Submission from Rosalind McInnes for the Legal Profession and Legal Aid (Scotland) Bill

I am a Scottish solicitor holding an LLB (Honours) degree and Dip LP from Glasgow University. I also hold a Diploma in Business Administration from the University of Bradford. I called in 1993. Including traineeship, I have spent more than six years in private practice followed by eight years in-house as a solicitor. I also teach law, to undergraduates, qualified lawyers internationally and journalists, as well as writing extensively on legal subjects, both articles and textbooks. I served six years on the Council of the Law Society of Scotland and continue to be involved with a number of Law Society committees and initiatives.

The flaws in the present bill are egregious and have been amply set out in other submissions you are about to receive, so I will confine myself to saying that- not on the principle of external service regulation but on the proposed model- the scheme is neither legal nor workable.

Leaving aside the ECHR-compliance sudden death which the Bill as drawn would meet, Scottish solicitors are typically well-qualified, entrepreneurial, quick to adapt and to spot traps set for them. Very few are likely to allow themselves to be treated as a combination of insurer and scapegoat for the capricious, ill-informed or ill-intentioned who inevitably form part of any group. It seems to me inevitable that they will instead 1) choose another field altogether; 2) choose a mode of legal practice that does not require them to be regulated in a way that costs them whether they are in the right or the wrong- which won’t be difficult; or 3) choose only the most profitable areas of regulated legal practice. These strategies and their social consequences are wholly predictable. This is the perfect way to create a patchy, under-competitive, dearly-regulated rump of a former profession, called to work with the over-privileged.

I would align myself strongly with the thrust of the submission about to arrive from the In-House Lawyers Group of the Law Society of Scotland and with the submissions of Alistair Bonnington.

These are my own views, and not those of the BBC.