

<b>DATE</b>	21-Jun-84
<b>AUDITOR</b>	W Bryden
<b>COURT</b>	Edinburgh S.C.
<b>SOLICITOR</b>	Alex Morison & Co
<b>CASE</b>	<span style="background-color: black; color: black;">[REDACTED]</span> NW
<b>ACCOUNT TYPE</b>	A&A
<b>TAXATION HEAD</b>	Precognition / Perusals
<b>TAXATION ISSUES</b>	<ol style="list-style-type: none"> <li>1. Whether or not a precognition should be allowed when the client pleads guilty.</li> <li>2. Charge for perusing the complaint.</li> </ol>
<b>DECISION</b>	<ol style="list-style-type: none"> <li>1. The client attended the solicitor shortly before the date of trial, and as it was the client's intention to plead guilty to the single RTA charge the Auditor decided that the precognition was unnecessary and disallowed it.</li> <li>2. The Auditor also disallowed a separate charge for perusing the complaint following a half hour meeting with the client. The Auditor indicated that very early during the meeting with the client the solicitor would have to fully consider the complaint and accordingly the perusal charge would be correctly comprehended by the attendance charge.</li> </ol>

TAXATION OF LEGAL ADVICE AND ASSISTANCE ACCOUNT

MESSRS. ALEX MORISON & CO. - THE LAW SOCIETY OF SCOTLAND -

██████████ was granted Legal Advice and Assistance on 26th January 1984 by Mr. J. R. F. Osborne of Alex Morison & Co., W.S., Edinburgh. The subject matter was Advice on a Criminal Pleading Diet on 3rd February 1984 to which ██████████ had been cited by the Procurator Fiscal, Edinburgh charged with a Contravention of Section 6 (1)(a) of the Road Traffic Act 1972 as amended. The Account submitted in terms of the Legal Advice and Assistance Scheme by Mr. Osborne was not agreed between the Legal Aid Central Committee and Mr. Osborne and was remitted to me for taxation. I appointed 20th June 1984 as the Diet of Taxation. On that date the Legal Aid Central Committee were represented by ██████████ and a member of his Staff. There was no appearance on behalf of Messrs. Alex Morison & Co. I accordingly taxed the Account without the benefit of submissions on their behalf.

The Account comprised an attendance between solicitor and client taking instructions with regard to the Complaint, fully discussing and advising and taking statement (½ hour), framing the statement (1 sheet) and copy, perusing the Complaint (charged as a separate item), attendance of solicitor with client on the day of the Pleading Diet noting dates, circumstances and discussing charged as a 5 minute meeting. ██████████ on behalf of the Central Committee objected to the charge for framing and copying the statement and the charge for perusing the Complaint after the first attendance between solicitor and client at which the instructions had been given. I taxed off the charges of £4.00 and 80p framing and copying the statement by ██████████ and £4.00 for perusing the Complaint.


In the circumstances of this particular case it seemed to me that very early in the first meeting between solicitor and client the Complaint would have to be considered by the solicitor. It related to a single Charge under the Road Traffic Act and in my opinion did not justify further perusal after a half hour meeting with the client. This being a Legal Advice and Assistance matter ██████████ could not be represented by a solicitor in terms of her LAA Certificate at the Pleading Diet. She in fact had a further meeting with her solicitor on the morning of the Pleading Diet for which a charge of £6.00 was made /

made in the Account and to which no exception was taken by [REDACTED]. In all these circumstances I concluded that the taking of the statement was unnecessary and accordingly disallowed it.

In the absence of any submission on behalf of the solicitor concerned and having regard to the view I formed of the circumstances in this particular case the abatements I made in the course of this taxation were directly relevant to this case and are not accordingly to be taken as expressions of general principle.

This note is written at the request of [REDACTED].

21st June 1984



.....  
W. Bryden  
Joint Auditor, Edinburgh Sheriff Court

incurred by [redacted]  
 to Messrs. Alex Morison & Co., W.S.  
 Legal Aid reference : 53/06/312863/83

1984

Jan 26

Attendance on you taking instructions with regard to criminal Complaint, fully discussing and advising and taking statement, half hour :

12 00

Framing statement, 1 sheet :

4 00

Making copy statement, 1 sheet :

80

Perusing Complaint :

4 00

Feb 3

Attendance on you noting of dates, circumstances and discussing engaged 5 minutes :

6 00

Postages and incidental outlays :

1 35

1 35

26 80

1 35

f 28 15

Edinburgh 29th May 1984  
 The Auditor is respectfully requested to tax the foregoing account against the Legal Aid Fund.

K. J. Marshall  
 Sr. Deputy Secretary  
 requested

Auditor's fee VAT

2 30

Taxed off

30 45

9 24

f 21 21

Edinburgh 20th June 1984  
 The Joint Auditor has the foregoing Account at the sum of twenty one pence only (£21.21)

JOINT AUDITOR  
 OF THE SHERIFF COURT  
 EDINBURGH

24 80

4.00

8.80

.44

9.24