

# The Proof

The quarterly newsletter  
of the Offices of the Court of Session

Court of Session



December 2010

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## New Keeper of the Rolls

Court users will wish to know that a new Keeper of the Rolls has been appointed to succeed Allan Moffat who retires at the end of December.

The new Keeper is Graeme Combe. Graeme will be familiar to regular visitors of Parliament House having served as an Assistant Clerk and a Depute Clerk in the past. Latterly Graeme was the staff Training Manager.



Graeme will continue to be supported by George Marple, the Assistant Keeper and Chrissie Stark on the fixing desk. A recent addition to the Keeper's team is Gillian Quinn who moved from Justiciary Office.



CUSTOMER SERVICE EXCELLENCE

## Customer Satisfaction Survey



The Offices of the Court of Session last ran a customer satisfaction survey at the beginning of 2009. There was a good response to this and we were able to see what we were doing well and where we needed to improve.

We will be carrying out a another survey next year which we hope you will participate in. Further details will be available in the Spring.

## Customer Liaison Group Meeting

The Customer Liaison Group Meeting due to take place on Wednesday 15 December 2010 was cancelled as no issues needed to be raised by either staff or customers of the Offices of the Court.

The next Customer Liaison Group Meeting is set to take place on Wednesday 9 March at 4pm in the level -1 meeting room at the Court of Session.

These meetings are held quarterly and are a forum to raise any issues or give feedback about procedures within the Court of Session.

Current customer representatives are:

|                |   |
|----------------|---|
| Mary Galloway  | Brodies LLP                                       |
| Paula Moffat   | Balfour & Manson LLP                              |
| Vicky Crawford | Office of the Solicitor to the Scottish Executive |
| Pamela Graham  | Thompsons   |



If you would like to attend a meeting or become a regular customer representative, please inform Susan Brodie on 0131 240 6743 or at [sbrodie@scotcourts.gov.uk](mailto:sbrodie@scotcourts.gov.uk)

## Christmas Vacation

The Court will be in vacation from Saturday 25 December 2010 until Wednesday 5 January 2011.

The Offices of Court will be closed on Friday 24 December 2010 from 12.30pm, Monday 27 December, Tuesday 28 December 2010, Monday 3 January and Tuesday 4 January 2011.

Papers due to be lodged on the last four mentioned days will be accepted on the following Wednesday. The ordinary business of the Court will be done on, and the Court will sit on, Thursday 30 December 2010.

**SOLICITORS ARE REMINDED THAT THE VACATION COURT IS INTENDED ONLY FOR THE DISPOSAL OF URGENT BUSINESS AND ANY MOTION WHICH IS NOT SO CLASSED WILL BE HELD OVER UNTIL THURSDAY 6 JANUARY 2011.**

[Motions etc. intimated and enrolled by email in accordance with Parts 2 and 4 of Chapter 23 of the Rules of the Court of Session 1994](#)

Please find below details of intimation, opposition and enrolment of motions over the Festive period.

| Intimation Date  | Opposition Date  | Enrolment Date  |
|------------------|------------------|-----------------|
| 21/12/10         | 23/12/10         | 24/12/10 (9.30) |
| 22/12/10         | 24/12/10 (12.30) | 29/12/10        |
| 23/12/10         | 29/12/10         | 30/12/10        |
| 24/12/10 (12.30) | 30/12/10         | 31/12/10        |
| 29/12/10         | 31/12/10         | 5/1/11          |
| 30/12/10         | 5/1/11           | 6/1/11          |
| 31/12/10         | 6/1/11           | 7/1/11          |

Normal procedure continues.

*Continued overleaf*

## Christmas Vacation

### Opposed motions will be heard as follows:

Opposed motions enrolled on Friday 24 December 2010 and Wednesday 29 December 2010: these will be heard on Thursday 30 December 2010.

Opposed motions enrolled on Thursday 30 December 2010, Friday 31 December 2010 and Wednesday 5 January 2011: these will be heard on Thursday 6 January 2011.

### Motions intimated by other means in accordance with Parts 3 and 4 of Chapter 23 of the Rules of the Court of Session 1994

Motions for Thursday 30 December 2010 must be enrolled by 12.30pm on Friday 24 December 2010 and may be opposed up until 12.30pm on Wednesday 29 December 2010.

Motions for Thursday 6 January 2011 must be enrolled by 12.30pm on Friday 31 December 2010 and may be opposed until 12.30pm on Wednesday 5 January 2011.

Motions for Friday 7 January 2011 must be enrolled by 4.00pm on Wednesday 5 January 2011 and may be opposed up until 12.30pm on Thursday 6 January 2011.

### Callings

Thursday 30 December 2010 will be a calling day. Summonses due to be lodged for calling must be lodged no later than 12.30pm on Friday 24 December 2010.

Cases lodged for calling after 12.30pm on Friday 24 December 2010 until 12.30pm on Thursday 30 December 2010 will call on Thursday 6 January 2011.

Cases lodged for calling after 12.30pm on Thursday 30 December 2010 until 12.30pm on Wednesday 5 January 2011 will call on Friday 7 January 2011.



## Court User Guide

Firstly I would like to take this opportunity to thank everyone for their contributions and comments to the recently released Court Users Guide. All feedback has been taken onboard and a new update will be released shortly containing some minor changes. These changes will include a general tidying up of the guide as well as inserting a brand new section on confidential envelopes.

The Court Users Guide is available online via the Scottish Court website and should be used as your guide to court running within the Offices of the Court of Session. The guide is especially helpful to new court runners and trainees, and has also proved to be very useful to regular users of the court.

As always, we are happy to receive your comments and suggestions and the easiest way to do that is to contact me via email on [CAnderson2@scotcourts.gov.uk](mailto:CAnderson2@scotcourts.gov.uk).

Many thanks

Craig Anderson  
Offices of Court

## Customer Suggestion Boxes

There have been no customer/staff comments or suggestions made since the last edition of the Proof.

Customers and staff are encouraged to continue to use this service as it ensures suggestions and complaints are taken through the appropriate channels.

Many thanks

Eilidh Hunter



## Revised Procedure in respect of the way in which Productions are dealt with in the Commercial Courts

### The Problem:

The renovations of Parliament House have put a lot of pressure on the storage space available for productions. In general, Commercial Actions have proportionately more productions per action than other categories of action. As the renovation program progresses through the phases, the location of the production room changes and the productions have to be moved. This increases the chances of items being mislaid or damaged.

### The New Procedure (with immediate effect):

Rather than lodging productions with the court, parties shall intimate copy productions to each other by whatever method is mutually convenient (e-mail, fax, post, DX or couriered hardcopy). Any disagreement as to what method is to be used should be brought before the court at the Preliminary Hearing. They shall then e-mail each Inventory Sheet to the court, together with verification that the actual productions have been intimated to the other party or parties. These inventories will be marked in process and dated accordingly. Each Inventory Sheet should indicate the number of pages constituting each production.

Two days prior to each Preliminary, Procedural, By Order or Motion hearing parties shall deliver to the Commercial Section in the General Department paginated, tabbed bundles (two-ring binders where possible, as four-ring binders increase the time it takes to move between documents) of whatever productions are likely to be referred to at each hearing. These shall be uplifted by parties at the end of each hearing. The bundles should be clearly marked with the case name and number.



No later than seven days prior to any substantive hearing parties shall lodge two copies (or a single copy where parole evidence will not be led) of all productions in uniform, paginated, tabbed bundles. All questions of authenticity should be dealt with at the pre-proof By Order, if not before, therefore copies should suffice. At the conclusion of the substantive hearing parties shall uplift the copy utilised by the witnesses, unless an ex tempore judgment is issued, where both copies shall be uplifted.

Parties can address the court at the Preliminary Hearing if they believe that this procedure is impractical in the circumstances of a particular case, and they can apply to the court by motion if there are thought to be special circumstances where specific original productions should be held by the court. Any such applications will be dealt with on a case by case basis.

For the moment party litigants will be exempt from the majority of the proposed changes. They will be asked to paginate productions and provide suitable folders and dividers so as to allow the clerks in the General Department to easily update and store productions.

## Offices of the Court of Session Staff Changes

There have been a few staff changes within the Offices of the Court of Session.

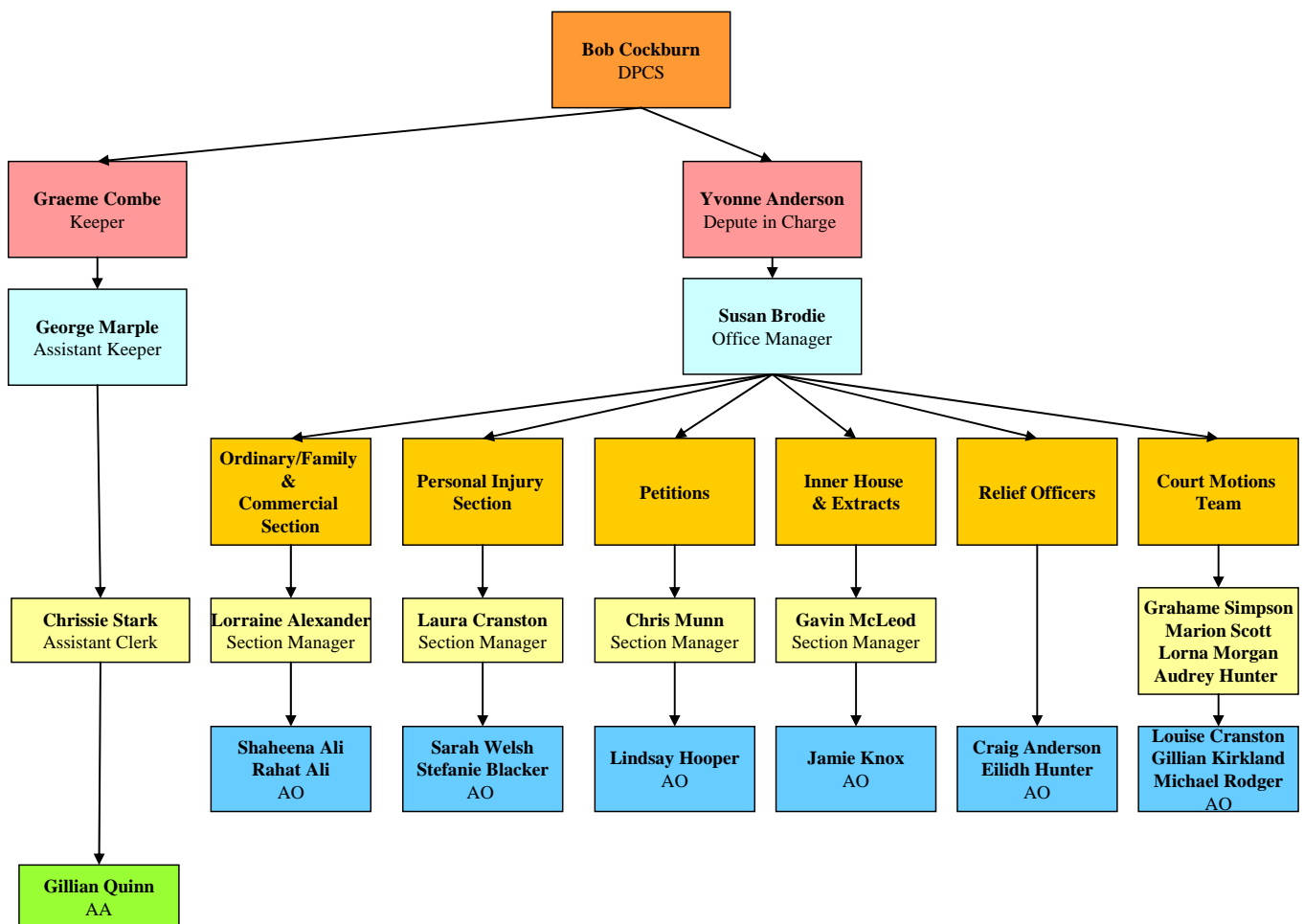
As you will see from our front page article, The Keeper of the Rolls Allan Moffat will retire at the end of the year and the new Keeper is Graeme Combe.

Stefanie Blacker who was currently temporarily filling in for the vacant Personal Injury AO post within the General department, has been successfully promoted to fill this post permanently. The AA post within Personal Injury section will remain vacant for the time being.

Katarzyna Zduniak is now on maternity leave and Rahat Ali has taken over Katarzyna's post on the Ordinary, Family, Commercial section within the General department.

Gillian Quinn has recently been transferred from Justiciary department and has taken up her post of AA in the Keeper of the Rolls office.

An up-to-date organisational chart is below.



## Court Motions Team

We all want interlocutors to be drafted and distributed as quickly as possible. To allow this to happen, here is a reminder of some important procedures and practices.

**Reminder:** When emailing a motion and a party is fee exempt, please remember to scan the abbreviated (small) fee exemption certificate and attach this to the email. This allows us to accurately fee as fee exempt.

**Reminder:** Motions to further adjust or restore to the adjustment roll, please note on the motion sheet /email no adjustments to date. This can be noted in part 6 or 7 of the motion sheet. If there are adjustments please attach adjusted print or hand a hard copy into CMT on the day of enrolling the motion.

**Reminder:** When enrolling a motion and the case is in the basement, please order the process up prior to the motion being enrolled. In the email to the court you should inform CMT that this is in the relevant basement bowl. We understand there may be exceptional circumstances where this is not possible, but this would be treated on its own merits.



These reminders have now been issued on various occasions in previous releases of The Proof. If these procedures are followed, it saves time for both for us all agents and members of the CMT, leading to interlocutors being efficiently and effectively pronounced and delivered.

We will contact agents via email who do not follow these procedures. However agents have until 12.30pm to submit their missing documents, otherwise the motion will be dropped outright.

## Court Motions Team Monthly Statistics

|           |   |      |
|-----------|---|------|
| September | Total motions lodged  | 1302 |
|           | Total motions disposed  | 1129 |
|           | Total motions dropped   | 117  |
| October   | Total motions lodged  | 1437 |
|           | Total motions disposed  | 1203 |
|           | Total motions dropped   | 154  |
|           | Total starred motions lodged (includes Before Calling, Automatic Starred and Opposed Motions) | 80   |
| November  | Total motions lodged  | 1451 |
|           | Total motions disposed  | 1243 |
|           | Total motions dropped   | 137  |
|           | Total starred motions lodged (includes Before Calling, Automatic Starred and Opposed Motions) | 71   |

### Minimum and maximum time taken to complete motions

|         | September 2010 | October 2010 | November 2010 |
|---------|----------------|--------------|---------------|
| Maximum | 149 hours      | 147.30       | 102.15        |
| Minimum | 20 minutes     | 15 minutes   | 20 minutes    |



## Offices of Court Report

### Management Information & Workload

|                         | Sept<br>2009 | Oct<br>2009 | Nov<br>2009 |  | Sept<br>2010 | Oct<br>2010 | Nov<br>2010 |
|-------------------------|--------------|-------------|-------------|--|--------------|-------------|-------------|
| <b>Petitions lodged</b> | <b>133</b>   | <b>211</b>  | <b>156</b>  |  | <b>131</b>   | <b>117</b>  | <b>124</b>  |
| <b>Summonses lodged</b> | <b>307</b>   | <b>320</b>  | <b>307</b>  |  | <b>315</b>   | <b>274</b>  | <b>303</b>  |
| (PI)                    | (242)        | (241)       | (242)       |  | (237)        | (218)       | (248)       |
| (Ordinary)              | (45)         | (61)        | (49)        |  | (53)         | (39)        | (42)        |
| (Family)                | (4)          | (6)         | (4)         |  | (8)          | (5)         | (2)         |
| (Commercial)            | (16)         | (12)        | (12)        |  | (17)         | (12)        | (11)        |
| <b>Appeals lodged</b>   | <b>16</b>    | <b>19</b>   | <b>10</b>   |  | <b>12</b>    | <b>21</b>   | <b>11</b>   |
| <b>Total Actions</b>    | <b>456</b>   | <b>550</b>  | <b>473</b>  |  | <b>458</b>   | <b>412</b>  | <b>438</b>  |

See appendix A for trends from year to year.

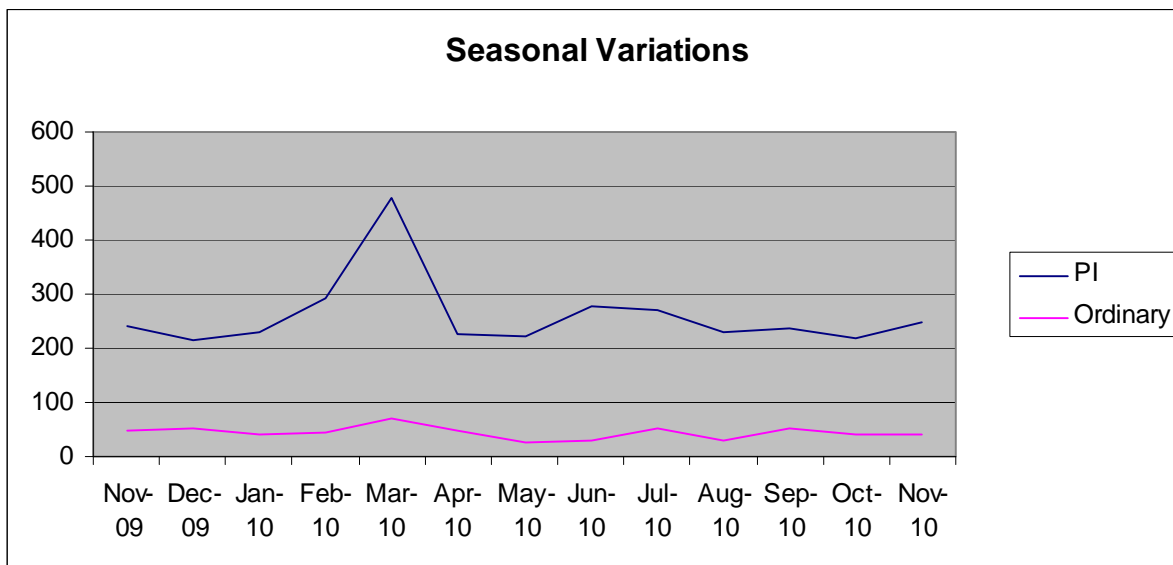
Waiting period (court service indicator) for 4 day PI Proofs stands at 12.5 months (from date defences lodged). We are currently allocating for 20 December 2011.

The allocation of Civil Jury Trials has now been increased to 5 per week. The first available date for a Jury Trial is currently 28 February 2012.

Appendix A

Trends of Personal Injury, Ordinary & Appeals Lodged 2009/10

|                 | PI          | Ordinary   | Family    | Appeals    | Total (OH)  | %PI        |
|-----------------|-------------|------------|-----------|------------|-------------|------------|
| <b>Nov 09</b>   | 242         | 47         | 3         | 10         | 292         | 83%        |
| <b>Dec 09</b>   | 215         | 52         | 7         | 20         | 274         | 78%        |
| <b>Jan 10</b>   | 229         | 41         | 5         | 6          | 275         | 83%        |
| <b>Feb 10</b>   | 294         | 45         | 5         | 11         | 344         | 85%        |
| <b>Mar 10</b>   | 478         | 69         | 10        | 21         | 557         | 86%        |
| <b>April 10</b> | 226         | 48         | 3         | 14         | 277         | 82%        |
| <b>May 10</b>   | 224         | 27         | 5         | 12         | 256         | 88%        |
| <b>June 10</b>  | 278         | 29         | 3         | 23         | 310         | 90%        |
| <b>July 10</b>  | 270         | 52         | 3         | 11         | 325         | 83%        |
| <b>Aug 10</b>   | 230         | 31         | 3         | 9          | 264         | 87%        |
| <b>Sept 10</b>  | 237         | 53         | 8         | 12         | 298         | 80%        |
| <b>Oct 10</b>   | 218         | 39         | 5         | 21         | 262         | 83%        |
| <b>Nov 10</b>   | 248         | 42         | 2         | 11         | 292         | 85%        |
| <b>Total</b>    | <b>3389</b> | <b>575</b> | <b>62</b> | <b>180</b> | <b>4026</b> | <b>84%</b> |



## Telephone contact details

### General Department

#### Depute in Charge

Yvonne Anderson 0131 240 6740

#### Office Manager

Susan Brodie 0131 240 6743

#### Personal Injury section

Manager Laura Cranston 0131 240 6878  
 Sarah Welsh 0131 240 6667  
 Stephanie Blacker 0131 240 6853

#### Ordinary/Family & Commercial section

Manager Lorraine Alexander 0131 240 6741  
 Shaheena Ali 0131 240 6880  
 Rahat Ali 0131 240 6669

#### Petition department

Manager Christopher Munn 0131 240 6747  
 Lindsay Hooper 0131 240 6747

#### Inner House & Extracts department

Manager Gavin McLeod 0131 240 6874  
 Jamie Knox 0131 240 6748

#### Court Motions Team

Asst Clerk Grahame Simpson 0131 240 6658  
 Asst Clerk Marion Scott 0131 240 6662  
 Asst Clerk Lorna Morgan 0131 240 6658  
 Asst Clerk Audrey Hunter 0131 240 6662  
 Louise Cranston 0131 240 6882  
 Gillian Kirkland 0131 240 6882  
 Michael Rodger 0131 240 6882

#### Relief Officers

Craig Anderson 0131 240 6744  
 Eilidh Hunter 0131 240 6745

### Keeper of the Rolls Office contact numbers

#### Keeper

Graeme Combe 0131 240 6736

#### Assistant Keeper

George Marple 0131 240 6737

#### Assistant Clerk

Christina Stark 0131 240 6738

#### Administration Assistant

Gillian Quinn 0131 240 6794



## What do you think?

The Offices of the Court of Session continually seek to improve the service and choice for its customers and partners. In order to improve the quality of information we provide about our performance we would like to offer you the opportunity to comment on the content of this document. Please read the following questions and pass your views and comments to us by fax, email or letter using the details given below:

1. How well did you understand the contents of this report?
2. How well does this information meet your needs?
3. Did it cover aspects which you are interested in or you feel are relevant?
4. What other relevant issues or information do you feel you should be included or covered in the next quarter's issue?

Send your views to:

### Letter

S Brodie  
Court of Session  
Level -1  
Parliament House  
Parliament Square  
Edinburgh  
EH1 1RQ

### Email

[sbrodie@scotcourts.gov.uk](mailto:sbrodie@scotcourts.gov.uk)

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### Telephone

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