Submission from R A Clement Associates for the Legal Profession and Legal Aid (Scotland) Bill

We act for a number of legal practices in the West Highlands who have drawn the terms of the Legal Profession and Legal Aid (Scotland) Bill to my attention. We can understand the concerns of the Executive in relation to the general question of self-regulation of professions. Indeed, in our own profession similar concerns have been expressed. However, we do have concerns regarding the implications of this Bill if it were to be enacted as drafted.

We understand that the level of compensation awarded by the Complaints Committee could be up to £20,000 and that the complainant would not incur any costs in making a complaint. We also understand that it is unlikely that the Solicitors' Professional Indemnity would cover this cost if a complaint was upheld.

In these circumstances, we feel that this could lead to a substantial reduction in the number of Solicitors practising in rural Scotland. We feel that the type of work being carried out by Solicitors at present is often in areas where there is a high risk of complaints being made. Consequently, the Solicitors would need to be very careful in considering the type of work they do and whether it was worthwhile remaining in practice in such areas. The conclusion of these considerations could quite easily be no Solicitors practising in a number of small towns in rural Scotland.

As professionals living and working in a rural area, we are aware of the contribution that Solicitors make to the local economy and, indeed, also the contribution made in charitable and voluntary organisations. This would be lost if there were a reduction in the number of Solicitors practising in rural communities.

We are also very aware that, even at present, Solicitors find it very hard to attract new staff to rural communities and would be very concerned that the present Draft Bill could add to these difficulties and, in search of protection of the public, actually reduce the choice available.