

Mr David Gordon
Convener
Regulatory Committee
Law Society of Scotland
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29th January 2025

Dear Mr Gordon

Thank you for your letter of 20th September 2024 in relation to the experiences of those consumers who are former clients of the firm of WW & J McClure.

Consumer Scotland welcomes the decision of the Regulatory Committee to bring in new Practice Rules and additional guidance in relation to the obligations and expectations - including client communications - when a solicitor or practice passes client assets to another. We consider that clearer standards, and guidance which can be accessed by consumers, would be helpful. While noting the need for due process, we would welcome these improvements being brought forward as soon as is practicable.

Our exchange of letters addressed our concerns regarding the speed of the notification process for clients. Further to our correspondence we are aware that the SRA have now entered into a formal compliance plan with Jones Whyte, the successor firm, ensuring that the firm will:

- complete a review of remaining family protection trust client matters by 31st December 2024
- act on client instructions promptly and prioritise contact, as needed, with clients to make sure their interests are protected
- return any residual balances of client money by 30th April 2025

We welcome this compliance plan, but note your comments that the Society does not have the kind of regulatory powers over law firms at an entity level enjoyed by the SRA. Given the

SRA remit extends only to England and Wales, we ask the Society, as the relevant regulator in Scotland, to confirm whether the same level of protection will be afforded to clients in Scotland? Clearly it would be unfortunate if consumers in Scotland were to receive a lower level of protection than that afforded to those in England and Wales.

We note your view that the Regulation of Legal Services Bill, and amendments to this, may have potential to enhance the level of transparency regarding regulatory matters. As stage 2 of the Bill has recently concluded we will consider the effect of these amendments and provide our views on these to the Scottish Parliament.

Transparency is an issue of concern for those former clients who have contacted us, with many feeling that their views have not been heard. We understand your caution that any stakeholder meeting must avoid straying into matters relating to individual cases or into matters relating to service complaints. We would be grateful for your further reflections on how any stakeholder meeting could be structured or facilitated to avoid this, whilst still providing further opportunities for consumer experiences of navigating the regulatory system to be heard.

We would be happy to discuss these issues, and my office would be pleased to arrange a meeting or provide further information to you or your officials.

Yours sincerely



Sam Ghibaldan