



From The Convenor for Scotland
Colin T. Reid
School of Law, University of Dundee, Dundee DD1 4HN
Tel: 01383 384637; Fax: 01382 386737 ; e-mail: c.t.reid@dundee.ac.uk
www.legalscholars.ac.uk

Response by the Society of Legal Scholars to *Wider choice and better protection*

1. The Society of Legal Scholars welcomes the opportunity to respond to the consultation paper ***Wider choice and better protection*** on the regulation of legal services in Scotland. The Society is a learned society whose members teach law in a University or similar institution or who are otherwise engaged in legal scholarship. It is the largest such learned society in the field, with over 3,000 members. The great majority of members of the Society are legal academics and researchers working in Universities, although members of the senior judiciary and members of the legal professions also participate regularly in its work. The Society was founded in 1908 and is the oldest professional association of academic lawyers in the U.K. The Society's membership is primarily drawn from all jurisdictions in the British Isles. The Society, as one of the larger learned societies in the field of humanities and social sciences, is therefore the principal representative body for legal academics in the UK.
2. The majority of matters covered in this paper will not have a direct impact on the Society and its members and therefore we limit ourselves to three general observations.
3. The Society is happy with the current arrangements in relation to the regulation of individual legal practitioners and looks forward to the continuation of its partnership with the professional bodies on matters relating to the qualifications for entry to the professions (see para.5, below).
4. The Society notes that promoting access to justice is one of the proposed regulatory objectives (para.4.15). Although not at present well-developed, there is potential for law clinics and other initiatives run through the Law Schools to contribute to this goal. It is important, therefore, that in deciding on the rules for regulating the provision of legal services these are not drawn up in a way that might preclude beneficial developments along these lines. The danger is that regulatory structures drawn up with commercial enterprises in mind might inadvertently create unnecessary, or unnecessarily burdensome, obstacles to the provision of services by other bodies. There should of course be regulation of law clinics and the like to protect consumers, but the structure and details of the regulation should be appropriate for those circumstances, rather than having an ill-fitting system devised for quite different circumstances.

5. In relation to *Question 19*, the Society strongly welcomes the proposals in para. 5.21. We strongly support a role for the Joint Standing Committee on Legal Education. This body offers an efficient and effective vehicle for ensuring that such matters are considered by those involved in all stages of the training of legal practitioners, but with a range of stakeholders represented to ensure that no one interest dominates in a self-serving way. More generally, given the potential for conflicts of interest in a diversifying pattern for the provision of services, an advisory body offering review and oversight of the regulatory framework seems desirable.

Submitted on behalf of the Society of Legal Scholars by its Convener for Scotland,
Prof. Colin T. Reid of the School of Law, University of Dundee, Dundee DD1 4HN –
c.t.reid@dundee.ac.uk.

23 March, 2009