



glasgow bar association
established 1959

Room 1.29
Glasgow Sheriff Court
1 Carlton Place,
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INTRODUCTION

RESPONSE BY THE GLASGOW BAR ASSOCIATION

TO THE SCOTTISH GOVERNMENT'S CONSULTATION –

Legal Services Regulation Reform in Scotland

The Executive Committee of the Glasgow Bar Association (GBA) welcomes this opportunity to respond to this consultation on behalf of its members. The GBA is the largest association of Solicitors in Scotland, representing Solicitors in the West of Scotland and acting on behalf of our clients throughout Scotland. Glasgow Sheriff Court is the busiest Court in Scotland. It has also been billed as the busiest Court in Europe. Glasgow has the highest population pro rata of the most socially deprived and vulnerable members of Scottish society within its jurisdiction.

The Aims and Objectives of the Glasgow Bar Association are: -

1. To promote, represent and protect the rights and interests of its members in the practice of law; and by extension those of its members' clients and therefore the wider public including the most vulnerable members of society.
2. To promote access to legal services and to justice.

3. To consider and, if necessary, formulate proposals and initiate action for law reform.
4. To consider and monitor proposals made by other bodies for law reform and draft legislation and to make comments, recommendations and representations thereanent to the appropriate quarters.
5. To arrange conferences and lectures and otherwise to provide opportunities for its members and others to study and keep up to date with current and proposed law practice and procedures.

Our response to this consultation document, having participated in the Robertson review consultation and post report events is to adopt the position of the Law Society of Scotland in their own response.

Our priorities as members of the bar are as follows:-

- To ensure the ongoing independent nature of our profession which would be harmed if options one and two were to be adopted;
- To allow regulation to be brought up to date within a modernisation of the current framework, to reflect the wholesale adjustments made to our working practices by the advancement of technology, (escalated of necessity by the Covid 19 pandemic); and
- To have at the heart of any further regulation an approach which is focussed on speedy resolution and administration and costs which are commensurate with the task in hand. Self-governance of those costs as we currently see with the SLCC cannot continue, as evidenced by the facts of above inflation rises at a time when the bar has met the needs of the justice partnership during the pandemic while suffering a drop of revenue in excess of £30 million.

The Scottish Legal Aid Board annual report 2020 – 2021 refers -

<https://www.slab.org.uk/corporate-information/publications/corporate-information/annual-reports/>

We would also like to make comment that it is impossible to make informed decisions about the new options proposed without a costings schedule. Our concern is that an increase in administration will inevitably lead to an increase in costs, handed down to practitioners which ultimately has to be passed on to our clients. We fully recognise and appreciate that the focus is on protection of consumers but regulation requires to be proportionate.

We believe that the mark of a civilised society is how it treats its most vulnerable members of society. An independent legal profession must have the ability to challenge the machine of government, uphold the rule of law and safeguard civil liberties and human rights. The primary recommendation of the Robertson report does not, in our opinion, support this goal. To use a model not endorsed anywhere else would seem to be ill advised.

Finally, we would welcome any visit by an MSP to Glasgow Sheriff Court to illustrate the commendable work done by our members in representing our clients, who we believe are always at the centre of the work we do for them.

Kind regards,

The Executive Committee of the Glasgow Bar Association