

Sirs,

I recently made a complaint to the SLCC in respect of services received from practitioners in respect of divorce proceedings, a complaint which is still ongoing.

Firstly I would state that the process was professional manner by the staff of the SLCC. Any subsequent queries I have had in respect of my case have been responded to in a prompt & professional matter, with the staff members taking time to explain the processes, the reasons for decisions & my options should I wish to take the matter forward to appeal etc., in a clear & concise manner. The staff of the SLCC would appear to be professional & well appraised of the procedures in place.

My problem is with regard to the process itself. It should be kept in mind that for most people, like myself, it is a daunting prospect to lodge a complaint for services provided both from a timescale perspective & from ensuring that all the material facts are noted. We are not lawyers & therefore need to be given every assistance in ensuring our case is presented clearly & concisely. In my case I prepared a detailed summary of the issues I felt had affected the service levels & submitted the claim to the SLCC. The SLCC then, presumably passes either the full complaint, or pertinent extracts to the solicitor in question. Of the seven points raised, four were referred on to The Law Society of Scotland & the other three were in effect dismissed. However, & this is the point of this email, up until The Law Society of Scotland sent me a copy of the response from the solicitor in question I had not seen this response, a response which to a great degree the SLCC would have based their decision to dismiss certain aspects of the complaint on. On sighting the document of response from the solicitor to the SLCC it was clear to me that the response was full of misrepresentations, omissions & incorrect assertions which, had I been party to the document at the time of the initial complaint to the SLCC, I would have taken issue with & quite probably have had the dismissed issues carried forward. So the Solicitor gets to see the whole complaint by the complainant but the complainant does not get a chance to examine or challenge the solicitor's response, instead the solicitor's response is taken as fact. This is a bit like having a court case & not allowing the prosecution to cross examine the defence witness, merely accepting their testimony as the truth. In cases like mine, despite the fact the ruling to dismiss certain aspects was made on flawed evidence, there is no other recourse open to a complainant to have this reviewed, other than through the Court of Session, again a daunting, & presumably very expensive option for the layman. It is my contention therefore that the SLCC, prior to making any decisions, should make the solicitor's response available to the complainant for comment to ensure that the response is factual & complete, the current process is flawed & slanted in favour, in my opinion, of the solicitor.

Regards

Brian Montgomery.