

P.D.S.O. QUALITY

Criteria for marking files

A three point scale should be used when marking the solicitor using the criteria below.

1. Below requirements
2. Meets Requirements
3. Exceeds Requirements.

C Cannot Assess/Not Enough Information
N/A Not Applicable
Y Yes
N No

CRITERIA FOR REVIEWER

Please circle the correct mark after each question

I) CLIENT CONTACT AT INITIAL INTERVIEW STAGE WHETHER IN CUSTODY OR OFFICE SITUATION

1. How would you rate the solicitor's communication with the client?

1 2 3 C N/A

2. How well did the solicitor appear to handle the client?

1 2 3 C N/A

3. How effective were the solicitor's fact and information gathering skills?

1 2 3 C N/A

4. Was a competent preliminary plea taken that should have been taken?

Y N N/A

5. How would you rate the appropriateness/ legal correctness of the advice?

1 2 3 C N/A

II) APPLICATION FOR BAIL (If in Custody)

1. Was the question of bail properly addressed?

1 2 3 C N/A

2. Were any special bail conditions explained?

Y N C N/A

3. If bail application was unsuccessful was the question of appeal properly addressed?

1 2 3 C N/A

4. How would you rate the quality of instruction to counsel/other agents?

1 2 3 C N/A

III) GUILTY PLEA (IF PLED GUILTY AT THE OUTSET)

1. How effective were the solicitor's fact and information gathering skills ?

1 2 3 C N/A

2. Were the sentencing options adequately explained ?

1 2 3 C N/A

3. How well did the solicitor handle managing client expectations re sentence both pre and post social enquiry report?

1 2 3 C N/A

4. Was an adequate explanation given to the client on sentence implications eg registration on sex offence register, community service etc?

1 2 3 C N/A

IF III HAS BEEN COMPLETED GO DIRECT TO VII AND VIII.

IV) NOT GUILTY PLEA (dependent on whether it is a solemn or summary case as to the need for a legal aid application to be submitted to the Board as in solemn cases it is granted by the sheriff)

1. How effective /adequate was the solicitors information gathering for legal aid purposes?

1 2 3 C N/A

2. If a refusal of legal aid would terminate solicitor involvement was the question of review properly addressed?

Y N C N/A

3. If on review it is still refused, was the situation adequately and timeously communicated to the client?

Y N C N/A

If legal aid has been refused and this has been adequately explained to the client, the review should end after question 3.

4. Was appropriate consideration given to the question of plea negotiation?

1 2 3 C N/A

5. If any plea negotiation was undertaken, was it timely and appropriate?

1 2 3 C N/A

V) PRE TRIAL/INTERMEDIATE DIET

1. Was the overall precognition / preparation of the case sufficient, timely and appropriate?

1 2 3 C N/A

2. How effective were the solicitor's communication and client handling skills?

1 2 3 C N/A

3. Was the client given correct and appropriate advice?

1 2 3 C N/A

4. Were previous instructions confirmed or adequate further instructions taken for the future conduct of the case?

1 2 3 C N/A

VI) PREPARATION FOR THE CONDUCT OF THE TRIAL

1. How would you rate the level and adequacy of preparation for trial?

1 2 3 C N/A

2. Was due consideration given to the appropriate motions (defence and crown) being made in court and were those that were made timeous?

1 2 3 C N/A

VII) TRIAL/OUTCOME STAGE

1. Was the outcome broadly within the range of expectation? (significantly worse, significantly better, within range)

1 2 3 C N/A

2. How well was the outcome of the case communicated to the client?

1 2 3 C N/A

3. Was due consideration given to appealing against conviction/sentence?

1 2 3 C N/A

When the outcome is well within the range that would have been expected and no appeal would be appropriate, but nothing appears on the file, score this as a “2” rather than a “C”

VIII) POST CONVICTION

1. How well were client expectations managed re sentence both pre and post social enquiry report?

1 2 3 C N/A

2. How suitable was the advice on appeal against sentence, if any?

1 2 3 C N/A

Overall mark for file

1 2 3 4 5

Overall mark for how the case was handled/ quality of service

1 2 3 4 5

Comments on file/case overall

List here the reasons for any “1” scores and whether there are sufficient “C” to cause concern