Dear Sir

The Legal Profession and Legal Aid (Scotland) Bill

I write to express my concern about this bill. Already there are areas of law and areas of the country where individual citizens cannot obtain proper legal representation. The inevitable result of the bill becoming law in its present form is that the supply of legal advice will sharply diminish and that is very much against the public interest.

Solicitors often act in difficult circumstances and, by the adversarial nature of the work, it is difficult (and often impossible) to please every client when the legal outcome is not to their satisfaction; even where the work carried out has been of excellent quality and propriety. The legal community fully recognises that if an error made causes loss, compensation should be paid. What cannot be acceptable is for the proposed new commission to have power to impose a penalty of up to £20,000 without proof of fault or loss. It is particularly concerning that there would be no appeal available against any such decision. Right-minded individuals would be troubled at the idea that the funding of the commission should be dependent on payments based on the number of complaints made against a firm, even if those complaints were wholly unjustified and were rejected.

Firms will have to consider carefully whether they can continue to do work, often at Legal Aid rates, for clients who already feel aggrieved about something and may well complain about services if the outcome is not to their liking. That would lead to a further reduction in the availability of legal advice in certain important areas of the law.

There is also a lack of detail about just how the proposed new commission would operate and be funded. It is vital that such detail be provided now, so that the commission can command support and confidence from both lawyers and the public. The apparent reason for the new commission is to give a perception of independence from the legal profession. Without full transparency, the public perception of the new commission would be fatally flawed from the outset.

This is an important issue and the views of the legal community must be seriously considered.

Yours sincerely