

The Proof

The quarterly newsletter
of the Offices of the Court of Session

Court of Session



March 2011

Court of Session, Parliament House, Parliament Square, Edinburgh, EH1 1RQ
Telephone: 0131 225 2595 - email:officesofcourt@scotcourts.gov.uk

INSIDE THIS ISSUE

- 1 Customer Satisfaction Survey
- 2 Court User's Guide
- 2 You said – we did
- 3 Message received and understood
- 3 Customer Charter
- 4 Commercial Court Productions
- 6 Something topical...
- 6 Customer Liaison Group Meeting
- 7 Easter 2011
- 9 Staff changes
- 10 Court Motions Team
- 10 Counter Procedures
- 11 Photocopying
- 12 OCoS report
- 14 Telephone contact details
- 15 What do you think?

Customer Satisfaction Survey

We are pleased to launch the 2011 Customer Satisfaction Survey.

It's an on-line survey and you can either use the link below to complete it or use the PC which will be in the General Department from April.

<https://www.surveymonkey.com/s/VTG56PC>

For the first time, the survey covers all of the Supreme Courts - not just the Offices of the Court of Session. It includes questions on our service, the accommodation and the way we treat you.

Your feedback allows us to check our performance and gives us the opportunity to make improvements.

We want to hear from you - whatever your relationship is with the Supreme Courts. The survey will be open until the end of April and we look forward to receiving your feedback.

Thank you for your help.

Court User's Guide

You may remember from the December 2010 edition of The Proof that the Court Users Guide was to be updated to include a new section on Confidential Envelopes, as well as some general amendments to keep everything up to date.

I am pleased to say that these amendments have now been made and the most up to date version of the guide is available from the Scottish Court Website or you can get a copy from our public offices. <http://www.scotcourts.gov.uk/professional/index.asp>

This guide is especially helpful to new court runners and trainees, while at the same time, also proving to be very useful to the regular users of the court.

As always, I am happy to receive your comments and suggestions and the easiest way to do that is to contact me via email on CAAnderson2@scotcourts.gov.uk.

Many thanks

Craig Anderson
Office of Court

You said – we did

You Said	We Did
The General Department waiting area is draughty and cold, especially with the recent cold weather (<i>December 2010</i>)	This was passed on to the Accommodations manager for investigation, and it was determined that a breakdown of the boilers was to blame for the cold. It has since been repaired and the temperatures in the General Department should now be more comfortable.
We are still not getting interlocutors emailed to us re: Petitions & Inner House departments (<i>February 2011</i>)	Reminders have been issued to all Depute Clerks to email interlocutors to agents. Please keep us informed if the problem persists and further investigations will be undertaken.
Craig was very helpful on the Inner House counter as it was late and he was very obliging (<i>February 2011</i>)	All compliments are passed to the relevant member of staff and are very much appreciated.

Please keep giving us your feedback using the suggestion boxes or by speaking to us.

Message received and understood?

We don't want to take any chances with the information we give you.

It's vital that you get the information you need, **when** you need it and by the **most convenient method possible**.

It must be **correct** and **clear** with **no room for misunderstandings**. Misunderstandings may have wide reaching implications - and are annoying and inconvenient.

Please tell us if the information we give you is not

- ✓ Easy to read
- ✓ Easy to understand

or if there is a more convenient way of getting the information to you.



Supreme Courts Customer Charter

A new Customer Charter has been published setting out the standards and quality of service you can expect from us.

You can get a copy of the charter from our public offices or on the Scottish Court Service website.

http://www.scotcourts.gov.uk/session/Customer_Charter/Customer_Charter.pdf

If you have any comments on the information contained in the charter please get in touch or give us your feedback using the Customer Satisfaction Survey.

*The standard of service
you can expect is in the
Customer Charter*

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

The New Productions Procedure in the Commercial Court has been in place for around 3 months now. Inevitably there have been teething problems, but hopefully these have been addressed and the process will become second nature to those who utilise the Commercial Court.

Agents need to bear in mind that the default position of the Court is that we do not need to see productions at case management hearings unless they will definitely be referred to. Communication between Counsel and Agents as to what is necessary for each hearing could reduce the volume of productions being transported back and forth significantly. Also, as Joint Bundles of Productions are becoming the norm for substantive hearings, if parties can cooperate from an early stage on a “working joint bundle” then the process could be streamlined through the lifecycle of a case.

The Inventory sent to the Court is there to ensure a neutral record of what documentation should have been passed between the parties, not to set in stone the order in which documents should be arranged. I will be happy to address any queries.

Donaldjohn Morrison
Depute Clerk of Session

The Revised Procedure – a reminder

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.

Continued over/

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

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 court case reference 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.

Something topical...

I'm sure we are all following with much interest the current debate about whether the High Court should continue to be the supreme court for criminal appeals.

Of course it has long been the case that civil appeals in Scottish cases could be taken to UK level for review. However, the history of this is interesting.

The report of the Royal Commission on the Court of Session published in 1927 contains the following passage:

"The Act of Union said nothing about the competency of appeals from the Court of Session to the British House of Lords. But in England the English House of Lords had by that time long exercised (by custom) the functions of the judicial branch of the English Parliament; and, in the first session of the united Parliament, an appeal was presented by the Earl of Rosebery for "remied of law" against a judgment of the Court of Session dated 1st February 1695 in an action by him against Sir John Inglis of Cramond regarding certain fishings. The House of Lords made the preliminary orders usual in an English appeal ; but the case was not proceeded with, and was ultimately compromised. Another appeal shortly followed in the case of Gray v The Duke of Hamilton, and the House of Lords took the same course. The practice thus initiated , apparently without serious objection, was confirmed - but whether by express decision on the point or no does not clearly appear.....and the constitutional question as to the competency of appeals from the Scottish Court of Session to the British House of Lords was thus settled".

The time limit for lodging (or accepting) an appeal seems to have been very generous in those days, even allowing for a very leisurely journey to London!

Customer Liaison Group Meeting

The Customer Liaison Group Meeting took place on Wednesday 9 March 2011. The minutes were issued 14 March 2011.

The next Customer Liaison Group Meeting is set to take place on Wednesday 15 June at 3.45pm in Level -1 meeting room at the Court of Session.

Current customer representatives are:

Mary Galloway	Brodies LLP
Paula Moffat	Balfour & Manson LLP
Vicki Crawford	Scottish Government
Pamela Graham	Thompsons

If you would like to attend a meeting, become a regular customer representative and/or request a copy of the minutes of the meeting from March please contact Susan Brodie on 0131 240 6743 or at sbrodie@scotcourts.gov.uk

Easter 2011

The Court will be in recess from Monday 28 March 2011 until Monday 25 April 2011 inclusive.

The Offices of Court will be closed on Monday 18 April, Friday 22 April and Monday 25 April 2011, Friday 29 April and Monday 2 May.

Papers due to be lodged on the aforementioned days will be accepted on the following Tuesday.

The Court will sit at 10.00am Tuesday to Friday, except Fridays 22 and 29 April.

SOLICITORS ARE REMINDED THAT DURING RECESS THE COURTS ARE INTENDED ONLY FOR THE DISPOSAL OF URGENT BUSINESS AND ANY MOTION WHICH IS NOT CLASSED AS SUCH WILL BE HELD OVER UNTIL TUESDAY 26 APRIL 2011

Motions etc intimated and enrolled by email in accordance with parts 2 and 4 of Chapter 23 of the Rule of the Court of Session 1994.

Motions requiring appearance on Friday 22 April 2011 and 29 April 2011 will be heard on Tuesday 26 April 2011 and Tuesday 3 May 2011 respectively.

Please find below details of intimation, opposition and enrolment dates to accommodate the public holidays on Monday 18 April 2011, Friday 22 April 2011, Monday 25 April 2011 and Friday 29 April 2011 and Monday 2 May 2011.

Intimation date	Opposition Date	Motion Lodged Date
13/4/11	15/4/11	19/4/11
14/4/11	19/4/11	20/4/11
15/4/11	20/4/11	21/4/11
19/4/11	21/4/11	26/4/11
20/4/11	26/4/11	27/4/11
21/4/11	27/4/11	28/4/11
26/4/11	28/4/11	3/5/11
27/4/11	3/5/11	4/5/11
28/4/11	4/5/11	5/5/11
3/5/11	5/5/11	6/5/11

Intimation, opposition and enrolment dates return to normal, thereafter.

Continued over/

Easter 2011 – continued

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 Tuesday 19 April must be enrolled no later than 4.00pm on Thursday 14 April and may be opposed up till 12.30pm on Friday 15 April.

Motions enrolled for Wednesday 20 April must be enrolled no later than 4.00pm on Friday 15 April and may be opposed until 12.30pm on Tuesday 19 April.

Motions for Thursday 21 April must be enrolled no later than 4.00pm on Tuesday 19 April and may be opposed up till 12.30pm on Wednesday 20 April.

Motions for Tuesday 26 April must be enrolled no later than 4.00pm on Wednesday 20 April and may be opposed up till 12.30pm on Thursday 21 April.

Motions for Wednesday 27 April must be enrolled no later than 4.00pm on Thursday 21 April and may be opposed up till 12.30pm on Tuesday 26 April.

Motions for Thursday 28 April must be enrolled no later than 4.00pm on Tuesday 26 April and may be opposed up till 12.30pm on Wednesday 22 April.

Motions for Tuesday 3 May 2011 must be enrolled no later than 4.00pm on Wednesday 27 April and may be opposed up till 12.30pm on Thursday 28 April.

Motions for Wednesday 4 May 2011 must be enrolled no later than 4.00pm on Thursday 28 April and may be opposed up till 12.30pm on Tuesday 3 May 2011.

Tuesday to Friday during recess will be Calling days with the exception of Friday 22 April 2011 and Friday 29 April 2011.

Undefended divorce proofs by way of affidavit evidence will continue to be disposed of. The Rolls of Court will be published each Thursday. It will contain the usual lists relating to such actions.

Offices of the Court of Session Staff Changes

Since the last edition of the Proof Stefanie Blacker has been promoted and is currently in post within Personal Injury section as a Counter Clerk.

The Offices of Court are currently in the process of staff rotation.

During February, March, April and May the following changes have taken or are due to take place:

Lindsay Hooper has moved from the Petition department to the Personal Injury section and Sarah Welsh has moved from Personal Injury section to the Court Motions Team

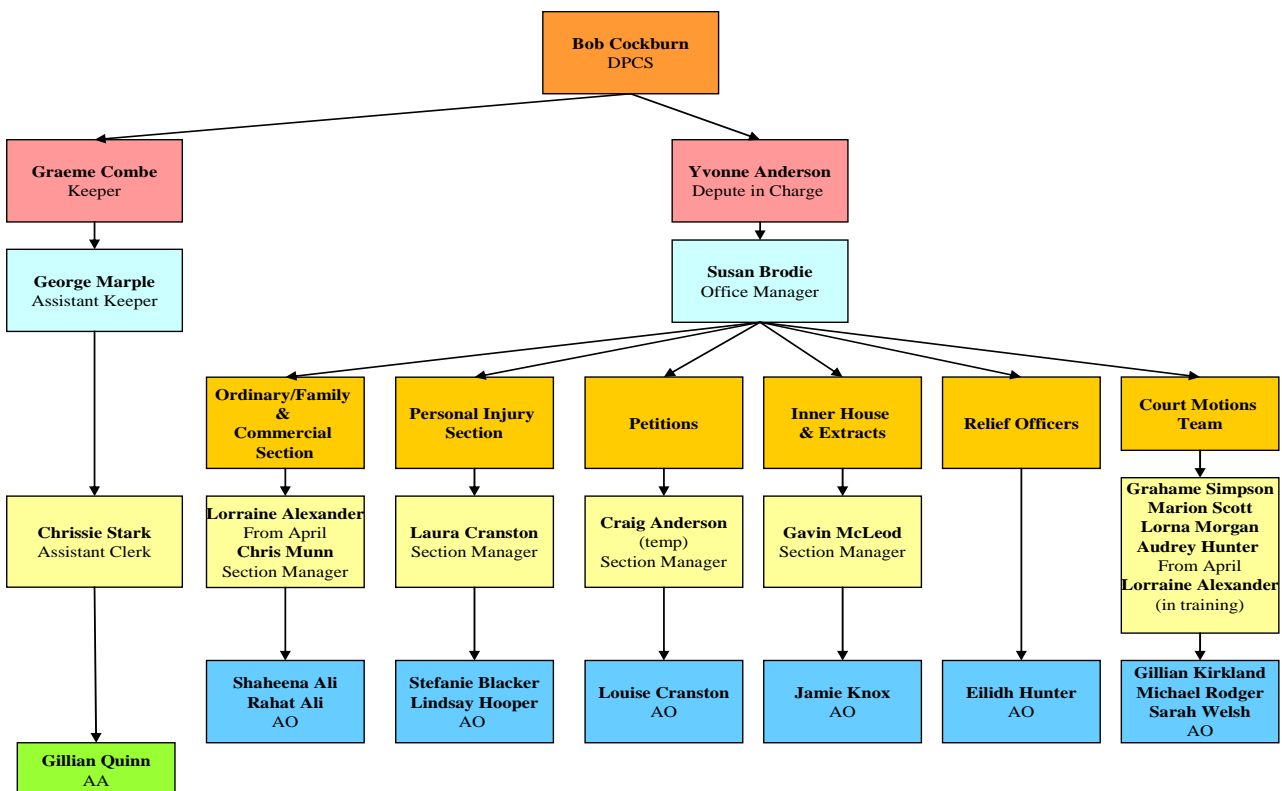
Craig Anderson has been training Louise Cranston and Jamie Knox on Petitions AO desk. Louise officially moved to Petitions department on 7 March 2011.

Chris Munn moves to the Ordinary, Family & Commercial in April and will be receiving training in preparation for his move during March 2011. From March 2011 Craig Anderson will temporarily cover Petitions department as department manager.

Lorraine Alexander will receive training within the Court Motions Team during April. Lorraine will officially take up her post in CMT during May.

In May the Inner House & Extracts and Petitions departments will merge. There will be one sign on list at the public counter to cover both departments. Grahame Simpson will take up post as Inner House & Extracts Manager, Gavin McLeod will take up post as Petitions Manager and Louise Cranston will be the Inner House, Extracts & Petitions Assistant Officer.

The organisational chart below shows changes up to and including April. Changes thereafter will be shown in the organisational chart in the next edition of the Proof.



Court Motions Team

Confidential Envelopes

As from the Monday 21 March 2011 the Confidential Envelopes will be located in the Court Motions Team. If you require any information regarding a Confidential Envelope please contact CMT.



Non Confidential Envelopes will still be located within Extracts/Inner House Department.

Printing

Please note that the maximum number of pages per document that can be emailed to the CMT for printing is restricted to 20 pages.

If larger than 20 pages the CMT will only print one copy and further copies should be lodged in person with the CMT later the same day.

Fee exemptions

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 the CMT to accurately fee as fee exempt.

Counter Procedures

In an effort to improve standards, the Offices of Court are making some changes to the way business is transacted at the public counter.

The Offices of the Court of Session are the custodian of the court processes and as such are responsible for all transactions within the process. It is the department's responsibility to ensure that all business is conducted correctly and accurately.

You will find you are asked to conduct more business at the public counter - processes will not automatically be allowed to be taken to the seating areas without adequate grounds. This may extend the amount of time spent at the public counter and may increase the waiting periods within the departments however, it is important the Offices of the Court improve the standards of transacting business within the court process.

This practice will be consistently monitored and any comments or suggestion can be made on the suggestion and complaints yellow cards that are available within the waiting area and from staff members. This information was met with a positive response at the Customer Liaison Meeting held on 9 March 2011.

*These changes are
to ensure we
conduct all
business correctly*

Photocopying Service for Party Litigants

The photocopy card is supplied to Party Litigants to allow essential photocopying to take place. The counter staff will work together with the Party Litigant to ensure specific parts of process are borrowed for copying purposes.

If a part of process has been marked as intimated, all parties in the action should have a copy of this. If a further copy is required, a charge will be fee'd for each copy taken, all in terms of the Fees Amendment order noted below.

3. Recording, extracting, engrossing or copying - all documents (exclusive of search fee) -	
(a) Copying of each document up to 10 pages	£5
for each page or part thereof (in excess of 10 pages)	50p



To ensure effective management of the process and its contents, a complete process will not be handed over the counter. If a Party wishes to see specific parts of process, they will be required to complete a borrowing receipt and the process will remain within the department.

Offices of Court Report

Management Information & Workload

	Dec 2009	Jan 2010	Feb 2010		Dec 2010	Jan 2011	Feb 2011
Petitions lodged	113	105	112		118	99	150
Summonses lodged	290	281	409		297	302	307
(PI)	(215)	(229)	(294)		(223)	(234)	(250)
(Ordinary)	(55)	(45)	(92)		(53)	(56)	(40)
(Family)	(7)	(4)	(5)		(10)	(3)	(4)
(Commercial)	(13)	(3)	(18)		(11)	(9)	(13)
Appeals lodged	20	6	11		10	5	12
Total Actions	423	392	532		423	406	469

See appendix A for trends for the last 12 month rolling period.

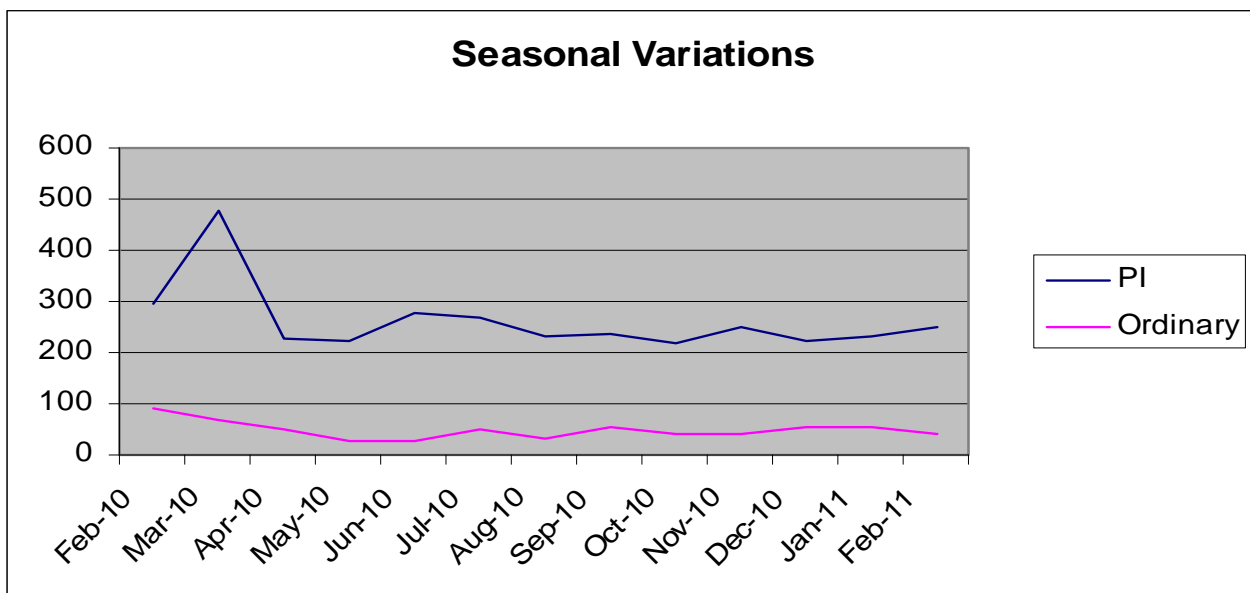
Waiting period (court service indicator) for 4 day PI Proofs stands at 11.5 months (from date defences lodged). We are currently allocating for 6 March 2012.

The allocation of Civil Jury Trials has now been increased to 5 per week. The first available date for a Jury Trial is currently 29 May 2012.

Appendix A

Trends of Personal Injury, Ordinary & Appeals Lodged 2010/11

	PI	Ordinary	Family	Appeals	Total (OH)	%PI
Feb 10	294	92	5	11	391	75%
Mar 10	478	69	10	21	557	86%
April 10	226	48	3	14	277	82%
May 10	224	27	5	12	256	88%
June 10	278	29	3	23	310	90%
July 10	270	52	3	11	325	83%
Aug 10	230	31	3	9	264	87%
Sept 10	237	53	8	12	298	80%
Oct 10	218	39	5	21	262	83%
Nov 10	248	42	2	11	292	85%
Dec 10	223	53	10	10	286	78%
Jan 11	234	56	3	5	293	80%
Feb 11	250	40	4	11	294	85%
Total	3410	631	64	171	4105	83%



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

Stephanie Blacker 0131 240 6853

Lindsay Hooper 0131 240 6667

Ordinary/Family & Commercial section

Manager - Lorraine Alexander 0131 240 6741 - from April 2011 Chris Munn

Shaheena Ali 0131 240 6880

Rahat Ali 0131 240 6669

Petition department

Manager Craig Anderson 0131 240 6747

Louise Cranston 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

Officer in Training

Lorraine Alexander 0131 240 6658

Relief Officers

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

Fax

0131 240 6746

Telephone

0131 240 6743