Submission from Susan Edington for the Legal Profession and Legal Aid (Scotland) Bill

I have read the Consultation document and as a sole practitioner practising in the Scottish Borders would like to take this opportunity to respond.

I do not support an independent Complaints Body but as it is understood that the Government wish to impose one upon the profession I would make the following points:-

The Body must be better than the current system.

The new Commission must be independent of government and not appointed by government.

It must also have some solicitor representation.

It must be ECHR compliant with an appeals procedure.

It must be compliant with natural justice i.e. all costs should not be borne by solicitors especially if the complaint is frivolous or vexatious.

The amount of compensation at twenty thousand pounds is too high and would drive many small firms out of business especially in rural areas. That sum is out of all proportion to the harm occasioned by inadequate professional service.

It will also lead to firms not doing the type of work which is particularly at risk of attracting complaints.

That will decrease consumer choice and access to justice.

Negligence claims must be left to the courts as the proper forum.

Any savings from dispensing with the office of the Scottish Legal Ombudsman must be utilised towards defraying the costs of what will be a much more expensive commission.