

Still championing legal equality after 30 years

On the 30th anniversary of the Scottish Legal Action Group, ROBERT SUTHERLAND argues that its work is still crucial

THE prime movers in establishing the Scottish Legal Action Group (ScoLAG) in 1975 were a striking group, many of whom have gone on to prominent legal and political careers. Bob McCreadie, now Sheriff McCreadie, QC, was the first editor of the SCO LAG journal; his co-founders included future political giants Alistair Darling, now MP and Secretary of State for Scotland and Transport and Lynda Clark, now Baroness Clark of Calton, QC, the Advocate General for Scotland. They were joined by Colin Campbell, now a QC and former dean of the Faculty of Advocates. This august group – Scottish members of the English-based Legal Action Group – was instrumental in forming ScoLAG, with the aim of providing better legal services and better access to justice in Scotland, to the benefit of the economically or socially disadvantaged. The early 1970s had seen campaigns to establish neighbourhood law centres amid an awareness of a significant unmet legal need. In 1975, Professor Ian Willock (the longest-serving and most distinguished of the five SCO LAG journal editors), had helped set up the Dundee Legal Advice Centre, where University staff and students gave legal advice to the public. Thirty years later, ScoLAG continues to campaign for the establishment of independent community-based law centres offering a mix of volunteer advice services and an in-house professional legal service throughout Scotland. Beyond this, the group aims are to work towards the improvement of the whole of the legal system so that it better serves the needs of the people of Scotland. The purpose is to make it easier for everyone to access a civil and criminal justice system that they understand, trust and which works in the best interests of all. These guiding principles continue to shape the group's response to the ongoing debate about reforming the civil and criminal justice systems and the provision of publicly funded legal assistance. ScoLAG has a number of key activities through which it promotes its aims and objectives. A considerable amount of time is spent by the group's directors in responding to consultation documents issued by the Scottish Executive and the UK Government, as well as participating in consultation exercises and projects organised by other groups with similar interests. One such recent exercise was a civil justice project in the latter half of 2004 and first half of 2005, which was run by the Scottish Consumer Council with the support of the Nuffield Foundation. The point of the project was to examine the possibilities and the pitfalls associated with modernising the civil justice system in Scotland. THE prime movers in establishing the Scottish Legal Action Group (ScoLAG) in 1975 were a striking group, many of whom have gone on to prominent legal and political careers. Bob McCreadie, now Sheriff McCreadie, QC, was the first editor of the SCO LAG journal; his co-founders included future political giants Alistair Darling, now MP and Secretary of State for Scotland and Transport and Lynda Clark, now Baroness Clark of Calton, QC, the Advocate General for Scotland. They were joined by Colin Campbell, now a QC and former dean of the Faculty of Advocates.

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At the end of it, ScoLAG submitted a written response and also wrote to Cathy Jamieson, the Scottish justice minister, calling on her to accept the group's proposals for change. These included a call for information about the Scottish legal system and key legal issues such as housing rights, consumer rights and money advice to be taught in schools under a citizenship studies module.

The group has also held meetings where legal practitioners, academics, politicians and members of the public can discuss subjects of interest. Past topics have included reforming the police complaints system and the freedom of information legislation.

The 30th anniversary of the publication of SCO LAG is being celebrated with such a meeting. On 20 October, in the Playfair Library at Edinburgh University's Old College, ScoLAG is hosting a meeting and drinks reception. The subject is "ID Cards: A Help or a Hindrance to Accessing Justice".

The meeting will be chaired by the Hon Lord Prosser and speakers include Alex Salmond MP and Robina Qureshi, director of Positive Action in Housing. The point of the discussion is not to debate technicalities of the law, but to consider its potential impact

for all people living in Scotland in their relations with the justice system. It should prove an interesting and stimulating evening.

The major activity of the group over the past 30 years has been the publication of the SCO LAG journal. As McCreddie said on our 25th anniversary, there is still a need for a magazine to tackle legal issues affecting the majority of people and highlights the lack of access to legal advice.

Case reports, news, analytical articles and the results of research projects are all published to spread information and inform debate. A number of these would never be published anywhere if they were not published in SCO LAG. Debt, family law, social security, mental health, legal aid, employment, criminal law, the provision of legal services, housing, prisons, immigration, and law reform are among the topics that have regularly featured in SCO LAG throughout its history. Support for ScoLAG comes from many individuals and organisations, including the Law Society of Scotland and the Faculty of Advocates. The support of Dundee University through its staff was crucial in setting up the group. To some extent the wheel has come full circle as Brian Dempsey, the present editor, works at Dundee University. The staff of every other Scottish university have also contributed from the very beginning, as have the employees of many other organisations such as the Child Poverty Action Group, Shelter and the Equal Opportunities Commission.

There have been many changes since ScoLAG was set up and many improvements in that time. Services such as the Citizens Advice Bureau do excellent work all over the country. However it remains clear there is still a significant unmet legal need in communities throughout Scotland.

Although there are now a number of community law centres in the central belt, our work remains as valid today as in 1975. There is no such centre in Edinburgh, despite the best efforts of several people to establish one, and there are none north of Dundee. Whole swathes of the country do not have access to the kind of specialised legal services law centres tend to provide in relation to tenants' rights, welfare services, employment and education issues. It is recognised that people who are excluded from such specialised legal services also suffer from poorer quality services in other areas of their lives. As a result many thousands of people are excluded from access to justice in all senses of the word.

This is why we continue to campaign for community-based law centres throughout Scotland, taking this issue to MSPs in the Scottish Parliament, as well as the Executive. The challenge for SCOLAG is how to focus on the objectives of the group in a way that meets the needs of its subscribers and the public in general. ScoLAG is not just engaging in the debate, it is working to shape the debate and advocate greater access to justice .

- ScoLAG's 30th Anniversary event, "ID Cards: A Help or A Hindrance to Accessing Justice?", will be held on 20 October 2005 in the Playfair Library, Old College, the

University of Edinburgh. To attend, e-mail 30years@ScoLAG.org or go to www.ScoLAG.org.u.

- Robert Sutherland is an Advocate and a convener of ScoLAG.

Call for OfLaw to tackle legal complaints

A precis of ScoLAG's submission on legal complaints:

- We believe the public would be reassured by the knowledge that if the legal profession dealt unsatisfactorily with a complaint, an independent body [had] power to investigate the whole matter and take such steps as were necessary to correct any material defect in procedures or outcome.
- The Legal Services Ombudsman post [should] be reformed and enhanced with improved powers as a fully-independent industry regulator – OfLaw, like the telecoms regulator OfCom
- The OfLaw Panel, chaired by the OfLaw regulator (who should be legally qualified or a suitably-qualified person), should consist of even numbers of lay members to represent consumer interests and panel members with relevant professional experience, such as retired civil servants or sheriffs.
- ScoLAG recommend the OfLaw Regulator be given powers, inter alia, to: compel the profession to provide compensation with no financial limit; provide full disclosure of all files; direct professional bodies to take remedial action and re-investigate/re-determine complaints if satisfied the professional body couldn't or could only do so with inordinate delay and inconvenience for a complainer; require professional bodies to respond in pre-set timescales
- ScoLAG recommends OfLaw be given powers to levy the legal profession to pay for its regulatory functions – in part. However it is vital that appropriate funding is provided by government.