24 April 2006

The Clerk to the Justice 2 Committee  
Scottish Parliament  
EDINBURGH  
EH99 1SP.

Dear Sir/Madam

I am writing to you in the first instance to ensure that as a serious member of the electorate and a supporter of the Scottish Parliament that my feelings are registered with you.

I have developed a keen interest in the work of the Parliament in relation to the Justice Committees. This interest has come about because my family and I have had a bad experience with the legal profession. This resulted in our having to complain to the Law Society, which of course is really a Trade Union for Solicitors. It was a waste of time and effort.

I am enraged at the closed shop attitude of the Law Society. On their instructions I have produced hard copy evidence, (even in my own Solicitors’ written hand) supporting our claims. These have been disregarded, it is an attitude almost akin to the fable of “The Emperor’s New Clothes” i.e. A submissive acceptance by the complainer who has to accept what the Law Society says.

Based on the experiences I have had and what unfair treatment at the hands of The Law Society of Scotland, I therefore wish to make my submission to the Committee as follows:

1. All existing powers in connection with the reception, handling, investigation and determination of complaints should be transferred to the new Law Commission. The powers should also encompass the discipline against errant solicitors and their law firms who have been proven to have defaulted.

2. In the new Bill there appears to be no distinction between “Inadequate Professional Service” (IPS) and “Misconduct”. IPS relates to minor matters whereby letters are not replied to and telephone calls not returned perhaps clients not properly informed, whereas “misconduct” covers a wide range if criminal activity e.g. fraud, theft and the misleading of clients.

3. In relation to item 2. IPS. Gives an umbrella cover to all actions by solicitors, causing loss to their clients be it in good or bad faith. The New Commission should have the powers to decide whether the IPS was in good or bad faith.
The Commission should also have the power to apply the appropriate sanctions.

4. The Board of the New Commission should not have Solicitors represented. This could create a conflict of interest situation possibly promoting their own professional interests to the detriment of the public interest.

5. Only persons of impeccable integrity should be appointed to the Board of the new commission. I know this could be difficult but every effort should be made to ensure the future success of such implementation.

I welcome the reform by Parliament curbing the powers of the Law Society in relation to its self-regulating role. Mistakes in the past have resulted in great expense to the Tax Payer e.g. Legal Services Ombudsman. The powers of this office could be compared to that of the League of Nations (1919). A good idea expensive, to set up and administer but ineffective i.e. A dog without teeth.

I would appreciate an acknowledgement to this communication, I appreciate many more people will be writing but thank you in the meantime.

Yours Sincerely

Christine Cosgrove.