

Smith  
Sutherland &  
Glennie incorporating Smith & Sutherland and Masson & Glennie

William Sutherland  
John M. M. Smith  
John M. M. Glennie  
Jack Anderson  
Brian W. McCombie

Gordon K. Chegwyn  
Mrs M.E. Sutherland  
Bruce Milton  
Consultant: John A.S. Glennie

Solicitors and Estate Agents · Advocates and Notaries

13 Broad Street, Peterhead AB4 6JA.  
Telephone (0779) 4271

Legal Aid Scotland  
Criminal Accounts Department  
44 Drumsheugh Gardens  
EDINBURGH  
EH3 7SW

Our Ref: MB/AB/SD  
Your Ref:

21st May 1984

Dear Sirs

LEGAL AID IN CRIMINAL CAUSES  
P F V [REDACTED] SD

We enclose herewith the taxed account. We enclose also a copy of the Sheriff Clerk's letter indicating the fee which we have now paid.

We look forward to receiving settlement of our fee in this matter together with the taxation fee.

Yours faithfully

*Smith Sutherland & Glennie*

Enc

**Other Offices:**

375 Union Street, Aberdeen AB9 1WN. Telephone (0224) 22316

2 Chapel Street, Peterhead AB4 6TL. Telephone (0779) 4271 57 Bridge Street Ellon AB4 9AA. Telephone (0358) 21893

Note on Taxation at Peterhead  
on 10th May, 1984.

At this Taxation, (which holds the record for "furthest North"!) there were several points at issue; the case involved a [REDACTED] who was accused of embezzling funds from a Play Group; the circumstances were rather similar to those in the notorious case of H.M.A. -v- Hamill; an amateur organisation with subscriptions being paid irregularly, books in a mess, money left lying around in unlocked cupboards, etc. Obviously a case where the Crown would have had difficulty in establishing guilt, though in the end they failed even to establish a crime in respect that part of the Crown's case rested on an "unexplained" deficit in the Play Group's bank account, and the Crown failed to prove what the balance in the bank account was at the date [REDACTED] became Treasurer.

The first point to arise was preparation; 10 hours pre-Trial preparation was claimed for, and the Auditor allowed 6, which is probably reasonable. The Auditor also allowed 1 hour's preparation on each day of the Trial.

The main point was the employment of an unqualified assistant at the Trial taking notes. The Solicitor concerned, Mr. Milton, had sought prior approval from Aberdeen Committee who had referred the matter to us; members may recall my 'phoning round and discussing the case with them at that time (6-8 months ago) and some further discussion we had in the Sub-Committee meeting. We came to the view that we had no authority to either grant or refuse the employment of an additional person at the Trial.

The Solicitor argued that the presence of an unqualified assistant throughout was essential; the case was a long one (6 days) and there were many points of evidence which were brought out in cross examination which it had not been possible to elicit during precognition. The Auditor was plainly sympathetic to Mr. Milton's submissions, and I suggested that in that event, if the Auditor was minded to allow any part of the Clerk's attendance, it should be restricted at least to the cross examination of material witnesses, excluding evidence in chief and formal witnesses, and I suggested one half hour. [The Auditor decided to allow three quarters of the claim, but agreed after a further submission from myself that the 25% increase under 13(6) should not apply to the unqualified person's attendance.]

K.J.M.

11th May, 1984

LEGAL AID CODE  
07078

ACCOUNT OF EXPENSES

Incurred by

[REDACTED]

to

Messrs. Smith, Sutherland and Glennie  
Solicitors

L.A. Ref 17C/1813/83

1983

Sept.

9	Attendance on you taking further instructions, fully discussing and advising with regard to charges against you, having Legal Aid papers completed.		
	Engaged $\frac{1}{2}$ hour.	11	00
	Writing Sheriff Clerk with Application Form.	0	70
15	Attendance at telephone on P.F. discussing matters.	1	50
19	Perusing list of witnesses.	3	00
	Making copy 2 sheets.	1	40
	Writing you advising that Legal Aid has been granted.	0	70
26	Writing you with copy list of witnesses, asking you to go over the list carefully and asking for details of the witnesses who would have had duties in collecting money and we shall attempt to precognosce all these witnesses and advising.	3	00

Oct.

4	Attendance of Clerk taking statement of [REDACTED] and [REDACTED].		
	Engaged $1\frac{1}{2}$ hours.	16	50
	Framing statement of [REDACTED] 4 sheets.	14	00
	Framing statement of [REDACTED] (ocrrb)	—	—
	Extending and copy 5 sheets.	5	00

Nov.

1	Attendance of Clerk taking statement of [REDACTED].		
	Engaged $1\frac{1}{2}$ hours.	16	50
	Attendance of Clerk taking statement of [REDACTED].		
	Engaged 1 hour.	11	00

C/F

84 30

12 01  
11 21 13

84 30

Nov.

1	B/F Attendance of Clerk taking statement of [REDACTED]. Engaged 1 hour.	11	00
	Attendance of Clerk taking statement of [REDACTED]. Engaged 1 hour.	11	00
2	Attendance of Clerk taking statement of [REDACTED]. Engaged 1½ hours.	16	50
	Framing statement of [REDACTED] 4 sheets.	14	00
	Framing statement of [REDACTED] 2 sheets.	7	00
	Framing statement of [REDACTED] 2 sheets.	7	00
	Framing statement of [REDACTED] 2 sheets.	7	00
	Framing statement of [REDACTED] 4 sheets.	14	00
	Extending and copy 14 sheets each.	14	00
10	Writing Aberdeen and Northeast Legal Aid Committee asking for sanction for the use of a Legal Trainee for note taking at the Trial and advising of the difficulties that will arise during the Trial.	3	00
	Writing you advising that we have received several prosecution witness statements, asking you to call to go over same.	3	00
14	Attendance on [REDACTED] going over prosecution witness statements and taking full statement. Engaged from 10.20 - 11.45 1½ hours.	33	00
	Framing statement of [REDACTED] 6 sheets	21	00
	Extending and copy 6 sheets each.	6	00
18	Attendance on P.F. discussing in general the evidence to be produced at the Trial and that P.F. will let us have sight of all productions he is to produce at the Trial and noting the details of the statement made by you to the Police. Engaged 1 hour.	22	00

C/F

273 80



B/F

Nov,

18

Attendance on you discussing matters further, fully discussing and advising with regard to the information received from the P.F. and noting your comments on same.

Engaged 1 hour.

22 00

Attendance at telephone on P.F. advising him of where the Minute Book was kept and that we would like Minute Book to be produced at Trial.

1 50

23

Attendance at telephone on Legal Aid central committee with regard to sanction of use of Trainee, discussing and advising.

1 50

Writing Legal Aid Central Committee advising with regard to sanction for use of Trainee, fully advising and explaining with regard to the circumstances of the case, 2 pages.

6 00

24

Attendance at telephone on P.F. discussing matters.

1 50

25

Agency citing witness for Trial.

3 00

Attendance at telephone on P.F. when he advised that the Productions were now ready for uplifting and noting.

1 50

Attendance at P.F.'s Office obtaining productions from him and discussing case in full.

Engaged 20 mins.

11 00

Perusing and considering productions 150 sheets.

225 00

sheets.

28

Making copy productions required 40 sheets.

28 00

Attendance at telephone on you advising you that we have been over the productions and asking you to call to discuss certain productions and advising.

1 50

Attendance at telephone on Peterhead Sheriff Court noting the case was calling in Court today and that our attendance was required.

1 50

Attendance at Court giving explanation to the Sheriff that we thought the case would call on Thursday, 1st December and when the original Trial Diet was discharged and new date fixed for Thursday 1st December.

Engaged from 10.40 - 10.45 1/2 hour.

15 00

C/F

592 80

B/P

Nov. 28

Attendance on P.F. discussing matters and ascertaining whether or not any plea would be acceptable to him in the case.

Engaged 1/2 hour. 11 00

Attendance at telephone on [redacted] discussing matters.

1 50

Framing list of witnesses 1 sheet.

3 50

Extending and copy 1 sheet.

1 00

Lodging.

1 50

Writing P.F. intimating same.

0 70

Preparing for Trial to include making of notes of points to be considered during Trial and also meeting with [redacted] going over the productions and noting her comments thereto.

Engaged 10 hours. 220 00

Attendance on [redacted] taking statement.

Engaged 1 hour. 22 00

Framing statement 2 sheets.

7 00

Extending and copy 2 sheets.

2 00

Dec. 1

Attendance at Trial from 11.20 - 6.00 pm 7 hours.

210 00

Attendance of Trainee at Trial taking notes

Engaged from 11.20 - 6.00 7 hours. 77 00

Attendance at telephone on [redacted] advising that it would not be necessary for him to be called as a witness.

1 50

2

Attendance at continued Trial from 10.15 - 1.00 3 hours.

90 00

Attendance of Trainee at Trial taking notes

Engaged 3 hours, 33 00

Attendance at telephone on [redacted] advising that he will be required as a witness after all and discussing matters with regard to his evidence.

1 50

Attendance of Solicitor going over notes taken of Trial so far and making further preparation for continuing days of Trial. Engaged 2 hours

44 00

1320 00

of

LL. CODE  
0.978

1320 00

Dec.

5

Attendance on [redacted] discussing matters and asking her questions and noting answers and comments.

Engaged 1/2 hour.

11 00

Attendance at Trial from 10.30 - 4.30 6 hours.

180 00

Attendance of Trainee at Trial.

Engaged 6 hours.

66 00

Attendance of Solicitor in the evening going over the notes for the day and preparing for the several legal points which were expected to come up the following day.

Engaged 1 hour.

22 00

Attendance at telephone on [redacted] advising that his evidence would not be required until Tuesday afternoon.

1 50

6

Attendance at Trial engaged from 10.00 - 4.30 6 1/2 hours.

195 00

Attendance of Trainee at Trial taking notes 6 1/2 hours.

71 50

Attendance of solicitor going over notes for the day and preparing for the next days Trial.

Engaged 1 hour.

22 00

8

Attendance on you prior to going into Court discussing matters and noting further information and reassuring you over certain points that you made.

Engaged 10 mins.

11 00

Attendance at Court waiting the calling of the case from 2.15 - 2.45 1/2 hour.

11 00

Attendance in Court conducting Trial from 2.45 - 4.45 2 hours.

60 00

Attendance of Trainee from 2.15 - 4.45 2 1/2 hours

27 50

Attendance in the evening going over notes for the day and making initial preparation for submissions on the basis that submissions might have to be made on the Friday.

Engaged 1 hour.

22 00

Attendance at telephone on [redacted] with regard to his attendance at Court on Friday Afternoon.

1 50

C/F

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07078

222 00

Dec. 9

Attendance at Trial from 10.30 - 4.40 6½ hours

195 00

Attendance of Trainee at Court taking notes 6½ hours.

71 50

Attendance at telephone on [redacted] at lunch time advising him that it would not be necessary for him to attend Court and advising fully.

1 50

10

Attendance at telephone on [redacted] making further arrangements for him to be at Court on Monday 12th December.

1 50

11

Attendance of Solicitor going over case papers going over evidence further and in full making preparations for submissions.

Engaged 1½ hours.

33 00

12

Attendance at Court from 10.00 - 12.00 making submissions when you were found Not Guilty and discharged from the dock.

Engaged 2 hours.

60 00

Attendance of Trainee at Court taking notes 2 hours.

22 00

Attendance at Court addressing Sheriff in Chambers making application under Section 13(2) and 13(6) both applications were granted.

Engaged ½ hour.

15 00

Uplifting 13(2) and (6) certificates from Sheriff Clerk.

1 50

Attendance at telephone on [redacted] advising that the Trial had now been completed and that you had been found Not Guilty and his evidence was now not required.

1 50

Paid travelling expenses 60 miles @ 25 pence per mile.

15 00

25% additional fee allowable in this case under paragraph 13(2) and 13(6) of the Act of Adjournal Criminal Legal Aid Fees 1968 Certificates granted in respect of length, complexity and difficulty.

606 10

Posts and Incidentals.

363 70

	378	70	
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3030 60

378 70

3409 30