



13 December 2010

## **Solicitor withdraws from publicly funded legal assistance work following investigation and complaint by the Scottish Legal Aid Board.**

The Scottish Legal Aid Board announced today that it has accepted the voluntary and irrevocable withdrawal by the firm of N S Lockhart Solicitors, 71 King Street, Kilmarnock, KA1 1PT and its sole partner Niels S Lockhart from the provision of all forms of legal assistance; following an investigation into the firm's practices by the Scottish Legal Aid Board.

Mr Lockhart will no longer provide publicly funded legal assistance or have any involvement in any capacity as an agent or working for any other firm or solicitor in any matter which involves publicly funded legal assistance.

The withdrawal follows an investigation of the firm carried out by the Board and a subsequent complaint to the Law Society of Scotland.

The Law Society Reporter sent its report to the Law Society in July 2010. This confirmed the concerns raised by the Board, about practices Mr Lockhart had adopted in the provision of legal assistance, which had resulted in the submission of many accounts which were not consistent with the principle of working with "due regard to economy" and were not acceptable practices for a solicitor undertaking civil legal assistance.

The Law Society can determine whether the conduct of a solicitor provides good reason for them to be excluded from providing legal assistance, in accordance with section 31 of the Legal Aid (Scotland) Act 1986.

Mr Lockhart acknowledges that the investigation carried out by the Board and subsequent report to the Society raised continued concerns about his practices.

As a result of Mr Lockhart's permanent and binding withdrawal from legal aid, the Scottish Legal Aid Board has withdrawn its complaint to the Law Society.

A spokesperson for the Board stated, “Public money has been protected as we have only paid the firm for work which we thought to be reasonable. Any work thought not to be reasonable was not paid.”

Under its powers, the Board can stop solicitors undertaking criminal legal aid work but currently cannot do so in respect of civil legal assistance.

When the Legal Services (Scotland) Act comes into force the section 31 powers to preclude a solicitor from undertaking legal assistance activities will become the responsibility of the Board.

The Board manages legal aid in Scotland, which is paid for by the taxpayer and delivered by solicitors and advocates. An important part of the Board’s work is investigating and pursuing abuse of legal aid. This work is important in protecting the Legal Aid Fund and the taxpayer.

**Ends**

**Journalists please contact:**

Mat Lopez, Communications Officer tel. (direct) 0131 240 1887.

**Notes for editors**

Legal aid is help towards the costs of legal advice and representation, for those who qualify, paid for out of public funds. It is designed to help individuals on low and modest incomes gain access to the legal system. There are two main types of legal assistance: advice and assistance and legal aid. Together these are called legal assistance. Legal aid may be free, or someone may have to pay towards the cost of their case, for example through paying a contribution or from the money or property that they win or keep as a result of their legal action. Legal aid is accessed through a solicitor. Unlike most public expenditure, the legal aid fund is not cash limited. The Scottish Government will provide the Board with the funds required to meet the cost of cases which have been granted.