

## The **Newsletter** of MTM Defence Lawyers

1 Cockburn Street, Falkirk FK1 1DJ. Tel: **01324 633221**  
Fax: **01324 611694** Email: [enquiries@mtmdefence.co.uk](mailto:enquiries@mtmdefence.co.uk)

**MTM**  
Defence Lawyers

# MTM stays in the criminal law top flight

By Murray Aitken



MTM team (from left to right), Lynn MacGillivray, Murray Aitken, Martin Morrow and Neil Hay.

Statistics published at the end of 2008 by the Scottish Legal Aid Board show that MTM Defence Lawyers remains in the top 20, (20th out of 855) firms across the length and breadth of Scotland.

Rankings are based on all kinds of legal aid, including criminal, housing and divorce cases. If only criminal law were taken into consideration, MTM would move up eight places to 12th in the whole of Scotland. It is great news that once again we appear in the top flight of legal aid firms in Scotland. It proves that our clients are consistently choosing to work with us, and we remain

grateful for this. In terms of legal aid, MTM Defence Lawyers is twice as large as its nearest neighbour in the Falkirk area.

MTM also has a growing list of fee-paying clients, but, as the Scottish Legal Aid Board annual report shows, we remain strongly committed to representing clients who, often through a change in their own circumstances, cannot afford to pay their own fees and are in need of legal representation.

MTM was set up around 20 years ago as Milligan, Telford and Morrow. Outside Glasgow and Edinburgh, the firm is something

of a rarity in legal circles by specialising in criminal business. I and my colleagues Neil Hay, Martin Morrow, and Lynn MacGillivray, all work in the three Central Scotland sheriff courts in Falkirk, Alloa and Stirling.

In its report, Iain Robertson, Chairman of the Scottish Legal Aid Board, speaks of the Board's belief "that more can be done to further increase value for money in legal aid, to provide better access to justice for people who need it...." As a firm, we have a continuing commitment to those aims and to providing service and value for money to all our clients.

## Staff profile - Margo McPhaden keeps it legal

MTM has always set great store by the quality of service it offers its clients. It is all about employing the right people - people who really have the right attitude and want to help clients.

Margo started with us in 2007 and has had a big impact on the firm. With 15 years of legal firm experience behind her, Margo has worked in practices in Glasgow, Kilsyth and Cumbernauld. She is currently working on becoming a fully qualified paralegal, studying part-time with Strathclyde University. As she says, it is a qualification that will help her to develop her career further and help the firm too:

*"I love the variety of work here at MTM - every day is completely different, with different cases and issues. I get great satisfaction from helping clients with queries and seeing them pleased with the service. Having this practical experience has spurred me on to further study to take my career to a new level and get involved with more case preparation work, which I find really interesting and which also helps the rest of the team."*

**FREE 24-HOUR HELPLINE 0800 328 0944**

# Changes to bail

By Neil Hay



## Getting results for you - in exceptional circumstances

Due to a recent legal amendment to bail regulations, bail is now available only in exceptional circumstances for people with a serious criminal record who are charged with certain types of offence. The offences covered are: violent offences, sexual offences and drug trafficking offences. Typically, the changes

will affect a person who is charged on petition for serious assault or for supplying drugs, if they have a previous conviction on indictment for the same kind of charge

Many people will be surprised at the type of circumstances that are not considered to be "exceptional". Exceptional circumstances do NOT usually include things like losing your home, losing your job, or any circumstances surrounding the alleged offence.

It is really hard, almost impossible, to get bail for clients who fall into the categories outlined above - which is not to say that it can never be done. At MTM, we recently persuaded a Sheriff that one of our clients had had exceptional circumstances; the client was granted bail. We understand that this was the first time that a Sheriff at Falkirk had granted bail in such circumstances.

## There's still time for compensation

By Martin Morrow



Until fairly recently, if you, or any of your friends or relatives, were unlucky enough to be sent to prison then you might well have been exposed to the indignity of having to 'slop out'. Anyone who has had to do this will be familiar with the term and with the feelings it gave rise to...

The good news is that, if you were subjected to this, you have a right to compensation - but you will need to make a claim. Individual claims across Scotland

have in some cases met with compensation awards in excess of £1,000, so, if you are eligible, it could well be worth doing!

Slopping out has been judged to be a breach of human rights. At the time of going to press, the Scottish Government has just announced that it will bring in legislation to limit claims to a one-year period. In other words, new legislation, likely to be introduced very quickly, will mean that a person will have to make a claim within a period of one year from the time of slopping out. Older claims can currently be made, but they will no longer be possible once the new legislation comes into force.

At MTM, we have created a special partnership with a leading Glasgow firm specialising in these claims - just as we specialise in particular areas for other legal firms. Call (01324) 633221 and ask to speak to me (Martin Morrow) if you wish to make a claim - I'll be delighted to put your case forward.

## Be prepared! Proof of income and legal aid

If you wish to apply for legal aid, the Scottish Legal Aid Board (SLAB) may require you to provide proof of income in the form of a wages or salary advice slip. If you are in receipt of benefit, you simply need to bring any paperwork with you to show what you are currently receiving. SLAB may also require information about savings (if any) you may have. Again, having such details to hand really helps us to take your case forward as quickly as possible, and gives us maximum time to prepare your case. As in most things in life, it is always best to be well prepared.

## Talk about a mug shot!

If you have renewed or were awarded your driving licence in the past 10 years, you will be the proud owner of a photocard licence - the kind you don't anyone to see!

Photocard licences were introduced way back in July 1998 and have proved useful for people needing to prove their identity, for example when hiring a vehicle. So far so good... but what the Government forgot to tell everyone was that they would expire after 10 years - and need to be renewed at a cost of £17 - 50. And that charge would be ongoing in that a driver would have to pay £17 - 50 every 10 years thereafter. In other words, having a photocard licence (the only type you have been able to get since 1998) is now a revenue generator for the Treasury. It is estimated that the Treasury will earn £437 million over the next 25 years from renewals alone.

Worse still, the Government failed to tell people that failure to renew could be costly and could incur a fine of £1,000! Official DVLA figures reveal that while 16,136 photocard licences expired in summer 2008, so far only 4,570 have been renewed. The number of people who have not renewed their licence is growing by the day; every one of these people risks incurring a fine.

There is little any of us can do about the arrangements surrounding the photocard licence, but we can avoid falling into the trap of failing to renew. Remember, every year the Treasury benefits from £450 million revenue derived from traffic enforcement fines. Take a look at your licence now and check the expiry date!

## Moving things along...

Anti money-laundering regulations require us to be sure who we are acting for. If you are a private client, please remember to bring a photo ID with you such as new-style driving licence or passport. It all really helps to speed things up.

We also have full credit/debit card processing facilities in-house, so clients can pay by either card payment method; all you need to do to pay by credit/debit card is to call us on (01324) 633221. This gets around having to write a cheque, which can take days to clear - during which time we could already be acting for you and following up your case.

## STOP PRESS

### New name - new location

The District Court has been renamed the 'Justice of the Peace Court' (or 'JP' Court) and has permanently moved from the Falkirk Council buildings in the town centre to the recently refurbished Sheriff Court building in Camelon. All clients with cases at the District Court will now have their cases heard at the JP Court in Camelon.

### Sheriff MacKinnon to take up new post

Sheriff Neil MacKinnon will be leaving Falkirk Sheriff Court on 1st April 2009. He is moving to become a Sheriff of Lothian & Borders at Edinburgh. His departure will create a vacancy for a full-time sheriff at Falkirk.