Submission from Colin Styles for the Legal Profession and Legal Aid (Scotland) Bill

I am a partner in a rural practice with offices in Elgin, Forres and Grantown-on-Spey. In addition to the 4 partners of the firm my firm employees 3 qualified Solicitors and around 12 support staff.

I wish it noted that I fully support the Law Society’s response to the Consultation in respect of the above Bill and wish to express my dissatisfaction with the Bill as it is presently drafted. The Law Society has provided the Committee with cogent arguments against certain sections of the Bill and the Committee will be no doubt aware of the main points of these. To summarise :-

1. The working of the Commission to look at complaints against Solicitors as it is presently proposed is in breach of the European Convention of Human Rights.

2. The proposal that Solicitors meet the cost of a complaint to the Commission, apparently whether a complaint against the Solicitor is upheld or not or even, as I understand it, where a complaint is spurious is to say the very least iniquitous the likelihood is that this will lead to complaints against Solicitors in respect of trivial or even unfounded matters since the complainer has nothing to loose.

3. With the possibility of finding him or herself with a claim of up to £20,000 which cannot be insured will result in Solicitors refusing to take on work in areas which are likely to prove difficult or where the client him or herself may appear “difficult”. Often such clients are the ones who are most in need of the assistance of a Solicitor having been victimised or in some way taken advantage of by others and the result is that such people will be denied the assistance of a Solicitor and possibly access to justice.

It is already very difficult to attract qualified Solicitors to small rural practices. The Bill will make such practices all the more vulnerable and will result in a rundown in the number of such practices leading to less choice; poorer quality service as a result of clients having to travel greater distances to meet with their Solicitors and as a result more expense overall to the consumer. All of this will undoubtedly lead to increased legal costs to members of the public.

The Committee should reconsider its recommendations in respect of the Bill.