Submission from Paul Brown for the Legal Profession and Legal Aid (Scotland) Bill

I have reviewed the terms of the above Bill and wish to express my concern about the unfairness of this Bill, not simply on the legal profession but also on the public at large.

The Bill assumes that solicitors are the only people who provide "legal services" to the public but this is far from the case. My own area of specialisation is Employment Law and this area in particular there are any number of providers of "legal services and advice" who are not governed by the current rules of professional conduct and ethics which apply to solicitors. This already means that lawyers are at a disadvantage when dealing with clients as there is currently no sanction against these organisations and who are not compelled to abide by a framework of professional standards. Lawyers are, contrary to popular misconception, at a competitive disadvantage in some situations. The imposition of these new rules will make this situation worse.

The current process does not sufficiently allow those who have received inadequate legal services, other than from a solicitor, raising a claim for the services provided. In order that the Bill can properly protect the public from those who provide "inadequate legal advice and services", it would have to be expanded to include those who provide such services.

In addition, the amount of compensation available and the fact that the solicitor has to fund claims is unfair. If the process was funded by those who are deemed to fall foul of the rules, this would be a fairer system. In addition, as some individuals raise claims against their solicitor as a course of last resort, having been successful elsewhere, regardless of the merits of their claim, it seems reasonable that such a wholly independent organisation would be able to award expenses against such a claimant.

I trust that these comments will be passed on.