**Minute of Meeting**

A meeting of the Edinburgh Sheriff Court Personal Injury Users Group was held in the Sheriffs’ Conference Room at Edinburgh Sheriff Court on 17th November 2014 at 4.00pm.

Present:

Sheriff Mackie – Chair

Sheriff McColl

Neil Rawlings – Head of Civil Department

Gary White – PI Depute

Scott Wood – PI Clerk

Sam Jackson – PI Clerk

Kim Leslie – Digby Brown

Peter Crooks – Bonnar Accident Law

Ian Leach - BLM

Catriona Whyte – SLAB

Mr Bruce Goodbrand – Simpson and Marwick on behalf of Tanya Gordon

Mr Callum Wilson – Advocate on behalf of Robert Milligan QC

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| No. | Item | Action |
| **1.**  **2.**  **3.**  **4.**  **5.**  **6.**  **7.**  **8.** | **Apologies**  Apologies were received from Sheriff Arthurson QC, Sheriff Principal Stephen and Isobel Duff.  The group welcomed back Kim Leslie and also welcomed Mr Goodbrand and Mr Wilson who attended the meeting on behalf of Tanya Gordon and Robert Milligan respectively.  **Minute of Previous Meeting**  The minute of 19 June 2014 was approved  **Emailing Interlocutors**  NR advised that emailing interlocutors in principle is not an issue. It was suggested that if agents want interlocutors emailed to them they needed to provide the PI team with a generic email address. This was agreed by the group and it would be down to each firm to pass the interlocutor onto the appropriate fee earner.  Any interlocutors emailed would only be from motions granted in chambers for which there would be no fee and any interlocutors following a hearing in court would require the copy charge or agents to come to court and borrow part 4 of process.  NR reminded the group to use the PI email address to ensure any emails to the court are dealt with in a timely manner. [edinburghpersonalinjury@scotcourts.gov.uk](mailto:edinburghpersonalinjury@scotcourts.gov.uk)  IL pointed out that the link from the Scottish Court Service website to the PI section is not working well and access involves a Google search. GW will take this forward to ensure the link is back up and running and . to get the names of the group updated  **PI Practice note**  Sheriff Mackie spoke about the background behind drafting the practice note.  KL and PC explained that with regard to motions in the Court of Session most firms operated a system whereby they were reviewed before being presented to the court. This may not be happening with motions in the Sheriff Court and that could explain the issue of the standard of motions being received by the court.  It was agreed that it was a good idea for the court to set out its expectations of parties’ agents. Agents wished an opportunity to consider the terms of the proposed Practice Note. It was agreed that any further comments would be emailed to GW within two weeks and these comments would be passed to the Sheriff’s.  NR to consider an appropriate form of wording for the emailing of interlocutors in relation to fees chargeable.  **Chapter 36 Report**  Sheriff Mackie gave the group an overview of the difficulties the court had in collating the data. It was explained that the current report was work in progress and GW is currently working towards preparing a report similar to that of the Court to Session. It is also hoped that in future that the report would record the reasons for the discharge of proof.  The group spoke about the settlement of actions in this court being either very early on in the process or very close to the date of proof. There was concern that the Pre Proof Conference Meeting was not helping to settle actions.  IL advised that in the Court of Session because of different timescales there was more time to prepare for proof. Having regard to the level of expenses it made sense there to settle before the proof In addition Counsel were fully prepared and face to face meetings took place with the pursuer present. This then became a significant event. Replication of the Court of Session culture would probably assist. The PPC should be seen as the end rather than the start of preparations.  PC advised that not all agents are using the PPC appropriately. This view was shared by Sheriff Mackie and Sheriff McColl and it was felt that it is often a box ticking exercise.  Sheriff Mackie spoke about how few actions in this court proceed to proof. It was pointed out to the group a lot of actions settle after the PPCM is due to be lodged but before the diet of proof.  The group agreed that Chapter 36 reports are useful. The reports will be improved before the next meeting.  **Clinical Negligence**  Sheriff McColl has yet to address this but is hoping to have a note issued prior to the next meeting. It will attempt to reflect that of the Court of Session process.  **Court Reform (Scotland) Act**  The group were aware of discussions going on with Court of Session clerks but NR confirmed nothing has yet been set in stone. NR advised that the national PI court is likely to commence in September 2015 and that it will be held in Edinburgh.  NR advised that a new Head of IT for SCS had been appointed and that there was a project to upgrade the IT systems across the whole estate. This would include upgrading the CMS system. The timescale for the project could not be confirmed.  The group discussed Edinburgh being a local Court and a national court when the changes happen. Kim Leslie agreed to provide a summary of what the position would be in relation to actions under the Simplified Procedure.  The group discussed certification of Counsel in the Sheriff CourtThe Sheriffs indicated that the court is sympathetic to counsel being instructed in PI cases.  **Any Other Business**  Sheriff Mackie raised the topic of enrolling motions by email as in the Court of Session. NR advised that the likely issue in this regard would be in relation to fees. Agents advised that Court of Session emailing of motions had been a big help to streamline the process. It works well . NR advised that this is being discussed for Sheriff Court actions.  KL advised asked about the numbering of productions. Sheriff Mackie advised that this would be addressed in the practice note and that the PI team would speak with the Sheriffs about this.  GW brought up the difficulties the clerks’ office were having with By Order hearings for failure to comply with the timetable. In particular the number of calls being received asking if parties needed to attend or how the hearing might be discharged. The group agreed that By Order hearings would not be discharged and that parties would be expected to attend them.  **Date of Next Meeting**  TBC | **GW** |