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DATE	14-Dec-83
AUDITOR	A McDougall
COURT	Glasgow S.C.
SOLICITOR	A F Finlayson & Co
CASE	[REDACTED] WW
ACCOUNT TYPE	A&A
TAXATION HEAD	Letter
TAXATION ISSUES	Letter - "Writing client to call"
DECISION	The Auditor suggested that a chargeable letter asking the client to call must report material to advance the action.

Taxman
"letters to client"

Note:

At the request of [REDACTED], Deputy Secretary, Legal Aid Central Committee I have been requested to provide a note anent the matter of the type of charge appearing in business accounts best described as "writing client to call" and the circumstances where such a charge could be considered a proper charge or otherwise. It is thought that this may prove helpful to his office and to the profession.

The question arose in a discussion following upon the taxation of a business account under the legal aid and advice scheme submitted to the "fund" and to which the agent concerned took exception to certain proposed abatements. The details of the particular taxation need not concern us here, sufficient to say that certain items in the account were conceded by both sides.

I would have to say that Agents who elect to charge a detailed account oblige themselves to provide details of sufficient clarity that would make sense to anyone reading the narrative(s) in respect of any given charge, the more so in Third Party Paying accounts of this nature where the recipient has no personal knowledge of the case or its progress.

As a narrative, writing client to call is, in my view, carrying brevity to the extreme and is not helpful, neither does it require a lengthy explanatory narrative to be concise and clear, sufficient detail would effectively be self regulating and avoid the necessity of exchanges of letters with little cost effectiveness on both sides.

It is perhaps easier to say when such a charge is, not a proper charge. As a result of the necessary monitoring of the client's file it is a common feature to find agents writing to the client "to call" nothing having occurred to advance the case since last communicating with the client. This type of charge I do not consider proper.

There arrives a point in time in each case where advice has been given and is either acted upon or not by the client and it is for the agent alone to determine when such a time has been reached. It is, with respect, also the time when the client should be advised in writing that it would be the agents intention to close their file within a specified period of time if without further instruction. Provided this letter is not returned by the postal authorities, I do not consider it proper to allow charges for writing further to the client in the event of receiving no response as to do so would be to create unnecessary expense.

As a general rule, these two situations are in the main those which give rise to unnecessary correspondence with the client. I would consider these to be improper charges.

I am asked to say under what circumstance I would consider a charge as being an exception to the general rule. My answer here is that they are almost too numerous to mention and in the time honoured phrase would be "according to circumstances."

Due regard for economy is to be observed in connection with all work and for the proper conduct of the cause, as obtains in Third Party paying accounts, economy to my mind does not preclude narratives of sufficient length to explain the charge an agent is seeking to recover.

The/

The composing of narratives should have the effect of focusing the mind of the presenter of the account and the result should be the removal of doubt in the mind of the recipient. The propriety of the charges is oft times resolved in pursuance of this exercise. I think it is well understood that the phrase "writing client to call" is a form of shorthand entry but it should also be understood that it will invariably call for further explanation if it has to be treated seriously.

7.X.83

A. McDougall.

Auditor of Court,
Sheriffdom of Glasgow,
and Strathkelvin.

LAA3

Please use ball pointed pen
improperly completed forms
will be returned

THE LAW SOCIETY OF SCOTLAND

Application - The Legal Advice and Assistance Scheme 1973

14486

Solicitors Code Number - 2400/23610/80

FOR OFFICE USE

Committee Ref No

Category

Applicant Mr. Mrs. Miss

Forenames

Address

Brief details of

Subject matter

Local Legal Aid Committee

Name & Address

of Solicitor and

firm name

Date of commencement of advice & assistance

FOR OFFICIAL USE Auth. Exp. and Date

Committee Reference No.

Category

Supplementary Benefit or Family Income Supplement

Do you receive either of these? YES/NO.

If Yes, Complete Capital, ignore income.

ital

Total Capital of Client

of Spouse

Deduct

Allowances for Spouse
dependant relatives

Disposable Capital

Income

Weekly income
less income tax
and National
Insurance Contribution

Client

Spouse

Total Weekly income

Deduct: Allowances and deductions from income

Dependants Spouse

Child aged

Child aged

Child aged

Child aged

Other dependants

Maintenance payments being made

Total Allowances and deductions

Contribution ENIL

Disposable income

Solicitor's Claim for Fees and Outlays

(To be rendered as soon as matter is exhausted. No covering letter necessary)

A. Summary of Work:- This summary only to be used for claims of £25 or under. In other cases **DETAILED ACCOUNTS**
to be forwarded with this form, having Part B completed.

Attendances:- Principal Unqualified Assistant
(Total time engaged hrs mins.) (Total time engaged hrs mins.)

Drawing/Precognitions/Copying etc. (Sheets)
(only one copy allowed)

Letters acknowledgements

Telephone Calls

Other Matters

Name of Counsel

Solicitor's Fees

Counsel's Fees

4 31

Total

90 66

Loss Contributions Recoverable

Sum claimed (Subject to VAT)

90 66

Posts and Incidents

Outlays, subject to VAT in hands of Solicitor, (give details)

Outlays, not subject to VAT in hands of Solicitor, (give details)

B. NOTE:-THIS PART MUST BE COMPLETED

Was any money or property, or were expenses recovered or preserved?
YES/NO (If yes give details)

Were you appointed by the Court to act in terms of Section 2 (4)
of the Act of 1972? YES/NO

Is the matter to proceed to a Section 1 application for Legal Aid? YES/NO
Criminal

Note:- If no claim is made, return form to local secretary, marked "no claim."

53-ST-4948 BOM 8/78 F. & S. Ltd

1981

March	17	Attendance with client advising him re claim. ENGAGED ½ HOUR	9	00
<i>add £2.50 K2 fees</i>	17	Writing William Lambie & Sons intimating claim.	3	35
April	14	Writing to D.H.S.S. for details of benefit paid since the date of the accident.	3	35
	24	Writing to client regarding necessity to obtain information regarding his medical condition.	3	35
	29	Attendance with client obtaining further information. ENGAGED ½ HOUR	16	75
May	1	Writing to Eagle Star Group with copy benefits advising them re medical condition of client.	3	35
	12	Writing to client re letter received from Eagle Star necessity to discuss same.	3	35
	19	Writing to Eagle Star Group in reply to theirs of 30th April repudiating liability.	3	35
June	2	Writing to client re fellow employee who normally did the job of boning pieces of brisket and information required regarding this person.	3	35
	10	Attendance with client obtaining further information regarding fellow employee and other matters. ENGAGED ½ HOUR	16	75
	10	Writing to Eagle Star Group in reply to theirs of 27th ult, giving information requested by them.	3	35
August	11	Writing to Eagle Star Group regarding what stage their enquiries have reached.	3	35
September	3	Writing to client re repudiation by Eagle Star Group and necessity to discuss this.	3	35
December	11	Writing to client re his failure to communicate with us and consequences if he does not call.	3	35

1982

November	4	Writing to client re his failure to call and consequences and regarding three year prescriptive period.	3	50
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1983

January	20	Writing to client noting there has been no reply to our letter of 4th November and that file is being closed, again stressing necessity for action to be in court not later than 11th March 1984.	3	50
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Edinburgh 17th August 1983.

The Auditor is respectfully requested to tax the foregoing SUM CLAIMED as an agent & client fund payable on fund paying claim.

K. H. Marshall pp. legal & central Committee

86	35
4	31
90	66

fe

Attendance at Taxation

Add Auditor's fee

Deduct amount taxed off

GLASGOW 14th September 1983.

I HAVE EXAMINED THE DETAILED ITEMS
OF CHARGE RELATING TO THE FOREGOING
ACCOUNT AND AM OF THE OPINION THAT
IT IS FAIRLY AND REASONABLY CHARGED
AT THE SUM OF *One Hundred and*

Seven Pounds and Fifteen Pence
(£107.16)

H. Dougall

AUDITOR OF COURT
SHERIFFDOM OF GLASGOW
AND STRATHKELVIN

£	90	66
	12	00
£	102	66
	6	00
£	108	66
	1	50
£	107	16