

**202500449152 – Part 3 - correspondence between Scottish Government and Scottish Solicitors Bar Association between December 1 2024 and January 22 2025**

**From:** [redacted- personal info]  
**Sent:** 04 December 2024 19:09  
**To:** Minister for Victims and Community Safety 2024  
**Subject:** Legal Aid Reform

Dear Minister

Thank you for your letter of 28th November. I would be happy to meet with you to discuss what steps can be taken to stop the precipitous decline in numbers amongst criminal solicitors.

The SSBA are of the view that only an immediate and significant rise in funding can stem the exodus from criminal law to more profitable areas of practice, together with an annual incremental rise put in place to prevent the issue simply recurring in a few years.

We are of the view that relatively simple and cost effective steps could be taken that would go a long way towards solving the problem. We seek a reasonable increase in legal aid fees of 20%, coupled with an annual increase of 6%, the same figure we understand is currently applied to the salaries paid to Judges and Sheriffs. In addition we feel a reintroduction of the traineeship fund along with a commitment to keep this in place for 5 years should be sufficient to reinvigorate the sector.

Our estimates are that the costs of the above proposals would be achievable at around £15 million. It is worth noting that in real terms this still leaves legal aid funding around 25% lower than it would be had it simply kept pace with inflation. The benefit of the incremental rise is starkly illustrated by recent increases, where investment of £31 million was needed just to keep pace with inflation.

A re-energized criminal bar would be able to give its support to projects such as the summary case management scheme, leading to savings down the line. We have so far engaged with Sheriff Principal Anwar in trying to get this scheme up and running smoothly while at the same time engaging with SLAB to try and streamline the criminal legal aid system. It seems to sometimes be forgotten we have a vested interest in the system operating smoothly, and an increase in numbers can only help with that.

I note with interest the comments made today indicating you will be introducing legal aid reform in the lifetime of this parliament, and look forward to hearing more detail on this at our meeting.

[redacted – personal – info]

**From:** Minister for Victims and Community Safety 2024  
**Sent:** 06 December 2024 11:28  
**To:** [redacted- personal info]  
**Cc:** [redacted- personal info]  
**Subject:** RE: Legal Aid Reform

Good morning [redacted- personal info]

Thank you for your email and confirming to meet with the Minister.

Would Wednesday 18<sup>th</sup> December at either 10:00-10:45 or 14:00-14:45 in the Scottish Parliament or via MS Teams, be suitable for you?

I look forward to hearing from you.

Many thanks,  
[redacted- personal info]

**From:** [redacted- personal info]  
**Sent:** 06 December 2024 13:19  
**To:** Minister for Victims and Community Safety 2024  
**Cc:** [redacted- personal info]  
**Subject:** RE: Legal Aid Reform

Good afternoon [redacted- personal info]

Thank you for getting back so promptly. The 18<sup>th</sup> would be fine, 2pm would suit better if that's ok, and I'd come to the Parliament.

Could I suggest bringing my Vice President [redacted- personal info] along as well? As well as being our VP, she is the immediate past president of the GBA, and as well as crime does family law, so can provide a wider perspective. I've confirmed she would be available, and copied her in to this reply.

[redacted- personal info]

**From:** Minister for Victims and Community Safety 2024  
**Sent:** 06 December 2024 15:43  
**To:** [redacted- personal info]  
**Cc:** [redacted- personal info]  
**Subject:** RE: Legal Aid Reform

Hi [redacted- personal info]

Thanks for confirming that Wednesday 18<sup>th</sup> December at 14:00 is suitable and that [redacted- personal info] will also be in attendance.

I have confirmed this date and time in the Ministers diary.

Grateful if you can please report to the Parliament reception on the day where someone from the team will come and collect you.

Kind regards,  
[redacted- personal info]

**From:** [redacted- personal info]  
**Sent:** 06 January 2025 12:05  
**To:** Minister for Victims and Community Safety 2024  
**Cc:** Deputy Director Civil Law and Legal System  
**Subject:** SSBA Engagement

Dear Minister

It was good to meet with you on 18 December, and interesting to hear the plans for the future of the legal aid sector profession in Scotland. We look forward to reading your discussion paper when it is published.

Unfortunately the stark fact remains that none of these proposals will have any impact in the lifetime of this parliament. Even the plans to streamline legal aid, while welcome, will only make the system less unwieldy rather than inject any fresh funding. You are already aware of the perilous condition of the criminal legal sector, and it is unlikely it will survive unscathed a further 2 or 3 years without investment.

The SSBA had indicated a willingness to suspend our current boycott of DASA cases and court appointments if so doing would have led to productive talks, but there was no commitment of any sort from government to engage here. In these circumstances we are forced to consider escalation rather than cooperation. Without meaningful engagement from government, we shall have to consider whether or not we will continue to engage with the Summary Case Management programme. This is a scheme which if properly implemented will result in significant savings in the justice system, none of which are being reinvested into legal aid.

The government will sooner or later have to recognise that investment in the legal aid sector is an absolute necessity, and that further failure to do so can only result in irreparable damage.

We look forward to hearing from you with a view to moving matters forward.

[redacted- personal info]