



Law Society  
of Scotland



Law Society of Scotland

# Strategy

2022-2027

# Introduction /

The Law Society of Scotland has a pivotal role in the Scottish legal landscape, acting both in the public interest whilst also being the voice of the solicitor profession. It is a role we are proud of - allowing us to support our members, to uphold the highest professional standards so clients get access to quality legal services, and provide invaluable specialist support for policy and law makers across the UK. We use our platform to support the rule of law around the world and promote the profession and the Scottish jurisdiction internationally.

Our governing Council is our principal decision-making body. It includes solicitor members, the vast majority of whom are elected, and lay members who help ensure we meet our important responsibilities in the public interest.

This 2022-27 strategy sets out how we will ensure we are a strong regulator and powerful voice for the public, the profession, and the Scottish jurisdiction, whilst playing our part in Scotland's civic and business communities. Our regulatory functions are exercised independently of the Council by the Regulatory Committee, which is led by a lay convener. Our voice for all solicitors in Scotland earns our members' trust and respect – we are a professional body in which they take pride, built on strong relationships with those we support.

**Murray Etherington, President,  
Law Society of Scotland**



Pictured: Falkirk  
Wheel connecting  
Forth and Clyde  
Canal with the  
Union Canal

**“We use our  
platform to  
support the rule  
of law around  
the world”**

“This strategy  
will drive  
forward positive  
change for the  
benefit of the  
public and the  
profession”

Pictured: Skye Bridge

## Executive summary

At its heart, this new strategy supports members to thrive in a growing and well-regulated sector. It promotes health and wellbeing and the use of technology. It sets out how we will influence to enhance society, the profession, the jurisdiction, access to justice, public protection and the independence of our legal system.

Our members are clear that they want a Law Society of Scotland that supports them throughout their careers wherever they work. Responding to what we heard, these are our five strategic aims:

- 1. Supporting our members to thrive
- 2. Modern and effective regulation acting in the public interest
- 3. Innovation and efficiency
- 4. Influential voice that enhances our legal sector and justice
- 5. Leading the profession.

As we start this new strategy, the Scottish Government's Programme for Government 2022-23 includes a Legal Services Regulation Reform Bill; "The Bill will provide for a modern regulatory framework designed to promote competition and innovation while also improving the transparency and accountability of legal services regulation and the legal complaints system in Scotland."

The Law Society of Scotland remains committed to championing reforms to modernise regulation and address the currently slow and complex complaints system, while retaining the Law Society as a professional body responsible for standards setting, financial compliance and professional conduct. This new Law Society strategy is based on our commitment to that regulatory model and to driving forward positive change for the benefit of the public and the profession.

I want to thank everyone who contributed to this strategy, including our members, stakeholders, volunteers, and colleagues.

**Diane McGiffen, Chief Executive,  
Law Society of Scotland**



# Snapshot /

The profession in 2022 and our projections for the future.  
As of June 2022, there were...

**12,737**

solicitors with Scottish practising certificates. 14,000 by 2030

**65%+**

Over 65% of practising certificate holders in private practice

**>30%**

Over 30% work in-house for both private and public organisations. We expect to this to increase

**300**

Over 300 Scottish solicitors working overseas

**56/44**

56% female and 44% male.  
60% female 40% male by 2027

**7% < 30**

Nearly 7% of solicitors under 30 are from minority ethnic backgrounds, compared with 3.5% of the profession as a whole

**29.55%**

Only 29.55% of women in senior roles – the gender split is not across all levels



Some of our members identify as non-binary, trans or of another gender. We are committed to ensuring all genders can thrive in the profession

**1,110**

1,110 practice units

 **58**

58 multinational practices in Scotland employ a third of all private practice Scottish solicitors

**50%**

Incorporated practices make up nearly 50% of all practice units

## Our values and five strategic aims

Our mission is to support a thriving profession of high quality and trusted solicitors in Scotland with access to justice for all.

The Society's values of Respect, Openness, Progress, Integrity and Inclusion underpin all our work.

**Respect** - treating everyone with consideration, dignity and professionalism,

being mindful of their wellbeing

**Openness** - being approachable, responsive and transparent in the way we work and operate

**Progress** - continually learning, innovating and improving

**Integrity** - being fair, ethical and accountable

**Inclusion** - listening to individuals and developing cultural awareness to enable everyone to be their true selves

The Society's strategy is built around five aims to provide structure to the operational plans that put our strategy into action. Our aims sit alongside each other, and none are any less of a priority than the others. They are:

1. **Supporting our members to thrive**
2. **Modern and effective regulation acting in the public interest**
3. **Innovation and efficiency**
4. **Influential voice that enhances our legal sector and justice**
5. **Leading the profession**

**Our  
comprehensive  
member support  
sustains a thriving  
profession  
and sector**

# 14

## Supporting our members to thrive

- Our wellbeing resources support individuals and employers to sustain positive mental health
- Our guidance and support enable our members to deliver the highest quality legal services
- Our continuing professional development is the preferred choice for our members
- Our strategic collaboration helps all our members adopt technology

There is greater openness about wellbeing and we see and hear from more role models than ever before. Lawscot Wellbeing, a dedicated resource that provides help and guidance for members and employers, will harness the positive energy and progress made to date by supporting our members to strengthen their emotional resilience going forward.

Guidance, advice and information will support members understand our rules, anti-money laundering (AML) obligations and best practice so they can reduce risk and complaints. We listen and talk to our members to ensure we understand the effectiveness of our work and the challenges facing the profession.

Lawscot

Wellbeing

We aim for our continuing professional development programme to be the preferred supplier to the majority of the profession, measured annually through our research. Our certification programmes will support members' careers and practice by setting out clear routes to specialist accreditation.

LawscotTech, an initiative to stimulate legal technology innovation in the Scottish legal sector, works across the profession to help them understand how to use technology to innovate and adapt. We will provide practical guidance, bring innovators together and collaborate with regulators across the UK to ensure Scotland is at the forefront of legaltech development.



## Modern and effective regulation acting in the public interest

- Our robust education, training and admission standards assure a competitive and innovative profession
- Our regulation is fair, proportionate, and risk-based, exercised independently by the Regulatory Committee
- Our regulation promotes and protects the public interest and ensures public trust
- Our alternative business models provide opportunities for innovation and promote competition in the sector

Strong relationships with education providers allow us to ensure those entering the profession have a sound foundation. Our collaboration with law schools ensures the diploma adapts to an evolving profession.

We remain committed to our proposals to Scottish Government to reform how we regulate the legal sector. We will seek to implement these proposals following the introduction of enabling legislation as soon as possible. In the meantime, we will work with existing legislation to make improvements to the current system, for the benefit of the public and our members.

It is imperative that our regulatory work is understood and well known by those we seek to protect and serve. All our regulatory functions are exercised independently by the Regulatory Committee, led by a lay member convener and with a strict 50/50 solicitor/lay member composition.

Our communications will help the public, businesses and civic Scotland understand the value of this co-regulation and how our regulatory decisions are reached. We promote the strength and value of the robust professional standards and conduct expected of Scottish solicitors. Our commitment to reducing risk and to ensuring professional best practice will enable us to secure the long-term future of our professional indemnity insurance (known as the Master Policy), which is critical to ensuring solicitors' clients are protected.

The introduction of the alternative business model of licensed legal service providers remains very new and we will work with the profession to help the sector consider this with guidance and support from our teams. This model will forge new partnerships with providers of other professional services, open up fresh opportunities and help the profession retain talent.

**Our regulation ensures high quality from legal education to legal services delivery**

**Our Council,  
Committees and  
Board are diverse  
and represent the  
profession and  
wider society**

Pictured:  
Clatteringshaws  
Dam, Dumfries  
and Galloway

# 3

## Innovation and efficiency

- The Law Society is well organised and we reflect and represent a diverse society
- Our socially and environmentally responsible organisation attracts the best talent
- Our financial planning and commercial activity ensure we are properly resourced and robust for the future
- We will deliver our work innovatively and efficiently

The Law Society and its structure should reflect the diversity of the profession and Scotland. This includes protected characteristics as well as diversity across the practitioners and businesses we regulate and support. We are committed to a thriving, dynamic, forward-thinking organisation with continuous improvement at the heart of our colleagues', Council and committee members' governance and decision making. We will make ourselves attractive to new volunteers to ensure we reflect those we serve and support.

Our commitment to reducing our environmental footprint will look at our activity and working practices. We will build upon the positive gains of

our new ways of working to continually reduce our carbon footprint, whilst ensuring our culture remains attractive to existing and new talent.

We will strengthen our long-term financial sustainability so we can support our members and deliver strong regulation.

We will increase our commercial income and use surpluses to invest in operational efficiencies and what matters most to our members.

Our long-term financial planning will include building adequate reserve funds to support investment. Cyber security and technology that allows efficient and low risk operations will be at the core of our investment decisions.





# 4

## Influential voice that enhances our legal sector and justice

- Our insight into the legal services market provides the evidence for good public policy decision making
- Our voice speaks up for the profession and to protect the rule of law in Scotland and internationally
- Our lobbying for policy reform helps to revive the legal aid sector and ensure access to justice for all
- Our dynamic plans for modern and robust regulation of the legal sector are implemented

Through research and engagement we will ensure we have a deep understanding of the challenges facing our members and the legal services market. We will prioritise our relationship with Scottish parliamentarians to ensure we support sound public policy decision making in all corners of our jurisdiction.

We will maintain our loud and authoritative voice on the rule of law, at home or abroad, and be a staunch ally of peers around the globe.

By independent critical evaluation of law makers' decisions, we will defend the rule of law and separation of powers – two things that are the foundations of our constitution,



and the principle of human rights.

We will lobby on behalf of those working in our criminal and civil legal aid sectors to ensure they have a viable future. We will continue to make the case that a thriving democracy relies on the ability of its citizens to defend and enforce their legal rights and their liberty, and this can only happen with a properly funded legal aid sector.

Our relationship with the Scottish Government and other key stakeholders will be a key priority as we continue to seek the implementation of our case for change, with new legislation that enables us to modernise regulation and ensure we are fit for future challenges.

**Our positive reputation enhances the profile of the profession**

# 5

## Leading the profession

- Our social mobility and diversity work supports current and future members to thrive in their careers
- Our Lawscot Sustainability initiative will engage with and lead change in the legal sector, supporting the profession to take climate conscious and socially responsible action
- Our activity helps the profession to thrive in our cities, towns and rural areas
- Our Accredited Paralegal accreditation and specialist training strengthens high standards

We are committed to a profession that reflects Scottish civil society and is a career choice based on talent and merit, irrespective of race, religion, social background, ethnicity, gender, sexual orientation, disability or age. We remain committed to the Lawscot Foundation, our charity giving financial aid to those from less-advantaged backgrounds with the talent to become our solicitors of tomorrow.

**Lawscot  
Foundation**

Our new Lawscot Sustainability initiative will demonstrate leadership to the profession on climate action and sustainability by bringing expertise

from partner organisations and by providing practical resources.

The changing face of the profession is putting greater demands on traditional High Street firms, with succession planning in smaller and rural firms becoming more challenging. Our engagement programme will seek to understand the challenges and work strategically with partner organisations to address succession issues.

Achieving our Accredited Paralegal status recognises that paralegals are vital to the success of many of our firms and in-house teams across Scotland. We will grow the number of Accredited Paralegals by introducing new specialisms; and our wide range of specialist accreditations for solicitors will be supported by an expanding range of certified courses.

**We show leadership  
on matters  
than enable the  
profession to thrive  
and evolve**

## Political context

The rule of law, supported by an independent legal sector and judiciary, is essential to society. It helps ensure that the law applies equally to everyone; that rights are protected and disputes resolved; and that government acts within and upholds the law. The Society speaks up for these critical principles and values at home and across the world.

There will be many big constitutional issues over the next few years – there could be a second Scottish independence referendum; there are far reaching implications of the war in Ukraine; and both Scotland and the UK need to adjust to the exit from the EU. Our role will need to focus on influencing debate by providing informed commentary on the proposals in neutral terms and by promoting the rule of law.

Closer to home, Scottish Government ministers intend to bring forward a package of reforms to our courts, wider system of justice and changes to legal aid. The Scottish Government remains committed to bringing forward new legislation on the regulation of legal services within the lifetime of this strategy and the Society will be prepared to address the consequences of those changes.

In February 2022, the Scottish Government published a Strategic Framework update, its new ‘vision’ document to transform Scotland’s justice sector through the COVID-19 recovery period and beyond. It sets out key priorities for Scottish Ministers: making sure victims’ voices are heard, placing women and children at the heart of service delivery and reassessing the role that prisons and the use of

imprisonment should play. Underpinning the delivery of this vision was an investment plan of over £3.1 billion in 2022-23 to strengthen and reform services.

The Scottish Government has already carried out a consultation on Bail and Release from Custody arrangements, has promised a new National Community Justice Strategy and has consulted on reforming Scotland’s three verdicts system. A Legal Aid Bill is expected within this session of the Scottish Parliament along with potential changes to the rule of corroboration. It shows how further and potentially far-reaching reform of Scotland’s justice system will be progressed during the lifetime of this strategy, reforms which will require further changes to the way solicitors work.

Scotland will be finding its place in a post-Brexit world and we will ensure there is global recognition of Scotland’s place in the world’s legal sector and inclusion of Scotland in global trade deals. We will maintain our voice in Europe as the longer term impact of Brexit on the UK remains unclear. Issues likely to be considered by the Society include cross-border practice rights, co-operation and enforcement of cross-border judgments, promoting our members’ interests and the preservation of our legal system.

As we embark on this new strategy, we do so optimistic that the worst is behind us, yet realistic about the long-term impact the last two-and-a-half years will have had on our world as we face rising inflation and continued turmoil in Eastern Europe.

## Economic context /

The economic challenges facing the UK and much of the global economy are having an impact on the solicitor profession - there are labour market challenges, a sharp rise in the cost of living, as well as uncertainty over global opportunities.

Our research found the pandemic has perhaps not had the economic impact on the Scottish solicitor profession initially feared; almost one in five of those surveyed indicated that they would increase trainee numbers in 2022 which is very positive news for the future of the profession.

At the start of 2022 inflation began to increase and interest rates were on the up – both may continue to rise for some time to come so the Society will need to take these into account going forward. The economic

and fiscal outlook for the UK and global economies remains challenging with high inflation, the conflict in Ukraine and energy crisis leading to erosion of real incomes and higher interest rates.

Despite this, we remain in a very competitive labour market and expect to do so for at least the early part of the lifetime of this strategy which will add pressure on salary costs across the sector. This will be alongside additional challenges around remote and hybrid working models which make it easier for competitor employers to attract talent from further afield.

While the dire state of legal aid in Scotland is of serious concern, the wider sector has bounced back from the pandemic with strong financial performance.

## Societal context /

The pandemic exacerbated existing strains and racial and economic disparity. Poverty and inequality will continue to be important issues for government. With people living longer, the UK has an ageing population, adding additional pressure to the NHS and the social care sector, a continuing priority for government.

The crisis in both the criminal and civil legal aid sectors undermines society's access to justice and is a threat to our way of life. Our legal system only works properly when citizens are properly represented. We need Government to fund legal aid properly to ensure that delivering this vital public service is a viable option for our members.

Just under 11% of solicitors in Scotland work in criminal legal aid and the number continues to fall. Legal aid rates are over 50% lower than when the Scottish Parliament was first convened in 1999. The Scottish Government states its aim is to pay solicitors fairly for delivering legal aid services, yet some solicitors earn below the minimum wage when carrying out legal aid work. It should come as no surprise that fewer and fewer people see their future in legal aid. Scottish Government has recognised the need to address fees, and committed to implement a fee review mechanism.

## Legislative context /

In its response to the Scottish Government consultation on the Legal Services Review in December 2021, we expressed our concerns about how the separation of powers and judicial independence may be at risk if some of the models of regulation were to be taken forward. Across the UK the rule of law is also under pressure in terms of both maintaining access to justice and the government consultation on the appointment of a government appointed regulator of legal services.

Across the globe the rule of law is also under threat, for example the disputes between Hungary, Poland and the EU depriving these countries of EU funds when they fail to meet democratic standards; political oppression in Hong Kong; or the attack on the US Capitol in January 2021 that tried to subvert a free and

fair election. With law and order practically broken down in what was until very recently a prosperous European nation, the war in Ukraine has seen our international norms abandoned and has prompted calls for investigations into war crimes.

Under section 1 of the Legal Services (Scotland) Act 2010, the Society has a regulatory duty to support the constitutional principle of the rule of law. To deliver this and to support our members fulfil their responsibilities as officers of court, we include it in our strategy.

The Scottish Government's Human Rights Leadership Taskforce reported in 2020 suggesting the adoption of social and political rights as well as some specific international conventions, emphasising Scotland's commitment to human rights.

## Technological context /

Technological change and innovation is rapid. Artificial Intelligence is leading to automated decision making and data handling and innovations such as self-driving vehicles. Such technological changes are likely to have an impact on both the provision of legal services and how the legal profession operates.

Of course, there are risks and ethical considerations associated with such innovation, but there are also opportunities for the profession to be considered too.

The pandemic accelerated the use of technology in the legal sector, for example virtual courts and public registers of land and property moving online.

Digital participation is set to increase requiring infrastructure and investment to ensure that no

citizens face digital poverty.

Cyber security and data protection continue to be significant challenges for all businesses and individuals. As the use of technology continues to expand and innovate, parallel protections need to be in place to safeguard all areas of society.

Law firms across Scotland vary greatly in their appetite and understanding of the technological offer, including risks to avoid and how to procure the right solution at the right price. Many practitioners will continue to look to the Society for help in understanding and navigating the legaltech landscape. The Society can also learn much from its members and commercial partners to share knowledge and collaborate with the profession.

## Environmental context /

The climate crisis is arguably the most pressing issue of our time. The Society's COP26 and Climate Change working group provided policy direction on climate change and sustainability and explored further the issues around our responsibilities and those of the membership in relation to climate change. It is likely that members' clients (both individuals and businesses) will drive change in this area, with the potential of an increasing focus being placed on environmental sustainability in practice units and businesses' corporate social responsibility plans.

The Society must lead by example. This will require creative thinking about our operating model, how we serve the public and the profession and our standing in the international legal community.

A working group was established by the Society's Public Policy Committee in early summer 2020 and produced a detailed report following COP26; and the International Bar Association (IBA) issued a Crisis Climate Statement in May 2020. We are aware that other Law Societies and Bar Associations are undertaking work in relation to climate change, as are many other professional bodies, legal and business organisations and there is a continuing demand to engage in work in this area.

Our working group identified many opportunities and it is clear there remains much to be done in relation to the climate crisis and sustainability. It is vital the Society demonstrates its leadership in this area through Lawscot Sustainability and positions its work to remain relevant for the profession going forward - as a business itself, as a member support organisation, in our function to regulate the profession and set standards and on our policy and law reform work.