

Sheriffdom of South Strathclyde Dumfries and Galloway at Lanark

Taxation of Advice & Assistance Account: AA/ 4200271714

Guardianship Application in respect of the Adult: [REDACTED]

SS

Lanark 23 March 2015

I tax the expenses submitted to the Scottish Legal Aid Board by J Quinn & Co. Solicitors, Motherwell at the sum of £265.50 and the Auditor of Court's fees of £55.00



J Hamilton

Depute Auditor of Court, Lanark

The diet of taxation was held on 13 January 2015 and continued to 11 February 2015. At both diets, Mr Quinn appeared for Quinn & Co. Solicitors Ltd. and [REDACTED] Solicitor, appeared on behalf of the Scottish Legal Aid Board.

This was taxation was brought in terms of the Legal aid and advice and assistance under the Legal Aid (Scotland) Act 1986.

Advice and Assistance (including assistance by way of representation)

Advice and Assistance (Scotland) (Consolidation and Amendment) Regulations 1996, Regulation 18 (4)

There first issue in dispute related to the entry dated 14 May 2014 relating to the preparation of a mandate for the client. The fee sought for this work was £7.25.



Mr Quinn explained that SLAB had reduced the fee sought to £2.90 on the basis that the mandate was hand written and did not justify the higher charge being sought.

██████████ submitted that in his view, all mandates were paid at the lower rate whether typed or not. He advised that he had no instructions on this matter and couldn't comment at this time on the comments provided in the SLAB response to Mr Quinn. It was agreed that the matter be continued to 11 February 2015 to obtain instructions.

At the adjourned diet, ██████████ confirmed the comments made earlier. The mandate submitted appeared to be of a formal nature and a fee of £2.90 was appropriate.

Mr Quinn submitted that he sought the fee on the basis that the mandate was a non formal document and the fee of £7.25 was appropriate.

Auditor's Decision

Having perused the copy mandate I am of the view that a formal document fee should be applied and I have allowed the fee of £2.90.

The next issues related to 3 telephone calls to the GP's surgery. These are dated 10 April, 24 April and 8 May 2014. Each of these calls was charged at £2.90.

Mr Quinn submitted that all 3 telephone calls had been necessary to ascertain what was happening in relation to the submission of the aforementioned mandate. This document had authorised the Adult's GP to provide her solicitor with certain information. Mr Quinn added that he regularly dealt with GPs and in his experience matters didn't progress unless you contacted them. These calls had been necessary to progress matters and a necessary part of the work.

██████████ submitted that it depended on the circumstances of the case to determine if the calls had been necessary. It had been agreed during an earlier unrelated disputed matter at a taxation that some telephone calls were required to be made to a GP. In those circumstances time scales had been involved. On the face of it here, there were no time scales involved and nothing to suggest that the client had been chasing the solicitor. ██████████ advised that normally SLAB would not allow such calls unless there were circumstances such as narrated above (timescales). He further added that normally, you could rely on the client to chase up such matters.

Mr Quinn advised that his client was the Adult in these proceedings. He required to determine whether she had capacity as her parents had considered whether they should seek a power of attorney or a guardianship. These calls had been essential to progress the case.

██████████ submitted that the fundamental questions here were:

Whether you needed to contact the GP at all

If communication was required then was that solicitor's work?

██████████ added that if a message was left that had progressed the case then it could be chargeable. He was of the view these calls had been of an administrative nature and again referred to the question of urgency.

Mr Quinn submitted that administrative calls were only such if they had had been made by a secretary. He further submitted that on the SLAB website there was provision for entering information on line regarding such matters.

██████████ contended that did not extend to solicitors work which could be done by a secretary and that chasing up matters didn't require legal qualification which was why it was an administrative charge.

At the adjourned diet, Mr Quinn submitted copy documentation which showed the opportunity to complete information regarding telephone calls/messages.

Auditor's decision

Having perused the A& A Account, the first call was made on 10 April 2014. This was after the solicitor had written to the GP on 18 March 2014 enclosing the mandate and seeking the report. The second call was on 24 April 2014 when the solicitor was advised that the client had an appointment with the GP during the following week. The final call was on 8 May 2014 when the solicitor was advised that the report would be posted out that day.

I am of the view that these calls were necessary to progress matters. Given the fact that the client was the Adult in the proceedings, I doubt it appropriate to expect the client to have made contact with the GP. Nor would I consider that she would be "chasing" the solicitor to progress matters. The first call had been made some 23 days after submitting the mandate. It would seem appropriate that a call was made to establish what progress was made. That call only provided information that they were dealing with the request. 2 weeks later a further call was made when the solicitor was advised that an appointment had been made for the client. I think it

reasonable that the solicitor made further enquiry to determine progress since at that time it had been 37 days since the initial request to the GP.

The final telephone call made 2 weeks later on 8 May confirmed that the report had been completed and would be issued that day. I think that it was reasonable for the solicitor to make this call. It had been around 1 week since the appointment with the client had been held and by then it had been over 7 weeks since the original request.

I have therefore allowed all 3 telephone calls and the fee of £2.90 in respect of each matter.



J Quinn & Co
Solicitors
28 Gateside Street,
Hamilton
ML3 7JG

Scottish Legal Aid Board

Civil Advice and Assistance Accounts
28/11/14
CurSanDisk
44 Drumsheugh Gardens

Edinburgh
EH3 7SW

RECEIVED
- 4 DEC 2014

Tel: 01698 458555
Mob: 07950 723423

Email: quinnjohn63@yahoo.com

1st December 2014

Dear Sirs,

~~Advice and Assistance Account AA/4200271714~~

I enclose herewith copy notification dated 27th November from the Deputy Auditor of Court.

I enclose herewith copy of the Account which is in issue. All four unpaid items are contested.

Yours faithfully,

J Quinn

Words: 61

01/12/14
CurSanDisk

Partner: J Quinn MA (Hons), LL.B, N.P.

Accredited by the Law Society of Scotland as a specialist in Incapacity and Mental Disability

Lanark Sheriff Court and
Justice of the Peace Court



J Quinn & Co.
Solicitors
28 Gateside Street
Hamilton ML3 7JG

Sheriff Clerk's Office
Sheriff Court House
24 Hope Street
Lanark
ML11 7NE

27 November 2014

DX 570832

Our Ref: JGH/JT/25/14

Your Ref: JQ/MD

Dear Sirs

**Diet of Taxation
Advice and Assistance Account AA/4200271714**

A diet of taxation has been fixed in the above case for **Tuesday 13 January 2015 at 11am** within the Sheriff Clerk's Office at the above address.

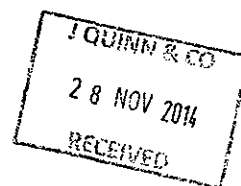
The diet of taxation should be intimated to all interested parties by Recorded Delivery letter, providing a minimum of 7 days notice of the diet. Proof of intimation must be provided to the Auditor on or before the taxation diet. The audit fee has been assessed at £15.00. Payment should be made by cheque and made payable to "Hamilton Audit Ltd."

If the diet is not to proceed for any reason, please notify me as soon as possible.

In the event of parties agreeing settlement of your account in advance of the diet of taxation, the audit fee will be calculated in accordance with the percentage sliding scales in Paragraph 39(c) of the Sheriff Court Fees Order 1997 (as amended).

Yours faithfully

Jim Hamilton
Depute Auditor of Court
Tel: 07737 172392
E-mail: jhamilton.auditor@gmail.com



VIEW A & A ACCOUNT

LARN: 4200271714

APPLICANT: [REDACTED]

[Case Details](#)
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[Account Synopsis](#)
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Case History

Type	Status	Effective Date	Exp Limit	Sought Exp Limit	Agreed Exp Limit	
Increase	Granted	17/03/2014	£95.00	£300.00	£300.00	View Decisions
Initial Application	Granted	14/03/2014	-	£95.00	£300.00	

Fees

Date/Time	Work	Description	Amount	Value
14/03/2014	Framing Documents (Non-Formal)	mandate for client's ...	250 words	£7.25
14/03/2014	Meeting (Qualified)	with client,ntg her ...	20 minutes	£25.50
14/03/2014	Perusing	identification doct' ...	2 minutes	£12.75
18/03/2014	Letter (Non-Formal)	to GP,adv of our int ...	125 words	£7.25
10/04/2014	Telephone (Qualified)	with sugery,ntg they ...	3 minutes	£2.90
24/04/2014	Telephone (Qualified)	with surgery,ntg cli ...	3 minutes	£2.90
08/05/2014	Telephone (Qualified)	with surgery,ntg rep ...	3 minutes	£2.90
09/05/2014	Framing Documents (Non-Formal)	power of attorney	250 words	£7.25
09/05/2014	Meeting (Qualified)	with client and pros ...	35 minutes	£38.25
12/05/2014	Meeting (Qualified)	with client,adv re d ...	10 minutes	£12.75
12/05/2014	Framing Documents (Non-Formal)	registration form	250 words	£7.25
12/05/2014	Perusing	medical report	2 minutes	£12.75
13/05/2014	Framing Documents (Non-Formal)	sch 1 certificate	250 words	£7.25
13/05/2014	Other	signing certificate	-	£0.00
14/05/2014	Letter (Formal)	to Public Guardian,w ...	-	£2.90

Running Totals

Total Fees £149.85

Total Outlays £120.00

GRAND TOTAL £269.85

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