

SCOTLAND

The Law Society of Scotland

60th anniversary

2009 marked the 60th anniversary of the Law Society of Scotland. To celebrate the event, the Society held a two-day conference in May, which brought together a wide range of speakers under five main headings: the Rule of Law; Business & Economy; Law in the Community; Leadership & development; and the Future of the Profession. Speakers included the UK Attorney General, Baroness Scotland; Scotland's Lord Advocate, Elish Angiolini; author and legal futurist, Richard Susskind and 3-times Olympic silver medallist rower, Katherine Grainger. The conference attracted delegates from all walks of the legal profession and feedback from those who attended was extremely positive.

Economic Downturn

2009 was also characterised by the effects of the economic downturn, which has had a huge impact on the solicitors' profession in Scotland, and which influenced a substantial part of the Society's work throughout the year. The Society introduced a number of initiatives to support all sections of the profession, including: developing a business toolkit containing practice management ideas and advice; holding a free conference for rural and 'high street' firms; creating a scheme to link up practitioners with business advisers; giving employment and networking advice; offering free CPD to solicitors who have been made redundant; and tailor-made advice for trainees and new lawyers. At the Society's AGM in May, the Society committed to delivering a material reduction of the practising certificate fee, which took effect from October.

The Society also joined forces with the other UK Law Societies to contest British bank Abbey's decision to remove around 7,000 UK solicitors from their panels of those approved to act for the company and its subsidiaries in mortgage transactions. This resulted in an interim approach of automatically reinstating solicitors if they had ongoing transactions with the bank. The situation is yet to be fully resolved but in the absence of a permanent solution, the Society intimated to Abbey that there would undoubtedly be further damage to its reputation among the legal profession, solicitors' clients and potentially further adverse coverage in the press and media.

Legal Services (Scotland) Bill

The Legal Services (Scotland) Bill was introduced into the Scottish Parliament on 30 September 2009. If passed, it will allow solicitors to secure external investment and business expertise and to combine with other professionals to offer legal services to the public in new ways. It will remove restrictions on solicitors entering into business relationships with non-solicitors and create a robust regulatory framework in which the Scottish Government will appoint approved regulators who will regulate the new business structures.

The Society gave oral evidence to the Justice Committee on 15 December along with other interested parties, including the Office of Fair Trading; consumer groups, other regulatory bodies, and a number of representatives of the legal profession.

The overarching points in the Society's evidence were that:

- the Bill must ensure that the independence of the legal profession from government is maintained;
- it must ensure that a level playing field exists for providers of legal services and for those who would seek to regulate them; and
- the proposals must not have an adverse impact on access to justice.

The deadline for completion of Stage 1 is 25 March 2010. If the bill is passed Royal Assent is expected by summer 2010.

Education and Training

The Education and Training department is now embarking on the implementation stages of the largest ever review of legal education and training undertaken by the Society. Phase I of the project, which began in 2006, was completed in time for the AGM in May and resulted in seven policy proposals which represent separate but interconnected stages of professional training and combine to create a framework for the future delivery of legal education – from undergraduate study to continuing professional development.

Phase II concerns change management and implementation of the new framework in cooperation with the Society's members, providers of legal education and training, and other stakeholders, including such diverse considerations as the development of guidance for the numerous providers, suitable IT support for the new systems and resource implications. It is anticipated that the changes will be introduced in September 2011.

Governance

In October, the Society launched a consultation with the profession on proposals to change the structure of its Council, including plans to introduce a significant lay membership; and to establish a Board and new committee structure. The consultation followed Council's agreement in principle of reform as set out in a plan of action in March 2009. Other proposals include:

- the retention of Council as the ultimate decision-ratification and strategic body, with the new board to be the principal business decision-making body;
- retaining majority constituency membership, however that is defined;
- introducing sectoral representation based on merit; and
- promoting clear and open recruitment methods, supported by an elected Nominations Committee.