



Law Society
of Scotland

Country Report – Scotland

The Law Society of Scotland's report to the 47th
European Presidents' Conference

February 2019



Law Society of Scotland Country Report

Independent Review of Legal Services Regulation

An independent review of the regulation of legal services was announced by the Scottish Government on 25 April 2017. The purpose of the review was to make independent recommendations to reform and modernise the framework for the regulation of legal services and complaints handling. The review was led by [Esther Robertson](#), Chair of NHS 24 and her [report](#) was published in October 2018. The report makes 40 recommendations, some of which reflect those we made to the Scottish Government and in our response to the review's call for evidence in early 2018.

However, we do not support the principal recommendation, which is to remove the Law Society of Scotland as the regulator of Scottish solicitors, to be replaced by a new single regulatory body, as we believe it risks weakening public protection and increasing costs for those who pay for legal services. We have almost 70 years' experience of successfully setting and enforcing standards in the solicitor profession, from accrediting degrees and managing the route to qualification to carrying out anti-money laundering supervision, inspecting law firms and managing the client protection fund which protects consumers from financial loss through the dishonesty of a solicitor or their staff.

We have written to the government stating our concerns and we await their formal response to the report. We would welcome support from EU colleagues who share the view that this proposal risks compromising the independence of the Scottish legal profession and could set a troubling precedent for jurisdictions where the rule of law is at risk because of undue influence of the state on the regulation and oversight of lawyers.

www.lawscot.org.uk/research-and-policy/influencing-the-law-and-policy/independent-review-of-legal-services-regulation/

LawscotTech

LawscotTech is a new initiative that we launched in October 2018 to stimulate legal technology innovation in Scotland which will deliver practical benefits for those working in the justice and legal sectors and their clients. LawscotTech will provide support from concept stage through to taking a product or service to market.

It brings together experts from the legal world and the technology world to work collaboratively. Through our connections, we are well placed to reach out to the legal profession, technology firms, the academic community and other business sectors with similar programmes such as the financial sector (FinTech Scotland).

LawscotTech aims

1. Facilitate a thriving legal technology environment by bringing together solicitors and their employees with technologists

2. Through technological advances, improve efficiencies and create competitive advantages for solicitors and clients
3. Showcase a globally respected hub for legal technology innovation in Scotland
4. Collaborate with partners in other business sectors throughout Scotland and globally
5. Engage the Scottish business community's interest in the legal sector
6. Stimulate engagement and investment from outwith the legal sector.

www.lawscot.org.uk/members/business-support/lawscottech/

Profile of the Profession 2018

The publication of the [2018 Profile of the Profession report](#) is a landmark for us and for the legal profession in Scotland. The research examined equality and diversity issues and was carried out by independent researchers Rocket Science. With over 2,700 full responses from solicitors, trainee solicitors and accredited paralegals, it's the biggest survey of its kind in Scotland.

Previous survey results have helped us to:

- develop and promote our equality and diversity standards to practice units
- undertake further, more detailed research into specific areas including a transgender experience case study, perceptions and impacts of working patterns within the legal profession, and experiences of established legal professionals within the profession
- focus on gender equality in the legal profession by publishing the sector gender pay gap in 2015 and running a year-long 'conversation on progression' in 2016
- use our better understanding of the experiences of parents in the profession, hosting events for those returning to work, and publishing well-received parents in the profession guidance.

We have published [a response](#) to its findings setting out 28 steps we will take to address equality and diversity issues in the legal profession, which contains comparisons with other professions.

www.lawscot.org.uk/research-and-policy/equality-and-diversity/research/profile-of-the-profession/

Brexit

Since the referendum in June 2016, we have been monitoring political developments closely and promoting our key issues for the public interest and our members including:

- ensuring stability in the law, protecting the rule of law and the proper administration of justice;
- cross-border freedom, security and justice issues;
- recognition and enforcement of citizens' rights; immigration, residence, citizenship and employment status;
- the impact on the devolved administrations;
- continued professional recognition within the EU; and respect for legal professional privilege as it applies to the clients of Scottish solicitors.

Our [website](#) highlights all of our latest briefings, responses and position papers on Brexit-related legislation and parliamentary inquiries. It is also a source of information for our members on the impact of

UK withdrawal on the profession and their clients, whether or not the UK leaves the EU on 29 March with an agreement in place.

In January and February we will be hosting a series of [focus group meetings](#) around Scotland for our high street and in-house members to find out what their concerns are about Brexit and to help us tailor our training and communications programme to meet their needs.

We hope that for the mutual benefit of the UK and EU legal profession, as well as the clients that they serve, we are able to continue the positive engagement that we value with our EU colleagues as the future relationship between the EU and UK is negotiated.

www.lawscot.org.uk/research-and-policy/international-work/brexit/

The Law Society of Scotland turns 70!

2019 is the platinum anniversary of the Law Society of Scotland. Our 70th year is an opportunity to showcase the fantastic work of the Scottish legal profession, reflect on how the law and practice has progressed as well as looking to the future.

2019 is an extra special year for the legal profession because it is 100 years since a change in the law permitted women to become lawyers for the first time. The Sex Disqualification (Removal) Act in 1919 paved the way for women to build a career as a solicitor.

To mark our platinum year, we have lots of events planned for the Scottish legal profession, the public and stakeholders.

International Conference of Legal Regulators

Following a successful conference in [the Hague](#) last year, we will be hosting the 2019 International Conference of Legal Regulators in Edinburgh on 5 and 6 September. As well as considering some of the key issues to come out of the regulation review mentioned earlier, which we believe are of international relevance, there are many other issues of mutual interest to discuss, not least the opportunities and challenges posed by the increasing use of technology in law.

Further information about the conference will be available on our website as the programme develops and we hope to see you in September to help us celebrate our platinum anniversary year.

