Submission from George Dunlop for the Legal Profession and Legal Aid (Scotland) Bill

I understand that comments on the above Bill are to be passed to you by today for consideration by the Committee.

I am a Solicitor and Partner/Member of Thorntons Law LLP. The area of Law covered by me is mostly in relation to Private Client Residential Property and Agricultural matters.

Whilst accepting that changes within the regulation of the Legal profession may be necessary, I have great concerns about the constant (and often unjustified) criticism of the whole legal profession in Scotland.

Dealing with a number of specific areas, I am alarmed at the suggestion that compensation for inadequate professional services might increase from the present limit of £5,000 to £20,000. I believe this sum to be punitive and can see no justification for such an increase. I am also very conscious that such a penalty could put excessive pressures on a Solicitor for one error of judgement. I also believe that it gives functions to the Commission which should otherwise be dealt with through the normal Court systems.

I also have concerns about the levies being imposed to fund the operation of the Complaints Commission. As well as a general levy, I understand that Solicitors could have charges raised against them for any complaint, irrespective of the decision of the Commission. I believe that this will be used by some complainers who will see it as a bargaining tool to persuade Solicitors to make some early form of compensation with them in lieu of the expenses, time costs and delays of Commission investigations. By the nature of the work that we do, Solicitors cannot always deliver the results that their clients are looking for and this can lead to the clients being unjustifiably disaffected, thus affecting their perception of the service given by their Solicitor.

Regarding negotiation of Solicitors conduct, I consider that The Law Society of Scotland do use their best endeavours to monitor and control the conduct of their individual members. I have concerns that the Society’s own responsibilities are now being removed to an agency that is not entirely independent of the Executive.

Lastly, and unique to the profession itself, it runs a very robust Master Policy and Guarantee Fund which I believe has not failed the general public in any way. I can see no justification for the Commission being involved in this particular aspect.

I hope these various points are taken into account in the Justice 2 Committee's deliberation.