

THE SCOTTISH LEGAL AID BOARD
QUALITY ASSURANCE SCHEME FOR CRIMINAL LEGAL ASSISTANCE

PEER REVIEW – Criminal Appeals 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.

TAKING INSTRUCTIONS ON APPEAL

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

1 2 3 C N/A

Notes.....

- 2) Was the client given accurate and appropriate advice regarding the appeal, including whether it is stateable and what the procedure would be?

1 2 3 C N/A

Notes.....

3) Were appropriate instructions given to counsel and Edinburgh agents?

1 2 3 C N/A

Notes.....
.....
.....
.....

PREPARATION AND DRAFTING

4) In the event of the solicitor preparing the grounds of appeal, how would you rate the clarity and effectiveness of the appeal as drafted?

In addressing this, the following issues should be considered:

- *did the appeal contain a full statement of the grounds of appeal?*
- *did the appeal contain grounds both in relation to conviction and sentence as appropriate?*
- *did the appeal contain a crave for interim liberation as appropriate, or any other interim crave.*

1 2 3 C N/A

Notes.....
.....
.....
.....

5) Has the solicitor, at an early stage identified the need for experts or other reports and correctly identified the expertise required?

1 2 3 C N/A

Notes.....
.....
.....
.....

APPLICATION FOR BAIL AD INTERIM (if in custody)

6) Was the question of bail *ad interim* properly addressed? How would you rate the quality of instruction to counsel/ other agents in the event of a bail appeal?

In addressing this, the following issues should be considered:

- *Whether the correct format of the application was used, a crave to the main appeal or separate petition.*
- *Whether, in a summary case, any appeal against refusal of bail ad interim was properly addressed.*

1 2 3 C N/A

Notes.....

CONSIDERATION OF LEAVE TO APPEAL (WHERE APPROPRIATE)

7) Did the solicitor comply with statutory time limits for lodging?

1 2 3 C N/A

Notes.....

8) If the solicitor did not comply with statutory time limits did he apply for extension in terms of the act of adjournal?

1 2 3 C N/A

Notes.....

9) Did the solicitor properly consider the terms of the Judge's/Sheriff's report?

1 2 3 C N/A

Notes.....

10) In the case of appeal by way of Application for Stated case did the solicitor properly consider adjustments to the draft stated case? Both his own and those for the Crown.

1 2 3 C N/A

Notes.....
.....
.....
.....

11) In the case where adjustments are proposed by either party has the solicitor prepared for and conducted the hearing on adjustments adequately?

1 2 3 C N/A

Notes.....
.....
.....
.....

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

1 2 3 C N/A

Notes.....
.....
.....
.....

SIFT PROCESS (WHERE APPROPRIATE)

13) Where leave to appeal was refused at the first sift, was the client informed of this and appropriate advice given on the second sift and instruction taken?

1 2 3 C N/A

Notes.....
.....
.....
.....

14) Were additional grounds of appeal and/or further information given to the sift judges as appropriate?

1 2 3 C N/A

Notes.....
.....
.....
.....

PREPARATION AND CONDUCT OF THE APPEAL IF LEAVE TO APPEAL GRANTED

15) How would you rate the level and adequacy of preparation for the appeal?

In addressing this, please consider whether the solicitor has:

- *Instructed counsel in good time.*
- *Provided counsel with full instruction.*
- *Advised the Clerk of Justiciary who counsel conducting the appeal will be and the likely duration of the appeal.*
- *In the case of appeal by way of stated case, has the solicitor uplifted the process and had prints made and lodged timeously.*
- *Where the client is on bail has the solicitor communicated the date of the appeal hearing to the client.*
- *Did the solicitor arrange for a consultation for the client with counsel prior to the appeal?*

1 2 3 C N/A

Notes.....
.....
.....
.....

APPEAL OUTCOME STAGE

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

1 2 3 C N/A

Notes.....
.....
.....
.....

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

1 2 3 C N/A

Notes.....
.....
.....
.....

18) Was due consideration given to any further appeal such as the Judicial Committee of the Privy Council or the Scottish Criminal Case Review Commission?

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”.

APPLICATION FOR CRIMINAL LEGAL AID (WHERE APPROPRIATE)

19) Has the application for 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 any adequate supporting information that was available at that stage?*
- *Was any application for special urgency cover under Regulation 15 appropriate?*

1 2 3 C N/A

Notes.....
.....
.....
.....

TRANSFER OF AGENCY (WHERE APPROPRIATE)

20) 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

Notes.....
.....
.....
.....

CONSIDERATION OF ACCOUNT (WHERE APPROPRIATE)

21) 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.....
.....
.....
.....

EQUALITIES

22) 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.....
.....
.....
.....

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:

