

THE LAW SOCIETY OF SCOTLAND

LEGAL AID MEMORANDUM

From D. Arthur, Esq.

To Civil Taxation Department

Taxation in the case of - [Redacted]
Legal Aid reference number 37/05/031100/80

JD v AD

The account of expenses in connection with the above case was taxed on a Joint Remit by the Auditor of Court of Session on 19th May 1982. The Agents acting for the pursuer in this case, Messrs. Balfour and Manson, were represented by Messrs. Alex. Quinn and Co. There are a few points worthy of note following upon the taxation of this account

This first point relates to the block precognition charge for the Initial statement taken from the pursuer. The action commenced without the benefit of Legal Aid and had proceeded as far as the adjustment stage before Legal Aid was applied for. The Agents representative argued that the charge for the statement was good against the Legal Aid Fund as the Supreme Court Committee will not accept any Legal Aid Application unless that Application is accompanied by a precognition and accordingly same is required to establish a probable cause for Legal Aid. We put forward the argument that the charge for this statement should be included in the private account to be charged against the client as the statement was taken initially to assist in raising the action, for which they received instructions to proceed on a private fee paying basis. The Auditor upheld our view on this matter and accordingly deleted the block precognition charge. A charge was allowed for making a copy of this statement for submission with the Legal Aid Application.

The second point relates to the charge for the full Incidental Procedure Fee of £78.00. A Proof had been set down for two days however, throughout the lead up to same negotiations were taking place which eventually resulted in a settlement being reached four weeks before the Proof. No Note on Line of Evidence had been obtained and therefore as most of the work being carried out was directed to negotiations we invited the Auditor to restrict the fee by an appropriate amount. After some consideration the Auditor decided to restrict the fee by one third.

The last point in question concerns the General Table charge for perusing a Minute of Agreement (probative deed). As the drawing of this document was instrumental in bringing to an end the Court proceedings the Auditor was of the opinion that the perusal fee in the Court Table was the correct charge.

[Redacted]

M. J. Lewis