Submission from Louise Duffy for the Legal Profession and Legal Aid (Scotland) Bill

I write regarding the above and to express my concern about this bill, which I believe is flawed from the outset.

I work in a firm of solicitors where we act largely for individuals, often in difficult circumstances. We fully recognise that if an error made causes loss, compensation should be paid. What cannot be acceptable is for the proposed new commission to have power to impose a penalty of up to £20,000 without proof of fault or loss. It is particularly concerning that there would be no appeal available against any such decision. Right-minded individuals would be troubled at the idea that the funding of the commission should be dependent on payments based on the number of complaints made against a firm, even if those complaints were wholly unjustified and were rejected.

Like many other firms, we will have to consider carefully whether we can continue to do other work, often at Legal Aid rates, for clients who already feel aggrieved about something and may well complain about our services if the outcome is not to their satisfaction.

There is also a lack of detail about just how the proposed new commission would operate and be funded. It is vital that such detail be provided now, so that the commission can command support and confidence from both lawyers and the public. In my opinion without full transparency, the public perception of the new commission would be fatally flawed from the outset.

I trust that the Committee will have regard to my comments.

Louise Duffy