

Sheriffdom of South Strathclyde Dumfries and Galloway at Lanark

Taxation of Advice & Assistance Account AAL/3913874913

CC

Guardianship Application for [REDACTED] in respect of Adult: [REDACTED]

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 £301.70 and the Auditor of Court's fees of £60.00.



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 was only one issue in dispute which related to the entry dated 31 May 2013 relating to the preparation of a precognition of the client [REDACTED]. The fee sought for this work was £89.25.

Mr Quinn explained that after submitting the account for payment, SLAB had advised him that it was not necessary to submit a 5 page precognition and this could have been done in 3 pages. SLAB were now proposing to pay £51.00 instead of the £89.25 sought.

Mr Quinn went on to advise that prior to November 2013, this had not been their approach and they now appeared to be unilaterally abating this fee. He referred to a letter received from SLAB dated 11 August 2014 which explained their decision. Mr Quinn went on to explain the on-line process when submitting the account.

██████████ briefly explained the purpose of submitting the Advice and Assistance account. This was to provide SLAB with sufficient information to support the application for legal aid in raising proceedings for a guardianship order. ██████████ went on to explain that it was the level of information contained in the precognition which was the important factor and not simply the wordage. ██████████ then went on to indicate what he considered to be the relevant information contained in the precognition. Mr Quinn then explained why he felt the information contained in the precognition was appropriate and relevant.

Mr Quinn advised that precognitions submitted in respect of other applications, there had been inconsistencies by SLAB when issuing their decision. In one case, legal aid had been refused on the basis that a precognition which contained 1191 words had been rejected because it provided insufficient information. He was of the view that it was necessary "to cover all the bases" to ensure that you have all the necessary information. Mr Quinn indicated that the application had subsequently been granted.

The diet was adjourned to 11 February 2015 to allow Mr Quinn to provide further information to support his argument that the content of the precognition should be accepted in full.

At the continued diet, Mr Quinn submitted further precognitions in other proceedings and ██████████ also provided copies of 3 precognitions submitted by other solicitors in current applications which were all considerably less in wordage than those presented by Mr Quinn. Further submissions were then made by both parties with regard to the additional precognitions provided.

Mr Quinn submitted that the precognition of Henry Clark had been drafted on 27 June 2013. In his view, these were the types of statements looked for and paid by SLAB at that time and were never abated. ██████████ advised that around November 2013 there had been a change in the personnel dealing with the precognitions. These were now dealt by a single member of staff which would provide a more consistent approach and conceded that Mr Quinn may well have

received full payment up until that time but SLAB wouldn't routinely pay out what was asked for. I have therefore allowed the full precognition fee sought at £89.25.

Auditor's Decision

Having perused the copy precognitions provided by [REDACTED] it is evident that the level of information they require to grant legal aid can be provided in less sheets than those normally submitted by Mr Quinn.

In my view, the fact that SLAB employed a single staff member to deal with these matters is an important factor. Whilst this approach would provide more consistency, it would appear that no communication was taken to advise agents of this change. Nor indeed was there any evidence to indicate that agents or at least Mr Quinn was made aware of what was actually required in the precognitions. If Mr Quinn had in the past, received full payment for precognitions, then it would seem unfair for him not to continue to receive such payments until he was made aware of the requirements.



J Quinn & C
Solicitor
28 Gateside Street
Hamilton
ML3 7J

Scottish Legal Aid Board
~~Civil Advice and Assistance Accounts~~
44 Drumsheugh Gardens
Edinburgh
EH3 7SW

Tel: 01698 45855
Mob: 07950 72342
Email: quinnjohn63@yahoo.com
1st December 2014

RECEIVED
- 4 DEC 2014

Dear Sirs,

~~Advice and Assistance Account AA/39148749~~

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

I enclose herewith copy of the Account which is in issue. The unpaid item is the precognition abatement.


Yours faithfully,

J Quinn

Words: 61
01/12/14
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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/39148749 – Guardianship Application for
Henry Clark in respect of [REDACTED]

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 £20.00. 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: 3913874913

APPLICANT: [REDACTED]

[Case Details](#)[Fees](#)[Outlays](#)[Account Synopsis](#)[Attachments](#)[Declaration](#)[Return to View Case](#)[Previous step](#)[Next step](#)**Case History**

Type	Status	Effective Date	Exp Limit	Sought Exp Limit	Agreed Exp Limit	
Increase	Granted	22/05/2013	£180.00	£500.00	£500.00	View Decisions
Initial Application	Granted	22/05/2013	-	£180.00	£500.00	

Fees

Date/Time	Work	Description	Amount	Value
22/05/2013	Perusing	doct'n delivered by ...	20 minutes	£25.50
22/05/2013	Meeting (Qualified)	with client,ntg fami ...	80 minutes	£76.50
28/05/2013	Meeting (Qualified)	with client,ntg resu ...	20 minutes	£25.50
31/05/2013	Letter (Non-Formal)	to client,with draft ...	250 words	£14.50
31/05/2013	Precognition (Non-ABWOR)	of client	880 words	£89.25
04/06/2013	Telephone (Qualified)	with client's wife,n ...	3 minutes	£2.90
04/06/2013	Telephone (Qualified)	with client,ntg resu ...	10 minutes	£7.25
10/06/2013	Letter (Non-Formal)	to attorney advising ...	125 words	£7.25
10/06/2013	Letter (Non-Formal)	to client,with draft ...	125 words	£7.25
11/06/2013	Telephone (Qualified)	with client ntg comm ...	3 minutes	£2.90
27/06/2013	Framing Documents (Non-Formal)	statutory statement	250 words	£7.25
27/06/2013	Precognition (Non-ABWOR)	corroborating precog ...	176 words	£25.50
13/08/2013	Letter (Non-Formal)	to client,with copy,...	125 words	£7.25
13/08/2013	Letter (Formal)	to ex attorney,confi ...	-	£2.90

Running Totals

Total Fees £301.70

Total Outlays £0.00

GRAND TOTAL £301.70