Dear Sir,

Can I add my voice against the proposed Legal Profession and Legal Aid (Scotland) Bill for the following reasons?

1. My concern relates to areas where inadequate professional services are alleged. Firstly there does not appear to be any proper definition of “IPS” and if negligence is also averred there would appear to be no reason why a complainer could not be precluded from obtaining an award up to £20,000 against a Solicitor and thereafter making a civil claim.

   A Solicitor apparently has no independent Right of Appeal except by Judicial Review. This Right of Appeal applies to a complainer as well.

2. The Bill contravenes the European Commission and Human Rights in that there is no independent appeal. The Commission with only an Internal Appeals Committee is not Article 6 compliant. To rely upon Judicial Review to meet the problems is simply not tenable.

3. The greatest worry in this proposal is that as Solicitors have to pay the expenses of any claim whether or not the same is justified, is not only ludicrous but alarming to the extent that one can envisage a disgruntled client (disgruntled by a result rather than by anything the Solicitor has done or failed to do) intimating to the Solicitor that he wishes to make a claim but will settle it for viz. £100 or £200 i.e. less than the likely cost of defending such a claim before the Commission. This cannot be allowed to take place and no doubt the groundswell of opinion by the few Lawyers who can find the time to respond, will persuade you that this Bill requires considerable re-drafting.

Yours sincerely,

ROY M HARLEY