelling expenses 2.00

Wtg. you that defender offered sum of £3 per week for each of the children prior to Hearing today and matter was settled with no evidence led at all and with no expenses due to or by either party 1.75

21 Interlocutor and booking 1.50

26 Wtg. you requesting bank account number of client as defender's agents wish to know this and commenting 1.75

Wtg. Drummond & Co. noting what they say and are taking instructions 1.75

Carried Forward £ 166.08 £ 63.56

1979  
May

£/1.20

Brought Forward	£	166.08	£	63.56
Wtg. you requesting account		.50		
Wtg. you ack. account		.50		
Fmg. Stage 4 Report in duplicate		1.00		
Wtg. Law Society with S4R and accounts		1.75		
	£	<u>169.83</u>	£	<u>63.56</u>
Posts and incidents	£	<u>20.28</u>		
	£	190.11		
VAT @ 8%	£	<u>15.20</u>		
	£	<u>205.31</u>		
		<u>63.56</u>		
	£	<u><u>268.87</u></u>		



LAA 3 reference number - 23H/2687/76

ACCOUNT OF EXPENSES

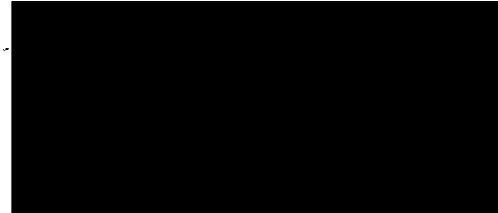
due to

Messrs. Caesar & Howie,  
Solicitors, 64 George Street  
Bathgate.

under

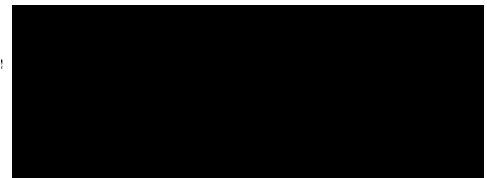
Legal Aid reference number -

in causa



PURSUER.

against



DEFENDER.

1976.	July	19	Writing to Pursuer advising her we had heard from Defender with regard to access.	1 04
		20	Attendance with Pursuer discussing access and aliment and receiving her instructions. (time engaged: 30 minutes - unqualified rates).	1 63
	Sept.	23	Writing to Pursuer advising her we had heard from Defender's agents with regard to difficulties with access.	1 35
	Oct.	5	Attendance with Pursuer discussing her position with regards to access. (time engaged: 30 minutes - unqualified rates).	2 13
		7	Attendance on telephone with Pursuer who advised us that the Defender had been refused legal aid to proceed with his minute with regard to variation of periodical allowance, aliment and access.	85
		25	To photocopying letter received from Defender's agents. (2 sheets)	1 00
Carried Forward.				8 00

Brought Forward.

8 00

Oct. 27 Writing to Pursuer enclosing above photocopy and requesting her instructions.

1 35

1.00

29 Writing to Thomson & Baxter acknowledging their letter of 21st inst.

35

Attendance with Pursuer discussing allegations made by Defender in letter of 21st. (time engaged: 30 minutes - unqualified rates).

2 13

To photocopying letter received from Pursuer's father with regards to allegations made by Defender.

50

Nov. 3 Writing to Defender's agents with our client's comments on allegations and enclosing above photocopy. (2 sheets)

1 35

23 To photocopying letter received from Defender's agents. (1 sheet)

50

Writing to Pursuer enclosing photocopy, advising her of situation and requesting further instructions.

1 35

26 To photocopying additional letter Defender's agents together with enclosures, noting payments of aliment. (2 sheets)

1 00

Dec. 2 Writing to Pursuer advising her of position with regard to access and enclosing photocopy.

1 35

Writing to Defender's agents acknowledging letter of 29th and advising them we were taking instructions from our client.

1 35

3 Attendance with Pursuer discussing question of access and aliment. (time engaged: 30 minutes - unqualified rates).

2 13

Attendance on telephone with Defender's agents discussed question of access agreeing that we should discuss matter with children to find out why they did not wish the Defender to exercise access.

85

7 Attendance with children of marriage discussing with them why they did not wish the Defender to exercise access. (time engaged: 1 hour - unqualified rates)

4 25

15 Writing to Defender's agents advising them the children are afraid of Defender because of his behaviour prior to the separation.

1 35

1977. Mar. 4 Writing to Defender's agents acknowledging service of his legal aid application and memorandum.

35

Writing to Pursuer advising we had received intimation copy of Defender's legal aid application for variation of aliment, periodical allowance and enforcement of access.

1 35

11 Attendance with Pursuer discussing Defender's allegations with regard to access and aliment.

Apr.	16 Attendance on telephone with Pursuer who advised us that she had been notified that Defender had been granted legal aid.	85
Aug.	17 Perusing Minute of Defender to vary periodical allowance, aliment and to enforce access.	2 00
	To photocopying above Minute. (5 sheets)	2 50
	19 Writing to Thomson & Baxter enclosing all relevant papers and instructing them to oppose Minute.	1 35
	24 Writing to Pursuer advising legal aid papers were in office requiring her signature and requesting name of witness who could corroborate her statement.	1 35
	25 Attendance with Pursuer signing legal aid papers and perusing productions namely diary and letter from the Defender to the Pursuer. (time engaged: 30 minutes - unqualified rates)	2 13
Sept.	6 Writing to Thomson & Baxter acknowledging letter of 30th August and requesting clarification of said letter.	1 35
	14 Writing to Pursuer advising her that she had been granted emergency legal aid.	1 35
	28 Writing to Thomson & Baxter acknowledging letter of 21st and enclosing photocopy of letter from the Defender to the Pursuer received on 9th August.	1 35
	Writing to Pursuer advising her of contents of letter received from Edinburgh correspondents on 21st inst.	1 35
Oct.	3 Attendance on Pursuer discussing periodical allowance and access. (time engaged: 30 minutes - unqualified rates).	2 13
	5 Writing to Thomson & Baxter with our client's comments on periodical allowance and access.	1 35
	24 To perusing Pursuer's answers to Minute and Counsel's note.	2 0
	Writing to Thomson & Baxter acknowledging their letter of 19th inst with enclosures.	
	Writing to Pursuer advising her we had received a copy of her answers and Counsel's note requesting further instructions.	1
	31 Attendance with Pursuer going over answers to Minute, Counsel's note and discussing when Defender last attempted to exercise access. (time engaged: 30 minutes - unqualified rates)	
	Carried Forward.	

11-15

X  
This attend  
relate to any prec's

		access to children and that Pursuer had tried to persuade children to go with the Defender.	1	35
Dec.	7	Attendance on telephone with Pursuer who advised us of her new address.		85
	8	Writing to Thomson & Baxter advising them of Pursuer's new address.	1	35
<u>1978.</u>	Feb.	1 To perusing adjustments to Minute.	1	00
		Writing to Pursuer advising her we had received adjustments to Minute.	1	35
	3	Writing to Thomson & Baxter enclosing additional statement of Pursuer in answer to the adjustments.		35
	13	Writing to Pursuer advising her she should again attempt to persuade the children to go with the Defender when he calls to exercise access and that she should do so in the presence of a witness.	1	35
		Writing to Thomson & Baxter and advising them that the Pursuer would try to persuade the children to go with the Defender when he called to exercise access and would do so in the presence of a witness.	1	35
	23	Writing to Thomson & Baxter enclosing statements by Pursuer and witnesses.		35
Mar.	7	Writing to Thomson & Baxter acknowledging their letter of 27th February.		35
		Writing to Pursuer advising her she should continue to try to persuade the children to see the Defender when he calls to exercise access.	1	35
	10	Writing to Pursuer advising her of date of consultation with Counsel at Court of Session and asking her to confirm that she will attend.	1	35
		<i>Revision</i> To perusing second note by Counsel.	1	00
	22	Writing to Pursuer advising her on what date access should commence and that she should attempt to persuade the children to go with the Defender when he called to exercise access and explaining to her under what circumstances she could refuse access.	1	35
	31	Writing to Pursuer <u>confirming</u> date Defender would call to exercise access to the children.	1	35
Apr.	7	Writing to Pursuer asking her to confirm whether access had been exercised successfully.	1	35
		Carried Forward.		

*to call*

*Block fee*

*Block fee*

*15*

*£ 1.00*

Apr.	11	Attendance on telephone with Pursuer who advises access had been exercised successfully.	85
	11	Writing to Thomson & Baxter advising them that access had been exercised successfully.	1 35
May	15	Attendance on telephone with Pursuer who advised she was taking the children away for weekend and therefore Defender couldnot exercise access.	85
	16	Writing to Defender's agents advising them of above and that access would commence the following week.	1 35
	17	Attendance on telephone with Pursuer who advised us that the children would be away for the weekend from time to time and who confirmed that access would recommence the following week.	85
		Writing to Thomson & Baxter advising them of the situation with regard to access.	1 35
	29	Attendance on telephone with Defender's agents who stated that Defender had been advised by the children that they would be going on holiday and as he would be deprived of three weekends access he wanted residential access over one weekend.	85
	31	Writing to Pursuer advising her Defender wished residential access over one weekend and his reasons for doing so.	1 35
July	10	Attendance on telephone with Pursuer who advised that the Defender did not call for children as agreed, denying Defender residential access and requesting that we advise him of dates she would be on holiday.	85
	11	Writing to Defender's agents outlining above.	1 35
	13	Writing to Pursuer advising her that a Proof would be fixed in this date and asking her to confirm that apart from incident access had been exercised satisfactorily.	1 35
		Writing to Thomson & Baxter advising them that Defender had not called to exercise access and had given no reason why.	1 35
	19	Writing to Thomson & Baxter discussing generally Defender's attitude to access.	1 35
	20	Writing to Defender's agents requesting explanation as to why Defender did not exercise access on 8th July.	1 35
		Writing to Pursuer advising her that Defender sought residential access for one weekend and requesting further instructions.	1 35
Nov.	7	Attendance on telephone with Defender's agents who advise that Defender would be unable to exercise access on 11th.	1 00
	8	Writing to Pursuer advising her that Defender would be unable to exercise access on the 11th.	1 75

		Brought Forward.	
Nov.	9	Writing to Thomson & Baxter acknowledging letter of 6th.	50
Dec.	4	Writing to Defender's agents advising there would be no access on 9th as children were going to party.	1 75
	11	Attendance on telephone with Pursuer who advised us that there would be no access on the 16th as children were going to party.	1 00
		Writing to Defender's agents advising them that no access on the 16th December as the children were going to a party and confirming that access would recommence on the 23rd.	1 75
	21	Writing to Defender's agents acknowledging their letter of 19th and pointing out that children's parties do occur during the festive season.	1 75
	22	Writing to Pursuer advising her Defender was complaining that the notice given with regard to his inability to exercise access was inadequate and also his request that he exercise access on an alternative day.	1 75
		Writing to Defender's agents asking why, at the time, Defender had not requested access on alternative days.	1 75
	29	Attendance on telephone with Defender's agents who advised us that Defender would not be able to exercise access on 30th.	1 00
		Writing to Pursuer advising her of above.	1 75
<u>1979.</u>	Jan. 5	Writing to Pursuer advising her of date of Proof and asking for her comments on whether access had been exercised recently.	1 75
	11	Writing to Defender's agents advising them that Defender had taken children from outside the Pursuer's home without advising her that he had done so and requesting an undertaking that he would not do so again.	1 75
	12	Writing to Thomson & Baxter enclosing additional statement and asking whether the Pursuer's witnesses were to attend at the Proof.	1 75
	19	Writing to Thomson & Baxter acknowledging their letter of 16th January.	50
Feb.	5	Writing to Pursuer advising her that, despite our Edinburgh correspondents efforts, the matter would proceed to Proof.	1 75
	14	Writing to Pursuer requesting further instructions on the matter of opposing the Defender's motion to have aliment and periodical allowance varied,	1 75
		Carried Forward.	
			<hr/> 117 53

Feb.	14	Writing to Thomson & Baxter acknowledging their letter of 7th and advising them we had written to obtain instructions from our client.	1 75
	16	Writing to Pursuer confirming instructions were received on telephone on this date.	1 75
		Writing to Thomson & Baxter advising them of our client's further instructions.	1 75
	27	Writing to Thomson & Baxter acknowledging their letter of 20th.	50
	28	Writing to Pursuer advising her Defender's agents requested bank account number for payment of aliment.	1 75
Mar.	1	Writing to D.F.S.S. advising them of award of aliment to the Pursuer.	1 75
		Writing to Thomson & Baxter advising them we had been contacted by Defender's agents requesting bank account number.	1 75
	14	Writing to Defender's agents advising them Pursuer wished the payment of aliment to be made directly to the D.H.S.S.	1 75
	18	Attendance on telephone with Pursuer who advised that Defender did not call for the children and no notice was given.	1 00
		Writing to Defender's agents advising them of above and that in future Pursuer would wait for one hour and if the Defender did not call in that time she would then take the children out.	1 75

Precognitions (Block Fee).

Precognition of Pursuer, 17th August, 1977  
(2 sheets plus one copy of each).

(4.25) + (1.70 x 2) + 50 x 2 + 50 x 2

Precognition of Pursuer's witness, Mrs.

██████████ taken 25th August, 1977  
(1 sheet plus 1 copy).

2.12 + (1.70 x 1) + 50 x 1 + 50 x 1

Additional statement of Pursuer taken 3rd February, 1978 (2 sheets plus 1 copy of each sheet).

Additional statement of Pursuer taken on 20th February, 1978 (1 sheet plus 1 copy).

Additional statement of Pursuer's witness ██████████ taken on 20th February, 1978 (1 sheet plus 1 copy).

Statement of Pursuer's witness, ██████████ (2 sheets plus 1 copy of each sheet).

Posts and Incidents.

PRECOGNITIONS TAKEN  
BY UNQUALIFIED ASSISTANT  
↓  
ALLOW DETAILS  
THEN ITEMS  
IN EDINAK  
RE PERUSUAK  
PREC'S CAN ALSO  
BE ALLOWED!  
↓  
WORKS OUT BETTER  
THAN ALLOWING  
1/2 OF BLOCK FEE

224 38
26 88
<hr/> 251 26

L 1-70  
L 1-15  
L 2-30  
L 1-15  
L 1-15  
L 2-30  
1-13