

NOTE BY THE AUDITOR OF COURT

SM v AM

v

The above action was finally disposed of in November 1998 at Linlithgow Sheriff Court. The Pursuer was granted Legal Aid and represented by Messrs Caesar & Howie, Livingston. In normal course those Agents submitted their account to the Scottish Legal Aid Board. The Board made certain abatements which were not accepted by the Agents and the matter was referred to me, as Sheriff Court Auditor, in terms of regulation 12 of the Civil Legal Aid (Scotland) (Fees) Regulations 1989. A diet of taxation was fixed for 16 September 1999 and attended by [REDACTED] on behalf of the Board, Mr Monaghan of Caesar & Howie and [REDACTED] Law Accountant.

The case related to contested issues in respect of residence/custody of children. The fee dispute related to charges for pre-court preparation in advance of court hearings, namely interim hearing (and continuations thereof); Child Welfare Hearing (and continuation thereof) and the Options Hearing.

Having heard submissions on each, I ruled as follows -

Interim Hearing 2 February 1998 - 30 minutes claimed and allowed.

Continued Interim Hearing 9 February 1998 - 35 minutes claimed and allowed, on basis there was required perusal of a substantial Inventory of Productions lodged by the other side, which was not otherwise charged.

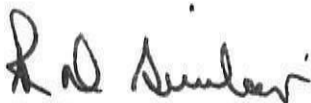
Continued Interim Hearing 11 February 1998 - 35 minutes claimed - nothing allowed.

Continued Interim Hearing 13 February 1998 - 35 minutes claimed - 15 minutes allowed.

Child Welfare Hearing 25 March 1998 - 2 hours claimed - 1 hour allowed.

Continued Child Welfare Hearing 22 April 1998 - 1 hour claimed and allowed, on basis award of custody to pursuer had been withdrawn at first Child Welfare Hearing.

Option Hearing 5 August 1998 - 1 hour claimed and allowed.



R.D. SINCLAIR
AUDITOR OF COURT
LINLITHGOW