

TAXATION - [REDACTED]

AS v CS

Legal Aid Reference: 37/23/121347/81

Agents - Messrs. Ranken & Reid

Point in Dispute - Competency of Charging restricted parts of undefended Inclusive Fees.

The Agent maintained that all the work in connection with Part 2 of the Inclusive Fee had been undertaken and that the Affidavits were prepared and were ready for signature and the only matter which required to be done was to have the affidavits sworn. A perusal of the Agent's file seemed to indicate otherwise (see our letter dated 12th March 1984 and copy correspondence contained in Agent's file) and therefore we suggested that the case be referred to the Auditor.

At Taxation it transpired that there were further file entries, which were produced and indicated that the client did finally respond to Agent's request to call to go over the draft Affidavits. The draft was approved and extended ready for signing, however, when the client was called to sign same she failed to respond. The Agents representing maintained that all work relating to Part 2 of Inclusive Fee had been carried out.

The Auditor on considering submissions stated that in accordance with the Court of Session Table of Fees Chapter III, Part VII, he had the power to allow a modified Inclusive Fee. He did not agree with the Agent that the full fee should be allowed, but took the view that a minor rest should be made.

restriction

LEGAL AID CODE
01171

ACCOUNT OF EXPENSES

Incurred by

THE LAW SOCIETY OF SCOTLAND

to

Messrs Ranken & Reid,
Solicitors, Edinburgh.

Instructed by

Messrs Blair & Bryden,
Solicitors, Port Glasgow.

In Causa

[Redacted]

PURSUER

against

[Redacted]

DEFENDER

Legal Aid Ref. No.
37/23/121347/81.

*We certify no
agency passing
on this account
Ranken & Reid*

*Copy of these
Accounts.*

1981
Nov

13

Attendance with you discussing your
matrimonial affairs and having you
complete/

289

£

1981

Nov

13

7.50

/complete the L.A.A.3 form - assessing your liability thereunder

7 50

Framing legal aid application form

2 25

Extending and 2 copies

90

Framing legal aid memorandum

2 25

Extending and 2 copies

90

Writing Edinburgh agents advising that we have now received instructions that you are prepared to proceed with the divorce on the grounds of 2 years' separation - enclosing legal aid papers and requesting they obtain the necessary consent form from the defender's agents

Allowed

1.25

1 75

Letter of instructions sent to solicitors of Edinburgh

Writing you confirming that we have now applied for legal aid on your behalf to raise Proceedings of divorce on the grounds of 2 years' separation and these Proceedings require your husband's consent and his Solicitors have indicated that this will be forthcoming shortly - advising that the legal aid application will take about 2 to 3 months to process

1 75

24

Writing defender's agents advising that we have now received legal aid papers to proceed with a legal aid application on your behalf on the grounds of 2 years' separation - intimating legal aid application

1.75

1 75

re other

Writing/

10 50

19 05



10 50

£

19 05

1981
Nov

24

/Writing correspondents acknowledging and confirming that we are intimating the legal aid application and lodging it with the Law Society

50

50

Writing Law Society submitting application

1 75

Intimating same

1 75

Making copy of letter from the defender's agents received previously

50

30

Writing Edinburgh agents acknowledging and noting

50

50

1982
Feb

3

Perusing legal aid certificate

2 00

Writing correspondents confirming that we have now received a legal aid certificate

50

5

Writing you confirming that you have been granted legal aid

50

Mar

30

Fee for all work to and including calling of the Summons (say four-fifths up to this date)

16.00

92 00

1.60

Session Fee thereon

(FS)

9 20

Paid Court dues

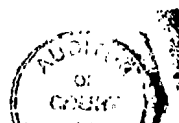
36 00

29 10

£

36 00

128 25



2910

£ 36 00 128 25

1982

Mar 30

Fee for additional conclusion

20 00

Session Fee thereon

2 00

Apr 29

Add 30% Authorised Increase on fees incurred from 7th January 1980 to this date (£150.25)

872

45 07

May 28

Balance of fee for all work to and including calling of the Summons (one-fifth)

27 00

Session Fee thereon

2 70

Dec 13

Fee for all work from calling to and including swearing Affidavit

7.00

70 00

Session Fee thereon

7 00

70

Fee for additional Conclusion

32 00

300

Session Fee thereon

3 20

30

NOTE:

Affidavits were prepared and were ready for signature but the client failed to call to sign the Affidavits and, accordingly, we simply closed our file.

Preparation and taxation of Account
Session Fee thereon

Add 20.50
Add 2.05

1983

May 23

Framing Stage 4 Report

1 40

26 27

£ 36 00 338 62



*100% work entered on Part 2 of Inclusion by
11/9/80. Part 2 not completed
until after 12/31/80
either as per
file or as per
OO 11/15/80*

2627

£ 36 00 338 62

1983
May 23

Extending and copy

1 00

Writing Law Society with Account

70

2627

Posts & Incidents at 12% (£340.32) *

40 84

315

2942

£ 36 00 381 16

Add Outlays:

36 00

£ 417 16

Add Counsel's Fees

(Ks)

22 00

£ 439 16

VAT @ 15% of 90% of
1. Counsels' fees as allowed
2. Solicitors' fees as allowed

2 97

47 48

489 61

29 42

17th March, 1984

The Auditor of the Court of Session is respectfully requested to tax the foregoing account of expenses on an agent and client, third party or fund paying basis.

Taxed off

£ 460 19

Senior Deputy Secretary,
Legal Aid Central Committee,
Law Society of Scotland

Peter Gilliam

Ranke & Reed

7 Albany Place

Edinburgh



EDINBURGH