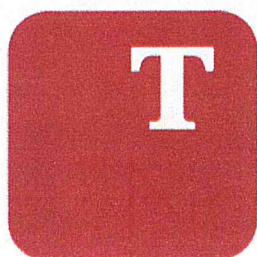


Consultation on the Review of
Fees in the Scottish Civil Courts:
Fees of Solicitors

November 2017



THOMPSONS
SOLICITORS
SCOTLAND

Introduction

Our Experience and Approach to the Consultation Paper

Thompsons Solicitors are a specialist personal injury and employment rights practice. We only act for pursuers. We assist victims of accident, injury and disease in relation to all types of personal injury matters including accidents at work, road traffic accidents, occupier's liability and public liability cases. We receive instructions directly from the public but are also instructed by large institutional clients such as trade unions, victims and survivors charities and motor legal insurers to represent their members and policyholders.

Our approach in this consultation response is to only answer the questions that fall within our field and with particular reference to the All Scotland Personal Injury Court (ASPIC).



ANNEX B CONSULTATION QUESTIONNAIRE

1. Are amendments required to the Tables of Fees to ensure that fees recoverable are proportionate?

If yes, please detail the amendments proposed and provide any evidence you may have to support your proposal.

No

"Proportionate" is a Trojan horse word. It sounds reasonable and high-minded but is often deployed in this context as a euphemism for cutting back on recoverable judicial expenses.

"Proportionate" begs the question of, "proportionate to what?" The obvious answer is to the remedy sought or awarded. Such an approach is one dimensional. It seeks to ignore parties' behaviour, the amount of work involved in achieving a remedy, and the positive effect on extra judicial settlements which a meaningful recovery of judicial expenses has on cases.

Proportionality should be looked at against the background of the civil court reforms and the way in which the civil courts work. In personal injury, we now have the Compulsory Pre-Action Protocol (CPAP) for accident cases with a value up to £25,000. More Compulsory Protocols are to follow. The effect of CPAP is to force parties to make genuine and expeditious attempts to settle the case. A pursuer who has failed to engage with the Protocol and litigates his case will be penalised on expenses. The effect of a Compulsory Protocol should be that only cases which really require to be litigated are raised as Court actions.

If the Protocol runs its course without a settlement then the pursuer may sue without being penalised but will have to raise his action in the appropriate Court depending on its value. Recoverable expenses in the lower Courts are smaller than in the higher Courts so there is already a degree of "proportionality" built into the system as it stands.

The majority of personal injury cases in Scotland now have to be raised in the Sheriff Court – (over 90% in our firm's case). The recoverable expenses in the Ordinary Sheriff Court and in the All-Scotland Personal Injury Court fall short of fees for Solicitors in the Court of Session for what is often the very same work. In some instances (see below) the block fees recoverable in the Sheriff Court are significantly less than the Court of Session for work of an equivalent value.

Ironically, while Solicitors fees recoverable in personal injury actions have been reduced over the two years since the Court of Session has accepted only cases worth over £100,000, the Court fees charged for using ASPIC are just as expensive as the Court of Session. The only exception is time spent in front of a Sheriff which is charged out at 80% of the price of a Judge's time in the Court of Session. Since settlement rates remain very high in both Courts, the distinction in the cost of judicial time is of limited impact. No doubt for good reason "proportionality" in the euphemistic sense has not been applied to the Court fees for use of ASPIC, perhaps because it is recognised as being a specialist Court with specialist Sheriffs, and

same recognition should apply to the recoverable expenses. It is a specialist court whose service should only be required in most cases when parties have been unable to reach a settlement under the CPAP. We use the phrase "in most cases" because our own experience is that the majority of our cases have a value of less than £25,000.

"Proportionality" is also inherent in the test for Taxation of expenses which, in both Sheriff Court and Court of Session, have to be reasonable for conducting the cause in a proper manner. The test is well understood and allows an Auditor discretion to abate or reduce entries in a judicial account which are unreasonable. Thus, for example, an agent who took ten precognitions in a low value case which was straightforward on liability might be disappointed if most of them were taxed out of the account but he is unlikely to be surprised. Although the word "proportionate" does not appear on the time-served formula for the taxation of accounts it is nevertheless an ingredient of the reasonableness test.

There is therefore already more than enough "proportionality" in our system for the recovery of judicial expenses and it should perhaps be kept in mind that personal injury practitioners are still getting to grips with how disproportionately low ASPIC expenses are compared to the Court of Session.

The end result of these reforms to date is that work is having to be done on behalf of pursuers in personal injury cases which is either undervalued or not recognised in terms of recoverable expenses and that, in turn, means that the reforms have, so far, resulted in a more expensive system for those who seek to recover damages for personal injury.

2. Are amendments required to the Tables of Fees to ensure that they better reflect the work being undertaken?

If yes, please detail the amendments proposed and provide any evidence you may have to support your proposal.

Yes.

We attach a paper which compares and contrasts the block fees recoverable in the Court of Session and ASPIC with our comments in the right hand column. These are self-explanatory. There are some particular fees we wish to highlight and these are as follows:-

Pre-Litigation Fee (paragraph 2(1) in ASPIC) – only allows for a part payment of the CPAP fee had the case settled extra judicially. In order to encourage the insurance industry and defenders to engage effectively with CPAP and avoid unnecessary litigation, this fee should be amended to allow the Auditor power to increase it to an equivalent amount to CPAP. As matters presently stand the fee is always going to be less than the CPAP fee.

Instruction fee (paragraph 3(a)) – In ASPIC the fee includes £78 for drafting the Initial Writ. Assuming like is being treated as like in the Tables then only half an hour is being allowed for drafting the Writ. In most cases that is completely inadequate especially in workplace accidents where the effect of Section 69 of the Enterprise & Regulatory Reform Act (exclusion of civil liability from health and safety legislation) has resulted in lengthier pleadings to establish common law grounds of fault. The drafting element of the fee should be increased to reflect 1½ hours work, ie £234. The total fee would therefore rise to £936. (The Auditor's discretion to increase or reduce the fee for either complex high value cases or straightforward low value cases would still apply.)

Paragraph 4(j) in the Court of Session and 3(h) in ASPIC – Both describe exactly the same work and yet a fee of £58.50 is allowed in the Court of Session and only £39 in the Sheriff Court.

Record Fee – Paragraph 5(a) in both Courts – There is additional work described in the narrative for the ASPIC fee and yet it is less than half the Court of Session fee. The gap should be closed.

Paragraph 5(c) – Reference to "third parties" who may already have been brought into the action needs to be added to the narrative.

Statement of Valuation – There is a large gap between what is allowed in the Court of Session and ASPIC. If it is felt that there should be a differential between smaller and larger value cases to reflect the fact that less work will be involved in the smaller value cases then that concern is easily addressed by allowing a larger fee for higher value cases. A series of tiered block fees relative to value would be more appropriate than the current fee which is an inadequate "one size fits all", especially for cases of higher value or those involving loss of earnings; loss of earning capacity; loss of pension rights; value of services; and so on.

The same comments apply to the fee for inspecting/considering the opponent's Valuation.

Specification of Documents – Paragraph 12(f) in the Court of Session and 10(f) in ASPIC. Again, there is a difference in the level of fee for identical work.

Proof preparation – There is an enormous difference between the fees allowed in the Court of Session and ASPIC, especially for cases which settle in the Sheriff Court not later than 14 days before the Proof.

The staged fees in ASPIC for cases that settle not later than fourteen days and then within that period make no real sense and the differences are large enough to deter early settlements.

In a well-run, well organised case one would expect the work done in preparation for Proof to have been completed sooner than 14 days prior to the Diet so the way in which this particular set of fees operate is almost as a penalty for doing the job well and settling early.

We consider that there should be one fee for Proof preparation in the Sheriff Court which can be abated or increased by the Auditor as he considers reasonable.

Hearing limitation/work done with a view to settlement – These particular block fees were initially introduced to try and encourage parties to reduce the scope of Proofs and reach earlier settlements. There is obviously more stock being put in achieving these results in the Court of Session than there is in ASPIC because there is, again, a disparity in the amounts allowed.

Consideration/perusal of opponent's productions – In paragraph 3(b) in the Court of Session and 5(b) in ASPIC the only fee allowable is £39 for considering productions.

If either party lodges a large number of productions with one Inventory then no matter how long it may take to peruse these documents only 15 minutes is being allowed to do so. That can be completely inadequate if considerable time is taken up in going through a large Inventory.

Finally, opposed motions. There is only a "flat fee" in ASPIC for opposed motions irrespective of the length of the motion itself or waiting time. An additional fee is only allowed if the motion has to be continued when £39 per quarter hour becomes allowable. Consideration should be given to amending the narrative at paragraph 12 and, in addition to the flat fee, allowing £39 per quarter for time-consuming matters.

The fee should be brought into line with the fee for considering documents produced in response to a Specification, ie £39 per quarter hour.

3. Are amendments required to the Tables of Fees to reflect changes in practice and/or procedure?

If yes, please detail the amendments proposed.

No

4. Is there a requirement for a general modification of the level of fees provided for in the Tables of Fees?

If yes, please specify the modification proposed and the circumstances justifying the modification and provide any evidence you may have to support your proposal.

Yes.

There should be an automatic, annual inflationary increase. While there have been various amendments the Tables of Fees as part and parcel of the reforms, the general level of fees has remained static since early 2014.

5. Is it necessary to consider any additional fees that are not currently included in the Tables of Fees?

If yes, please detail the additions proposed and provide any evidence you may have to support your proposal.

No

	Para.	Court of Session PI	Fee	Sh Crt Para	Sheriff Court PI	Fee
Precognitions	1	Precognitions/Expert Reports/Factual Reports Taking and drawing precognitions, per sheet	78.00	1	Precognitions and reports Taking and drawing, per sheet	78.00
Pre-litigation fee	2	All work which the Auditor is satisfied has reasonably been undertaken in contemplation of, or preparatory to the commencement of proceedings particularly to include communications between parties in relation to areas of medical/ quantum/ discussion re settlement (or such other sum as in the opinion of the Auditor is justified)	702.00	2	All work which the Auditor is satisfied has reasonably been undertaken in contemplation of, or preparatory to the commencement of proceedings (or such lesser sum as in the opinion of the Auditor is justified)	624.00 Gen Reg 7A - Auditor can reduce or increase fees in Sheriff Court in appropriate circumstances but does this wording stop him from increasing this fee?

For accidents after 28.11.16 where Protocol applies, see below, otherwise see 2, above

2 (1)

Pre-litigation fee

(1) Where the Protocol in Appendix 4 of the Ordinary Cause Rules 1993(c) applied to the claim prior to the commencement of proceedings, the sum of—

(a) £546;

(b) 3.5% of the total amount of any damages awarded, or payable under a settlement, up to £25,000; and

(c) such further sum, not exceeding 50% of the sum of (a) and (b), as the Auditor considers to be justified in respect

of work undertaken prior to the commencement of proceedings that (i) was not required for the purposes of complying with the Protocol, (ii) involved the sharing of information with the opposing party, and (iii) is not included in any other fee in this Part.

Note: Where the Protocol applied and the Auditor is satisfied that the party found entitled to expenses failed to adhere to its terms in material respects, there may be substituted for the fees specified at paragraph 2(1)(a) and (b) such lesser sum as in the opinion of the Auditor is justified."

Instruction Fee					
4(a)	To cover all work (except as otherwise specially provided for in this Part) from commencement to lodging of defences	702.00	3(a)	To cover all work (except as otherwise specially provided for in this Part) from commencement to the lodging of defences	780.00 Sh Crt includes drafting writ
(b)	Specification of Documents per Form 43.2-B	117.00	(c)	Specification of Documents per Form P12	78.00 Same thing - why different fee - opponent's fee is the same for both courts
(c)	Fee to opponent for considering specification of documents	78.00	(d)	Fee to opponent for considering specification of documents	78.00

	(d)	In the event of the summons being drafted without the assistance of counsel or other person having a right of audience such further fee will be allowed as the Auditor considers appropriate, up to	234.00			
	(j)	If alternative procedure adopted, a fee per person on whom order served	58.50	(h)	If optional procedure adopted, a fee per person on whom order is served	39.00 Why the difference in the fee - same work involved?
	(k)	Fee for perusal of documents recovered under a specification of documents (or by informal means) where not otherwise provided for in the Table of Fees, per quarter hour	39.00	(i)	Fee for perusal of documents recovered under a specification of documents (or by informal means) where not otherwise provided for in the Table of Fees, per quarter hour	39.00
Lodging productions	3(a)	For lodging productions - each inventory	78.00	4(a)	For lodging productions - each inventory	78.00
	3(b)	For considering opponent's productions - each inventory	39.00	(b)	For considering opponent's productions - each inventory	39.00
Record	5(a)	All work in connection with adjustment and closing of record	780.00	5(a)	To cover all work (except as otherwise specifically provided for in this Part) in connection with the adjustment of the record including making up and lodging certified copy record. Solicitor for any party	351.00 Court of Session does not include making up Record - allowed separately. Huge difference in fee - Sh Crt includes drafting adjustments where counsel is not sanctioned
	(b)	All work as above, so far as applicable, where cause settled of disposed of before record closed	468.00	(b)	If action settled before expiry of adjustment period, each original party's solicitor	195.00

	(c)	If consultation held before record closed, additional fees may be allowed as follows - arranging consultation	78.00			
	(d)	Additional fee to subparagraph (a) or (b), to include necessary amendments, to be allowed to every existing party for each pursuer, defender or third party brought in before the record is closed	234.00	(c)	Additional fee to sub-paragraph (a) or (b), to include amendment to the pursuer and existing defender , to be allowed for each pursuer, defender or third party brought in before the record is lodged under the timetable issued under rule 36.G1(1)(b)	156.00 Sheriff Court allows nothing to third parties who may be in action - change to existing parties?
	(e)	Additional fee to every existing party if an additional pursuer, defender or third party is brought in after the record is closed	351.00	(d)	Additional fee if an additional pursuer, defender or third party is brought in after the record is lodged under the timetable issued under rule 36.G1(1)(b) to the existing pursuer and existing defender or defenders	234.00 Sheriff Court allows nothing to third parties who may be in action - change to existing parties?
	(f)	fee allowable to a new pursuer who requires to be brought in as a result of the death of an existing pursuer	234.00			brought in for asbestos cases but does it need to be extended to Sh CrT?
Notes of Arguments, etc	6(a)	Instructing, perusing and lodging first Note of Arguments, where ordained by the Court (either party)	156.00	13(d)	Fee for lodging and intimidating or for considering first Note of Arguments	78.00
	(b)	Perusing opponent's Note of Arguments	78.00			
	(c)	Instructing, perusing and lodging any further Note of Arguments where ordained by the Court (either party)	78.00	(e)	For each Note lodged thereafter	78.00
Procedure Roll			156.00	13(a)	Debate - other than on evidence - where counsel or solicitor/advocate not employed - to include preparation for and all work in connection with any hearing or debate other than on evidence	312.00
			39.00	(b)	for every qtr hour engaged	39.00
			117.00			

Valuation	7(a)	Fee to cover note on quantum/valuation of claim	468.00	7(a)	(c) waiting time, per qtr hour Fee to cover preparation of statement of valuation of claim— (i) where counsel or solicitor advocate not employed where valuation of claim prepared by counsel or solicitor advocate	35.00	234.00	Sh Crt half of Court of Session fee!
	(b)	Opponent's fee for inspection of valuation of claim	234.00	(b)	Fee to cover consideration of opponent's valuation of claim	117.00	117.00	Sh Crt half of Court of Session fee!
	(c)	Inspection of documents, per qtr hour	39.00	(c)	Inspection of documents, per qtr hour	39.00	39.00	
By Order Roll/ Variation of timetable order / interim payment of damages	9(a)	Fee to cover preparing and instruction of counsel or other person having a right of audience to include attendance not exceeding half an hour	117.00	8(a)	Fee to cover preparing for and attendance at hearing not exceeding half an hour	117.00	117.00	
	(b)	Thereafter attendance fee, per additional quarter hour	39.00	(b)	Thereafter attendance fee, per additional quarter hour	39.00	39.00	
	(c)	In the event of a separate Advising/Opinion and all work incidental thereto	117.00	(c)	In the event of a separate Advising/Opinion and all work incidental thereto	117.00	117.00	
Incidental Procedure	11	(not chargeable prior to the approval of issue of allowance of proof) Fixing diet, obtaining note on the line of evidence etc., borrowing and returning process and all other work prior to the consultation on the sufficiency of evidence	351.00	14	(not chargeable prior to allowance of proof) To cover all work, where applicable, in connection with noting diet of proof and— (a) preparing note on line of evidence; or (b) instructing counsel or solicitor advocate to prepare a note on line of evidence	273.00	195.00	

Specification of documents	12(a)	Instructing Counsel or other person having a right of audience, revising and lodging and all incidental procedure to obtain a diligence up to and including obtaining interlocutor	156.00	10(a)(i)	Fee to cover drawing, intimating and lodging specification and relative motion where motion unopposed	156.00	
	(b)	Fee to opponent	78.00	(b)(i)	Fee to opponent where motion not opposed	78.00	
	(c)	Arranging commission to recover documents, citing havers, instructing commissioner and shorthand writer and preparation for commission	156.00	(c)	Fee for arranging commission to recover documents, citing havers, instructing commissioner and shorthand writer and preparation for commission	156.00	
	(d)	Fee to opponent	78.00	(d)	Fee to opponent	78.00	
	(e)	Attce at execution of commission, per qtr hour	39.00	(e)	Attce at execution of commission, per qtr hour	39.00	
	(f)	If alternative procedure adopted, a fee per person on whom order served	58.50	(f)	If optional procedure adopted, fee per person upon whom order is served	39.00	Why the difference in the fee - same work involved?
	(g)	Fee for perusal of documents recovered under a specification of documents (or by informal means) where not otherwise provided for in the Table of Fees, per quarter hour	39.00	(g)	Fee for perusal of documents recovered under a specification of documents (or by informal means) where not otherwise provided for in the Table of Fees, per quarter hour	39.00	
Commission to take evidence on interrogatories	13(a)	Applying for commission to cover all work up to and including lodging report of commission with completed interrogatories and cross-interrogatories	312.00	11(a)(i)	fee to solicitor applying for commission to include drawing, intimating and lodging interrogatories, instructing commissioner and all incidental work (except as otherwise specifically provided for in this Chapter) but excluding attendance at execution of commission	429.00	
	(b)	Fee to opponent if cross-interrogatories lodged	234.00	(ii)	Fee to opposing solicitors if cross-interrogatories prepared and lodged	273.00	
	(c)	Fee to opponent if no cross-interrogatories lodged	97.50				

	(d)	In addition to the above, fee per sheet to each party for completed interrogatories or cross-interrogatories, including all copies	19.50			
Open commission	14(a)	Applying for commission up to and including lodging report of commission but excluding subparagraph (c)	351.00	11(b)(i)	fee to solicitor applying for commission to include all work (except as otherwise pecially provided for in this Chapter) up to lodging report of commission but excluding attendance at execution of commission	273.00
	(b)	Fee to opponent	156.00	(ii)	Fee to opposing solicitor	156.00
	(c)	fee for attce at execution of commission, per qtr hour	39.00	(iii)	fee for attce at execution of commission, per qtr hour	39.00
	(iv)				if counsel or solicitor/advocate employed, fee for attce of solicitor per qtr hour	35.00
Misc motions and minutes where not otherwise covered by this Part	15(a)	Where attendance of counsel or other person having a right of audience and/or solicitor not required	39.00	12(a)(i)	Fee to cover drawing, intimating and lodging any written motion or minute, including a reponing note, and relative attendance at court (except as otherwise specially provided for in this Chapter)— where unopposed (including for each party a joint minute other than under para 24(b))	78.00
	(b)	Where attendance of counsel or other person having a right of audience and/or solicitor required, inclusive of instruction of counsel or other person having a right of audience, not exceeding half an hour	117.00	(ii)	Where opposed	195.00 Does not specify the time which this fee covers - CoFS is first 30 mins and then usual qtr hour charge. No waiting time specified either, so looks like £195 is all you get
	(c)	Thereafter attce fee per additional quarter hour	39.00	(iii)	attendance at continued motion , per quarter hour	39.00 What does this mean? Continued to a different date?

	(d)	Instructing counsel or other person having a right of audience for a minute (other than a minute ordered by the court), revising and lodging as a separate step in process including any necessary action	117.00			
	(e)	Perusing a minute of admission or abandonment, a note ordered by the court, or a notice of grounds	39.00			
Amendment of record	16(a)	Amendment of conclusions only, fee to proposer	117.00			
	(b)	Amendment of conclusions only, fee to opponent	39.00			
	(c)	Amendment of pleadings after record closed, where no answers to the amendment are lodged, fee to proposer	156.00	15(a)(i)	Fee to proposer— (i) to cover drawing, intimating and lodging minute of amendment and relative motion	156.00
	(d)	In same circumstances, to opponent	78.00	15(b)(i)	Fee to opponent for perusing amendment	117.00
	(e)	Amendment of pleadings after record closed, where answers are lodged, fee for proposer and each party lodging answers	390.00	15(a)(i)	Fee to proposer— (i) to cover drawing, intimating and lodging minute of amendment and relative motion	156.00
	15(a)(ii)	Fee for perusal of answers	78.00			
	15(b)(ii)	To opponent -for preparation of answers	78.00			
	(f)	Additional fee for adjustment of minute and answers, where applicable, to be allowed to each party	234.00	(c)	Additional fee for adjustment of minute and answers, where applicable, to be allowed to each party	156.00
	15(a)(iii)	Fee for any court appearance necessary per qtr and hour	39.00			
	15(b)(iii)					

Given that Sh Ct includes drafting, there's a big difference in fees.

Preparation for Proof or Jury Trial	18	To include fixing consultation on the sufficiency of evidence, fee-funding precept, citing witnesses, all work checking and writing up process and preparing for proof or jury trial—	19(a)	Fee to cover all work preparing for proof (except as otherwise specially provided for in this Chapter)—	
	(a)	if action settled before proof or jury trial, or lasts only one day, to include, where applicable, instruction of counsel or other person having a right of audience	1014.00	(ii) in any other case	780.00 Why not one fee for proof and let Auditor decide reasonableness?
	(b)	for each day or part of day after the first, including instruction of counsel or other person having a right of audience	97.50	(b) For each day or part day after the first, including instruction of counsel or solicitor advocate	117.00 More in Sh Crtl
	(c)	preparing for adjourned diets and all work incidental to it as in subparagraph (a), if adjourned for more than five days	234.00	(c) Fee to cover preparing for adjourned diet and all incidental work as in (a) if diet postponed for more than 6 days, for each additional diet	195.00 and less again - agent possibly appearing in Sh Crtl but less of a fee than if instructing counsel.
	(d)	if consultation held before proof or jury trial, attendance at it, per quarter hour	39.00		No separate fee - included as part of process fee - unless counsel sanctioned
Pre-trial meeting	19(a)	Fee arranging pre-trial meeting (each occasion)	78.00	20(a) Fee arranging pre-proof conference (each occasion)	78.00

	(b)	Fee preparing for pre-trial meeting	429.00	(b)	Fee preparing for pre-proof conference— (i) where counsel or solicitor advocate not employed (ii) where counsel or solicitor advocate employed	214.50	
	(c)	Fee for preparing for continued pre-trial meeting (each occasion)	156.00				Why no such fee in Sh Ct?
	(d)	Fee attending pre-trial meeting, per quarter hour	39.00	(c)	Fee for attending pre-proof conference per quarter hour— (i) where counsel or solicitor advocate not employed (ii) where counsel or solicitor advocate employed	39.00	
	(e)	Joint Minute of pre-trial meeting	39.00	21	Joint minute of pre-proof conference	78.00	
Hearing Limitation Fee	20	For any work undertaken to limit matters in dispute not otherwise provided for — subject to details being provided	312.00	18	Fee to include work (except as otherwise specifically provided for in this Chapter) undertaken with a view to limiting the scope of any hearing, and including the exchange of documents, pre-cognitions and expert reports, agreeing any fact, statement or document not in dispute, preparing and intimating any notice to admit or notice of non-admission (and consideration thereof) and preparing and lodging any joint minute, not exceeding	273.00	
Settlement	21			24(a)			
	(a)(i)	lodging or considering first tender or pursuer's offer	234.00	(i)	Judicial tender or pursuer's offer— preparing and lodging, or considering first tender or pursuer's offer	234.00	
	(ii)	lodging each further tender or pursuer's offer, subject to the Auditor being satisfied that the tender or offer was a genuine attempt to settle the proceedings	156.00	(ii)	preparing and lodging each further tender or pursuer's offer, subject to the Auditor being satisfied that the tender or offer was a genuine attempt to settle the proceedings	156.00	
	(iii)	considering each further tender or pursuer's offer	156.00	(iii)	considering each further tender or pursuer's offer	156.00	

	(iv)	if tender accepted, additional fee to each accepting party	156.00	(iv)	if tender accepted, additional fee to each accepting party to include preparation and lodging of minute of acceptance of tender and attendance at court when decree granted (not including drawing, intimating and lodging any written motion)	117.00	
	(v)	if pursuer's offer accepted, additional fee to offering party	156.00	(v)	if pursuer's offer accepted, additional fee to offering party to include consideration of minute of acceptance and attendance at court when decree granted (not including drawing, intimating and lodging any written motion)	117.00	
	(b)	Extrajudicial settlement – advising on, negotiating and agreeing extrajudicial settlement (not based on judicial tender or pursuer's offer) to include preparation and lodging of joint minute	390.00	(b)	Extrajudicial settlement, to include negotiations resulting in settlement, framing or revising joint minute and attendance at court when authority interponed thereto (not to include drawing, intimating and lodging any written motion)	292.50	Why such a difference - same work?
	(c)	The Auditor may allow a fee in respect of work undertaken with a view to settlement (whether or not settlement is in fact agreed), including offering settlement	624.00		Whether or not fees are payable under (a) or (b) above, where additional work has been undertaken with a view to effecting settlement, including offering settlement, although settlement is not agreed, a fee not exceeding	292.50	Almost twice the fee in Cofs.
	(d)	If consultation held to consider tender, pursuer's offer, extrajudicial settlement or with a view to settlement (whether or not settlement is in fact agreed), attendance at it, per quarter hour	39.00				
Proof or jury trial	22	Attice fee per qtr hour	39.00	22(a)	Conduct of proof, and debate on evidence if taken at close of proof, per quarter hour	39.00	
				(b)	If counsel or solicitor advocate employed, fee to solicitor appearing with counsel or solicitor advocate, per quarter hour	35.00	

Accounts	23(a)	312.00	30	(c) waiting time, per qtr hour	35.00	This does not cover the potential work. Need for a separate taxation attce fee.
	Preparation of judicial account, to include production of vouchers and adjustment of expenses			Fee to cover drawing account of expenses, arranging, intimating and attending diet of taxation and obtaining approval of auditor's report and where necessary, ordering, procuring and examining extract decree or adjusting account with opponent		
	(b) Perusal of points of objections, per quarter hour	39.00				
	(c) Attce at taxation, per qtr hour	39.00				
Final Procedure	25(a) If case goes to proof or jury trial, or is settled within 14 days before the diet of proof or jury trial, to include all work to close of cause so far as not otherwise provided for	312.00	25(a)	If case goes to proof, or is settled within 14 days before the diet of proof, fee to cover settling with witnesses and enquiring for cause at avizandum and noting final interlocutor	214.50	
	(b) In any other case	97.50	(b)	In any other case	97.50	
Additional matters with no equivalent fees in Court of Session Table						
	Debate other than on evidence					
	Attendance not otherwise provided for					
	Debate on evidence					
	Process fee - Fee to cover all consultations between solicitor and client during the progress of the cause and all communications, written or oral, passing between them — 10 per cent on total fees and copyings allowed on taxation.					
	Instruction of counsel or solicitor/advocate					
	(a) Fee for instructing counsel or solicitor advocate to revise the pleadings				78.00	
	(b) Fee for instructing counsel or solicitor advocate to attend court				195.00	

(c) Fee for attending consultation with counsel
or solicitor advocate— 195.00
(i) where total time engaged does not exceed
one hour
(ii) for each additional quarter hour 39.00