



Open letter
2 March 2022

The Fellows of the Law Society of Scotland are a group who have retired from practice after between 25 and 50 years in the legal profession. We seek to use the knowledge and experience we have acquired over our careers to support the legal profession to serve the public in the years to come. We have the breadth of experience to look back over a generation of legal practice and are concerned that access to justice through the legal aid system has significantly worsened over the past 20 years.

Scotland is currently experiencing a crisis in legal aid provision which threatens the very core of justice. There are more solicitors leaving the criminal defence and civil legal aid sectors than ever before, which puts access to justice and our whole justice system at the risk of irreparable damage.

To address this, urgent action must be taken now to ensure there are still some independent criminal defence solicitors left in Scotland and that our citizens have access to civil legal advice and representation whatever their financial position.

Legal aid rates have been left to wither for decades. Despite recent small percentage uplifts, rates are over 50% lower in real terms than they were when the Scottish Parliament was first convened in 1999. The Scottish Government states its aim is to pay solicitors fairly for delivering legal aid services, yet some solicitors earn below the minimum wage when carrying out legal aid work. Therefore it should come as no surprise that fewer and fewer people see their future in legal aid given the perception that the Scottish Government does not appear to value the profession.

It is of the utmost importance that access to justice, which we all take such pride in, remains a reality for future generations. Without legal aid practitioners, vulnerable accused people cannot rely on access to their own lawyer to defend themselves from prosecution by the state. People who need support for their debt, family and immigration cases but do not have the funds to pay, will simply not be able to access the civil justice system and will have their rights eroded. There will be no equality of arms.

There is an opportunity for the Government to put this right in the coming Spending Review. This must contain plans for significant investment in legal aid, or there is a genuine concern that the system may cease to provide fair and equal justice for all. For that to happen in our justice system in Scotland would be a source of much national shame.

Signed by

Colin Anderson, Alison Attack, Jock Brown, John Donald, Bill Drummond, David McCallum, Derek Macleod, Moira MacMillan, Stuart McNeill, Graeme McWilliams, Linda Masters, Tom Marshall, Graham Matthews, Patricia Quigley, Norman Rose, Bill Speirs, Michael Spence, Liz Welsh, Brian Wood

(Fellows of the Law Society of Scotland)