

THE SCOTTISH LEGAL AID BOARD

QUALITY ASSURANCE SCHEME FOR CRIMINAL LEGAL ASSISTANCE

**PEER REVIEW – Solemn Criminal Legal Assistance Case Report Form
5 FEBRUARY 2009**

Practitioner..... Practice Unit/Firm.....
Allocated Reviewer.....

AP Name	LA Reference(s)	Charges

Marking:

- 1 Below requirements C Cannot Assess / Not Enough Information
- 2 Meets requirements N/A Not Applicable
- 3 Exceeds requirements

Please circle the correct mark after each question
Please give an explanation for any “1” scores in the Notes section after each question.

INITIAL MEETING(S)

- 1) How effective were the solicitor’s initial fact and information gathering skills, including the identification of any additional information required and the taking of steps necessary to obtain it?

1 2 3 C N/A

Notes.....
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APPLICATION FOR BAIL (IF IN CUSTODY)

- 2) Was the question of bail properly addressed?

In addressing this, the following issues should be considered:

- *Were any special bail conditions were explained?*
- *Was any appeal was properly addressed?*

1 2 3 C N/A

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3) How would you rate the quality of instruction to counsel/other agents?

1 2 3 C N/A

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PREPARATION

4) Where appropriate, did the solicitor agree relevant issues through timeous communication and negotiation with the Crown, including consideration of whether a plea should be made?

1 2 3 C N/A

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5) Where a guilty plea is to be tendered did the solicitor, take reasonable steps to accelerate the diet and plead?

1 2 3 C N/A

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6) In High Court cases, were the managed communications and preliminary hearings, including the involvement of counsel appropriate and effective?

1 2 3 C N/A

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CONSIDERATION OF EARLY PLEA VIA SECTION 76 AND AGREEMENT OF EVIDENCE IN ALL CASES

7) Was appropriate consideration and advice given to the client in respect of an early plea?

1 2 3 C N/A

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8) Was appropriate consideration thereafter given, by the solicitor, to agreeing the Crown narration/Defence mitigation to ensure, wherever possible, the Court is able to proceed without unnecessary delay?

1 2 3 C N/A

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9) IN ALL CASES, was appropriate consideration given by the solicitor to agreeing both the Crown and Defence evidence?

1 2 3 C N/A

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CROWN DISCLOSURE

10) Was the disclosure package perused carefully?

1 2 3 C N/A

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11) Was proper consideration given to the necessity of precognition arising from the disclosure package?

1 2 3 C N/A

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POST-SERVICE OF INDICTMENT

12) Did the solicitor check that all relevant copy productions had been received, and if not, ordered?

1 2 3 C N/A

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13) Were special defences and defence witnesses and productions considered and, if appropriate, lodged timeously?

1 2 3 C N/A

Notes.....
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14) Were any child/vulnerable witnesses cited? If so, was consideration given to Special Measures/Witness Support and Notices?

1 2 3 C N/A

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15) Was there communication and consultation with the client?

1 2 3 C N/A

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16) Where appropriate was there proper preparation for the first diet/preliminary hearing including considering agreement of evidence?

1 2 3 C N/A

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17) Where appropriate, has the solicitor informed the client as to the outcome and implications of all hearings?

1 2 3 C N/A

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PRE-TRIAL

18) Was the overall precognition/preparation of the case sufficient, timely and appropriate including obtaining sanction in accordance with Board guidelines?

1 2 3 C N/A

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19) Were previous instructions confirmed or adequate further instructions taken for the future conduct of the case?

1 2 3 C N/A

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If the client pleads guilty or a warrant is obtained, please go to question 21.

PREPARATION FOR THE CONDUCT OF THE TRIAL/SECTION 76 INDICTMENT

20) How would you rate the level and adequacy of preparation for trial?

In addressing this, the following issues should be considered:

- *Identification of the need for experts, other reports or counsel;*
- *Correct identification of the expertise required;*
- *Applications for sanction in accordance with Board Guidance;*

- *If sanction granted, instructing /obtaining the appropriate experts/counsel/reports.*

1 2 3 C N/A

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OUTCOME STAGE

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

1 2 3 C N/A

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22) How well was the outcome communicated to the client?

1 2 3 C N/A

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23) Was appropriate consideration given to appealing against conviction/sentence?

1 2 3 C N/A

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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”.

APPLICATION FOR CRIMINAL LEGAL AID (WHERE APPROPRIATE)

24) Has the application for criminal legal aid been made in a timely and appropriate manner?

1 2 3 C N/A

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TRANSFER OF AGENCY (WHERE APPROPRIATE)

25) Where there has been a transfer of agency, have the appropriate procedures been followed in accordance with Board and Society guidelines?

1 2 3 C N/A

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CONSIDERATION OF ACCOUNT (WHERE APPROPRIATE)

26) Is any account lodged by the solicitor in a form approved by the Board, and has the solicitor responded properly to requests for information by the Board?

If no account has been submitted, when it could have been, the marking here will not go against the solicitor.

1 2 3 C N/A

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EQUALITIES

27) Has the solicitor taken the appropriate steps to address any issues of diversity which may have arisen during the case?

In addressing this, the following issues should be considered:

- *Language difficulties*
- *Access difficulties*
- *Cultural issues.*

1 2 3 C N/A

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OVERALL MARK FOR THE FILE

Having considered the specific aspects of the case set out in the preceding criteria, the reviewer should award an overall mark to the case as a whole, according to the following scale:

- | | |
|-----------------------------------|------------------|
| 1 Non Performance | 4 Competent plus |
| 2 Inadequate professional service | 5 Excellent |
| 3 Competent | |

In determining this overall score, the following issues should be considered:

- How effective were the solicitor’s fact and information gathering skills?*
- Was the client given correct and appropriate advice including advice on the availability of and the client’s eligibility for advice and assistance, ABWOR and legal aid?*

- Where a plea was possible, is there evidence of accurate and appropriate advice having been given to the client on the terms of the offer/proposal, its reasonableness and the consequences for the client of acceptance/rejection.*
- Has the solicitor maintained sufficient records of advice given and action taken during the course of the case?*

Overall mark for file

1 2 3 4 5

List here the reasons for any “1” scores and whether there are sufficient “C” scores to cause concern. . Record here any elements of good practice found as well.

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