

THE LAW SOCIETY OF SCOTLAND
LEGAL AID CENTRAL COMMITTEE

MEMORANDUM

From [REDACTED]

To CIVIL ACCOUNTS DEPARTMENT.
.....

VB v JC

18/72/400320/84

I attended a taxation on 13 October 1984 at Airdrie Sheriff Court before the Auditor Mr Gallagher. The principal area of dispute revolved around the entry claimed on 10 August 1984 "Fee of report on custody and access, 21 sheets $\frac{1}{2}$ = £122.85 together with the relevant process fee". This fee has been charged under Chapter II Part 5 and we would submit that this fee is inappropriate and should be deleted from the account as rendered.

After hearing submissions by parties the Auditor agreed that the fee claimed by Messrs Ross Harper & Murphy was not appropriate to Chapter II(5) although he indicated sympathy with the Agents and felt that something should be allowed. The work undertaken was not at the instance of the Solicitors and outwith his control to a certain extent. The Court ordered the report and the Agents did not instruct same. The Agents had a duty to his client to peruse report and consult with his client if necessary. The production of report often, as in this case, achieved a settlement proposal from the other side. The Auditor had investigated the possibility of adopting alternative methods of payment and considered (a) adopting Chapter II(9) "Motions and Minutes" and (b) detailed perusal charge, but at the end of the day rejected those thoughts.

Earlier in the discussion I had, in an attempt to distinguish between reports ordered by the Court and precognitions etc. drawn the Auditor's attention to the provisions of the Court of Session Table of Fees and the Auditor could see no difference in the circumstances where a report is ordered in the Court of Session and in the Sheriff Court. He therefore allowed fees similar to that chargeable under the Court of Session Fees, Chapter II(6) and considered it would be appropriate in this particular case. I requested a note on the taxation and he undertook to forward one as soon as possible.

Subsequent to the taxation I received a phone call from Mr Gallagher who indicate that that he had second thoughts regarding the outcome of the taxation. He had a change of mind (after consulting the Sheriff Clerk) and had telephoned Messrs Ross Harper to that effect. The Agents wish to be represented ~~about~~ ^{about it} any further taxation. Mr Gallagher advised he would not allow the charge as stated in the account and had asked the Solicitors to reframe their account on a detailed basis but the Solicitors had declined.

I subsequently attended the second taxation and the items in dispute were deleted in total from the account of expenses. The Agents indicated they would consider their position regarding a possible note of objections but on 20 December 1985 they indicated they would be prepared to accept the Auditors decision.

incurred by

THE LAW SOCIETY OF SCOTLAND

to

Messrs. Ross Harper & Murphy,
Solicitors, Airdrie.

in causa

[Redacted]

- Pursuer

VB against JC

[Redacted]

(A.P.) - Defender

Legal Aid Ref No: 18/72/400320/84

LA code
03549.
Central
LA Committee

AD/24

1984			
June	28	Attendance with defender assessing contribution and completing LAA3 Form.	9.90
		Fee for Recognition of the defender. 4 shts.	46.80
		Extending and two copies.	4.68
		Process fee.	5.15
		Writing Law Society submitting Form LAA3 and requesting an increase in Authorised Expenditure.	2.70
July	20	Framing Emergency Legal Aid Application.	3.15
		Extending same.	0.63
		Framing Legal Aid Application.	3.15
		Extending and two copies.	1.17
		Framing Legal Aid Memorandum.	3

48339

1984

July

Extending and two copies. 1.17

Attendance with the defender completing
Emergency and full Legal Aid Applications and
advising. 9.90

Fee for Supplementary Precognition of the
defender. 2 shts. 23.40

Extending and two copies. 2.34

Process fee. 2.57

23 Writing Law Society submitting Emergency
Legal Aid Application. 0.63

Copy Initial Writ sent. 3 shts. 0.81

26 Writing Law Society submitting full Legal
Aid Application and with regard thereto. 2.70

Agency intimating Legal Aid Application. 2.70

Paid dues lodging Notice of Intention to
defend. 18.00

30 Perusing Emergency Legal Aid Certificate. 2.70

Aug

.10 Fee for Report on Custody and access. 21 shts.
($\frac{1}{2}$). ~~122.85~~

Process fee. ~~12.28~~

Paid Reporter's fee. 155.25

13 Fee for considering the pursuer's Minute of
Amendment. 18.00

Process fee. 1.80

Fee for considering the pursuer's Motion for
Interim Custody, failing which Interim
Residential Access. 19.35

1984

Aug

Process fee 1.93

28 Fee on Instruction. 76.95

Process fee. 7.69

Lodging Emergency Legal Aid Certificate. 1.35

Sept

5 Adjustment fee. 115.20

Process fee. 11.52

Attendance at Court when Record Closed and Proof fixed for 18.10.84. ---

13 Perusing full Legal Aid Certificate. 2.70

Oct

18 Fee for Extra-Judicial Settlement. 45.00

Process fee. 4.50

Framing Stage 4 Report. 1.35

Extending and copy. 0.90

Writing Law Society therewith. 438 0.63

Posts & Incidents. 12/0

Add Outlays.

493.49	438	0.63
58.21	43	43
	52	51
	52	51
173.25	642	200
	276	38
	173	25
	815	45
	725	72
	725	72
	32	61
	616	72

Audit fee outlay £ 664 11
 32 61
 616 72

26/9/85

The Auditor of Sheriff Court is respectfully requested to tax the foregoing account of expenses on an agent and client, third party or Fund paying basis. 32 61

[Signature]

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



And 13th December 1985
 Audited 23rd October 1985. I have examined the foregoing account and find the same to be fair and reasonable in the sum of Six hundred and Ninety Six pounds - 72 Pence. (£696.72)
 J. J. [Signature]