

ADVICE & ASSISTANCE ACCOUNTS

ACCOUNT TAXED BY AUDITOR FOR REVIEW

TC

- AA/04/8094946/88

This account required to be referred to the Auditor at Dundee Sheriff Court as agreement was unable to be reached with Drummond Robbie & Gibson. The main point in dispute concerned the solicitor's attendance at his client's assailants trial on a watching brief basis. The solicitor was advising his client in connection with a CICB claim and it was therefore considered unnecessary to attend the trial as the CICB undertake all necessary investigations. The police provide them with details of the incident and of any witnesses and whether the assailant was convicted or not (although it is not always necessary that the offender be convicted for an award to be made). The solicitor argued that he was entitled to go along if it would aid their client's cause and sit in and listen to the court proceedings and make notes and that this was the best way to advise whether or not a claim was worth while. He said the alternative would have been to take precognitions from the witnesses. After much correspondence between us it was agreed that the only way to settle this was to refer the matter to the Auditor. A diet was originally set down for 14th October, 1991 but was cancelled the night before as the solicitor was unable to attend. Nothing further was heard from the solicitor until the notification of the re-arranged diet on 5th February, 1992.

Unfortunately, the solicitor did not turn up for the taxation but it was agreed to proceed without him. The Auditor upheld our view and taxed off £69.40 and awarded the travelling expenses against the solicitor.

A copy of the taxed account is attached for information.

ADVICE AND ASSISTANCE

ACCOUNT OF EXPENSES INCURRED TO
MESSRS. DRUMMOND ROBBIN & GIBSON

BY
THE LAW SOCIETY OF SCOTLAND

IN CAUSA

[REDACTED]

Ref: AA/04/8094945/88

1988

Sept 2

Attendance on you on your call by prior appointment. Discussing with you an assault which had been perpetrated on you and advising you as to the position and the requirements for Criminal Injuries Compensation. Noting that you would let us have further information and we agreed to note our file accordingly.

Engaged 20 minutes.

10. 52 ✓

Sept 6

Writing you, confirming our views on your criminal injuries compensation board claim and asking you to let us have the further information which you were to provide us with as soon as possible.

1. 80 ✓

Sept 7

Attendance at Dundee Sheriff Court observing the Trial of your assailant. Engaged 45 minutes.

23. 67

Nov 2

Attendance at Dundee Sheriff Court for the adjourned Trial of your assailant, [REDACTED] and thereafter discussing matters with you and noting the conviction which had been recorded against [REDACTED]. Noting that you would contact us next week to discuss matters further. Engaged 90 minutes.

42. 12

Nov 24

Writing you confirming the outcome of the Trial and asking you to contact us to discuss matters further.

1. 80 ✓

Dec 20

Writing you, asking you to call to discuss matters.

1. 80 ✓

1989

Jan 17

Writing you, asking you to call to let us have further instructions.

1. 80 ✓

Feb/

Carry Forward

83. 51

14 12

DRUMMOND ROBB
Brought Forward

114 12
83 51

Feb 14

Writing you, asking you to call to discuss this matter and advising you further regarding the scheme and its requirements.

1 80
86

Aug 24

Attendance on you being advised by you that you did not wish to proceed any further with this matter and we would therefore close our file. Engaged 10 minutes.

5 26

90 57
21 1

DUNDEE 5 FEBRUARY 1992 ACT-ASSENT ACT: CEMET.
TAXES THE ACCOUNT OF EXPENSES INCURRED TO
MESSRS DRUMMOND ROBBIE & GIBSON IN
THE SUM OF £21-17-

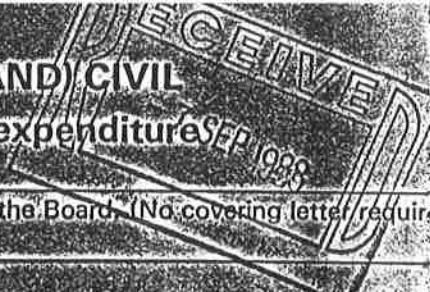
S. J. M.
Depute Auditor of Court.

DUNDEE 5 FEBRUARY 1992 on the motion of
THE SCOTCH LEGAL AID BOARD IN RESPECT
OF AN APPEARANCE BY OR FOR MESSRS
DRUMMOND ROBBIE & GIBSON AT THE
TAXATION DIET TODAY AND IN RESPECT
OF THE SUCCESS OF THE LEGAL AID
BOARD AT THE TAXATION ON THE MOTION
OF THE SOLICITOR FOR THE SAID BOARD FIND
THE MESSRS DRUMMOND ROBBIE & GIBSON
LIABLE IN THE EXPENSES OF THE TAXATION
LIMITED TO THEIR TRAVEL TO AND FROM
THE TAXATION.
114 MILES @ 35.7p/mile £40-10.

S. J. M.
Depute Auditor of Court.

ADVICE AND ASSISTANCE (SCOTLAND) CIVIL

Request for an increase in authorised expenditure



Part A to be completed by Solicitor in duplicate. Both copies to be submitted to the Board. (No covering letter required. One copy will be returned to Solicitor with Board's decision thereon)

PART A

ANDREW P. DRUMMOND, Solicitor,
Messrs. Drummond, Robbie & Gibson,
Meadow Place Buildings, Bell Street,
DUNDEE.

Solicitor's name and address. (Complete in typescript within box above.)

Reference No.

*Form AA/1 attached

Applicant's Name: [redacted]

Solicitor's Ref: 14451

Date of Request: 2nd September, 1988

Total authorised expenditure sought: £200.00

*Delete as appropriate

Please state here reasons for request (continue on reverse if necessary). Applicant requested advice from us on 2nd September, 1988 about compensation for an assault on him which was coming to Trial the next Wednesday, 7th September, 1988. He was in hospital for three days and off work for two weeks as a result of this assault.

X Advising him initially as to criminal compensation, thereafter attending the Trial of his alleged assailant and taking notes.

Preparation of documentation for a claim with the Criminal Injuries Compensation Board. Medical Reports from his Doctor and Hospital Reports on a neck and other injuries which resulted in his stay in hospital.

Obtaining Extract Conviction if appropriate.

Further meetings with client and possibly with other witnesses. Preparation for Criminal Injuries Compensation Board hearing.

In all these circumstances and in particular with the need to obtain two Medical Reports, an increase in expenditure sought is both necessary and reasonable.

Signed [Signature]

PART B

DECISION OF BOARD ON ABOVE REQUEST

Authorised expenditure increased to: £100.....

Request for an increase in authorised expenditure refused

Date: 20/9/88

Signed [redacted] for and on behalf of the Board

Taxation "To call"
letters

14/9/83

Taxed by Mr Angus McDougall
Auditor of Court in
Glasgow.

(Decision published in
Dec '83 Journal)

Letters inviting clients
to call for interview, if
purely that, will not
normally be allowed on
taxation of a solicitors
etc as a good charge
against either the
client or the Board.
Such letters are not

advice or assistance
to the client, nor
do they advance the
matter in respect of
which a course of
advice is being given.

Letters may be charged
which report developments
to a client and which
incidentally contain an
invitation to call.

Confirmatory letters

As I understand it,
it is good professional
practice to confirm in
writing to the client that
that has already been
given. However it is
not good professional
practice to charge for
doing the same work
twice.

This ~~rule~~ has also been
disallowed on Taxations
before the Auditor of
Edinburgh Sheriff Court.

(A confirmatory letter offers
no fresh advice or info
other than that already given)

If the advice is complex
then it may be sensible
to allow a charge or
perhaps if he was of
low intelligence.

Any letter which
genuinely advances
the case or reports
developments will be
allowed.