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Douglas Sinclair
Chair

Martyn Evans
Director

10 June 2008

Dear Ms McGowan

New process for handling conduct complaints

Thank you for your letter of 10 April, enclosing a copy of the paper outlining the proposed new process, which was discussed at the April meeting of the Law Society's Council.

While we are unable to comment in detail on the proposed process, we are, as you might expect, concerned at the limited involvement which the complainer will have in the process. While we understand the argument that the complainer is seen as a witness, rather than as a party to the proceedings, we do not consider that this justifies allowing the complainer to have no involvement in the process other than to receive a copy of the final written report on the matter.

We are well aware that this has been an issue of contention in the past, with the solicitor being allowed to make representations on their own behalf, while the complainer is not allowed to do so. It is proposed that only the solicitor will have the opportunity to comment on, and make representations in relation to, the narrative and assessment document produced by the case investigator. This is a very one-sided process and is unlikely to be viewed by complainers as being fair.

If the Society is to ensure that its process is viewed as fair, rather than being seen to take the side of the solicitor, as has been the case in the past, the complainer must also be given the opportunity to comment on this document. It cannot be in the interests of natural justice to refuse to allow the complainer, who may have suffered considerably as a result of the solicitor's conduct, the opportunity to comment on any representations made by the solicitor

I hope these comments are helpful.

Yours sincerely



Martyn Evans
Director