The Secretary  
The Justice 2 Committee  
The Scottish Parliament  
EDINBURGH  
EH99 1SP

20 April 2006

Dear Sir

The Legal Profession and Legal Aid (Scotland) Bill

I write to express my concern about this bill. Already there are areas of law and areas of the country where individual citizens cannot obtain or have difficulty obtaining proper legal representation. The inevitable result of the bill becoming law in its present form is that the supply of legal advice, particularly to those on low incomes, will sharply diminish and that is very much against the public interest.

The majority of my work as a solicitor has been and continues to be acting largely for individuals, often in difficult circumstances. I and my colleagues 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.

I have always believed that the law should be accessible to all. Like many other firms, however, we will have to consider carefully whether we can continue to do work for clients who already feel aggrieved about something and may well complain about our services if the outcome is not to their liking. That would lead to a further reduction in the availability of legal advice in certain important areas of the law.
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. The apparent reason for the new commission is to give a perception of independence from the legal profession. 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

Yours faithfully