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*Please quote the department above
and our reference:*

7 March 2011

Dear Jamie

You will have seen the recent press coverage following Mike Dailly's resignation from the Council of the Law Society and as Convenor of the Access to Justice Committee.

Mr Dailly accuses me of holding the profession in "utter contempt" and cites a conversation he and I had as evidence of this.

Firstly, can I say that his assertion of my view of the profession is wholly untrue. I have worked with the Society and the profession for 11 years. Clearly there will be differences of view on issues from time to time. However, I have a high regard and value for the legal profession in Scotland and their important role in the provision of legal aid services. I am on public record as saying this.

The conversation to which Mr Dailly refers took place almost 5 months ago. I do not have a record of this conversation, since I do not record conversations with the convenors of the Law Society Committees (or anyone else for that matter). The conversation was about Mr Dailly's publication of a first set of proposals, as convenor of the Access to Justice Committee, to merge the Board and the Scottish Legal Complaints Commission and to delegate many of the Board's functions, including the granting of legal aid applications and assessment of financial eligibility to solicitors.

The conversation was a private one between two adults. I explained (fairly robustly) why we thought that the ideas publicised by Mr Dailly were unworkable and would lead to unnecessary public expenditure. It has been our experience that in areas where solicitors are currently responsible for matters such as assessment of financial eligibility and contributions, they can find this difficult. It has also been our experience that many solicitors prefer not to be involved in matters of financial eligibility and client contributions in civil legal aid. Subsequently, when the Access to Justice Committee's second set of proposals were published some months later, these proposals appear to have been excised.

However, my main purpose in writing is to give you my assurance that Mr Dailly's assertion that my view of solicitors is not true and should not be construed as such from a robust discussion about the merits or otherwise of who should decide legal aid applications. Although I do not have a record of the conversation, my recollection is that it was full and frank and I have no doubt that had it been a public debate, the language would have been less colourful. I am, however, extremely sorry that this private conversation has been used in this way and for any suggestion that I do not value solicitors working in legal aid

Yours sincerely,

Lindsay Montgomery
Chief Executive