Petitioner (PE1660) submission of 11 July 2019

Written without prejudice and formed from my understanding and opinion.

Thank you for your email and the subsequent one attaching the review report and inviting comment.

Firstly, I fail to understand why the petitions have been placed in abeyance as they do not really marry with this report and have, I suggest, a consumer lead focus and if upheld their ramifications could well go far beyond the scope of the review. The success of these petitions, I suggest could create a considerable remedial tsunami which I suggest should be considered long before the implementation of any of the report's recommendations. I am suspicious of the action to hold them in abeyance.

I find it regrettable that the main contribution has been from academia and no direct consumer input. I certainly do not decry academia but there is generally little experience with the rough and tumble of in-field experiences; something books will never teach. If you wish to find out what is happening at the coal face ask the miners. I offered input and could certainly have added other contributors but this was rejected allegedly due to the stage the review was at; although I hold the opinion other consultation took place after I had received the rejection.

I also fail to understand why there are contributors that could well have complaints pending against them or their organisations this seems to me to be a major folly and could negatively skew the report's content.

I suggest that the reference regarding public trust is somewhat weak and certainly does not reflect the situation. Petitions 1660 and Petitions 1661 have been placed on the back burner for a ridiculously long time yet they address major issues beyond the scope of the review and possibly give some clue as to the depth of concern about, potentially, the whole legal and judicial environment within Scotland today.

I would certainly agree that reparation and/or appeal within the current structure is woeful and that a truly independent authority requires to replace many structures currently in play. The problem being if this is established as per the current Ombudsmen's structures this would simply be exchanging frying pans to jump in. This authority must not self-police, must be accountable to MSP's and must have a remit which allows them complete intervention without fear or favour and this power must also have no ceiling regarding levels of personnel or matters.

Apart from supporting the review's suggestion of closing down the SLCC I would also remove any influence by the Law Society as this is merely a professional and private body for a sector within Scotland.
I would further suggest that no financing, as with the current SLCC, for a new authority must come from part of membership subscriptions. Subscriptions I suggest simply reduce autonomy and could skew decisions within a new authority.

I believe the World Bank carried out a research programme and of 107 countries around 95 had introduced a register for the Judiciary and legal members. Further research, I understand indicated that this impacted greatly in a positive way regarding the reduction of corruption. I believe Scotland must form a full and frank judicial and legal register. I make no suggestion as to corruption within the Scottish climate but I do believe that there must be a branch within any new authority that addresses potential corruption, solicitor and judicial ineptitude, recusal remit, quality of advice given to clients and a transparent procedure regarding new business and on-going business with a client and possibly above all a complaints procedure that is just and free to pursue.

I suggest that those on the ground who have experienced alleged skewed justice could well come forward with many examples including examples where potential reclusion could have been considered. I further suggest that there is a growing number of people forming within a number of groups who could testify to alleged and potential legal ineptitude, potential questionable veracity which has been unchecked. I suggest that legal ineptitude and over-selling is a problem which is merely exacerbated due to the lack of acknowledgement within the Bodies who should be addressing this matter.

*Addressing Mr MacDonald MSP should he wish to convene an exploratory meeting I would be happy to invite a number of people who believe justice was not served.*

A complaint which should have been upheld represents a considerable invoice payment by the public, a unjust invoice payment potentially results in thousands and thousands of pounds per annum which should not have been paid.

Clearly I welcome reviews such as the one that has just been published but I do feel that such a report is impoverished due to the lack of input by members of the public with experiences to relate. I also become exasperated at the holding back of petitions especially allegedly for a reason upon which I have no recall of receiving consultation and certainly disagree with as the impact of these petitions could well go far beyond anything this current review recommends. The logical approach, in my mind, is to run the review and these petitions in tandem and each will help support the other. Is the potential fall out from the petitions too overwhelming?