

THE SCOTTISH LEGAL AID BOARD

QUALITY ASSURANCE SCHEME FOR CRIMINAL LEGAL ASSISTANCE

**PEER REVIEW – Summary 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.

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

- 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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- 2) Was the client given correct and appropriate advice regarding the defence case including whether it is stateable and whether an early plea should be considered? Has a discount for an early plea been canvassed with the client?

1 2 3 C N/A

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

3) Was the question of bail properly addressed?

In addressing this, the following issues should be considered:

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

1 2 3 C N/A

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

1 2 3 C N/A

Notes.....
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PRELIMINARY PLEA

5) Where ABWOR is made available has the solicitor correctly applied the criteria including consideration of other rights and facilities?

1 2 3 C N/A

Notes.....
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6) Was a competent preliminary plea taken that should have been taken?

1 2 3 C N/A

Notes.....
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GUILTY PLEA (IF PLED GUILTY AT THE OUTSET)

7) Where ABWOR is made available has the solicitor correctly applied the criteria including consideration of other rights and facilities?

1 2 3 C N/A

Notes.....
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If 7 has been completed go direct to question 19.

NOT GUILTY PLEA

8) If legal aid was refused, has advice about alternative courses been given and was the question of review properly and timeously addressed?

1 2 3 C N/A

Notes.....
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If legal aid has been refused, and this has been adequately explained to the client, this review should end after question 8.

CROWN DISCLOSURE

9) Was the disclosure package perused carefully?

1 2 3 C N/A

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

1 2 3 C N/A

Notes.....
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11) Was sanction obtained in accordance with Board guidelines?

1 2 3 C N/A

Notes.....
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PRE TRIAL/INTERMEDIATE DIET

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

1 2 3 C N/A

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

1 2 3 C N/A

Notes.....
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If the client pleads guilty or a warrant is obtained, please go to question 19.

PREPARATION FOR THE CONDUCT OF THE TRIAL

15) Was the client given correct and appropriate advice regarding the defence case including whether a plea should be considered?

1 2 3 C N/A

Notes.....
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16) 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

Notes.....

OUTCOME STAGE

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

1 2 3 C N/A

Notes.....

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

1 2 3 C N/A

Notes.....

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

1 2 3 C N/A

Notes.....

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".

20) How well did the solicitor handle advising the client re sentence both pre and post social enquiry report?

1 2 3 C N/A

Notes.....
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21) Was an adequate explanation given to the client on sentence implications e.g. registration on Sex Offence Register, community service etc?

1 2 3 C N/A

Notes.....
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APPLICATION FOR CRIMINAL LEGAL ASSISTANCE (WHERE APPROPRIATE)

22) Has the application for criminal legal assistance (advice and assistance, ABWOR, summary criminal legal aid been made in a timely and appropriate manner?

In addressing this, the following issues should be considered:

- *Was the application properly submitted with adequate supporting information?*
- *Was any verification of the client’s financial circumstances in A&A and ABWOR cases seen by the solicitor?*
- *Was the interests of justice test adequately applied by the solicitor in ABWOR cases, where this was appropriate?*
- *Was the appointed solicitor provisions adequately addressed with in any custody ABWOR cases?*

1 2 3 C N/A

Notes.....
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TRANSFER OF AGENCY (WHERE APPROPRIATE)

23) 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)

24) 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

Notes.....
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EQUALITIES

25) 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

Notes.....
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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.*

