Assimilating an all-inclusive response to numerous replies can pose a challenge therefore; this is written without prejudice and is formed from my understanding, opinion and assessment.

I believe there is a common thread through many of the submissions where investigations, meetings and committees all appear to be taking place in a sanitised environment by only involving official bodies, solicitors etc. but rarely the public. If you look at only part of the picture then you will see only a part of the picture.

Prior to responding to the various replies received, I believe that it is worth mentioning various conditions which impact upon the standard of service. The standard of care afforded by solicitors towards clients is not as good as it might be.

The Law Society mentions a desire to improve the standard of service but I suggest they are failing. Unfortunately life has caused me to become embroiled with solicitors and I have found the majority very poor value for money and some have bordered on the inept.

I submit there could be a perception of mistrust towards the judiciary and associated Bodies, I suggest that all employees working within the judicial system whether professional or not should be entered in a register and this register should show other business but not non-business interests and family or friends working within the Legal arm of Scotland. I understand that Judges Etc. should be protected from potential retaliation but I suggest such a register would not aid retaliation; it would promote an environment of greater openness. Other walks of life that comply with such a register there should be a benefit to the legal profession and the public.

I believe at least on one occasion the SLCC carried out an investigation on a solicitor, I understand, who also held a Committee post within the SLCC. Assuming I am correct that should have been able to be discovered or at worst I think the SLCC should have declared this and not held the investigation in-house.

Furthermore to maintain the purity of the system a review should be executed regarding the SLCC rules of employment so that appointments to senior roles enable the potential for the organisation to enjoy new blood and fresh ideas.

The Scottish Solicitors’ Discipline Tribunal is a body that I had not heard of and their existence certainly not made known to me. If I gave the impression that I wished the Scottish system to be compared with the rest of the U.K. that is a false.

I do not seek a comparison but I do seek an SLCC with different governance, different and unbiased funding and a more transparent remit; an organisation that does not pull up the drawbridge and refuse to be accountable to the public. If this is unsustainable then the SLCC should be disbanded and replaced with a body that fits the brief and is fit for purpose.
The current system which the SSDT set out is one that I could not support as the dealings I have had with the Law Society has been one of denial from the Law Society and their unwillingness to intervene even in cases of potential solicitor or SLCC misconduct.

In my experience the Law Society refuses to become involved with SLCC practices and decisions. Involvement by the Law Society has been dismissed even when approaching their President.

I suggest the SLCC investigation is skewed towards the profession diluting the need for this function of the SSDT.

I suggest that a form of colleague nepotism permeates the SLCC.

A brief example; A complaint was made against a solicitor who, it is understood, was a senior member of the SLCC Ethics Committee and despite the initial complaint referring to potential bias the SLCC carried out the investigation. Despite the written evidence the SLCC found in favour of the solicitor.

The SLCC decided to apparently automatically take the word of a solicitor and not the member of the public. The complainant was allegedly informed that this decision was made by Committee, which appears not to be their normal decision making route and the majority of the Committee wished to uphold the complaint with one not supporting the motion. The situation is clear to myself that the minority rules the majority and the writer holds the opinion, if so, that such behaviour is simply iniquitous. This forced the complainant to pay a considerable amount for legal "services" that could have been extremely detrimental to the client.

It pleases me to read that the SSDT is working towards trying to make the complaint handling more transparent and independent but for this to be successful the present structure, remit and quality of service must change.

I question the ability of SLCC investigators potentially operating in a laissez faire manner, they are Teflon protected within the system and may, if they wish, skew detail as challenging them is potentially impossible.

The SLCC has created this shell as there is no “Body” that can or is willing to address this situation. After a complainant has lodged their complaint, the complainant is not allowed to obtain a copy of the solicitor’s response. This is a mine field should the solicitor be so inclined they can change fact to fiction. If a solicitor is allowed to blow the complaint out of the water by whatever they wish to write without subsequent challenge, where is the justice?

Examples;

A solicitor was complained about to the SLCC and the complaint alleged;

- Upselling.
- Negotiating a deal with the opposition at the client’s expense.
- Allowing the opposition to break an agreement which exposed the client to risk.
- The client dismissed the solicitor which surely demonstrates major dissatisfaction.
- Making a medical decision without referenced to their client.

The investigation found in favour of the solicitor and despite considerable requests for the reference points within the Solicitors’ Standard Code of Practice this was never given and resulted after about two years the SLCC having the arrogance and autonomy to block all emails from the member of the public.

This treatment was upheld by the SLCC’s CEO and the President.

When a senior MSP had arranged to visit them about a number of matters including the above the SLCC cancelled at the eleventh hour and never rescheduled.

I have little faith in the SSDT’s review, surely the plethora of complaints sets the required course of action?

It is completely remiss of any review that excludes the input of the SLCC clients they bring coal face hard experience to the table. Those in their privileged circles should visit the coal face otherwise all their input will be ill-informed and potentially skewed. Improvement reviews will be impoverished unless they have had sound input from the public who have dealt, to their detriment, with the SLCC.

The writer suggests that the Law Society’s lengthy introduction is simply puffing and contributes little.

The 2016 poll tells the reader little as there is no make-up of the questioned sample. If they were all members of the public with no need to complain this slants the results.

It would appear that the Law Society’s seventh’s paragraph supports much of the intention of the petition but it sadly does not refer to the nut and bolt handling of complaints; arrogant, ill-constructed investigations within an invincible shell manufactured by the SLCC and their remit.

I suggest the Law Society has no understanding of the SLCC’s daily operation and are possibly too close to the SLCC to be objective.

It would appear as a result of the writer’s dealings with the Law Society that they have little interest in how the SLCC money is spent and do not operate a quality and value for money audit. In fact SLCC annual budget has been allowed to increase which merely affords the SLCC, in my opinion, the opportunity to create more misery with their baseless and questionable reports.

In the second last paragraph of their response the Law Society suggests they retain the responsibility for managing and investigating.....
This is not my experience and it is understood that they would not exercise that right when confronted with the two previous examples and the Society’s hands-off approach was endorsed by their President.

The Law Society further in their response suggests that they are working with the SLCC to improve the process.

I suggest that a project to improve matters must be conducted in an open frame of mind. The writer is unclear as to whether such an approach is likely to be formed as real improvement must include the complete overhaul of the SLCC or their disbandment and replaced with a Body fit for purpose.

The writer read a blog recently which inferred that the Law Society wished to retain the SLCC. Is the Law Society coming to the table with clean hands?

You can improve the process to rob a bank, but the action is still wrong. The writer suggests that no system whether tortoise-rate slow or working at the speed of light will ever work whilst the quality of investigation is appalling, there is no accountability by the SLCC and they have no need or desire to support the drivel written seemingly abandoning the Code Of Practice.

It is pleasing to read that the Law Society acknowledges that it is nearly impossible for a member of the public the take the SLCC matter further due to process and cost. The fact that this is acknowledged and not addressed impoverishes the process.

It appears to end by suggesting the complainant should appeal to the SSDT, this is a well-kept secret and possibly toothless within the current structure.

The reassessment of complaint decisions is simply a farce, the SLCC know that the Law Society is unlikely to intervene.

I have no understanding why the red herring is always marched out via the suggestion that this Petition is seeking an additional body. The Petition is not seeking another body; the petition is seeking one of two aims;

- Cull all of the bad practices within the SLCC and allow them to operate in an arena which is transparent and devoid of all colleague nepotism. None of their funding should be from Solicitors’ memberships and they should have a new remit which includes dialogue with the public and mandatory inclusion as to what part of the Solicitors’ Standards Code support their decision. A copy of the solicitor’s response should be sent to the complainant prior to determining the outcome to allow for rebuttal before the final report is written.

OR

- If the above is not achievable introduce a new body that can deliver the standards and remit detailed above and disband the SLCC.

I admit to a certain degree of surprise regarding the submission by the SLCC and I interpret their reply mainly as support for the petition.
It is the position of me that despite apparent agreement with the petition I fail to understand how such copious agreement marries with the suggestion that they wish to wait on others to advise them. Are they incapable of putting their own house in order?

The improvement of the SLCC, actually the major overhaul of the SLCC would require to include a path to handle SLCC complaint appeals outside the SLCC as self-policing is never advised and always open to suspicion.

It is confusing that the SLCC believes that professional voices in debates are always informed; this is questioned especially regarding reform in this area as it is suggested few voices, if any, understand the public’s stance.

I question the inference that the law and legal penalty are barriers to openness. I include in this response a suggestion that the services offered by solicitors are probably impoverished and the figures quoted within the SLCC’s papers appear to uphold this suggestion. There should be NO barriers to openness or any legal impediment; these must be removed.

Despite the level of agreement with the petition it is suggested the SLCC proposes the blame lies elsewhere or waiting for guidance. However it is suggested that the SLCC has an opportunity to put their own house in order;

- They should not investigate solicitors or persons that hold office or employment within the SLCC or associated bodies with a ruling remit.
- They should not automatically take a solicitor’s word against a complainant’s input. I suggest that many exchanges between solicitor and client will become he said, she said as many of the exchanges will be verbal, this must be addressed. Possibly meeting minutes require to be sent to the client.
- They should answer questions and not block emails when they no longer wish to be bothered by the questioner.
- They should be much more open when detailing an investigation. They must link their decision with the Solicitors’ Code of Practice.
- The poor standard and process of investigation must be addressed and immediately improved.
- Before a decision is made they should allow the complainant to see the solicitor’s response to allow rebuttal.
- They should be willing to meet complainants to discuss the case.
- They must immediately remove their Teflon coated protection and introduce equality and fairness.

All of the above the SLCC can repair within their own initiative.

To break briefly from this section of my response, I refer to the Chair of the Independent Review. With respect I gain the belief that all in the garden is lovely simply because a review is taking place. If the review is mis-guided, does not include the full range of contributors e.g. unsuccessful complainants the review is, in my opinion, pointless and simply used like a trophy to show we are doing something. It may not be the correct thing but they can gain solace; it is something.
The list that they publish does not include unsuccessful complainants although they might be included in the category of “others”. Does reliance on external reviews impinge on actual improvement?

Possibly there is review fatigue somewhere as the Scottish Government refers to, I assume, yet another review and I would doubt if this review involves the correct breadth of contributors such as complainants who have experienced the SLCC first hand. Reviews appear very sanitised and closed.

I interpret an air of false confidence when a review is mentioned, as if it is some form of panacea, which it is not. The glibness must be removed from the SLCC statement; e.g. “your complaint has been unsuccessful.” Do the SLCC realise the potential pain caused and the potential pain inflicted.

I believe the people with the ability to correct this SLCC situation can only do so once the facts and information are furnished to them upon which they can act and purge this unjust process. Most importantly those charged with correction must have the desire to do so and the staying power to see it through.

There is the lack of fairness in the decision as the complainant knows the truth, mental and physical deterioration is apparent as attempts are made fruitlessly to bring the SLCC to task often over a considerable period of time with the goal for justice never able to be fulfilled and the thousands of pounds complainants are forced to pay for injustice and an appalling standard of client service by solicitors who are likely to be sent the SLCC’s “Get out of Jail” card. All of these conditions can be severe at times leading to the mental and physical symptoms.

This is not a victimless matter; everyone who receives an unsubstantiated “no” suffers harm either through unfair payment of invoice and/or health deterioration due to the injustice. I understand that no responses have been received from the Faculty of Advocates or the C.A.B. I communicated with both of these Bodies to no helpful end. I believe their lack of response speaks volumes. Please address this situation.

I believe that a recent newspaper article, in my opinion, encapsulates many of the matters being addressed regarding the submission. I make reference to; “Grieving family accuse solicitor of failing to pay out cash, The Sunday Mail, 19 November 2017.