Submission from Hugh Grant for the Legal Profession and Legal Aid (Scotland) Bill

As a practising Solicitor of many years standing I wish to register my very serious concerns about some of the issues raised by this Bill. My concerns include the following:-

I am concerned in the extreme by the possibility of frivolous claims being investigated by the SLCC at no expense to the complainer, with the Solicitor having to pay a share of the costs whether the complaint succeeds or fails. Surely this is imposing on a penalty where none is due, where a wrong has not been committed.

Secondly, administration of justice ought to be fair. That surely is an ideal almost as old as democratic society itself. There is no fairness in:-

1. one party having to bear the cost of a claim, whether it succeeds or not
2. the absence of a legal principle applied reaching decisions
3. no information on what procedure will be adopted before decisions are reached or, logically, whether that procedure is fair or not.
4. The absence of Appeal
5. There is the possibility fundamentally or indeed the probability of political appointment for those who may make career changing decisions.

Members of the public are entitled to an independent judiciary. The legal profession not to be given the benefit of that fundamental principle of natural justice.

There is a confusion in the idea that simply because a profession can be penalised by awards of compensation or fines that that will discipline its members. That is wholly unfair. The imposition of fines should be left to the independent Scottish Solicitors Disciplinary Tribunal. Finally, and fundamentally, when you have a body financed by Solicitors controlled by others and accountable only to politicians, the only effect is going to be cost. At the end of the day, the costs will be passed on to those who ought not to have to pay for them ie the entirely innocent clients of the vast majority of Solicitors who receive a perfectly good service in the vast majority of cases and who, thus, never have any need to complain or anything to "win" from the compensation claims now envisaged by this ill-considered Bill.