The Clerk to the Justice 2 Committee

22 May 2006

Dear Sir,

The Legal Profession and Legal Aid (Scotland) Bill.

I have the following concerns about the Bill as currently drafted:

(1) The Commissioner's decisions must be appealable.

(2) It is inappropriate for a fee to be charged per complaint.

(3) If a complaint is thrown out, expenses should be available to the solicitor complained of.

(4) If the Commission is to deal with negligence,

i) (3) is even more important,

ii) the penalty is too high for a tribunal which does not hear oral evidence.
(5) £20,000 is too large a remedy. It is disproportionate to the level of fees charged in Scotland.

(6) If negligence by solicitors is to be taken from the normal costs some contribution to the costs of the system should come from the complainant.

(7) The approach to the guarantee fund is misconceived. It is a fundamental security in the current system for the public and should not be altered.

Yours faithfully,