

In this case the Legal Aid Cert. was effective from 29th February 1980. The L.A. cert. was issued on 23rd May 1980. The first entry in the correspondent's a/c (Mrs Macleod + MacCallum) was dated 9th Feb. 1979. A substantial amount of work relating to negotiations for settlement for custody, aliment and contents of the house was undertaken prior to the application for Legal Aid. Drummond + Co. contested that, as this work eventually led to a settlement, then same should form a good charge against the Fund.

The first point the Auditor made was that the local agents did not apply for a Legal Advice and Assistance certificate. He then proceeded to tax off all entries prior to the effective date, which were not in connection with establishing a probable cause.

The other main point in dispute related to the amending ~~of~~ and subsequent re-notarising of an affidavit. This was necessary due to a note by Counsel after he had revised the affidavits. However it was fairly obvious that the point contained in Counsel's note should have been attended to when the affidavits were originally framed. The Auditor disallowed this work.

Another point raised was the attendance with the client and witnesses prior to the notarising of the affidavits. The Auditor stated that if the solicitor involved was also a Notary Public

then the Notary Fee alone should also cover the meeting with the client and witnesses. If the solicitor involved is not a Notary Public then one half hour attendance may be allowed.

Copy of this note passed to
Mr. Marshall Tuesday 16th March

ACCOUNT OF EXPENSES

incurred by

THE LAW SOCIETY OF SCOTLAND

to

Messrs. Macleod & MacCallum,
Solicitors, Inverness.

in causa

NC v BC

against

DEFENDER

1979
Feb.

9

Attendance with the pursuer on her call discussing fully with her as to the breakdown of her marriage and when she requested our assistance in connection with the contents of the matrimonial home etc., discussing matters fully with her and when she requested that we communicate with the defender's agents on her behalf. Engaged $\frac{1}{2}$ hr.

5 50

Writing Messrs. Anderson, Shaw & Gilbert, Solicitors, Inverness (defender's local agents) advising as to our instructions on the pursuer's behalf and as to our understanding of the breakdown of the parties' marriage, explaining that our client is concerned regarding the contents of the martial home and, trust that matters can be agreed amicably between our respective clients and that we shall contact them further in due course.

£1.75 ✓

1 75

X Work re- settlement not covered by effective legal Aid cert. - No legal Advice and Assistance cover Section 1 cert. not effective until 27/2/80

7 25

£

7 25

1979

Feb. 23

Making copy of defender's agents' letter for client. 2 shs. *off*

X

1 00

Writing pursuer enclosing photo-copy of a letter which we have now received from the defender's agents, explaining that we have been in touch by telephone with defender's agents and it would appear to be possible to reach settlement re the share of the contents of the matrimonial home, explaining to her that we will require to have a meeting with her to discuss matters further and thereanent. 2 pgs. *off*

X

3 50

Writing defender's local agents referring to our telephone conversation and their subsequent letter and advise that we are to await our client's instructions re the present difficulties between the parties. *off*

X

1 75

Mar. 7

£19.25

Attendance with the pursuer on her call discussing matters further with her, taking her instructions as to aliment and access proposals that she is now prepared to agree with the defender, also noting her comments as to the share of the contents of the matrimonial home, noting her anxiety as to her whole position and confirming that we are to communicate with the defender's agents on her behalf. Engaged $\frac{1}{2}$ hr. *off*

X

5 50

Writing defender's agents referring to our further telephone conversation and advise in detail as to the proposals for settlement that our client would be prepared to agree with their client, also advising them as to our client's views as to the possibility of raising divorce proceedings and ask that they take their client's comments in the whole circumstances. 4 pgs. *off*

X

7 00

Writing pursuer confirming that we have now written to the defender's agents in respect of aliment and access etc. *off*

X

0 50

£

26 50

26 50

1979

Mar.

26 Writing defender's agents in reply noting their client's proposals re alimant. *off* X

0 50

Apr.

12 Attendance with the pursuer on her call discussing her situation further with her, noting the steps she had recently taken to communicate with the Dept. of Health & Social Security with regard to benefit but, when she confirmed that she was now to continue in employment and therefore was not in receipt of supplementary benefit, also discussing with her as to the possibility of agreeing access with the defender's agents, noting her views as to the whole position and when she advised us as to the access proposals she would now be prepared to make to the defender and taking her instructions fully in the matter. Engaged $\frac{1}{2}$ hr. X

5 50

Writing defender's local agents referring to their recent letter and advising them in detail as to our client's views regarding the whole marital situation, confirming that our client is in employment and would wish to make a claim for alimant in respect of the children of the marriage, also informing them as to our client's views regarding access and explaining as to the weekly access that she would be prepared to grant to their client, reminding them as to the whole marital situation of the parties and commenting with our client's views in her present circumstances but ask that they take their client's instructions on various matters raised. 4 shs. X

7 00

May 11

Writing defender's agents in reply noting all that they state. X

0 50

Making copy of defender's agents' letter for client. 3 shs. X

1 50

Writing pursuer enclosing photo-copy of a letter which we have received from the defender's agents and asking that she let us have her views on the matters raised therein. X

1 75

£16.75

1979

May 17

Writing pursuer in reply noting all that she states and confirm that we are to take the various matters up with the defender's agents. X

0 50

£2.25

Writing defender's agents referring to recent correspondence and advising them very fully with our client's views regarding aliment and access etc., also commenting as to the whole marital situation and as to our client's views regarding possible divorce proceedings and ask that they take their client's comments. X

1 75

June 17

£

45 50

21

Writing defender's agents referring to our letter of 17th May and asking to hear from them. X

0 50

July 5

Writing defender's agents in reply noting their comments. X

0 50

Writing pursuer advising her as to the terms of a letter we have now received from the defender's agents, enquiring as to the possibility of a reconciliation with the defender and ask that she let us have her instructions in the matter. X

1 75

21

£6.00

Writing pursuer in reply noting all that she states and confirm that we shall advise the defender's agents of her decision. X

0 50

Writing defender's agents referring to their letter and advising them that our client has confirmed that there is no question of reconciliation between herself and the defender and explaining as to the steps we would propose to take on our client's behalf in due course and ask that they advise their client accordingly. X

1 75

Nov. 6

Attendance at telephone with pursuer arranging appointment. X

1 00

£

51 50

1979

Nov. 12

Attendance again with the pursuer on her call discussing her marital situation further with her, noting that she would now wish to take steps with a view to instituting divorce proceedings against the defender, noting her comments as to the defender's attitude of the whole situation and confirm that we would once again write to his agents to obtain his views. Engaged 1/2 hr.

✓

5 50

Writing defender's agents referring to recent correspondence and explain that our client has once again called to see us and has confirmed that there is no prospect of a reconciliation with the defender and accordingly she would now wish to take steps to institute divorce proceedings against him, explaining as to the steps we would propose to take on her behalf in due course and ask that they advise their client in the matter. 2 pgs.

£1.75

✗ (1/2)

3 50

28

Making copy of correspondents' letter and copy letter from defender for client. 2 pgs.

~~£1.00~~

off X

1 00

Writing pursuer enclosing copy letters.

X off

0 50

Dec.

3

Attendance with the pursuer on her call in response to our recent letter and when she confirmed that she did not wish to become reconciled with the defender, noting her anxiety as to the whole marital situation and when she confirmed that she would now wish us to take steps in connection with instituting divorce proceedings on her behalf, referring to matters raised by the defender in his letter and when she stated that she would now wish the marriage to be terminated and taking her instructions to advise the defender's agents accordingly. Engaged 1/2 hr.

✓

5 50

Writing defender's agents referring to their letter of 26th November and advise that our client has once again called on us to discuss the marital situation and explain that she is adamant/

1980
Nov.

4 Writing the witness, [redacted] referring to our actings on the pursuer's behalf, advising her as to the exact position in the divorce action and as to the steps we are now taking in regard to Affidavit evidence, enclosing draft Affidavit for her perusal, explaining that we will require information as to her knowledge of the wellbeing of the children of the marriage in our client's care and advising her as to the steps she should now take. 2 pgs. 3 50

Writing the witness, [redacted] similarly. (half) 1 75

10 Attendance at telephone with pursuer noting her comments as to the terms of the Affidavit. 1 00

14 Attendance with the pursuer and [redacted] on their call going over Affidavits with them and having same duly sworn. Engaged 1/2 hr. 5 50

Paid Notarial Fees (2). 13 00
V.A.T. thereon. 1 95

20 Writing the witness, [redacted] reminding her that she will require to call on us. 0 50

~~£5.50~~
£11.00

Dec. 8 Attendance with [redacted] on her call going over Affidavit with her and having same duly sworn. Engaged 1/2 hr. 5 50

Paid Notarial Fee. 6 50
V.A.T. thereon. 0 98
Allow one 1/2 hr. attendance with client and witness for the notating of the affidavits

Writing Edinburgh agents enclosing completed and signed Affidavits of our client and 2 witnesses together with the relevant Productions. 0 50

1980

Dec. 24 Writing Edinburgh agents in reply acknowledging enclosure and noting the steps we require to take.

0 50

Agency amending pursuer's Affidavit. *

1 00

Extending and 2 copies of amended page. 1 sh. *

0 90

£7.90
(fees)

Attendance with the pursuer on her call having her re-sign Affidavit and commenting as to the amendments now made thereto. Engaged 1/2 hr. *

5 50

£7.48
(outlays)

Paid Notarial Fee. V.A.T. thereon. *

6 50
0 98

Writing Edinburgh agents enclosing Affidavit as amended. *

0 50

1981
Feb.

2 Writing pursuer reporting that Decree of Divorce had been granted in her favour on 29th January 1981, explaining as to the documents that will be returned to her in due course and thereanent.

1 75

3 Writing Edinburgh agents enclosing business entries.

0 50

6 Writing pursuer returning Marriage and Birth Certificates to her.

0 50

Writing Edinburgh agents in reply acknowledging extract Decree of Divorce.

0 50

Perusing and considering extract Decree.

1 50

* The point raised in Counsel's note should have been attended to when the affidavits were originally framed