

AUDITOR OF THE COURT OF SESSION

PARLIAMENT HOUSE, EDINBURGH, EH1 1RQ

RUTLAND EXCHANGE No. 304

031 225 2595 Extn. 306

AT

On the joint request of Legal Aid (Scotland), now The Scottish Legal Aid Board, and Dennis Crawley, Esq., Advocate, the Auditor has considered the whole papers made available by the Board and heard representations by both parties. The Auditor now taxes at the sum of ONE THOUSAND FOUR HUNDRED AND SEVEN POUNDS AND FIFTY PENCE (£1407.50) the whole fees payable by the Board to Mr. Crawley for his whole professional services as Counsel representing [REDACTED] as second accused on the indictment of [REDACTED] and Others, the trial whereon proceeded in the High Court at Glasgow on 22nd September 1986 and following days. VAT will be payable in addition thereto.

EDINBURGH.

5th June 1987.

NOTE: His anxious perusal, prior to the diet, of the solicitors' detailed account and the substantial body of papers in this case did not reveal to the Auditor any considerations significantly differentiating between the representation of the various accused and the burdens imposed on their respective Counsel. Even given the certificate granted by the presiding judge in terms of Section 13(1) on the basis only of length, the Auditor would have concurred in the view taken and maintained by the Board, that the representation of each of the five accused alike warranted only standard fees for each Counsel appearing for them. It very soon became apparent, however, as Mr. Crawley filled in the human picture of the case, firstly that his client was pre-eminently on the evidence at risk of conviction of two charges of attempted murder and secondly that he was under pressure from members of his family, some of them his co-accused, to accept the blame in their interests. Anyone with some experience of such matters, can readily appreciate how these considerations must intensify the anxiety of Counsel and increase the burden upon him in every aspect of his representation of his client; and such person will accept, as the Auditor accepts, that the Counsel who takes full cognisance of these considerations, as Mr. Crawley certainly did here, can reasonably seek some enhancement of fees. The Auditor's determination is designed as ever to achieve fairness to both parties in the situation now fully clarified for him.

The Auditor Evan H. Weir, W.S.
Principal Clerk Janet P. Buck

MEMORANDUM

H.M.A. v. [REDACTED]

I attended a Diet of Taxation in the above case on Monday the 1st June at 2.30 p.m. before Evan H. Weir, The Auditor of the Court of Session.

Mr. Dennis Crawly, Advocate attended in support of his claim against the Fund. During the course of the Taxation it became clear from what was said by Mr. Crawley, that his position differed considerably from that of the Counsel for the co-accused. Mr. Crawley explained that his accused was the one who produced the knife and was of responsible for the stab wounds to the two complainers. He also explained that the accused was under some considerable pressure from the other members of the family to plead guilty in the hope that charges against the remaining accused would be dropped or at the very least reduced.

The Auditor intimated that in view of Mr. Crawley's submissions that he would be prepared to allow a higher fee than that of the scale. The Auditor went on to criticise the way in which the fee note was framed and suggested that if the information which Mr. Crawley had given to him had been available to me when considering the claim then there would have been no need for a Taxation to take place.

The Auditor stressed that in these cases some form of negotiation should take place prior to the matter being referred to him and would not like all these accounts to come straight to him unless some form of negotiation had at least been tried. The main difficulty is due to the lack of information contained on the Faculty Services fee note. I got the distinct impression that perhaps the Auditor may have an informal word with the Dean to see how best these matters can be resolved.

FACULTY SERVICES LIMITED

PARLIAMENT HOUSE
EDINBURGH
EH1 1RF

LAW SOCIETY - CRIMINAL LEGAL AID
RUTLAND EXCHANGE BOX NO.
ROSS HARPER & MURPHY,
4/6 REGENT WAY,
HAMILTON.
ML3

031-226 5071
Telex: 727856

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Please quote Faculty Services Ref. on all correspondence

CASE H.M.A. v [REDACTED]
CLIENT [REDACTED]
ADVOCATE DENNIS CRAWLEY, ESQ.,

CRIMINAL LEGAL AID CERTIF
L.A. CERT No. 1016/86
C29 VAT REG. No. 435 2648 49

Date	Details	Item Amount
	<i>76/36/601016/86</i>	
17-SEP-86	GLASGOW HIGH COURT - WAITING DAY	165.00
20-SEP-86	CONSULTATION - HAMILTON	100.00
22-SEP-86	- 26TH TRIAL - GLASGOW HIGH COURT	1250.00
	NOTE; DIFFICULT CASE - 2 CHARGES OF ATTEMPTED MURDER - 13(1) CERT.GRANTED	
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	£	1742.25

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