



The Scottish Parliament
Pàrlamaid na h-Alba

Diane McGiffen
Chief Executive
Law Society of Scotland
Atria One
144 Morrison Street
Edinburgh
EH3 8EX



Ref: DC-BD16823

21 December 2023

Dear Diane,

Victims of McClures Solicitors

I am writing in relation to the above matter.

I recently hosted a meeting in the Scottish Parliament on Thursday 30 November 2023, with the Victims of McClures Action Group. This presented the opportunity for myself and my fellow MSP colleagues to hear more about the impact on thousands of clients of McClures, relating to their practices over a number of years prior to going to administration in April 2021.

I am sure you will be well aware of these matters, so I will not look to rehearse the various significant concerns that have been brought to our attention.

It has been made clear that should any client feel dissatisfied by the service or the conduct of McClures Solicitors, they should make a complaint to the Scottish Legal Complaints Commission (SLCC). I have made the constituents who have contacted me aware that this is the most appropriate avenue to pursue. I know that the SLCC will progress any service complaints, while any conduct complaints would need to be passed to the Law Society of Scotland for them to take forward. I will be making separate representations to the Scottish Legal Complaints Commission.

It would be helpful if you could provide some information on the conduct complaints that you have received to date on McClures Solicitors. How many complaints have you received thus far? Of the conduct complaints you have received, how many of these have been upheld?

On average, how long has it taken to assess a McClures conduct complaint, and does this differ markedly from a non-McClures complaint?

I am aware that some clients have been successful in securing compensation, following their complaint. I would be interested to know on what basis an upheld complaint would lead to compensation being awarded, and would this be paid from the Master Policy?

A further issue raised was the cost to clients to remedy the issues, with many clients facing further thousands of pounds in legal fees. One particular frustration was apparent excessive fees to have the ex-McClures Solicitors removed from Trusts and other products. It has also been alleged that as part of the removal, clients have been asked to indemnify the retiring Trustees by essentially signing a waiver. I would welcome your thoughts on these practices, whether you would consider such actions inappropriate and what remedy clients may have.

It has also been suggested that a significant number of former McClures employees are now working for Jones Whyte, including- I'm informed- the Manager of Trusts at McClures now being in a similar role at Jones Whyte. This understandably leads to strong beliefs that this constitutes a conflict of interests. Does the Law Society of Scotland believe such a perception is understandable and have concerns this can undermine client confidence, and do you consider employing senior former McClures employees in such a way appropriate?

Are you able to advise how many ex-McClures Solicitors and staff members are now working for Jones Whyte? Of this group, how many have had complaints against them, and how many have been upheld?

At the meeting in question, the Action Group advised that they had written to Jones Whyte, who had indicated their view that they do not have the responsibility to reach out to all the clients they acquired from McClures. However, I know that it is the expectation of the Law Society of Scotland that Jones Whyte do indeed notify the affected clients. I've included the following excerpt from your website:

'Our expectation is that the acquiring firm (in this case Jones Whyte LLP) writes to each of the clients advising them that their documents and funds are now safely held by them (giving priority to the most urgent cases with on-going work). This correspondence should request authority to retain these papers and hold any client money on behalf of the client. The correspondence should also advise the client that they are entitled to choose an alternative solicitor or request the return of the documents and any funds. If a client wishes to instruct an alternative solicitor, then the client would 'mandate' the transfer of the documents and money from the solicitor holding the documents and funds (in this case Jones Whyte LLP) to the new solicitor selected by the client.'

I would ask how The Law Society of Scotland are reassuring yourselves that Jones Whyte are meeting their obligations with regards to contacting the clients, and I would be keen to know what enforcement action you are able to take if Jones Whyte are not meeting their obligations in this regard. What timescale does the Law Society of Scotland consider appropriate for Jones Whyte to inform all clients, how many have been notified to date, and how will the Law Society of Scotland seek to monitor this going forward?

Another area of concern appears to be that it is not being made as clear as it could be that clients of McClures are able to obtain their files and documentation from Jones Whyte for no charge, bar any relevant postage. Has this been raised with Jones Whyte?

When assessing a number of complaints, where the Law Society of Scotland see a pattern of behaviour emerging- be that institutional malpractice or potential criminality- can I ask if the Law Society of Scotland would pass details on to Police Scotland for further investigation? It is my understanding that when clients approach Police Scotland that they are referred back to the Law Society of Scotland. Is it possible alleged criminality may therefore go un-investigated? I would urge the Law Society of Scotland to meet with Police Scotland to determine how any alleged allegations of criminality are best investigated.

Please treat this correspondence as joint representation with my colleague Marie McNair MSP who also has impacted constituents, shares my concerns and attended the said briefing I have referred to. Marie would welcome a response to this correspondence.

I have copied in Siobhian Brown MSP, Minister for Victims and Community Safety, for her consideration.

Thanks for your assistance in these matters and I look forward to hearing from you.

Yours sincerely,

A handwritten signature in black ink that reads "Bob Doris". The signature is written in a cursive, slightly slanted style.

Bob Doris MSP

MSP for Glasgow Maryhill and Springburn constituency (SNP)

cc: Siobhian Brown MSP - Minister for Victims and Community Safety