Submission from David McIntosh for the Legal Profession and Legal Aid (Scotland) Bill

The proposed new Commission will introduce a manifestly unfair and draconian scheme to compensate complaining clients. The Commission could make an order for payment of compensation of £20,000 in circumstances where a Court could not find there had been any loss caused by the solicitor’s professional negligence. Clients would be aware of that and we face being bombarded with complaints which are far more likely to be succeed than a claim arising from professional negligence. In addition there is no to be no right of appeal against the decision of the claims handler which flies in the face of natural justice and is therefore unfair and unreasonable. Funding of the scheme is to be partly through a levy on firms who are complained against even if that complaint is entirely unjustified and rejected. The proposed new scheme is therefore a serious concern to the profession and can not be implemented standing the real prejudice detailed above. The interests and rights of solicitors require adequate protection and this is sadly lacking in what is being proposed.

David McIntosh