

# **EXPERIENCES OF ESTABLISHED PROFESSIONALS WITHIN THE LEGAL PROFESSION IN SCOTLAND**

Research for the Law Society of Scotland

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# 1 INTRODUCTION

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## 1.1 BACKGROUND TO THE RESEARCH

- 1.1.1 During 2013 the Law Society of Scotland conducted its Profile of the Profession Survey. This was a questionnaire based survey distributed to all solicitors, trainees and those retained on the roll (14,064 people in total). A total response rate of 24.5% was achieved in this survey, with a good mix of respondents represented from across the demographic profile.
- 1.1.2 The questionnaire was designed to collect information on the following areas:
- professional background and current occupational information;
  - details of current working patterns, including hours of work, any flexible working arrangements and use of any career breaks; and
  - identify any experiences of discrimination.
- 1.1.3 The data gathered within the Profile of the Profession Survey provided valuable insight into the legal profession and how it is currently working. However, whilst extensive and valuable data was gathered, it was largely quantitative in its nature; therefore there was little opportunity to gain a deeper understanding around the personal experiences and reasons behind responses and trends within the data. The Society also felt that issues around age and more experienced professionals had been under explored in the ten-year research strategy to date. As such, the Society commissioned further qualitative follow-on work to explore the issues in more detail.

## 1.2 OVERVIEW OF THIS RESEARCH

- 1.2.1 This report presents the findings from the age related follow-on research undertaken, and considers the experiences of those that are more established and experienced in their careers. Topics explored by this research included:
- motivations and aspirations;
  - attitudes towards experienced professionals;
  - consideration of other careers, both within and outside of the legal profession;
  - succession and/or exit planning; and
  - experiences of the Society and its services.
- 1.2.2 In addition to including more established solicitors within this research, a control group of younger and more recently qualified solicitors were also included to provide a comparison between the responses. This was designed to differentiate experiences and views present in the general population from those specifically relating to more experienced professionals.

## **1.3 METHODOLOGICAL APPROACH**

- 1.3.1 Initially, it was intended that the research would consist of three focus groups based within Edinburgh and Glasgow plus ten depth telephone interviews with respondents from across the rest of Scotland, including more rural areas. The focus groups were arranged as follows:
- Experienced solicitors – one focus group in Edinburgh;
  - Experienced solicitors – one focus group in Glasgow;
  - Control Group – one focus group in Edinburgh.
- 1.3.2 Respondents to the 2013 Profile of the Profession Survey had been asked to provide contact details if they were interested in taking part in further follow-on research, thus providing a valuable method for recruitment. Those respondents that had provided contact details were disaggregated on the basis of age and whether they currently worked within the profession. Across all response groups (i.e. the control group, those experienced solicitors to be invited to the focus groups, and those experienced solicitors to be invited to participate in the telephone interviews) a mix of gender, position/job titles, and sector were invited to participate.
- 1.3.3 All focus groups were arranged as planned; however, a low turnout was experienced for each (only three to four people attended each), meaning these were run as mini-group interviews rather than focus groups. However, this method was extremely successful with each respondent participating fully and engaging with every question. This approach resulted in very rich, detailed data being gathered during each group.
- 1.3.4 As only one group had been arranged for the control group however, and as only three respondents attended, this was considered to be too few participants to provide a robust control group. Therefore, additional telephone interviews were conducted to boost the number of control group respondents.
- 1.3.5 All developments were discussed as the project evolved with the Society's project leader. Changing the methodology and re-scaling the project meant that a valuable set of data was still produced.

## **1.4 SAMPLE PROFILE**

- 1.4.1 For sampling purposes, those that responded to the 2013 survey and provided contact details for further research were split by age. Those aged 46 and above were considered eligible to comment in relation to having more experience and being more established in their field. Before inviting individuals to participate however, data relating to their current position and number of years' experience was also checked to confirm eligibility. The control group consisted of those aged 35 and younger, and again, before inviting individuals to participate, their current position and number of years' experience was also checked to ensure the data was compatible.

- 1.4.2 Overall, five respondents took part in the control group research, eight respondents attended the mini-group interviews for more experienced solicitors, and a further eleven experienced solicitors from outwith the Edinburgh/Glasgow area, including a number from more remote rural areas, completed telephone interviews.
- 1.4.3 A good mix of gender was achieved, along with those from private practice, in-house solicitors, and those that work in the corporate/commercial sector. Good geographic coverage was also achieved, with respondents located in Glasgow, Edinburgh and other urban areas across Scotland (including Aberdeen and Dundee) as well as more remote/rural areas across the country, including some island locations. In addition, two of the experienced respondents were not currently practicing, although they were looking for opportunities to re-enter the profession, and one other respondent had technically retired, but again was looking for further opportunities within the profession.

## **2 MOTIVATIONS AND ASPIRATIONS**

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### **2.1 INTRODUCTION**

2.1.1 The 2031 Profile of the Profession Survey highlighted key day-to-day motivations as well as future career aspirations across the profession. These were explored in more detail within the mini-groups and interviews (with both respondent groups) to identify how these had changed over the course of respondents' careers, and to identify any ways in which the Society could assist in achieving these motivations and aspirations.

### **2.2 DAY-TO-DAY MOTIVATIONS**

2.2.1 The 2013 Profile of the Profession Survey indicated that key day-to-day motivations for those working within the legal profession were salary (mentioned by 40% of the sample), quality of work (mentioned by 38% of the sample), and work/life balance (mentioned by 34% of the sample).

2.2.2 When considered by respondent age group, there were some interesting similarities and differences in day-to-day motivations however (see Figure 1 in Appendix B for a full breakdown). For example, quality of work and work/life balance held reasonably similar levels of importance for all age groups; however, there were differences in the importance of salary. Those aged 25 to 65 were more motivated by their salary than the age groups at each extreme of the age spectrum. Other elements which showed some variation by age, included:

- variety of work was more important to those aged 25 and under than all other groups;
- the possibility of promotion was a greater motivator to those aged 35 and under, whilst those aged 56 and above were motivated more by their seniority;
- colleagues you work with, although only showing slight differences by each age group, there was a downward trend in the importance of this as age increased;
- being appreciate for the role you do was more of a motivator for those aged 56 and above compared to the younger age groups; and
- opportunities to help others was considerably more important to those aged 66 and above than any of the younger age groups.

2.2.3 Day-to-day motivations were explored further with mini-group and interview respondents, who were asked what their motivations were and how these had changed over the course of their career.

2.2.4 Respondents indicated that day-to-day motivations had continually varied and changed throughout their legal career. Initially, some had been motivated by salary, the desire to complete the tasks they were set, the desire for increased

responsibility and promotion, and idealistically, to feel that they were helping people and making a difference.

- 2.2.5 As respondents progressed through their careers however, they felt that they had achieved many of their initial goals. Therefore, their day-to-day motivations evolved with their positions to centre more on the quality of work that both they and their firm (where applicable) were doing, the quality of the team that they worked with, and the responsibility they had to more junior staff both in terms of ensuring their positions were secure but also in advising, training and mentoring, as well as job satisfaction and feeling that they were helping clients.

*“Quality of work is definitely a factor for me, and not just the quality of my work but also the quality of the firms work generally.” (Experienced solicitor, male, private practice, rural).*

*“I generally get a lot of satisfaction out of being able to advise people [both clients and other staff] in a way that helps them, or do work that helps them, and move them on a bit.” (Experienced solicitor, female, private practice, rural).*

*“I enjoy the client contact... the subject, the law is a fascinating subject... and there are a lot of remarkably good young people in our profession, and I have the opportunity to work with them and help train and educate them.” (Experienced Group, male, private practice, urban central belt).*

*“Initially salary and the possibility of promotion was relevant, and I’ve always enjoyed the work I do, achieving a work/life balance to fit in with my children, and I like the people I work with.” (Experienced solicitor, female, private practice, rural).*

- 2.2.6 For those in management roles and/or partners, recent motivations have also centred heavily on ensuring the business survived through the recent economic downturn.

*“What gets me out of bed is professional duty and having to keep the show on the road for the firm and for myself.” (Experienced Group, male, private practice, urban central belt).*

*“I have a responsibility to the firm as a partner, and I have a responsibility to the team that I lead, and I’m also motivated by the area of law that I practice and in building my reputation outwith the firm for doing this type of work.” (Experienced solicitor, male, private practice, rural).*

- 2.2.7 Achieving a suitable and acceptable level of work/life balance was considered to have become more important as respondents moved through their career; confirming the data from the 2013 survey. This was linked to the needs of growing families and childcare responsibilities, increasing needs/desires for more personal time as they got older, or that they felt unable to maintain the excessive number of hours contributed during the early phases of their careers.

- 2.2.8 The day-to-day motivations of the younger respondents also confirm the above, with most indicating that their day-to-day motivations remain salary, professional

pride and desire to do a good job, and exposing themselves to a variety of work in order to progress their career, as well as receiving appropriate levels of responsibility and autonomy. They indicated that, at the early stages because they did not have a family, then work/life balance is often less of a concern than career progression, but it either has become more important, or they expect it to become more important as they get older and their priorities change.

*“As a student I probably expected I’d be motivated by trying to help people, and to do a good job and to get job satisfaction. Now though, motivations are probably getting paid and trying to achieve a work/life balance.”  
(Control Group, female, in-house, urban central belt).*

## 2.3 FUTURE CAREER ASPIRATIONS

2.3.1 Respondents to the 2013 Profile of the Profession Survey were also asked to identify their key career aspirations. Results showed that these included gaining a higher salary (mentioned by 55%), improved work/life balance (mentioned by 33%), promotion (mentioned by 25%), and a greater quality of work (mentioned by 23%). Similar to the day-to-day motivations however, there were differences when disaggregated by age (see Figure 2 in Appendix B for a full breakdown):

- both salary and promotion became less important as respondents got older (presumably as their salary and position progressed over their career), with significant decreases in the importance of salary for those aged 66 and above, and in promotion for those aged 56 and above;
- greater responsibility and seniority were considered aspirational for those younger members of the profession (i.e. aged 45 and under), and less so for those aged 46 and above (presumably because suitable levels of responsibility and seniority have largely been achieved);
- to be included to a greater extent in the decision making was more aspirational for those aged between 25 and 55 compared to the other age groups;
- improved work/life balance became significantly more important for those aged 36 and above;
- greater opportunities to help others was more important to those aged 56 and above; and
- although the proportions throughout are reasonably low, those aged 36 to 55 were more likely to aspire to gaining judicial office than any of the other age group.

2.3.2 Again, future career aspirations were identified and explored further during the mini-groups and interviews, in particular exploring how respondents’ aspirations had changed over the course of their careers.

2.3.3 Similar to day-to-day motivations, future career aspirations have developed and evolved over the course of respondents’ careers. Many cited similar early career aspirations to their early day-to-day motivations, i.e. salary increases, promotion, wishing to achieve partnership and become recognised as an expert in their field. Most experienced respondents felt that they had now achieved these, or were

resigned to them not being possible. Aspirations, therefore, had generally lessened/were seen as less important overall than day-to-day motivations, and had largely moved on to considering retirement/pension plans and winding down to allow a greater emphasis on work/life balance. Some were still aspiring to maximise their earnings, but this was generally with a view to securing a suitable pension for retirement. Others were still seeking to maintain and build upon their reputation as a specialist in their chosen area.

2.3.4 Related to this, some experienced respondents also aspired to move into other professional areas, either during their winding down phase and/or upon retirement. As well as consideration of consulting roles, these included the desire to join various Committees, Boards and Councils, to undertake lecturing and tutoring roles, or to apply for Judicial Office or Tribunal work.

2.3.5 Younger respondents also confirm the above, in that they support the early aspirations described by the more experienced professionals without mentioning those elements that are now more important to older practitioners. For example, they indicate that their career aspirations are to be promoted, increase their salary, be given increased responsibility and autonomy, and ultimately achieve partnership or other management positions. As these respondents have not yet achieved these they are still at the forefront of their aspirations. However, they expect their aspirations to move on, in similar ways to the experienced respondents, as their personal circumstance change (i.e. for work/life balance to become more important as they have families) and as they achieve their early aspirations.

## **2.4 SOCIETY IMPROVEMENTS/CHANGES TO ASSIST**

2.4.1 In addition to identifying day-to-day motivations and career aspirations, and discussing how these had changed over time, mini-group and interview respondents were also asked what the Society could/should be doing to support the achievement of these goals.

### **Assistance for Experienced Professionals**

2.4.2 Given that a number of experienced professionals' career aspirations centre around retirement plans, many respondents indicated that it would be helpful if the Society could provide some retirement training/seminars to assist them with pension planning, outlining the options for exit and succession plans, and highlighting/signposting any sources of information and/or advice. They felt that advice was generally concentrated on set-up, and support for young solicitors to illustrate potential career paths, but that there was little/nothing available regarding retirement plans (both for personal plans regarding how to fill their time, and business plans for succession and exit planning), and/or how to close down a firm.

2.4.3 One respondent also indicated that more directed financial advice available at the earlier stages of a practitioner's career would be helpful. This was linked to many firms not providing pension schemes, therefore information around options for

either a Society/profession level scheme and/or regarding private personal pensions would have been helpful.

- 2.4.4 Another respondent also suggested that the Society could highlight age discrimination more, and in particular, how this correlates to Partnership Agreements. For example, what implications there are in setting and trying to enforce fixed retirement dates within these Agreements.
- 2.4.5 Some also felt that it would be helpful if there was additional advice, support and advertising of judicial appointments and/or other opportunities for those that are retiring, for example Board and Committee vacancies, etc. It was also suggested that the Society could host a database of consultants for retired or semi-retired solicitors to join allowing firms to identify them as available for ad hoc work.
- 2.4.6 It was suggested that CPD courses could be more available and tailored to those at the later stages in their careers. They often felt that the training was aimed at younger members of the profession rather than for those with significant levels of experience in particular sectors.

*“There’s not a lot of CPD for more experienced practitioners. There’s a lot of CPD for newly qualified solicitors and new partners, but there’s very little CPD for other experienced practitioners.” (Experienced Group, female, in-house, urban central belt).*

- 2.4.7 They also indicated that those practitioners who did not have access to CPD via their firm/employer had to pay to access this, and in some cases it was not easily affordable. This was particularly the case for those solicitors that were between jobs but still actively seeking and applying for opportunities, and for those that had recently retired but wanted to retain their practicing certificate to allow them to continue working in a more limited capacity, either in a consultant role, or as a sole practitioner, etc.

*“I will need to declare that I have attained my 15 hours of CPD, but the only way that I am going to be able to do that is by paying for it myself. It would be a kindness if the Law Society could help people like me, who can’t easily afford to fork out hundreds and hundreds of pounds.” (Experienced Group, male, private practice, urban central belt).*

### **Wider/More General Assistance**

- 2.4.8 Depending upon the sector that respondents worked within, many felt that the Society had to do more to represent and engage with them. Many felt the Society’s main priority was traditional private practice, followed by public sector in-house solicitors, and that many other sectors, particularly from private enterprise, commercial and industry backgrounds, and the charity sector were largely overlooked. In saying this however, there were still calls from those in that worked in-house and from those in particular areas (both geographical and sector of law) of private practice for greater engagement and representation. They also suggested that materials were largely designed around private practice but were inappropriate for use in the public sector.

2.4.9 A number of respondents (from both the experienced and younger control group) also indicated that they thought fee guidance would be helpful. They acknowledged that, due to free market conditions, the Society would not be able to produce something similar to the fee tables provided previously, but felt that they could provide training and guidance on how to structure and calculate fees.

*“I think better training on how to fee things would be useful. We can’t go back to having tables of fees like we used to, that’s not going to happen because it would be anti-competitive, but far too many lawyers don’t know how to fee things and I think a bit more guidance and training on this would be helpful.” (Experienced solicitor, female, private practice, rural).*

2.4.10 Other general comments included:

- improving the profile of the In-House Lawyers Group;
- provide more guidance regarding health and safety compliance;
- encourage the practicing sector to be more pro-active in providing guidance, templates, standard forms, etc. that can be shared for use more widely;
- greater guidance required in relation to money laundering; and
- assist the profession to reduce the level of admin required.

### **Assistance for Younger Solicitors**

2.4.11 Requests for support for younger solicitors differed from experienced respondents in that they related to desires for general information on how to achieve partnership, how partnership works, the difference between salaried and equity partnerships, etc. They also discussed the training for partners and whether this was needed or relevant before becoming or applying for partnership. Whilst this could be helpful in deciding whether partnership is right for each person, and may assist the application process, they were concerned that they would be committing time and resources to this when they may not achieve partnership status.

2.4.12 They also indicated it would be helpful if the Society could conduct reasonably regular salary reviews in order to provide solicitors with guidance in regards to expected salary bands for varying levels of experience across the different sectors, including any geographical differences. They felt this would assist them to be more confident in salary negotiations and help to reduce any instances of pay discrimination.

*“Having a salary review every couple of years or so to say that this is what a person, for example, in commercial property is getting in Glasgow, and is getting in Edinburgh, etc., so that people, when they are coming to assess ‘am I getting paid enough’ at appraisals can actually look at some other data.” (Control Group, female, private practice, urban central belt).*

*“this would help you to have sensible discussions at appraisals or pay reviews which would be useful.” (Control Group, female, private practice, urban central belt).*

*“Our [firms] policy is to pay the going rate, but no one really knows what the going rate is”. (Control Group, male, private practice, urban central belt).*

## 3 ATTITUDES TOWARDS EXPERIENCED PROFESSIONALS

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### 3.1 INTRODUCTION

3.1.1 This chapter provides an overview of the discussions around the general attitudes towards more experienced professionals. All respondents were asked to comment on any ways in which they felt they had been treated differently as their careers progressed, with younger respondents also asked if they felt they were treated differently to more senior/mature colleagues. The extent to which the risk of redundancies, both during the recession and more generally, had affected various age groups/experience levels was explored, as was the concept of law as a 'young person's game'. Finally, the positive attitudes towards experienced professionals and personal benefits of being more established were identified, along with any negative attitudes and personal drawbacks.

### 3.2 DIFFERING TREATMENT AS CAREERS PROGRESS

#### Changes for Experienced Solicitors

- 3.2.1 Responses to whether more experienced solicitors felt that they were treated differently now compared to the early stages of their career were largely mixed.
- 3.2.2 Many felt there had been differences in the way they had been treated over the course of their career, however, the nature and extent of this often depended upon the size and nature of their firm/employer.
- 3.2.3 Those that were in medium to larger firms and who had specialised in one particular legal area or niche felt that their level of responsibility and autonomy had grown with their experience and, as well as generally being allowed more autonomy, they were increasingly sought out to provide advice. Most respondents did feel that their opinions were now asked for and listened to more often than at the early stages of their career, and some did feel they were afforded more respect and deference; however, this was often linked to being more experienced and holding more senior/partner positions, and/or because of their skill and experience within their chosen field rather than simply as a result of their age per se.

*"Having been a partner now for over 15 years, I get treated with respect by staff, and from other professionals." (Experienced solicitor, male, private practice, rural).*

*"I think there's a certain level of respect and deference shown to you because you have reached a particular stage of your career." (Experienced solicitor, male, private practice, rural).*

*"Yes, certainly, because you build up a speciality... People refer to me, and I like that people phone me up and ask my advice and ask me to write about it, etc., and that gives a certain amount of respect for an older*

*member of the profession. To be perfectly honest, if you don't have something like that, if you don't have an ace in the hole, then I don't see an older member of the profession being particularly respected by younger people." (Experienced Group, male, private practice, urban central belt).*

*"I certainly attained a greater volume of respect as I became more experienced." (Experienced Group, male, private practice, urban central belt).*

*"People will look up to you more in your fifties in a way they wouldn't have done in your thirties because you have experience and judgment." (Experienced Group, male, private practice, urban central belt).*

*"Obviously now being at the head of the firm I am treated differently to how I was when I was a junior solicitor, that's just inevitable." (Experienced solicitor, female, private practice, rural).*

- 3.2.4 One respondent also noted that they had witnessed and experienced changes in the way they had been treated; however, they suggested this may have been more linked to geography and the nature of clients in various areas.

*"I found when I moved to [NAME] that I was treated more evenly, people here are more willing to engage with younger solicitors, whereas in Edinburgh people wanted to deal with partners, it was like a badge of honour as it were." (Experienced solicitor, male, private practice, rural).*

- 3.2.5 It was suggested that there may be a greater level of mutual respect within the public sector, corporate in-house positions, the academic sector, etc. due to fewer pressures and competition between colleagues.

*"I found that they valued my experience and the fact that I could give them advice about situations that had arisen, and I valued the fresh approach that they could bring, so there was definitely that degree of mutual respect. The government may be slightly different of course, because they have a different mix of people and you don't have a lot of people competing, and there's not a money element in government... which I think probably eases a lot of the tensions that may exist in other places." (Experienced Group, female, public sector, urban central belt).*

- 3.2.6 Other respondents felt that there had been little change however. For example, those that had worked in small firms/small in-house teams felt that they had been given a lot of responsibility and autonomy from an early stage as they had to deal with *"whatever came through the door/landed on their desk"*. Others indicated that they had expected to get more respect as they got older and more experienced but felt that this had not happened, largely because society has moved on and is not as respectful as it once was.

*"But I wouldn't say that I am now treated in an equivalent way that my predecessor was treated thirty years ago, because people and staff relate differently to the boss now and vice versa because I have a much more easy going relationship with the staff." (Experienced solicitor, female, private practice, rural).*

*“Not just from a professional point of view, but when I was younger I did used to think that as I got older people would call me Mrs [NAME] and be a bit more respectful, but that didn’t happen. I think that’s because society has moved on and people aren’t as respectful as they used to be.” (Experienced solicitor, female, private practice, rural).*

- 3.2.7 Only one experienced respondent did feel that being considered to no longer be in the ascendancy of their career had been an issue, and had an impact.

*“My age has had an impact upon how the firm that employs me views me, I’m not being viewed as a potential partner or director and I never have been since joining them.” (Experienced solicitor, female, private practice, rural).*

### **Changes for Less Experienced Respondents**

- 3.2.8 Those less experienced respondents from within the control group also considered that how they were treated had changed, even over shorter periods of time. Some, again from medium to larger firms found that they built up more responsibility, received more challenging cases, were invited to get involved in work from an earlier stage, and were given more autonomy, trust and management tasks as they had progressed. On the other hand, those from smaller firms felt they had been given responsibility and autonomy quite quickly; however, they had to deal with the work that comes through the door rather than having the ability to specialise to the same degree. This was related to the size and structure of the firm however, rather than determined by level of experience.

*“I got a lot of interesting work quite early on, and quite a lot of responsibility quite early on as well, as it’s only a wee firm you have to... But it’s more about what comes in through the door, it’s not the case that it’s delegated, people come in to see me and I have to deal with whatever comes in through the door and it’s very much driven by who in the firm they can get an appointment with first.” (Control Group, male, private practice, urban central belt).*

- 3.2.9 One respondent also indicated that there had been a difference when moving between their traineeship to their first qualified position; they noted that they felt more dispensable as a trainee but felt more integral to the firm/organisation now.

*“I think as a trainee you’re maybe seen as a little more dispensable, because trainees are coming in and out of the firm every year, but once you’re kept on you’re maybe perceived as slightly more integral.” (Control Group, male, private practice, urban central belt).*

### **Changes for Women**

- 3.2.10 Some of the experienced female respondents did indicate significant changes in how they were treated now compared to when they had entered the profession. They recalled instances during the early stages of their careers where they had been made to feel very uncomfortable, where clients had stated that they did not want to be assigned to “*that wee lassie*”, and one had entered a firm as the first female solicitor and had been mistaken for “*the office girl*” rather than a qualified

and capable solicitor. These respondents indicated that they now received considerably greater respect from both clients and colleagues compared to their early days in the profession.

*“There’s more respect from new clients. I did experience when I was younger, people saying “I don’t want that wee lassie”. But I ignored it and generally people backed down when they saw I could do the job. That doesn’t happen now.” (Experienced solicitor, female, private practice, rural).*

*“I remember when I started someone assumed that I was the office girl. I was a qualified solicitor but because I was female they would assume you were the office girl. I would say you get an awful lot more respect but part of that is because there are more women in the profession.” (Experienced solicitor, female, private practice, rural).*

### **Stereotyping Around Technology and Change**

3.2.11 In terms of attitudes towards new technology and change, no experienced respondent considered that there were/should be any assumptions made that they would resist these. However, a few did indicate that they did know of others that would fit this stereotype. Equally, there was little stereotyping that the younger generation would embrace it either. Most experienced respondents held relatively senior positions within their firm/organisation and so there was an expectation that they had to embrace technology and change if it was in the interests of the business/organisation, and indeed, many had been champions of implementing new technology or changes within their workplace. Conversely, for more junior staff, they were not consulted on the various technology options or provided with the opportunity to test such options, rather this would be imposed upon them and they would be expected to get on-board with the change.

*“I don’t think that I fit the stereotype of being a fuddy-duddy that’s set in my ways, etc. I do know other partners that fit that bill pretty well, but I don’t think that’s my reputation.” (Experienced solicitor, male, private practice, rural).*

*“I think maybe five years ago there may have been a perception that older professionals wouldn’t like change or technology, but I think things have changed as technology has become so vital... I’ve actually had to drag some of the younger ones with me. But I do know plenty of others of my era that are not hugely keen on it.” (Experienced solicitor, female, private practice, rural).*

### **Difference in the Treatment of Younger vs More Experienced Solicitors**

3.2.12 Less experienced respondents also highlighted that they felt they were treated differently to their more experienced colleagues in some respects. This included being treated reasonably equally in terms of the responsibilities they were expected to take on, but being less well paid for this. Some also felt that more senior colleagues are able to “pick and choose” the cases they work on and that

the younger practitioners are often left with/given the cases that no one else wants.

- 3.2.13 It was also identified that they were often not provided with the same access to company level information as more senior colleagues and/or partners. Generally this was not seen as a problem/drawback of being less experienced, but more about receiving the information that was pertinent to their role. Where some more junior staff were invited along to partner meetings etc., they could not contribute as much as others as they did not have access to the figures, etc. Although they also indicated that, as they were not a partner, they held themselves back in these situations:

*“It’s not my money so it’s not really for me to push for a particular decision”.  
(Control Group, male, private practice, urban central belt).*

- 3.2.14 Younger respondents were also asked if they felt that they were expected to work significantly longer hours than more senior colleagues in an attempt to prove their commitment. In this instance, however, most respondents indicated that this was not the case. They stated that, whilst there was an expectation that they would contribute additional hours, this was happening across the board regardless of age/seniority, they did not feel that they were working significantly more or less hours than more senior colleagues. Also, in relation to partners, they stated that, in actual fact the reverse was most likely the case, with partners working significantly more hours than anyone else in the firm.

*“It may be a different type of work, but they definitely do more than we do.”  
(Control Group, female, private practice, urban central belt).*

*“It’s expected across the board... Some of my older colleagues put in lots and lots of hours.” (Control Group, male, private practice, urban central belt).*

- 3.2.15 This confirms the data from the 2013 Profile of the Profession Survey which shows that the number of additional hours worked generally increased with age, and that Senior Associates, Salaried and Equity Partners are generally working a greater number of additional hours each week compared to other grades (see Figures 3 and 4 in Appendix B for the full breakdown).
- 3.2.16 One respondent (working in-house) however stated that they thought they were working significantly more hours than their senior colleagues, and that this was expected of them. This contradicts the evidence of the 2013 survey however, as the results for those working in-house and in other sectors show similar patterns to those within private practice, i.e. the number of additional hours worked per week increases with grade (see Figure 5 in Appendix B). This suggests that this individuals experience is less typical than others within the sector, or is due to their perception of working patterns.
- 3.2.17 Some female respondents also indicated that they had been expected to “pick up the slack” for other female colleagues who had children. They felt there was a greater expectation on them compared to those that were part-time, and whilst they were happy to help these colleagues as much as possible, they resented the

expectation that they would work additional hours to make sure that tasks were completed.

### 3.3 RISK OF REDUNDANCY LINKED TO AGE

3.3.1 Very few experienced respondents indicated that they had been concerned about redundancy linked to age, either during the recession or more generally. This was largely linked to their positions, i.e. they held very senior positions or were Equity Partners and therefore owned the business. Rather, some had had to make staff redundancies to ensure the survival of the business.

3.3.2 Conversely, many (including respondents from both the experienced group and the control group) indicated that redundancies occurring during the recession were heavily concentrated on younger and less experienced solicitors. Many cited instances of firms either not taking on any trainees in particular years and/or making many of their junior staff redundant. Some felt that more experienced solicitors, and/or those that worked in a profitable niche area had greater job security during the recession.

*“It wasn’t about age, it was about level of experience, but rather than picking off partners that weren’t bringing in the money they went for the easy targets.” (Control Group, female, private practice, urban central belt).*

3.3.3 This concern over redundancy being more focused on the younger end of the profession is confirmed to some degree in the results of the 2013 Profile of the Profession Survey. Figures 1 and 2 in Appendix B show that job security was more important to those aged 25 to 45 in relation to day-to-day motivations, whilst increased job security was most important for those aged up to 25 in terms of career aspirations, suggesting that these age groups perhaps felt most vulnerable to the possibility of redundancy.

3.3.4 A number of respondents (again from both groups) indicated, however, that they were aware of senior practitioners throughout the profession that had opted to take early retirement or moved forward their retirement plans due to the recession. Therefore, whilst redundancies had not been an issue for more experienced practitioners, the recession did still have an impact upon their tenure. They indicated that a number of experienced professionals had become consultants rather than leave the profession entirely; however, they would now work fewer days and worked less frequently. One respondent in this position felt that they had been pushed out of their firm rather than it being entirely their own decision; whilst it had been their retirement plan to wind down and then become a consultant, they felt they had had to implement this sooner than they planned or would have liked.

*“I think there were maybe a few who retired earlier than they might have done but that was more to allow firms to carry on.” (Experienced solicitor, female, private practice, rural).*

3.3.5 Some noted that, of those that had been made redundant, taken early retirement, or had taken a package to leave their in-house position, most wanted to either

find another position or to work in another/more limited capacity within the profession, often in order to “*give something back*”. However, they felt that the opportunities for this were very limited and that there was little support provided to achieve this.

*“The options if you want to do something a bit different, but still to use your skills and experience, and perhaps give something back, the options for that are diminished.” (Experienced Group, female, in-house, urban central belt).*

3.3.6 One experienced respondent felt that there was still age discrimination prevalent within the profession and within society/the workplace more generally, in both directions (i.e. towards both younger and older people). In particular, they felt that redundancies within the public sector would typically be more heavily focused upon the older workers and linked this to public sector pensions being accessible and providing a comparatively good income upon retiring.

*“When it comes to redundancy and downsizing, and looking for who might leave the organisation, there is undoubtedly an expectation that it will be older people, and that’s to do with public sector pensions.” (Experienced professional, female, in-house, rural).*

### **3.4 LAW AS A ‘YOUNG PERSON’S GAME’**

3.4.1 There were also mixed views amongst both respondent groups regarding whether the law was generally perceived as a ‘young person’s game’. Some younger respondents had heard this expression used and felt that there was a perception of this amongst the profession, but considered that the term ‘young person’ referred to anyone under the age of 50. Others (from both the younger control group and the experienced respondents) indicated that particular areas of law were certainly seen this way due to the long hours involved. Some experienced respondents also mentioned that perhaps the relatively newer areas of law may be considered this way, simply because they are newer. The areas mentioned included:

- court work (although it should be noted that others felt this was not considered a ‘young persons’ sector);
- some corporate work;
- mergers and take-overs;
- technology law; and
- oil and gas.

3.4.2 Some did consider that there may be an element of ‘burn-out’ amongst the profession, with many (partners in particular) choosing to either retire early or winding down either by becoming part-time or by giving up their partnership status to become consultants, or take on other roles that are less demanding/pressurised as they cannot sustain the workloads/pressures. They considered that the profession by no means provided an “*easy run into retirement*”.

- 3.4.3 Others, however, felt that experience (far more so than simply age) still counted for a lot.

*“My own perception is that experience is still highly valued.” (Experienced solicitor, male, private practice, rural).*

*“You do still need leadership, vision, experience and some controlling minds.” (Experienced Group, male, in-house, urban central belt).*

*“Experience does still count. People still look at number of years in the business, areas you’ve covered, the kind of background you have and consider that to be important.” (Experienced solicitor, male, in-house, rural).*

*“I think probably the public perception is that age and experience still counts.” (Control Group, female, in-house, urban central belt).*

- 3.4.4 One respondent indicated that, whilst it may be expected that the younger generation of solicitors may be more able to use technology and be quicker at certain tasks, they often lack the knowledge and experience required to present the best solutions. In addition, some (from both the experienced respondents and the younger control group) felt that public perception and expectation regarding solicitors was still fairly traditional, indicating that their clients (both from members of the general public and from the commercial sector) would expect their solicitor to be, most likely, a middle to older aged white man; they would expect to be dealing with a partner in the firm and would not accept being provided with any solicitor more junior to this. Some of the younger solicitors had indeed experienced comments from clients regarding their age.

*“Are you not too young to be a lawyer? I used to get asked this all the time.” (Control Group, male, private practice, urban central belt).*

*“People are looking for someone with experience, not necessarily a young person. In fact I think there might actually be a slight prejudice against a very young solicitor.” (Experienced solicitor, female, private practice, rural).*

*“People like dealing with partners, which doesn’t equate to it being a young person’s game.” (Experienced solicitor, male, private practice, rural).*

- 3.4.5 Others were also aware of instances where older male trainees have attended meetings with fully qualified, experienced and relatively senior female solicitors, yet (in the case of new clients) the clients have addressed the men as the solicitor and assumed that the female was the trainee or personal assistant. They felt that public perception had not yet caught up with the changes in the profile of the profession.
- 3.4.6 Some experienced professionals worried however, that the profession was becoming so unrecognisable from the one which they had joined that young people would not have the same opportunities now and were being taken advantage of. They felt that opportunities for partnership would be very limited, to the point that a lot of young people entering the profession would not aspire to this as it was not realistic/achievable.

*“Some of it’s like being a trader on the Stock Market. I know bright kids who have gone off to big firms and moved to the London office and they’re just told, ‘it’s a merger and acquisition this weekend pack your case, you’re coming here, give me your mobile phone and you’ll work straight through the weekend’. Now they may make a bit of money, but there’s no way you can do that for years and years.” (Experienced Group, male, in-house, urban central belt).*

- 3.4.7 Whilst there was little feeling, therefore, that law itself was a ‘young person’s game’ per se, those experienced respondents that had been actively applying for jobs within the profession did note that there was an explicit desire to recruit younger individuals rather than those with more experience. They highlighted that most job adverts specify a range in relation to candidate’s number of years’ experience, which includes an upper ceiling, often of only three or four years qualified. There was a feeling that, particularly for large firms, this was often down to office dynamics rather than any real requirement/expectations over skills/experience, salary, commitment, etc.

*“The fifty year old partners don’t want a fifty year old assistant.” (Experienced solicitor, female, not practicing, rural).*

### **3.5 POSITIVE ATTITUDES AND PERSONAL BENEFITS**

#### **Positive Attitudes Towards Experienced Solicitors**

- 3.5.1 Positive attitudes (expressed by both respondent groups) towards more experienced solicitors included expectations that they would have increased knowledge, training, and experience, as well as being well networked, having good and extensive contacts throughout the sector, having a secure client base, and being able to generate business. These were linked to being increasingly well known in their area and/or specialism and therefore recommended to clients and sought out by other solicitors for advice. It was also suggested that increased experience would mean that they are more capable of handling clients and more difficult/unusual situations as they are more confident in their own skills due to having a greater wealth of experience to draw upon.

*“You’ve done your time, you know how to manage the clients, you know how to deal with things and you’ll generally do a good job because you’ve got that experience.” (Experienced solicitor, male, private practice, rural).*

*“I think you’re expected to have a degree of experience and knowledge that younger professionals don’t. And they’re more likely to have experience of dealing with a wide range of circumstances and problems.” (Experienced solicitor, male, private practice, rural).*

*“There are a couple [of partners] who are getting towards their twilight years in terms of their careers, and they are, what I would view as legal power houses, they are at the top of their game. And you wonder what will happen to their practice area when they go.” (Control Group, female, private practice, urban central belt).*

*“They’re well networked. I think they’re considered to have a good network of both contacts and clients and be able to bring business to their firm.” (Control Group, male, private practice, urban central belt).*

*“They’re experienced and can possibly help support the younger members of the profession.” (Control Group, female, in-house, urban central belt).*

- 3.5.2 Some younger respondents however, did point out that attitudes from within the profession itself towards more experienced practitioners varied depending upon the individual, and that these attitudes were based on their level of expertise rather than simply on age or extent of their experience.

*“I think it may not necessarily be an age thing but more an individual thing. I’ve worked with people in the past that would probably be perceived as ‘elder statesmen’ from outwith the firm, but within the firm there was an opinion that they were past it almost and were on the slippery slope to retirement. So the external perception and internal perception were quite different... But I think it’s less about age and more about experience and the particular individual.” (Control Group, female, private practice, urban central belt).*

*“Some people will continue to excel whilst others will just plateau off. Certainly, when I started going to court I’d think that someone older than me would know more than me and I’d be intimidated, but after about three or four years post-qualified I realised that, actually, I know as much about this as these guys do and there’s not really a great deal of difference just because of their age. There may be people that are better than I am but that’s because they’ve got different skills to me rather than because they are older or more experienced.” (Control Group, male, private practice, urban central belt).*

- 3.5.3 It was also suggested that those coming to the legal profession late, and are therefore older when graduating, may find it harder or experience an element of ageism. One respondent was aware of a few people in this situation that had struggled to find NQ jobs, and also as trainees they wondered if these people had felt a little degraded and undervalued as they may have had reasonably responsible jobs previously but would have to do more menial tasks in their traineeship.

*“If you’re straight out of school into University, then straight out of University and into a traineeship, so if you work your way through your career in the traditional way, then I don’t think you’ll ever suffer ageism in this profession. But I think if you’re coming at it from a different path then you maybe do.” (Control Group, female, private practice, urban central belt).*

- 3.5.4 Others (from the control group) wondered if this barrier, however, was more around “*qualification snobbery*”, in that a part-time degree from Napier University, for example, may be looked upon differently to the equivalently graded full-time degree from the University of Edinburgh.

## Personal Benefits of Being More Established

- 3.5.5 Personal benefits (again identified by both respondent groups) of being more experienced largely mirrored the positive attitudes detailed above. Some experienced respondents also identified that it made the relationship with clients easier. For example, partners would often find clients respected and trusted them from the start simply because of their job title, they felt there was “*no need to prove anything*”. Some also indicated that they had built up a good client base and good client relationships with repeat business.

*“You have more experience and gravitas when you’re older. It can be quite difficult when you’re just starting to advise older clients about what to do, especially in situations you haven’t gone through yourself. So I suppose there is more trust and respect, and the more experienced you are in your field then the more confident you are in advising.” (Experienced solicitor, female, private practice, rural).*

*“I think you build up a good client base, and you have the trust of your clients. You get return business and have a long standing relationship with your clients, they trust you and they come back. It’s nice to feel that you have that connection with people.” (Experienced solicitor, female, private practice, rural).*

*“Wider knowledge and experience, and having seen a number of the issues before I am therefore able to answer them with greater certainty... and in fact you can often come to a faster conclusion.” (Experienced solicitor, male, in-house, rural).*

*“When you’ve seen some clients through three generations they’re not just clients anymore, you do want to see them looked after.” (Experienced Group, male, private practice, urban central belt).*

- 3.5.6 One experienced respondent also felt that being more established meant there was more trust afforded to them from their firm in terms of being given greater flexibility regarding the days they worked, location where the work was completed, and the ability to renegotiate their pay and conditions.

*“Being more experienced I think I’m given more credit, say I want to change my days, or if I wanted to renegotiate things then I think I’d be able to do that.” (Experienced solicitor, female, private practice, rural).*

- 3.5.7 Others (from both the experienced and younger respondents) also highlighted that they thought the benefits included being respected, asked for their opinion and listened to more, and that they had the influence to change other people’s minds/opinions. Also, those in the younger control group felt that, due to the increased level of experience, the job would be less stressful overall. Other expected personal benefits identified by younger respondents included the salary and the expected pension.

*“They’re perhaps a bit more listened to and respected for their judgment a bit more just by virtue of the extent of their experience. A also think that at the moment, if you are someone who has a bit of a client following then*

*there's a lot of options available to you... and if you've been through things before then it may be a little less stressful at times compared to when you're new to it." (Control Group, male, private practice, urban central belt).*

*"They probably became a lawyer when it was good to be a lawyer, and would have a decent wage and a decent pension." (Control Group, female, in-house, urban central belt).*

## **3.6 NEGATIVE ATTITUDES AND PERSONAL DRAWBACKS**

### **Negative Attitudes about Experienced Solicitors**

- 3.6.1 Negative attitudes towards more experienced solicitors, as identified by experienced respondents, included stereotyping which may still be prevalent. This included older solicitors being "*set in their ways*" and "*not innovative enough in their thinking*". Other experienced solicitors had found that their knowledge was sometimes questioned for relevance by younger counterparts, and had experienced suggestions/comments that their knowledge and/or experience was "*out of date*".

*"Perhaps that they have become set in their ways, or are not innovative in their thinking, or have become slightly detached from the day to day." (Experienced solicitor, male, private practice, rural).*

*"Even within the ILG [In-House Lawyers Group], and this is within the Law Society, when I go to that there's a room full of 20 to 30 year olds, most of whom work in government in one shape or form, and their attitude towards anyone over the age of 40 really is pretty negative. Their attitude will generally be "well that might have applied some years ago but it doesn't really apply now" whereas to my certain knowledge and experience a number of these things do apply now." (Experienced solicitor, male, in-house, rural).*

- 3.6.2 It was also thought that being increasingly well known would mean that any bad experiences with a case or client would become widely known and may impact upon reputation, especially in more rural locations.

*"Here, there's a lot of talk and a lot of work comes from recommendations, so if someone perceived that I hadn't done a good job for them then that would spread, whether it's true or fair or not it would still have an impact." (Experienced solicitor, female, private practice, rural).*

- 3.6.3 In addition, it was suggested that assumptions will be made in terms of the cost of employing the person compared to the extent of the fees that can be charged for their time. Similarly, there was concern that, perhaps over time, a firm may make assumptions about an individual and pigeonhole them into a particular area meaning it can then be difficult work on a variety of case types/tasks.

- 3.6.4 Some respondents also indicated that there was a risk of becoming seen as an obstacle to others career progression, and that by sheer virtue of getting older they are less able to maintain the workloads and pressures of the job. One

respondent also felt that some experienced professionals were not always as energetic in pursuing options as they perhaps should be.

*“You can become seen as dead wood, the duffer who was something once but that they want to get rid of. That’s the way it can work in big firms.” (Experienced Group, male, private practice, urban central belt).*

*“You can be seen as an obstacle to some people achieving that move up, as they can’t move up until you move on. The older you get in private practice, the less likely you are to stay in private practice. In my experience, age 62 is roughly the time when many in private practice will leave the profession because they can’t make up for their loss of stamina with their experience anymore.” (Experienced Group, male, private practice, urban central belt).*

*“The pressures of the job and the sheer fact of getting older combine to make it pretty stressful.” (Experienced Group, male, private practice, urban central belt).*

*“They don’t seem to have the tenacity, the mental agility, or the energy to pursue a line when they know that there is perhaps a better one.” (Experienced solicitor, male, in-house, rural).*

- 3.6.5 One experienced respondent also highlighted issues around clients always expecting/wanting to deal with ‘their own’ lawyer, regardless of the nature and needs of the case. They had found that it can often be difficult to introduce new, and often more appropriately qualified team members with more relevant experience when there is a relationship between a client and ‘their’ lawyer.

*“There is this idea that “he’s my lawyer”, but it’s more important to get the right horse to run the right course. But at the same time manage that with the client. You need to say to the client that this is the person that will do this and they have my confidence, be they senior or junior; it’s about getting the right person.” (Experienced solicitor, male, private practice, rural).*

- 3.6.6 Additional negative attitudes that some of the younger control group thought may prevail with regards to some of the older elements of the profession included that they may be considered as less relevant, be reluctant to change their practices and embrace changes and developments, and that they typically choose what cases they want to work on and delegate anything that does not interest them. It should be noted however, that these were not necessarily personally held views, but rather perceptions they thought may exist more generally within the profession.

*“Because they’ve been in the job longer they probably have more clout and are able to choose what they want to do, and in some circumstances don’t do as much they should.” (Control Group, female, in-house, urban central belt).*

### **Personal Drawbacks of Being More Established**

- 3.6.7 Very few personal drawbacks were identified (by either respondent group) in relation to being more experienced. However, one experienced respondent from a rural location did indicate that it became harder to move between firms in the same location. They noted that, as it was a very small community overall, then “everyone would know” as soon as they began looking into other opportunities.

*“I am aware of one or two people who have moved on from one country firm to another, but it’s very unusual. So once you’re in an established firm in the country you’re stuck because other people would not want to take you on. Whereas in the city it is much more common to move about.” (Experienced solicitor, male, private practice, rural).*

- 3.6.8 One respondent felt their workload had significantly increased as they became more experienced and they found they now had to prioritise and reprioritise tasks. Two others suggested that they felt their personal time was “invaded” more often as they had become more experienced; with one indicating that they dwelled on certain cases more now than they had previously and that it had a visible effect on them.

*“It can be quite stressful, and the things that I do are very important for people, and perhaps as I get older I find I am maybe more concerned about things and dwell on them more... My family says that I’m different on the days that I work compared to the days that I don’t. Certain cases can pollute the rest of my life outside of work.” (Experienced solicitor, female, private practice, rural).*

- 3.6.9 Another noted that their job involved a lot of travel, which they now found more onerous than they had previously. Another indicated that some older and senior people within the profession can become complacent and may not keep up to speed with relevant changes and developments.

*“You may become complacent and don’t necessarily keep yourself up to speed with changing circumstances in the area you practice and in relation to the law. You may gradually begin to lose touch.” (Experienced solicitor, male, private practice, rural).*

- 3.6.10 One younger respondent wondered if more experienced colleagues may feel more isolated. They indicated that the overall profile of the profession is reasonably young and that there may be the slow loss of more senior colleagues’ peer group and erosion of their shared experiences.

## 4 CONSIDERATION OF OTHER CAREERS

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### 4.1 INTRODUCTION

4.1.1 All respondents were asked if they had considered other career options at any point previously. This included both other legal based careers or any non-legal based career or job. They were also asked about their reasons for staying within the profession, the extent and impact of any career breaks, and the appropriateness of their levels of remuneration and whether they felt this was consistent with their level of experience. Benefits and problems with having a legal career were also discussed by all respondents, along with identification of any ways that the Society could assist those staying in the profession, those looking for new legal challenges, and those considering leaving the profession. Results are summarised in this chapter.

### 4.2 CONSIDERATION OF OTHER LEGAL CAREERS

#### Experienced Professionals

4.2.1 A few respondents' career paths had taken them through various legal based positions, in private practice, local government and other in-house and/or commercial organisations. This had largely been driven by the opportunities that had presented themselves throughout one respondent's career rather than following any structured career plan. Another had moved from private practice to in-house after a career break, with the change largely driven by a desire not to return to the stress, workloads and profits driven nature of the private sector.

4.2.2 A few had also contributed to the law degree in the form of lecturing and tutoring in addition to their practicing position. Whilst also enjoying this role and feeling that they were giving something back to the next generation, they felt that it ensured they stayed up to date with developments in their field and had helped them learn how to explain legal concepts in easy, clearly understood language.

*"It does give a nice balance to practice, it's not stressful. It makes you keep you keep up to date with whatever area you're in. It makes you learn how to explain things in easy language because the students don't yet know all the practicalities, etc." (Experienced solicitor, female, private practice, rural).*

4.2.3 Some had also sat on various committees, etc. within the legal profession, and contributed more widely and internationally to various bodies, charities and activities, as well as writing papers/books. Others indicated that they aspired to this, often upon retirement or as part of semi-retirement. Whilst others had given some thought to curator or children's reporting roles in order to broaden their career.

4.2.4 In addition, a number of the more experienced respondents had given some thought to alternative legal careers, with some having applied for other positions

previously. These included moving from private practice to in-house positions, considering becoming an Advocate and/or tribunal work, and considering/applying for Sheriff and part-time Sheriff positions.

- 4.2.5 Those that had applied for a Sheriffs position previously indicated that they were unlikely to apply again due to the application process however; they felt this had been too time consuming and involved elements they were uncomfortable with, for example the need for personal statements. They indicated that, whilst the younger generation perhaps have experience of writing personal statements, for example as part of their University application, that the majority of those members of the profession currently eligible to apply for judicial office were highly unlikely to have any experience of this, so it presented a significant barrier for some.

*“The application process would put me off. I’ve not had a job interview for over 30 years so I don’t present myself the way younger people would because I’ve never had to go through that system. So it’s a disadvantage for older solicitors... We’ve never had to write personal statements etc., so older solicitors that are perhaps wanting to change jobs are disadvantaged because we just don’t have the skills to present ourselves in the way that’s expected.” (Experienced solicitor, female, private practice, rural).*

- 4.2.6 Another respondent, who would like to apply for a Sheriff’s position, but on a part-time basis, highlighted issues in the appointment process/requirements that excludes a significant proportion of the profession from applying, particularly females. This respondent also highlighted conflicts with becoming a part-time Sheriff due to their public sector contract and being required to be exclusive to them. This meant that they could not apply for the part-time Sheriff positions as others in private practice could, they would need to make a permanent move to a Sheriffs role.

*“The Sherieval Bench is exclusively a full-time job. I don’t think the Judicial Appointments Board have actually considered whether you could do it on a 50% basis. Although there are part-time Sheriffs they all come in from private practice and sit on an ad hoc basis and then go back to their private practice role... I think the Society should be doing something to influence the Judicial Appointments Board on that front, because there are a lot of very able women who could come in and bring a lot of external skills, for example family management skills, dealing with young children, etc., where perhaps females have greater experience to bring.” (Experienced Group, female, in-house, urban central belt).*

- 4.2.7 Some working in the public sector did express a desire/interest in moving to a position either within private practice, or perhaps another in-house role within industry/commercial organisations. However, they indicated that they felt “trapped” because they did not have recent/any commercial experience or any client base that would transfer with them to make them attractive to private practice firms.
- 4.2.8 Experienced solicitors that had either considered applying for alternative positions, or who had indeed actively pursued opportunities within the profession did highlight an element of age discrimination in the way that positions are advertised.

A number commented on the fact that adverts for specific positions are often accompanied by a criteria around the number of years of experience employers are looking for.

*“Age is certainly a barrier. If you look at lots of the adverts they all seem to put in the specifications from zero to two, three or four years qualified, which would restrict their recruitment to people under the age of 30, which excludes a large part of the profession.” (Experienced solicitor, female, not practicing, rural).*

### **Less Experienced Professionals**

- 4.2.9 Some less experienced professionals had also given some thought to alternative legal careers. This included becoming an Advocate (although others indicated that this would be highly unachievable for many due to the cost involved), moving from private practice to an in-house position, and moving into a lecturing position on the degree course.
- 4.2.10 Another respondent discussed their unhappiness in their current position. They felt that too little information had been available regarding all the career options across the legal profession, and there was no ability to gain practical experience across the various sectors prior to choosing a specialism. This meant they now regretted their chosen area and would like to consider other areas. However, due to the emphasis on the need to specialise, and very limited prospects of being able to retrain in another sector, they considered that it was now too difficult/impossible to move.

*“It’s very difficult to move because what I do is so specialised. It seems that law has gone that way over the last few years where the skills aren’t considered to be transferrable anymore.” (Control Group, female, in-house, urban central belt).*

## **4.3 CONSIDERATION OF ANY NON-LEGAL CAREERS/JOBS**

### **Experienced Professionals**

- 4.3.1 Only one experienced respondent had considered a move to a non-legal career/job during their earlier working career. This was attributed to their other personal interests and pursuits rather than anything they disliked about the legal profession per se. One other respondent had spent some time out of the legal profession working in another professional capacity. This individual had obtained an additional non-legal qualification and worked in a consultant capacity outwith the legal profession for a few years due to restructuring within their previous organisation. They had then returned to the legal profession.

*“Moving away from my comfort zone, and not doing what it says on the tin, i.e. not being a solicitor, was quite stressful at times, but the opposite side of that coin is that it was quite challenging.” (Experienced Group, male, in-house, urban central belt).*

4.3.2 Some experienced respondents indicated that they had future aspirations to undertake some type of non-legal venture. These were all ventures to occupy themselves upon retiring and included owning a small business venture such as a B&B/Guest House or small coffee shop, or finding part-time/consultant type positions in non-legal companies or to sit on various boards and/or committees. However, there was a broad concern over the lack of such opportunities which left some considering something part-time within the legal profession instead.

*“I had initially thought that I would like to find something non-legal to do, but I’ve realised that it was probably naively to suppose that situations of that sort were as easy to come by as I think they perhaps were at one time. So I’m now looking at the possibility of returning to legal work on a part time consultancy basis.” (Experienced Group, male, private practice, urban central belt).*

4.3.3 Two respondents within the experienced group were members of a number of Boards and Committees, and contributed to the work of various charities, largely outwith the legal sector directly. However, they also considered that fewer opportunities now existed for those retiring.

*“They take up quite a lot of my time, but I find it quite interesting and they keep my brain going. I’m not 100% sure that I’ve given up the law yet, but there isn’t a lot of support given to people once they get to our stage in our careers, but trying to find other non-legal opportunities is extremely difficult and the processes are extremely competitive.” (Experienced group, female, in-house, urban central belt).*

4.3.4 Other experienced respondents indicated that in order to consider such a career change, their earning potential would need to be equivalent to their current salary, therefore to achieve this they would need to retrain for another profession. As well as the time required to accomplish this, they would also be concerned about the level of autonomy they would receive elsewhere; whilst they acknowledged that the levels of responsibility and perhaps working hours may reduce, they would worry that their level of autonomy would also diminish.

*“I would need to go and re-qualify to even look at getting the same level of return per hour, so it’s not been an option. Also there’s a level of autonomy where I am, although there may be less responsibility which would be the attraction, it would be more difficult to go and work for somebody else.” (Experienced solicitor, female, private practice, rural).*

### **Less Experienced Professionals**

4.3.5 Only a few of the respondents from the younger control group had considered a non-legal career. One wished to stay within the structure of the legal profession but would be keen to develop into more of a business role rather than implementing the law. The other was considering a move to any type of non-legal career or job, including the prospect of setting up their own business (not related to the legal profession). This was due to their disillusionment with their current position and the apparent lack of support/opportunity to switch specialism within the profession.

## 4.4 REASONS FOR STAYING IN PROFESSION

4.4.1 All respondents were asked what makes them stay within the profession, and/or what tempts them to leave.

4.4.2 In relation to reasons for staying in the profession, responses were broadly similar from both respondent groups. In addition to purely economic reasons (i.e. good salary which they would be unlikely to equal elsewhere without significant retraining and experience), some more altruistic reasons were also given. For example, some respondents indicated that they like the feeling that they are contributing something and making a difference in people's lives. Similarly, others mentioned overall job satisfaction, the challenging and interesting nature and/or variety of the work they do, liking the firm/organisation and/or people they work with, and job security as reasons for staying within the profession.

*"There is value in what I do. I have seen the results of advice I have given that can make such a difference to people." (Experienced solicitor, female, private practice, rural).*

*"Interesting work, it's varied, and you get to use your brain." (Control Group, male, private practice, urban central belt).*

*"I like my clients and colleagues, there's always plenty going on and plenty to challenge your brain." (Experienced solicitor, female, private practice, rural).*

*"It's what I know. And I have developed a specialism in my chosen field and I am well known in the industry so I get a lot of personal satisfaction from that." (Experienced solicitor, male, private practice, rural).*

*"What we're all saying is that we enjoy the law. Law is thoroughly enjoyable... And I enjoy working with my clients, trying to make the good things happen for your client and stop the bad things from happening to them." (Experienced Group, male, private practice, urban central belt).*

*"I think it's interesting, it's always changing, there's always something new and different, and within being a lawyer, the scope of finding an area of law, or a way of practicing that suits you is huge... there's such a flexibility across the profession that there's always something there for everybody." (Experienced solicitor, female, in-house, rural).*

*"I enjoy the work; I enjoy the structure in the firm. I like working and having my independence." (Experienced solicitor, female, private practice, rural).*

4.4.3 Very few issues were mentioned in relation to what tempted respondents to leave the profession. For the more experienced respondents, these included specific changes to the law (for example the abolition of the need for corroboration), the difficulty of dealing with certain clients, long hours and levels of admin required. Reasons why younger respondents considered leaving the profession included the extensive workload and low pay within their sector, and some would like to do

something that provided more interesting day-to-day work which allowed them to feel that they had achieved something on a daily basis.

- 4.4.4 Most respondents indicated that they would stay within the legal profession until the end of their working career. Very few respondents thought they would leave the profession early, one citing the recession as the main reason for this, and the other was linked to an inability to switch specialism and move into other areas of law.

## 4.5 CAREER BREAKS

- 4.5.1 No experienced respondent<sup>1</sup> had taken time out on a sabbatical. Many indicated that their firm/organisation allowed this and it was often built into Partnership Agreements, however, no respondent had availed of the option. Some indicated that this was due to the recession making it impossible for senior solicitors and partners to be absent for significant periods. Others indicated that this was not a practical option more generally as their clients would move elsewhere during their time out, thus making it very hard for them to re-enter again. One respondent also indicated that they found their job more interesting than the alternative pursuits available for a sabbatical (for example they travelled significantly through their job so time out to travel the world was not necessary). Another felt that they had managed to achieve a reasonable work/life balance and therefore did not feel the need to take a sabbatical.

*“A sabbatical is a nice idea, but I think in the practice of law it’s quite difficult to do that. Because when you come back everything has changed and your clients are now with somebody else in the firm or they’ve left altogether, so no, it’s just not really practical.” (Experienced solicitor, female, private practice, rural).*

*“I’ve always felt I had a reasonable work/life balance so I’ve never at any point felt that I’d want to take an extended break away from the day to day.” (Experienced solicitor, male, private practice, rural).*

- 4.5.2 A number of the female respondents had taken some time out on maternity leave. In almost all instances where respondents worked in private practice however, they had chosen not to take their full allocation of leave, returning to work often after only six weeks. All were keen to stress that this had been their own choice and that their firm had in no way pressured them into returning so quickly. However, they did indicate that they had returned quickly to ensure that they did not fall behind, in order to keep up as law and the profession can move so quickly, and/or because due to the specialist nature of the profession they were the only person in the firm providing a particular service so there was a sense of responsibility to their colleagues, firm and/or clients. These respondents all indicated that they felt their maternity leave had had no negative impact upon their career. However, this may suggest that, due to the inherent nature of the private sector at least (i.e. the need to build up and be responsible for your own

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<sup>1</sup> The control group were not asked about career breaks, therefore results in this section relate solely to experienced respondents.

client base, and the impact of losing them to others whilst you are on maternity leave), whilst individual firms may be supportive of family friendly policies in theory, the nature of the work means that any time out (for whatever reason) would be detrimental to a person's career.

*“Once I'd had the children I was keen to keep my expertise up and continue with my career. I'd just been made a partner and I was pretty keen that I didn't give women a bad name by taking long maternity leave as I was the only women partner at that time.” (Experienced solicitor, female, private practice, rural).*

*“I was the only person doing the work that I did so I felt that I had to be there.” (Experienced solicitor, female, private practice, rural).*

4.5.3 Only two females had taken significantly longer after having a baby. The first had taken a total of 18 months; however, this was largely time out of the profession rather than official maternity leave, as they also combined this with a move to another firm in another part of Scotland before looking for a new job. This respondent had not achieved partnership status, although they in no way attributed this to the length of time taken for maternity leave but rather the staffing structure of their firm.

4.5.4 The second female had taken a career break (of just over 10 years) for family reasons. She had achieved partnership in private practice before her first maternity leave, and whilst she indicated that her firm had been prepared to consider her returning to the role on a part-time basis there were no other partners in the firm working part-time and she felt it was expected that she would return full-time. As she considered full-time working in the profession not to be compatible with raising a family, she decided to leave the profession. Upon returning, rather than returning to private practice, this respondent chose to apply for an in-house public sector role.

*“There weren't really part-time partners in those days; it wasn't the sort of thing that people did, so I left the profession at that point.” (Experienced solicitor, female, in-house, rural).*

4.5.5 Those female respondents working in the public sector had been more likely to take their full entitlement of maternity leave. However, this was still a relatively short allowance (of three months) compared with current statutory allowances (of up to one year) and respondents had found it difficult to combine motherhood and their career, particularly where they had returned to work on a full-time basis. One respondent within the public sector had also asked their employer for a career break, but this was turned down as it was not a common request at the time with little/no precedence of this in the organisation.

*“After my first child was born I asked for a career break and was told no... It was therefore very difficult in my early days to juggle having a baby, childcare and work... So you were either forced essentially to give up your job or return after three months.” (Experienced Group, female, in-house, urban central belt).*

## 4.6 REMUNERATION CONSISTENT WITH EXPERIENCE

- 4.6.1 Experienced respondents<sup>2</sup> had mixed views regarding whether they felt their level of remuneration was consistent with their level of experience and professionalism.
- 4.6.2 Some indicated that remuneration had suffered during the recession, so currently it was not consistent and that some within the profession had struggled during recent years. Others felt that this has been a problem more generally, and it was a regular motivator behind decisions to move jobs/firms.

*“It was for a while but then the downturn came... Essentially for a while the partners were paying everybody but themselves... So it has been a real struggle for a few years.” (Experienced solicitor, male, private practice, rural).*

*“If you’re a High Street practitioner as opposed to being in one of these huge big firms, then many of us over the past few years have struggled to have a decent income... I think people would be surprised to learn how little lawyers have been earning when times have been hard.” (Experienced solicitor, female, private practice, rural).*

*“It’s often been a motivating factor to move on.” (Experienced solicitor, male, private practice, rural).*

- 4.6.3 A number of respondents identified particular areas where pay was not considered to be sufficient, for example in providing Legal Aid, although this was a more general issue not necessarily driven by the recession. They felt that skills, training and experience in these areas were being devalued due to the low fees and the knock-on effect this had on salaries in this area.

*“I feel that my skills are devalued by the piffling amount I get paid for some of the [legal aid] work that I do, particularly when you see what big firms are charging for an hourly rate... The remuneration does not match the skills that people have at all.” (Experienced solicitor, female, private practice, rural).*

- 4.6.4 On the other hand, some felt that they were reasonably well paid and felt no inconsistency between this and their level of experience.

*“I still feel that I’m pretty well paid considering some of the things that I need to do.” (Experienced Group, male, in-house, urban central belt).*

- 4.6.5 Some did feel that their remuneration was not comparable with the fees that are charged however.

*“Remuneration, if you square that with the fees we’re charging; I’m not badly remunerated, but there’s absolutely no way I could afford me. I could not instruct me, I could not afford what we’re charging people.” (Experienced Group, male, private practice, urban central belt).*

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<sup>2</sup> Respondents in the control group were not asked about the appropriateness of their remuneration. As such all responses in this section relate solely to more experienced respondents.

4.6.6 One additional note relating to salary within the public sector was that, due to the equal pay criteria which is now applied, it was felt that junior and basic grade solicitors are not adequately recognised. This is because two of the main criteria are related to the number of staff each individual manages, and the extent of the budget they manage. As basic grade solicitors manage neither staff nor budgets they rate very poorly on the salary scale despite their extensive skills, qualifications, training and experience. A number of respondents raised this issue and outlined concerns both over the fairness of the system and the ability to attract and retain good candidates for these roles.

*“Although they are probably some of the best qualified people, and in many cases they have many many years of experience, sometimes decades of experience, and are highly proficient in what they do, but they will only ever get paid at a certain level. There should be something there about your skill set and, to me, that’s not adequately recognised in the job evaluation criteria.” (Experienced solicitor, female, in-house, rural).*

*“One thing that needs to be done is to encourage employers to pay a wage that’s reflective of the skills and the work that’s done.” (Control Group, female, in-house, urban central belt).*

## **4.7 BENEFITS AND PROBLEMS OF A LEGAL CAREER**

4.7.1 Respondents (from both groups) felt that the benefits of a legal career included:

- interesting work;
- intellectually challenging work;
- generally well paid – albeit perhaps less so during the recession or in particular sectors;
- good quality training provided;
- more respected in society – although some felt that this may be lessening;
- job satisfaction/sense of helping people;
- satisfying clients and developing long standing relationship with clients;
- flexible and movable qualification within Scotland;
- breadth of career options; and
- ability to gain considerable business experience.

*“It’s an interesting job and I get the opportunity to help people.” (Experienced solicitor, female, private practice, rural).*

*“As a professional I’ve been well remunerated over the years, but I have also derived a large amount of satisfaction from the help that I have been able to give my clients, and I’ve developed some long standing relationships with clients that I have derived a great deal of satisfaction from.” (Experienced solicitor, male, private practice, rural).*

*“Law covers all aspects of life, so there’s tremendous breadth to what you can specialise in, and it remains demanding and intellectually challenging. You’re always learning, you never reach the point where you know*

*everything. For me it's always been tremendously challenging and interesting." (Experienced solicitor, male, in-house, rural).*

*"It offers a variety of different areas, for example, in-house, private practice, you could go to the Bar, so there's a lot of different career paths available and it doesn't close you off too early." (Control Group, female, private practice, urban central belt).*

*"It does have a standing in the community, there is no doubt about that." (Experienced solicitor, male, in-house, rural).*

*"I work in a small community and I think that lawyers are still quite respected." (Experienced solicitor, female, private practice, rural).*

4.7.2 Conversely, respondents (from both groups) felt that the problems of a legal career included:

- very hard work, often with unachievable deadlines;
- long hours;
- encroaches on personal time;
- level of admin now required;
- constant changes to the law;
- stressful compared to some other jobs;
- can be confrontational;
- difficulties introduced by the 'Google Doctor' aspect, i.e. clients now have access to legal information online and so think that they can self-diagnose;
- moving between firms can impact upon the ability to progress;
- qualification not valid abroad;
- can be difficult to maintain a firm's profitability;
- nature of the profession has become too specialised, too much emphasis now placed on young solicitors and firms to specialise; and
- a growing perception amongst the general public that solicitors are only interested in money.

*"Admin, constant changes in the law, plus frustration at the way in which some of the laws are changing." (Experienced solicitor, female, private practice, rural).*

*"I think everyone who started in the profession when I did is now working twice to three times as hard as when I started, and for less reward." (Experienced Group, male, private practice, urban central belt).*

*"There's too much pressure, and the pressure has increased, both with the crash and in civil aspects, and legal aid cuts on the criminal side, and due to technology, it has made the job harder because you're always in contact and clients also now have, what they didn't have 20 years ago, access to the same information base as you have... but just because they've read it doesn't mean they've understood it, but of course, in their minds they do. So the convergence of economic reality, technological innovation, and*

*business moving from being lawyers first and businesses second to being just another business has made life harder for everyone.” (Experienced Group, male, private practice, urban central belt).*

*“Many people also think that they can do it themselves, and that’s fine if they can, but many of them make a mess of it and it then costs more for us to sort it all out.” (Experienced solicitor, female, private practice, rural).*

*“I tend to find that I don’t have time to do law these days; there’s too much else to do that it’s actually quite a novelty to get to sit down and look at the law... No matter what field you’re in, a lot of the time you’re not actually looking at law, there’s far too much admin, etc.” (Experienced professional, female, private practice, rural).*

*“When I started in the profession my work was 100% proper legal work, but now I spend 50% of my time doing management and completing paperwork. Moving away from the pure legal aspect of it is a sad thing, if I wanted to do business admin then I would have done a business admin degree I wouldn’t have done a law degree.” (Experienced Group, female, in-house, urban central belt).*

*“As an in-house solicitor I often think, when am I going to be able to do some law without all the administration side of things?” (Experienced Group, male, in-house, urban central belt).*

*“A previous Secretary of the Law Society used to say that people are highly distrustful and critical of lawyers other than their own one. And that is absolutely true. You do find that people see us as the equivalent of second hand car salesmen or double glazing equivalent, but not their own one because that’s the one they know. Individually we’re probably still respected and trusted but as a profession it comes and goes.” (Experienced solicitor, female, private practice, rural).*

*“There is the reputation that a lawyer is a sharp practitioner that only looks for money rather than anything else.” (Experienced solicitor, male, in-house, rural).*

*“Lawyers are quite often seen as being greedy, and milking the Legal Aid fund, which is unfair as we’re the poor relations, we’re actually far worse paid than a lot of other people. People all think that we all have loads and loads of money but it’s only certain people that do.” (Experienced solicitor, female, private practice, rural).*

- 4.7.3 It is important to point out however, that a number also indicated that they did not consider the problems of a legal career to be any different to those experienced by any other professional career.

*“To be perfectly honest, I don’t think the problems of a legal career are materially any different to the problems with any other type of professional career.” (Experienced solicitor, male, private practice, rural).*

4.7.4 Other problems and negative perceptions of a legal career, as identified by some younger respondents only, included:

- the cost associated with becoming a lawyer;
- archaic set-up, still very elitist;
- hierarchical, very rigid grading structures;
- automatic assumption that more experienced/older solicitors will know more; and
- number of years of experience still appears to be a big factor in promotion decisions.

## 4.8 SUPPORT THE SOCIETY COULD PROVIDE

4.8.1 A number of suggestions regarding what the Society could do to support those staying within the profession were offered by both respondent groups, including:

- provide more help and support systems for sole practitioners or those that are not coping within their firm;
- mentoring for trainees, including a designated contact and support mechanism for those experiencing problems, either provided by the Society directly or clear signposting to alternative support organisations (instances of very poorly handled issues were recounted leading some respondents to feel that the Society should not be the only body for them to turn to);
- more career guidance provided to more mature lawyers;
- mentoring for experienced solicitors to discuss succession and exit planning;
- solicitor care – for example providing support for those that are suffering;
- address the low Legal Aid fees;
- reduction in the level of admin required;
- the Society could keep a database of opportunities for retiring solicitors or a database of the skills and experience of retiring solicitors that want to be available for opportunities, e.g. to match up firms and consultants that can assist with particular elements of work/tasks on an ad hoc basis;
- engage more with practitioners outwith the central belt;
- provide career guidance and networking opportunities for mature practitioners; and
- those currently without employment in the legal profession recommended workshops to highlight the options around agency work, self-employment routes, etc. and the requirements associated with these, as well as networking events so that they were not so isolated from the profession.

*“There’s very little support from the Society during the traineeship, and also during any periods of difficulty. I know a number of people during their traineeships who had horrendous experiences, whether it was bullying or bad treatment at work, and the Society would not help them at all, they seemed to be too scared to get involved because obviously they’re representing everyone, both the trainees and the employers. And the best advice that the Society seemed to be able to give when anyone needed*

*support was to say “how about you go and de-stress and try hill walking”.* (Control Group, female, in-house, urban central belt).

*“I don’t think it’s a good idea for the Society to be the only body, trying to represent and support absolutely everyone. I think it really needs to split into two sections and then perhaps that would provide more support.”* (Control Group, female, in-house, urban central belt).

- 4.8.2 Particular comment was also offered around the Society’s level of support for solicitors that were not currently practicing, either due to redundancy (or early retirement packages as an alternative to redundancy), etc., but who were actively seeking alternative employment. One experienced respondent recounted their experience of the Society in such circumstances as being very dismissive and unhelpful, whilst another had found them rather more obstructive and antagonistic rather than supportive and helpful.

*“I found the Society singularly unhelpful. I was a member of the In-House Lawyers Group, the ILG, but when I left [their organisation] I was dropped off the circulation list. But when I phoned them [the Society] to explain that I was still looking for alternative employment all I was told was “you’re not an in-house lawyer anymore you’re just like any other unemployed lawyer”... the attitude I found was most unhelpful. They may have been right, but that’s not the point, the point is that their attitude was not appropriate.”* (Experienced Group, female, in-house, urban central belt).

*“I didn’t find them supportive, I found them more obstructive... Far from feeling supported I felt like I was being lectured to, and it was unhelpful. I felt it was almost quite antagonistic, and I felt that they were almost trying to prevent me from doing what I could to retain my place in the profession.”* (Experienced solicitor, female, not practicing, rural).

- 4.8.3 A number of suggestions were also offered by both respondent groups regarding what the Society could do to support those seeking new legal challenges. These included:

- CPD or other training opportunities to convert to different areas of law, courses you could take to allow you to switch specialism;
- encourage increased movement between sectors;
- offer alternative training, e.g. in business management, human resources, accountancy/book keeping, etc.;
- publicity and advertising of opportunities, vacancies and appointments;
- implement a system (similar to that used in the medical profession) of standardised CVs which can be held by the Society so that employers can review and approach suitable candidates for opportunities, this was considered useful for all age groups within the profession;
- standardise the job application forms used across the profession, these are often very long and all very different;
- provide trusts (or other methods of financial support) for those wishing to become Advocates but cannot meet the costs involved;
- provide support and training for solicitors wishing to apply for the Judiciary;

- facilitate mentoring for those wishing to explore alternative avenues (although some respondents did note that this may already be in a pilot phase); and
- provide signposting to other organisations that can help prepare practitioners for change, even if it's at the individuals own cost, e.g. consultants to help identify alternative avenues, provide one-to-one tuition, assistance with both CV and interview preparation, etc.

*“They could encourage employers to allow young people to move within the profession. It's seems almost ridiculous that companies are losing out on skilled workers from elsewhere because they're so intent on only taking people from within their small specialist pool. They [the Society] need to reassure the sector that everyone is trained to high standards and that they should be allowing moving between sectors.” (Control Group, female, in-house, urban central belt).*

4.8.4 Very few suggestions were offered by either respondent group with regards to what the Society could do to support those wishing to look for alternative careers; many felt that this was not really the Society's responsibility and was not an area where resources should be allocated. A few suggestions that were offered however, included the provision of a vacancy page and/or signposting to other relevant existing vacancy pages, particularly for quasi-legal type positions, and either providing, supporting, or advertising networks with quasi-legal connections to allow people to continue to use their legal training rather than leaving the profession entirely. One respondent also suggested that the Society could signpost to 'personal management consultants' who would help individuals identify and prepare for other career options.

*“At a time when you're perhaps a bit vulnerable it would be good if they [the Society] could put things in front of you. There's academic opportunities, things where a legal qualification is a bonus but you don't need to have a practicing certificate for, etc., so it would be good if they could even just amass information, make suggestions of places to contact or places to look.” (Experienced solicitor, female, not practicing, rural).*

*“I don't think the Society should be spending its limited resources on such things. But they could give a list of contacts from the outside world. For those that have reached this stage there's not much the Society can do for them as they are about practicing law, but they could put them in touch with good personal management consultants who can hone them for alternative careers... So perhaps provide an approved list of external help.” (Experienced solicitor, male, in-house, rural).*

## **5 SUCCESSION AND EXIT PLANNING**

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### **5.1 INTRODUCTION**

- 5.1.1 Only experienced professionals were asked about their plans and timetables for succession/exit planning. As such, all results in this chapter represent the plans of experienced respondents only.

### **5.2 SUCCESSION AND/OR EXIT PLANS**

- 5.2.1 In terms of retirement age, exit and succession planning, and winding down, this can often be laid out in Partnership Agreements for both large and smaller firms (although it was noted that the specification of an actual age had recently been dropped from a number of Agreements). In many cases this included savings policies or other equity sacrifice type schemes to allow other partners/the firm to buy out retiring partners. They often also included provision for them to reduce their working hours in a staged approach as they neared retirement. Some had also reached agreements that they would continue in a consultant's role for some time after retiring.
- 5.2.2 For those respondents where succession/exit planning was not laid out in a Partnership Agreement, (either because they were not partners, or because they were the sole business owner, or because they were partners in a small firm where retirement and succession planning had not been agreed in any Partnership Agreement), most did indicate that they had already given the issue some thought. Depending upon their age, these respondents had either begun to implement a plan or had at least started to form a plan. These included merging the business with another firm/finding another firm to buy the business; or appointing another solicitor, either from within the firms existing staff or via external recruitment, to take over from them. Some also mentioned that they were keen to avoid having to close down the business and securing run-off insurance and indemnity insurance.
- 5.2.3 Some partners/business owners also owned their business premises and were relying on the sale or lease of that to also contribute towards their pension, in addition to anything they may secure from the sale of the business itself.
- 5.2.4 For those that were not partners/business owners, and therefore did not have to consider any formal exit/extraction from the business, their plans generally consisted of either earning as much as they could in their final years to maximise their pension, or to wind down by moving to a part-time position.
- 5.2.5 One respondent had previously sold their firm as part of their retirement plans, and another couple had previously attempted to sell their business to allow them to retire but the sales/mergers had fallen through due to the onset of the recession. In both instances, respondents indicated that they had spent a lot of time considering the options and offers available, and that decisions had been reached not purely on the financial offer or their own personal interests, but also with very heavy emphasis on how the firm's staff and clients would be affected.

Each respondent felt a large personal responsibility to ensure that staff and clients would be “*taken care of*” after the sale/merger had been completed.

5.2.6 Although succession and exit planning is a more significant issue in private practice, respondents working in-house and in commercial firms etc. had also given this some thought. Although for some it was a case of working until their retirement age and then gaining their pension, some in-house solicitors indicated that they would be expected to participate in recruiting and training their successor. Some also expressed a desire to be able to move to part-time hours, although for some in the public sector, this was less possible/desirable as it would impact upon their final salary pensions.

5.2.7 A few respondents however, (from both private practice and in-house) were not in favour of semi-retirement or winding down as they felt it would not be possible to keep up-to-date with developments and that they would not be investing/contributing as much as would be required to do the job. Some (again from both private practice and in-house) were also wary of reducing their hours as they felt, and had heard from others, that they would end up working essentially full-time hours but for a part-time salary.

*“I’m not really in favour of semi-retirement because you can’t do everything and keep up-to-date, do your CPD, and do all of the things that keep you on your toes if you’re part-time. So if you’re part-time you’re in danger of not giving it your all, and not having the refresher courses and the knowledge from your caseload because you learn from every case.” (Experienced solicitor, male, in-house, rural).*

*“Particularly working on a four day basis, I’ve heard you get the same amount of work and you have to shoehorn it into four days.” (Experienced Group, male, in-house, urban central belt).*

5.2.8 Respondents in one of the experienced mini-group interviews discussed the apparent differences in retirement options between partners and business owners in the private sector and those working in-house. They highlighted that, in the public sector there was almost a culture of discouraging staff from winding down by either reducing their hours or taking early retirement due to the effect this would have on final salary pensions, and having exclusive contracts meaning they cannot consider any other/additional opportunities until the day they retire, etc. Meanwhile, those in the private sector appear to experience greater freedom and flexibility to wind down and adjust to retirement.

*“You’re much more a master of your own destiny. Those in the public sector should all have these opportunities, there should not be constraints.” (Experienced Group, male, private practice, urban central belt).*

### 5.3 TIMESCALES

- 5.3.1 Timescales for considering succession and exit plans were generally reasonably significant; timescales mentioned included seven years plus, four years plus, and two years before attempting to implement any such plan. Even those respondents that did not require exit plans as such (i.e. those that were not partners or business owners) had given their pension planning considerable thought some years in advance of retirement.
- 5.3.2 Some suggested that their timescales had been extended due to the recession however. This was either due to the impact upon their own pension fund, the firms/other partner's ability to buy their share of the business, or their ability to sell or merge their firm. Had the recession not happened they considered that they would not have expected such significant timescales to have been required.

*“Like many other people pension and retirement planning has been smashed to smithereens as a result of the recession. As a direct result of that I'm anticipating that the age at which I will retire is probably older than I had contemplated.” (Experienced solicitor, male, private practice, rural).*

*“With the recession having hit, what it's done is essentially give me another five years.” (Experienced solicitor, male, private practice, rural).*

- 5.3.3 Most indicated that they had been prompted to start thinking about their retirement plans either because both the method for succession and exiting the firm and the age at which this would be implemented was outlined in their Partnership Agreement, or simply due to the respondents current age compared to the age at which they wished to retire. Some did mention that many of their peers had started to retire so this had prompted them to begin considering their own retirement.

### 5.4 HOW THE SOCIETY CAN ASSIST

- 5.4.1 Suggestions for how the Society could assist in this stage of a practitioner's career centred on the provision of guidance and/or seminars for pension and succession planning. One respondent described a similar type of training/seminar session open to the judiciary which was considered to be very beneficial.

*“Everybody that has gone on it has said that it's great. It covers a whole lot of things, including health, interests, keeping yourself fit, and probably a whole lot of other things. But I think that's the least the Society could do.” (Experienced Group, male, in-house, urban central belt).*

*“People tell you how to start a business, and they're very keen to rescue you from failure, but there's very little available to help you extract yourself from a business.” (Experienced Group, male, private practice, urban central belt).*

*“They’re very heavy at the outset on what, in terms of regulations, etc., on setting up new practices, etc. They allocate a lot of resources to that, and for very sound reasons, but I don’t think, certainly from my experience there’s not the same in terms of assistance in exit strategies.” (Experienced Group, male, in-house, urban central belt).*

*“The management at the tail end of the profession should receive as much attention as at the beginning.” (Experienced Group, male, private practice, urban central belt).*

- 5.4.2 A few respondents also thought it would be helpful if some form of confidential mentoring could be provided for partners and business owners when they are looking to exit their business, to provide advice on the options, discuss any offers, etc. However, they did stress that this would need to be sensitively handled and be subject to strict confidentiality, both to avoid uncertainty for staff and clients within these firms (especially at the early stages when the owner is simply exploring the options), and to avoid aggressive manoeuvres by other firms.

*“I wouldn’t mind the opportunity to sit down with someone, who wasn’t involved in any way, and have a full and frank discussion about succession planning, etc... Not necessarily even for advice but just a deaf ear really that would listen and that I could bounce ideas off of.” (Experienced solicitor, female, private practice, rural).*

## 6 EXPERIENCES AND EXPECTATIONS OF THE SOCIETY

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### 6.1 INTRODUCTION

6.1.1 All respondents were asked if they had experienced/noted any issues or elements of best practice in relation to a number of the Society's functions and services. Respondents were also asked to comment on what they considered to be an appropriate role for the Society in relation to equality and diversity. In addition to responding to these specific questions however, respondents also highlight general confusion over the role the Society has within the profession.

### 6.2 CONFUSION OVER THE SOCIETY'S ROLE

6.2.1 Before summarising the results to the specific questions in relation to respondents' experiences with the Society and their services, it is important to note that a significant number, from both respondent groups, indicated that they did not feel engaged by the Society, and felt that this was a general trend amongst the profession. Some were rather disillusioned in terms of the Society itself and the services provided; on occasion stating that it was viewed as irrelevant in their sector. Others simply felt that it did not represent them/their sector and had little/nothing to offer them.

*"We write them a big cheque each year, and to be honest, I'm not really sure what we get for that." (Experienced solicitor, female, in-house, rural).*

*"I don't see that there's any engagement with the Society with the solicitors in my organisation... So I would imagine that the Society is missing a huge sector that it could be dealing with. As far as I'm concerned, I feel I'm invisible to the Law Society." (Experienced Group, female, in-house, urban central belt).*

*"The Society knows next to nothing about oil and gas law, in my humble opinion. It doesn't even know what it all is. We had the first full Law Society sponsored Oil and Gas Conference last year, and a number of people from within the Society said "gosh, I didn't know there was an entire body of law on oil and gas law", so there are no professional standards provided for it as they're only just getting to the point of understanding that it exists." (Experienced solicitor, male, in-house, rural).*

6.2.2 A significant contributory factor appeared to be confusion regarding the Society's true function. Respondents identified confusion within the profession itself, as well as more widely, as to whether the Society is a regulatory body or whether their purpose is to provide support services to the profession. They felt that the public generally consider the Society to be the professions trade union to support and defend solicitors, whereas the profession generally perceive the Society as the regulator. Some felt that this confusion over responsibilities has resulted in a less streamlined and accessible Society who do not promote and defend the profession as vigorously as they would like. One respondent considered that it

may be sensible to follow the English example where these responsibilities have been split between two separate organisations; however, they stressed that now was not the right time for this to take place in Scotland, largely due to the recession and individuals not being prepared to pay for two separate organisations.

*“The general public perceive the Society as the lawyers trade union, lawyers generally perceive the Society as their regulator... There is a dilemma between these two functions. I know it has been split in England so you have the Solicitors Regulation Authority and you have the Law Society which is essentially the trade union, and I think that is the right way, however, it is not the right time because the last thing I want to do is contribute more because we’d be running two separate organisations.” (Experienced solicitor, male, private practice, rural).*

*“Ultimately, what is the Society for? I think the Society’s standing with the profession is low because it’s in this state of conflict. Is it a consumer, lobby, regulator, or is it the representative of the solicitor branch of the profession; and definitely the trend is that it’s a branch of the civil service or the Government and is more interested in consumerism, which is anti-solicitor, than it is in for promoting the values of the solicitor. So I think most people would not see it as a positive force in their lives. At best it’s an irrelevance, and at worse it’s a danger... I would prefer that all the disciplinary stuff went to a statutory body, and that the Society became our trade body without the attempts to be all things to all men.” (Experienced Group, male, private practice, rural).*

## **6.3 EXPERIENCES OF THE SOCIETY’S REGULATORY MATTERS**

### **Positive Experiences**

- 6.3.1 Some respondents (from both respondent groups) were positive about their experiences in relation to regulatory matters.

*“I’m generally satisfied with the Society’s level of support in that regard.” (Experienced solicitor, male, private practice, rural).*

*“Certainly things have improved latterly with the greater use of online facilities to do things, the journal being sent out online. The whole thing is a lot more modern than it was a while ago.” (Experienced solicitor, male, private practice, rural).*

- 6.3.2 They liked that more functions could now be completed online, such as the CPD requirements and annual renewal of practicing certificates, and indicated that this allowed some firms and organisations to have admin assistants complete these on behalf of the qualified staff. They also felt that this was easier for them to complete and more efficient than having to retain their own paper based records. Whilst some indicated that this had not been particularly user friendly when it was first introduced, most felt that this had improved and they now found these online processes reasonably user friendly and easy to complete.

*“There’s been a massive revolution in terms of the record keeping for CPD and the renewal of the certificate online, I think this is wonderful.”  
(Experienced solicitor, male, in-house, rural).*

- 6.3.3 Some respondents also commented positively about the telephone service provided by the Society. They felt this was very helpful, with either queries dealt with there and then, or followed up very quickly with an appropriate response.
- 6.3.4 Another positive element for some respondents was the peer review facility which they found useful, along with the feedback that is provided. However, they did indicate that this could be enhanced by providing the chance to discuss this feedback and seek further explanations.

#### **CPD Issues/Problems**

- 6.3.5 A few people did complain about changes to the CPD requirements, in particular, those related to part-time workers. They indicated that, previously they had been able to log half the number of hours that were required of full-time solicitors but that this had changed to now require the same level. This meant that many part-time workers now had to undertake CPD during their own time in order to achieve the required number of hours. They also noted that this increase in hours meant that some people were *“making up the time by attending any, and often irrelevant CPD training”* either to reach the target number of hours, or so that they could attend training available during their working hours.
- 6.3.6 Finding the time to complete CPD throughout the year was also considered by some in senior positions to be difficult. Some discussed a relative state of panic at each year end to think about what they have done that would be considered appropriate as CPD, and to find the time to accrue outstanding hours. Again, some respondents indicated that this can lead to practitioners attending reasonably irrelevant courses with the sole intention of accruing the required number of hours. Therefore, there was a feeling that the Society needed to consider what would be meaningful CPD for practitioners across the sectors and grading structures, and how this can be provided and supported. In addition, there was a feeling that the Society needed to ensure that solicitors were freed up to attend relevant CPD as well as to maintain general skills as a lawyer rather than becoming too heavily specialised.

*“A lot of the training that I attend now, which are highly relevant to my own career, but these are not going to have CPD points attached to them.”  
(Experienced solicitor, female, in-house, rural).*

*“There’s a demand that people do CPD, but should that not be matched by a demand that people are freed up adequate time to maintain their skills as a lawyer, and to maintain skills outside of their own particular, narrow specialism.” (Experienced Group, male, private practice, urban central belt).*

- 6.3.7 Some respondents from the control group also highlighted shortcomings with having to detail objectives against each CPD course attended. They noted that many people would not do this at the time, but rather do it retrospectively in the event of an audit, and that the purpose of this question appeared pointless.

*“The objective is just pointless, as the objective is either to increase your knowledge in your own practice area or to learn something about a new practice area – it’s to learn something. It’s just a waste of time for everyone... And there’s no assessment of whether the courses attended or the objectives are right for you.” (Control Group, female, private practice, urban central belt).*

### **Other Issues/Problems**

- 6.3.8 Another complaint came from an individual who had recently (May 2014) found it difficult to locate specific forms (Accounts Rules Certificates) on the Society’s website. In the end they had to phone the Society and ask where to find them. Similarly, shortcomings were noted with the money laundering guidance on the website, which was considered not to be comprehensive and detailed enough. In particular, the respondent felt that, in addition to simply referring to the legislation, the guidance should also provide advice regarding suitable procedures for dealing with issues.

*“Some of the documents that we’re expected to fill in and submit annually are not easy to find on the website.” (Experienced solicitor, female, private practice, rural).*

*“Quite often it [money laundering guidance] will refer to the regulations and so on, but it doesn’t set out in any detailed way how you might approach a particular problem or give detailed procedures with regards to how you might carry out a risk assessment in relation to clients and so on. It would be helpful to have more detailed resources available from the Society about that sort of thing.” (Experienced solicitor, male, private practice, rural).*

- 6.3.9 One respondent felt that the specialised accreditation had been devalued by providing this to practitioners within the public sector because they could not be referred clients.

*“An accredited specialist was somebody whom other members of the profession could go to with a specialist problem, the specialist would solve the problem and then send the client back, and now we’re giving accredited specialisation to people in the public sector to whom you cannot send clients.” (Experienced Group, male, private practice, urban central belt).*

6.3.10 One respondent was also keen to stress that the Society knew very little about the oil and gas sector, and had only held their first conference into the area last year (2013). They felt that a lot could be improved if the Society engaged more with this sector. They did acknowledge there would be difficulties as much of the law that applies in this sector comes from American law, with overlaps into Middle Eastern law, rather than purely relying on Scots law; but they felt this was a sector that was entirely overlooked by the Society currently.

## 6.4 EXPERIENCES OF THE SOCIETY'S MEMBERSHIP SERVICES

6.4.1 Again, mixed views were expressed (by both responded types) in relation to the Society's membership services, such as the journal and e-bulletin content as well as the provision and content of CPD courses.

### Journal and/or E-Bulletin

6.4.2 Some thought the content of the journal and e-bulletin was good. In particular, some respondents felt that the journal was a good way to keep up to date with developments, and that it was a useful source for information on new legislation and things that will affect the profession. Others enjoyed the briefings, whilst some indicated that they enjoyed reading the "Ask Ash" page, with a few indicating this was the only part of the Journal that they actually read.

*"I quite like the journal. I think it's quite good as a newspaper for the profession essentially; it allows you to keep up to date with what's going on." (Control Group, male, private practice, urban central belt).*

*"It must be difficult to fill a magazine each month with articles that are going to be relevant to everybody, but I think its fine." (Experienced solicitor, female, private practice, rural).*

6.4.3 Others however, indicated that they felt the journal and e-bulletin were of limited interest to them. Many stated that they struggled to find articles that either engaged them or were relevant to their sector. One felt the journal was very inward looking and appeared rather "small minded"; they felt it would be enhanced by including articles which considered more international issues, developments from around the world and other jurisdictions, with others wishing to see more articles that relate to their particular sector.

*"I think it's very much lacking in public sector and criminal areas. It seems to focus on conveyancing and commercial law and not very much else, so I guess I'm a bit disengaged from it." (Control Group, female, in-house, urban central belt).*

*"The journal content for me is not hugely relevant; it's focused very much at the private sector. The tone is very Edinburgh based. But once you're turned off from it you don't really go back to it." (Experienced solicitor, female, in-house, rural).*

*"It's like reading the church magazine for me, it's very inward looking, and can appear very small minded to those of us that work internationally... It*

*needs to look at what's happening in the rest of the world much more, and it needs to look at what's happening in other peoples jurisdictions and law much more, and look much less at what's just going on in Scotland.”*  
(Experienced solicitor, male, in-house, rural).

- 6.4.4 Some did not like the level of promotion that some individual firms received within the Journal, either via articles and/or adverts. Whilst another felt that the current journal could be more carefully edited, feeling that it had been punchier and more relevant previously. Their personal preference would be for the journal to be drier and conscious of the perception and reputation of the profession, and that any entertainment type pages or articles should be clearly marked as such whilst the legal practice sections are clear, sharp, professional, etc.

*“Sometimes I wonder at the quality of some of the comments and articles. I would prefer that it was drier and much more mindful of the reputation of the legal profession as a whole if read by any members of the public.”*  
(Experienced solicitor, male, in-house, rural).

- 6.4.5 Some raised the fact that there was a lot more competition now for the Journal, stating that each area of law generally had its own journals and magazines which they were more likely to read due to their direct relevance to their sector. Others highlighted examples of other publications which they liked and considered engaging, such as the Times Law Page which is a weekly publication.

#### **Provision and Content of CPD Courses**

- 6.4.6 Issues were also raised regarding the CPD courses. Some felt the courses were too specialist and therefore not enough was provided each year for particular sectors. Others, particularly those from outwith the Central Belt, often did not use them as they were not provided locally (or at least within reasonable travelling distance).
- 6.4.7 One respondent highlighted, however, that they had attended training and other seminars via video conferencing facilities, allowing them to link up with the Society's seminar being given in Edinburgh whilst they remained locally. This was considered to be a significant benefit.
- 6.4.8 Another suggestion was offered that local Faculties could perhaps be encouraged to group together to provide CPD more regionally reducing both the cost and time commitment required from those not based in the Central Belt. Respondents felt that the Society could assist in facilitating and/or coordinating such a provision.
- 6.4.9 Many who worked for larger firms indicated that there was an impression that Society led CPD courses were generally aimed at smaller firms because larger firms commonly organised and/or provided this internally or used other providers.
- 6.4.10 A number of respondents, generally from large firms, or large in-house teams, and those that found themselves not practicing (due to redundancy etc.) also indicated that, due to the cost of Society CPD courses this made it prohibitively expensive. Larger firms and in-house teams found it was more cost effective to ask a private provider to develop and deliver training specifically for them.

Whereas those that would have to pay for the CPD courses personally indicated that they struggled to afford this.

*“The CPD courses are far too expensive. There are other providers who are providing very good courses for considerably less... and they’re using the same speakers quite often so there’s no drop in quality with these other providers.” (Experienced solicitor, female, private practice, rural).*

6.4.11 Many respondents that had experience of both Society and other provider led courses, did however, indicate that the quality and content of the Society courses compared favourably. However, in line with the comments above, they also commented that it was generally more expensive, and that it was not often provided locally outwith Edinburgh and occasionally Glasgow.

6.4.12 Some also suggested that the content of the new partner seminars/training was not always relevant to those attending. They indicated that a significant amount of time was spent covering topics and issues that many new partners already understood and had experience in, and rather the training could perhaps be usefully split into core and elective courses.

*“A lot of its on how to business develop, but you’re not going to become a partner in a big law firm if you haven’t already been able to do that. It might be better for people in a smaller law firm who have just ‘filled dead man’s shoes’ so to speak, and want to know how to do it better, but for others it’s probably not relevant. It’s maybe a case that financial management is a core element for everyone to understand but then offer elective courses on the other elements.” (Control Group, female, private practice, urban central belt).*

## **Other Services**

6.4.13 One other service which was highly commended by respondents, (whether they used it or not), was the benefits package, where discounts could be obtained for various goods and services.

*“The benefits package where you can get discounts, which we never got years ago, it’s great.” (Experienced solicitor, male, private practice, rural).*

## **6.5 EXPERIENCES OF THE SOCIETY’S ADVISORY SERVICES**

6.5.1 Most respondents (from both respondent groups) were particularly complimentary about the service that had been provided by the Professional Practice department in being approachable, helpful and dealing promptly with any query related to ethical issues and conflict of interest, etc. Some felt that this service had suffered recently, whilst others still felt that it was a very useful and valuable service. It was suggested however, that there could be greater advertising of this service across the profession.

*“I think having people available at the end of the phone that can talk about things like confidentiality or conflict of interest authoritatively, but also never making me think I’m a complete fool by phoning them up, I would value*

*that continuing. People will continue to phone and ask questions if they are going to be well received and get good answers, and that's certainly been my experience so far and I would want to encourage that to continue.” (Experienced solicitor, female, private practice, rural).*

- 6.5.2 Other services that were felt to be helpful included alerts to changes to the law or new legislation, etc. One highlighted the statement released regarding the continuing power of attorney which had been noticed on twitter bringing the issues and changes to many people's attention, and in a quick and efficient manner. Others felt these alerts and summaries of the issues for the profession could be included in the journal as well.
- 6.5.3 Practice guidelines were also identified as being helpful and easily accessible via the website.

## **6.6 EQUALITY AND DIVERSITY**

### **Awareness of the Society's Equality and Diversity Work**

- 6.6.1 Generally, there was very little awareness (amongst both respondent groups) of any equalities work conducted by the Society. Some did remember completing Society led surveys which included equality and diversity issues, and a few were vaguely aware of the Equality and Diversity Committee, but they were not aware of any of the work conducted by this Committee. It was suggested therefore, that greater efforts needed to be made to advertise both this Committee and the work it conducts in order to raise awareness across the profession.
- 6.6.2 One experienced female respondent did remember a previous Lord President attempting to form a working party for women in the profession around 20 years ago. However, all women approached in relation this felt it would be detrimental to their career and thought that they would be seen as trouble makers, so all declined the offer.

### **Remit and Responsibility for Equality and Diversity**

- 6.6.3 Respondents gave largely mixed views regarding what the Society's role, remit and responsibility should be for equality and diversity within the profession.
- 6.6.4 Some felt that this was not something the Society should have any remit for and it should be left to the discretion of the profession itself to ensure that the best and most capable people are selected. They felt that equality and diversity would improve organically without the intervention of the Society, as long as diversity is present across those pursuing a legal career.

*“The Society should be interested in quality first and foremost, and it should be interested in quality and merit and less interested in equalities and diversity... Attaining particular roles should be about knowledge, training and experience, and not about setting a fixed number of individuals from a particular sex for example.” (Experienced solicitor, male, in-house, rural).*

*“I don’t know if it’s necessary. I got to where I am without it. And one of the issues I see is that if you’re running a business that’s dealing with clients then staffing is going to be influenced by this. I’ve seen case notes with annotations saying “this client does not want any woman appearing for him”.” (Experienced solicitor, female, private practice, rural).*

- 6.6.5 A number also felt that this would be a difficult area for the Society to have any influence over. In particular, some felt that the time to encourage diversity within the profession is to ensure that a wide profile of students are choosing to study law at University, because once they have graduated it’s up to employers to recruit the individuals that they want. They pointed out that equality legislation already exists, and that many of the big employers, in both the public and private sectors will also have their own equality and diversity policies, so they saw either a very difficult role for the Society here, or that it was unnecessary.

*“I think it would be very difficult to do anything about this, because unless you have any influence over the intake stage at University then you are dealing with those people that come out, you’re dealing with people that are suitably qualified and you’re dealing with individual businesses, so I think it would be very difficult to do anything about it.” (Experienced solicitor, female, private practice, rural).*

- 6.6.6 Others however, felt that the Society had a responsibility to promote equality and diversity throughout the profession. This included attracting people from diverse backgrounds into the law degree; monitoring and researching equality and diversity within the profession, encouraging and promoting “*equal pay for equal work*”, highlighting any issues, educating the profession regarding equality and diversity issues, and promoting good and fair practices in order to remove any existing prejudices. It was also suggested that the Society should take a more pro-active role in assisting firms (where requested) to design and implement equality and diversity policies.
- 6.6.7 A key role was considered by some to be the provision of greater direction and education to the profession regarding equality rights, maternity rights, etc. In particular, some respondents (both experienced males and females) felt that the Society had a responsibility to further tackle gender biases within the profession, including the lack of women partners, greater support for female solicitors generally, and for mothers specifically.

*“There are a lot more females entering the profession now than males, yet there are still far fewer female partners. That’s really something that individual firms should sort out themselves, but the Society could help research the issues and highlight them to the profession certainly.” (Control Group, male, private practice, urban central belt).*

*“When I came into the profession it was completely male dominated, but by the time I was graduating there were almost as many women as men coming out of university... but when you looked at the statistics around partners and senior lawyers there were virtually no women, very very few, and certainly in the big firms there were virtually none. Whilst that has changed it has not changed that much and there’s a reason for that, so to*

*me, that's the challenge... And yes, I think the Society should be doing more about it and being more vocal about it." (Experienced solicitor, female, in-house, rural).*

- 6.6.8 Some younger respondents felt that certain firms (generally larger private practice firms) were still very poor at supporting women/mothers, that flexible working arrangements were not often accommodated, and that women's careers were negatively affected, both in the event of having children, but also by the mere assumption that they would.

*"They need to tackle mothers in the profession and the support they get, because it is absolutely astounding how bad it is. In particular, I think a lot of the larger private practice firms and some of the smaller partnership firms are lacking in any kind of gender equality. There are too many instances of women having very little maternity leave and having to come straight back to work, and there seems to be no support for flexible working arrangements or reducing the hours that they work. It seems that women who are mothers are expected to work the same hours as everyone else." (Control Group, female, in-house, urban central belt).*

- 6.6.9 However, some of the younger females felt these were not barriers that the profession imposed, but rather they should be expected as mothers would not be in a position to be as available as other full-time counterparts, or able to meet the full demands of the job.

*"There are natural barriers for females becoming partners, and that's about their ability to be there because of childcare and that it still falls to women." (Control Group, female, private practice, urban central belt).*

- 6.6.10 It was also suggested by the control group that perhaps the Society should deliver training on equality and diversity, as well as more general management training to new partners. They felt that just because a person is a good lawyer, attract clients, etc., it does not necessarily mean they will automatically be a good manager.

*"Lawyers don't always make good managers, yet if you become a partner you're automatically a manager, and they haven't necessarily had training on what is appropriate and what are the equality considerations". (Control Group, female, private practice, urban central belt).*

- 6.6.11 One other area where control group respondents agreed a significant issue still existed is discrimination regarding which University graduates have attended.

*"The biggest issue we have in law firms is qualification snobbery. That people's view of a degree from one institution compared to another institution can be warped. I went to Glasgow University, but people who went to Robert Gordon or Napier and completed one of the newer LLB's, they can do the job just as well as I can." (Control Group, female, private practice, urban central belt).*

- 6.6.12 One respondent highlighted that, ideally, the legal profession should not require reminders regarding legal responsibilities around equality, rather that they should

be an example to others in this respect given that their entire purpose is to uphold the law.

*“I suppose the Law Society are entitled to say that, of all professions, the legal profession should not need to be reminded of its legal obligations in terms of equality and discrimination issues.” (Experienced Group, male, in-house, urban central belt).*

- 6.6.13 No respondents, however, felt the Society should have any powers to legislate or impose equality and diversity agendas upon individual firms, etc. and that positive discrimination should not be used.
- 6.6.14 Some did feel, however, that the Society should have a responsibility to provide a point of contact for anyone who feels they have been discriminated against, and should provide adequate and appropriate support for these individuals. Also, where appropriate and required, they should mediate effectively between the complainant and the firm in question to find suitable outcomes. This is an area that was felt to be particularly poor historically and needed to be improved.
- 6.6.15 Finally, it was also suggested that a better balance needed to be struck in terms of the diversity of those on the various Committees, Boards and Councils.

## 7 ADDITIONAL COMMENTS

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### 7.1 INTRODUCTION

- 7.1.1 Many respondents raised concerns around the direction the profession is taking and discussed what they considered to be an erosion of professionalism. Whilst this was not prompted by questions within the topic guide, such a significant number of respondents highlighted and discussed these issues that it warrants inclusion within the report under separate and dedicated coverage as provided in this chapter.

### 7.2 BECOMING TOO SPECIALISED

- 7.2.1 Significant concern was raised, by both experienced and younger practitioners alike, regarding the increased requirement for lawyers to specialise. Some were concerned regarding the ability of specialist sectors to maintain an individual's interest across the course of an entire career, whilst others were concerned about the potential loss of more general skills.

*“You’ve got to be a specialist now if you’re in private practice, if you’re in the city especially, and if you’re not then you’re dabbling which will get you sued in this complaining age, and you see that more and more and more... The generalist is dead, you’ve got to be a specialist, and that’s a worrying thing for the profession too.” (Experienced Group, male, private practice, urban central belt).*

*“There is a pressure to box yourself in to a speciality, you’re no longer a lawyer you’re a specialist in... so for example, you’re not even a specialist in conveyancing you have to be a specialist in commercial leasing, and as long as that’s doing well then you’re alright, but there’s the danger that you lose the broader skills.” (Experienced Group, male, private practice, urban central belt).*

*“I have been impressed by their [private practice solicitors] niche expertise. But equally I think it is sometimes a millstone for some of them, not all of them, but where some become burdened by the constraints, and they find it more difficult to move away from their specialism.” (Experienced solicitor, male, in-house, rural).*

- 7.2.2 There were acknowledgements that this requirement to specialise had evolved due to the increased and fast paced nature of changes in the law, making it impossible for one person to keep on top of all areas. Whilst respondents felt it was still possible for a firm to be classed as offering general practice by employing a range of specialist solicitors, they felt that the individual general practitioner no longer existed.

*“The concept of the family lawyer has been eroded quite considerably, partly because there is now far too much law and changes from Europe,*

*Westminster and Holyrood, and also through a drive for the younger ones to specialise.” (Experienced solicitor, female, private practice, rural).*

*“General practice is very difficult for small to medium sized firms. The small to middle sized firms who specialise are generally OK, and large firms are OK as they employ a wide range of staff that specialise in various different sectors so can cope with the demands of any client. However, the sectors are so specialised now that individual solicitors, and therefore small to medium sized firms that do not have a large staff, cannot therefore continue to offer general practice services.” (Experienced Group, male, private practice, urban central belt).*

- 7.2.3 General practice itself however, was still considered to be an important sector/service for clients. It was felt that many clients still want to be able to have all their legal needs met by either one solicitor or firm, and to develop a longitudinal relationship with their solicitor.

*“Within the firm, we each try to specialise in a different area so that between us we can provide a complete service. Because the firm has existed for over 100 years we have a lot of clients that have been through three, four or even five generations of the same family so they want a complete service, so between us we each try to focus on one area in depth so that as a firm we can provide a more rounded service.” (Experienced solicitor, female, private practice, rural).*

*“But there is still demand from the general public for the general practitioner... This demand is not necessarily in relation to technical expertise but rather for the services of an experienced practitioner who’s willing to take a close personal interest and strike up a relationship with a client.” (Experienced Group, male, private practice, urban central belt).*

### **7.3 DILUTION OF THE PROFESSION**

- 7.3.1 There were also comments (exclusively from experienced respondents) regarding what many saw as the dilution of the profession. This related to an increase of firms offering mixed professional activities, and combining qualified and non-qualified posts within certain activities.

*“It’s much more about the image of the profession, and paralegals and other professions etc. joining in the same company, and the company sharing liability through any kind of guarantee fund or insurance policy, it’s inappropriate. The standards of solicitors across the whole range of practice means that we have to raise our standards and visions of what we can achieve as a profession.” (Experienced solicitor, male, in-house, rural).*

*“At the moment it’s about watering down the legal profession and mixing lawyers in with accountants and other professions... Keep it absolutely clear for the public and for the clients to understand. Then this will make it easier to maintain the reputation of the profession, and to keep the reputation alive as well deserved and have respect, and then it would be*

*easier for lawyers to win their place in society.” (Experienced solicitor, male, in-house, rural).*

- 7.3.2 Disappointment was also expressed in relation to the introduction of lay people within the Society itself, and the appointment of non-solicitors as the Chief Executive and Deputy Chief Executive of the Society.

*“The inclusion of lay members is something that I personally resent very deeply.” (Experienced Group, male, private practice, urban central belt).*

*“I think it’s remiss of the Law Society to appoint an accountant as their Chief Executive when, in fact, it is the reputation of solicitors that is first and foremost.” (Experienced solicitor, male, in-house, rural).*

- 7.3.3 Concern was also expressed from some experienced respondents over, what they considered to be, a decline in the professional standards and quality within the profession.

*“We have been living for some years in an era which has sought to downgrade professionalism. I thought the Society should be making common cause with other professional organisations that were facing the same thing and kick back, and say there is value to society in professionalism. And professionals have got to be remunerated so that they are not being pushed into situations where they have to sacrifice their professionalism.” (Experienced Group, male, private practice, urban central belt).*

*“We need to enhance the reputation of the profession. Too much of it is watered down, we have firms now with accountants and other professions mixed in with LLP firms... All of the high quality standards of legal advice, the precision of knowing your case and source law etc., all of that’s going out the window with too much emphasis on business and presentation and trying to please people.” (Experienced solicitor, male, in-house, rural).*

*“Too many people [practitioners] do not regard it as a high standard, ethical profession... There’s too many things that are being lost from the quality of being a lawyer... It’s a profession that needs to have the very highest standards in order to maintain a good fee basis, and to maintain the public perception that they are there to help.” (Experienced solicitor, male, in-house, rural).*

## **7.4 FUTURE OF THE PROFESSION**

- 7.4.1 Finally, both experienced and younger respondents highlighted concerns they had regarding the future sustainability of the profession. These varied, but generally considered the trend towards specialisation and the lower earning potential (in some areas at least) resulting in fewer young people being interested in a legal career, and therefore creating problems for succession.

*“The profession has changed so much it appears that people that would have made a good living out of law are no longer making a good living. So*

*for the younger people coming in, I would be better off working in a shop or something to be honest, I'd have a better lifestyle, better work/life balance, and just as much pay.” (Control Group, female, in-house, urban central belt).*

*“The more the law is commoditised and sold in bits then the less attractive I think it will be for the kind of mind that used to enjoy the law. It may be that a different kind of mind will enjoy this different kind of law in the future.” (Experienced Group, male, private practice, urban central belt).*

*“It’s going to be a very small elite, middle class, not very diverse profession if we’re not careful. I think we have in some way to try and encourage the right people, and try to get a bit of diversity, and I think we have to give something back to the next generation that we got from the people that helped us.” (Experienced group, male, in-house, urban central belt).*

*“There will be very few lawyers in the future. People in law will mostly be legal technicians, legal IT specialists, etc., but actual lawyers themselves will be a tiny core in the middle. The pyramidal structure that we’ve been used to just simply will not exist... There is an awful lot of zombie firms out there whose partners are not going to be able to retire because they can’t get the young people in to pay them out, there are people struggling on, and they’re going to fall of their perch more and more frequently, particularly in the small to medium sized towns the firms that have been there for generations are disappearing because they have nobody coming in to take over the burden.” (Experienced Group, male, private practice, urban central belt).*

- 7.4.2 One respondent described the future as being likely to consist largely of big firms with satellite offices. They considered however, that these satellite offices may not be staffed by qualified solicitors but more likely admin type staff with the sole aim of diverting work to central hubs. Another felt that the character and future of the profession had been negatively affected by the recession, but that this was not a temporary effect which would improve along with market conditions.

*“The future is probably big firms with satellite situations, which could indeed be online, or perhaps with some real physical locations, but to still feed work into the big firms.” (Experienced solicitor, male, private practice, rural).*

*“I think that because of the recession the legal profession has changed. We’re now seeing lots of out-sourcing and lots of big multi-nationals popping up rather than the traditional firms. I think almost, the law profession is becoming extinct to a certain extent. So I don’t really see it improving [as we come out of recession] because the character of it has changed.” (Control Group, female, in-house, urban central belt).*

## 8 SUMMARY OF RECOMMENDATIONS FOR THE SOCIETY

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### 8.1 INTRODUCTION

8.1.1 Respondents were asked throughout to outline any recommendations or suggestions they had for ways in which the Society could support them and/or improve their services. The previous chapters include summaries of these recommendations in relation to the specific subject matter; however this means there is both an element of repetition and disjointed discussion around some elements. Therefore, this chapter, by way of a summary, will draw together the key recommendations and suggestions for improvements for the Society.

### 8.2 RECOMMENDATIONS TO PROMOTE THE INTERESTS OF THE PROFESSION

8.2.1 Whilst some respondents did feel that the Society does a good job in respect to promoting the interests of the profession, some suggestions on how this could be improved were offered.

*“I think they do a pretty good job in difficult circumstances.” (Experienced solicitor, male, private practice, rural).*

8.2.2 A significant number of respondents felt that the Society needs to be more robustly behind the profession and seen to be actively promoting the profession. It was suggested that the Society should support, and garner support from the other professional organisations to defend the professionalism of the legal profession. Some suggested that lessons could perhaps be learned from the Glasgow Bar Association, who some respondents felt were more active in representing and defending the profession.

8.2.3 It was generally felt that the Society needed to be positive in general media regarding what lawyers are doing, and portraying them as being there to help. Respondents wanted to see better press for Legal Aid solicitors more generally, and receive more robust support for increased fees. Some also suggested that greater advertising of the Scottish Legal Complaints Commission and the Guarantee Fund to the general public was required/would be beneficial. The purpose of this would be twofold; firstly so that the public know they are protected against things like fraud, and secondly so they know these are paid for/provided by the profession itself. It was considered that this would lessen the public image of solicitors *“trying to rip people off”*.

## **8.3 IMPROVEMENTS TO THE SOCIETY'S SERVICES**

### **Recommendations for the Journal**

- 8.3.1 Whilst many commented that they enjoyed the journal, and liked its current content, layout and format, others were less engaged with it. Key recommendations included being more representative of both geography and all the various legal sectors. In particular, case studies etc. should be taken from across the country as it was felt that too much emphasis is currently placed on Edinburgh. Also, those in industry and the commercial sector, and to a lesser extent, those in the public sector felt that there was either no, or very little content of direct relevance or interest to them, and would welcome more articles dedicated to their specific sector. Likewise, certain areas of the private sector also considered that there was little of relevance to them.
- 8.3.2 It may be worth the Society considering inclusion of a section allocated within the journal each month that is dedicated to a different area of the profession. There would likely be interest in some of the 'newer' areas of law, for example the oil and gas industry or technology law, as a number of respondents indicated that they knew very little about these. This approach may help to raise the profile of the various sectors and open up new avenues for those still considering their career paths or wishing to consider a move to another area of law.
- 8.3.3 One suggestion for engaging with readers from all sectors more generally was to include a more international element to articles, i.e. compare and contrast what is happening domestically with overseas examples. It was felt that this would provide wider interest for those outwith the sector the article discusses.
- 8.3.4 It was suggested that the journal could also be used to promote and educate the profession on equality and diversity issues, and importantly to celebrate instances of success in this respect.
- 8.3.5 Others felt that the journal should be punchier, and uphold the highest standards of professionalism. There were concerns over how some current content may be viewed by the general public and how this would reflect upon the profession should it be read more widely. They felt that any entertainment pages should be grouped together into one section and clearly marked as such, and that inappropriate levels of promotion afforded to certain firms should cease.

### **Recommendations for CPD requirements and provision**

- 8.3.6 One of the biggest issues in relation to CPD provision was for the Society to provide more geographically dispersed courses. Courses based in Edinburgh, and particularly evening only courses were seen as inaccessible for anyone based outside Edinburgh or perhaps Glasgow due to the time and difficulties involved in travelling. They noted that the Society's CPD provision therefore appeared very Edinburgh-centric, and that equal provision was not made for other geographic areas. This contributed to the feeling for many based outwith the central belt that the Society was somewhat irrelevant to them; however, they would welcome any attempts to deliver courses more widely.

- 8.3.7 It was suggested that, if the Society were unable to provide this geographically dispersed CPD they could perhaps co-ordinate various local Faculties to deliver training. It was noted by one respondent that this type of provision had been provided previously in their area, but this had been organised by a number of firms working in collaboration to obtain suitable and local CPD for their staff. It was felt this type of provision could be rolled out on a wider scale and centrally coordinated by the Society.
- 8.3.8 Another solution may be to provide increased CPD training and seminars with the use of video conferencing facilities allowing the Society to provide training across the country simultaneously and without excluding any particular regions. It may be that support would need to be sought from particular organisations with access to this technology in order to facilitate this; however, one respondent indicated that they had already attended courses in this way, so it may be an avenue worth consideration for expansion.
- 8.3.9 Some respondents highlighted a need/desire for CPD content to be more suitable for those that are more experienced. They felt that most courses were either aimed at those at the early stages of their career, or for new partners, but that there was little available to interest or challenge those with significant levels of experience.
- 8.3.10 Most respondents were happy with the new method of logging their CPD hours, with many preferring this to the previous method where they were responsible for retaining paper based records.
- 8.3.11 Two issues were raised in relation to CPD requirements however. The first was that no checks are made upon, or justification is required regarding the meaningfulness of completed CPD to an individual's grade, role or career path. This led to concerns that, due to time pressures, many were attending irrelevant courses simply to make up the required hours. Although there is a requirement to include detail on the objective of attending each course, this is considered to be irrelevant and not checked for appropriateness of the training.
- 8.3.12 The second issue was around time pressures for senior grade solicitors to complete the required CPD, and the increase in required hours for part-time practitioners. Again, this was considered to be leading to people attending irrelevant courses in order to fit it in, and also for part-time solicitors having to attend CPD in their own time (which is not required of full-time counterparts).
- 8.3.13 One final issue in relation to CPD provision was the relative expense associated with the Society's courses. Many felt this was prohibitively expensive, particularly for those firms/organisations that would wish to send a large volume of staff, and for those who would have to pay for it themselves (e.g. consultants, those that have retired but wish to retain their practicing certificates, those that have been made redundant and are without current employment, etc.). Certainly for those that were retired or currently unemployed it was felt it would be appropriate for the Society to perhaps offer a limited number of free places on each course, or at least some form of a discounted rate. However, to make the Society's courses more attractive than other providers for larger organisation, perhaps some form of group discount rate could also be offered.

## Other General Improvements

8.3.14 Further, more general suggestions on how the Society could improve its services were also provided. These included:

- engaging and listening more to all sectors of the profession, too much emphasis currently on private practice, *“it needs to be more inclusive of all its members”*;
- although high praise was given for the Professional Practice Service, with respondents wishing to see it continue, some did suggest it could be better publicised as some practitioners were unaware that they could phone the Society to ask questions/seek advice;
- increase the profile of the In-House Lawyers Group;
- encourage those within the profession to attend the AGMs; numbers attending these has decreased significantly and largely only attended by those from the public sector and councils; and
- redesign the Society’s website to be more user friendly for members.

*“There’s still a huge blind-spot for in-house lawyers. So much is conceived for the practicing solicitor like me, and doesn’t begin to address this huge chunk of the profession.” (Experienced Group, male, private practice, urban central belt).*

*“I’m not sure if I really know what the role of the Society is particularly... It feels very distant, it feels very Edinburgh centric, and it feels very private sector centric, and as a local authority lawyer it doesn’t feel very relevant. Even the journal, I barely read it because it just doesn’t feel relevant to me anymore.” (Experienced solicitor, female, in-house, rural).*

*“Perhaps a redesign of the Society’s website, particularly those areas designed for members because I think it’s a bit clunky and old fashioned.” (Experienced solicitor, male, private practice, rural).*

## 8.4 RECOMMENDATIONS TO PROMOTE BEST PRACTICE

8.4.1 A number of recommendations and suggestions for ways in which the Society could promote best practice within the profession were offered.

8.4.2 Whilst it was acknowledged that the Society do already provide useful guidelines and standard forms for some issues, it was felt that this provision could be expanded. Suggestions included the provision of additional template policies, guidelines and forms, for example for money laundering, health and safety forms/policies, client information forms, etc. It was also suggested, that some firms may also appreciate assistance in developing suitable guidelines, etc. to suit their firm/organisation, either via a pro-active approach during the drafting stage or by offering a review and approval type service.

*“Why not collectively, in a profession such as ours, get some people together who know what they’re doing to design template forms that can be*

*accessed via the Society.” (Experienced Group, male, private practice, urban central belt).*

- 8.4.3 It was also suggested that the Society should take this a step further and be more pro-active in helping firms/organisations to implement policies, guidelines, etc. and to develop these into good practice. Similarly, should an issue be identified, again they should offer advice and/or assistance on suitable methods to address this, rather than simply highlighting the issue.

*“I’ve been frustrated often by getting waffly and very voluminous platitudes rather than being told “right, do this and you’ll be OK”. (Experienced Group, male, private practice, urban central belt).*

- 8.4.4 In a similar vein, respondents felt the Society could do more to facilitate learning from firms/organisations already implementing good practice. This could be achieved, either by highlighting these achievements in the Journal through articles and case studies, and/or by inviting them to provide/contribute to CPD training or seminars, and/or by involving them in the development of future templates, guidelines and policies. It was also suggested that to achieve this aim, the Society could provide a database of consultants with differing areas of experience and expertise (e.g. management skills, equality and diversity experience, etc.) who firms could use on an ad hoc basis to develop good and efficient practices. This would facilitate the sharing of good practice with a less resource intensive input directly from the Society.

- 8.4.5 Some also felt that the Society has a role in supporting the profession, and individuals within the profession, to ensure that they are not as overworked to the extent they currently are. They saw a very clear need to tackle the culture that has evolved (in certain locations/firms/organisation at least) around long hours.

*“What would be an appropriate Law Society role would be to say very strongly that in the interests of the profession, and in the interest of the public, we should not be pushing everybody to be bringing their sleeping bags to the office.” (Experienced Group, male, private practice, urban central belt).*

- 8.4.6 It was also felt that the Society should concentrate on the values of what it means to be a lawyer in practice. They considered that it needs to be centred on the quality, accuracy and standard of advice, both on the part of the Society itself, and encouraging this to be upheld by the profession more generally.

*“There’s too much sloppy performance, so the Society should concentrate on the values of what it means to be a lawyer in practice, whether that’s in private sector, in the public sector, on at the Bar. I don’t think there’s enough of that; it’s about the quality of the advice, the accuracy of it and the standard of it.” (Experienced solicitor, male, in-house, rural).*

- 8.4.7 Finally, in relation to best practice, it was suggested that the Society could play a role in encouraging employers to adopt fair, open and transparent recruitment practices, and to provide accurate, specific, constructive feedback to individuals regarding their application.

## **8.5 RECOMMENDATIONS FOR EQUALITY AND DIVERSITY**

- 8.5.1 Whilst there had been mixed views regarding the extent to which the Society should have a role and responsibility for equality and diversity in the profession, a number of suggestions were offered in relation to how the Society can improve its public position and/or the public perception of equality within the profession.
- 8.5.2 Most respondents stated that they did not know what the Society's public position on equality issues is, and therefore recommended greater publicity and awareness raising of this. Similarly, few had heard of the Society's Equality and Diversity Committee, so felt that they could be more visible with greater promotion of who they are and what they do.
- 8.5.3 In terms of their own organisation and services, it was felt that the Society should encourage an increased number of women, and/or wider diversity onto the Council. Likewise, the Society should ensure that individuals that work in the equalities sector are included on the various Committees or at least invited to key meetings.
- 8.5.4 Most respondents considered that the Society had a responsibility to recruit as wide and diverse a pool of people into the profession, monitor and research equality and diversity within the profession, educate and highlight issues to the profession, and to provide robust and suitable support to anyone suffering discrimination as a result of any protected characteristic.
- 8.5.5 In order to achieve this, it was suggested that the Society needed to be seen to be openly supportive of diversity throughout all elements of the profession, and challenge the widely held perception that the profession consists only of "*middle aged and middle classed men*". It was recommended that a section within the journal could be dedicated to equality and diversity issues, and in particular, used to promote best practice in relation to equality and diversity throughout the profession and to celebrate successful examples.
- 8.5.6 It is important to note, however, that no respondent considered the Society should implement any form of positive discrimination. They felt this would be detrimental to both the profession as a whole and to any individuals appointed to posts they were not suitable for as a result of this. All appointments and promotions etc. should continue to be made on individual merit alone.

## **8.6 RECOMMENDATIONS TO ASSIST MORE EXPERIENCED PROFESSIONALS**

- 8.6.1 A number of specific suggestions were made regarding how the Society can better support more experienced professionals.
- 8.6.2 A heavy focus was placed on the need/desire for the provision of seminars to discuss retirement plans, succession and exit plan options, etc. It was felt it would be useful if this was similar to the courses provided for the Judiciary, and included a range of topics covering business issues, future work based opportunities (both within and outwith law), financial planning, as well as more personal issues such as health and how to fill your time.

- 8.6.3 There was also a suggestion that more directed financial advice should be available at the earlier stages of a practitioner's career. As many firms do not offer pension schemes, either a Society/profession level scheme would be welcomed, or information around private personal pensions would be helpful.
- 8.6.4 As outlined above, there were also calls for more CPD to be targeted and appropriate for more experienced professionals, as well as financial assistance in accessing Society based CPD for those that have lost their jobs and/or have retired.
- 8.6.5 In addition, those who wished to explore other avenues upon retiring, either still within the legal profession, or outwith, thought that the Society could do more to support this. For instance, those wishing to give something back to the legal profession felt that the Society could host and maintain a database of consultants who would be available for ad hoc work in their areas of expertise. This would allow firms with particular needs to identify those that could assist quickly and easily and without the requirement to either approach agencies and/or recruit permanent staff. This could include consulting on specialist areas of law, but also other areas of particular expertise, such as management issues, equality issues, having overseen IT system changes, etc.
- 8.6.6 Some also felt that it would be helpful if there was additional advice and support for those wishing to apply for judicial office. It was considered that the Society should have a role in discussing some of the barriers and limitations to accessing the judiciary with the Judicial Appointments Board for Scotland, both for those with no experience of current application methods, and for those in the public sector who have exclusive contracts meaning that the current form of part-time Sheriff positions are not accessible to them.
- 8.6.7 It was also suggested that greater advertising of non-legal opportunities suitable for those that are retiring from the profession could be provided. For example, advertisements related to various private sector and commercial organisations, Boards, Trustees, Committees, Charities, etc. where a retired solicitor may be able to contribute.
- 8.6.8 Finally, it was also suggested that the Society could highlight and clarify the issues around age discrimination, particularly with regards to Partnership Agreements and in job advertisements. For example, what the implications are in setting and trying to enforce fixed retirement dates within Partnership Agreements, and also encouraging the adoption of less restrictive specifications in job adverts related to candidates' levels of experience.

## **8.7 OTHER GENERAL RECOMMENDATIONS**

- 8.7.1 Other comments regarding potential improvements more generally are detailed below.
- 8.7.2 It was felt that the Society could do more to support younger members within the profession, including tackling the continued culture of bullying and harassment of trainees and other junior employees, and providing more robust and appropriate

support/assistance for those experiencing this. Also tackle the culture of excessive working hours for very junior staff that will also be on relatively low salaries. As well as being detrimental to those young people in the profession, respondents felt that these issues project negative images to anyone considering a legal career and will therefore put young people off joining the profession.

- 8.7.3 Further engagement with schools to promote the profession was also suggested, to ensure more people consider it as a viable profession. One suggestion to achieve this was the provision a law module for either fifth or sixth year pupils which would introduce law as a career option and provide a flavour of the degree course. Respondents felt this would assist in opening up the legal profession to currently under-represented groups, and would also reduce the level of drop-out from the degree course as students would be more likely to know in advance if the course is for them.
- 8.7.4 A final suggestion was to offer the opportunity to combine the law degree with other qualifications and areas of study at University, for example business management, human resources, etc. In the same vein, it was also suggested that training in additional business fields could be available and supported via CPD or other courses.

## **8.8 CONCLUSIONS**

- 8.8.1 Although the original focus group methodology for this work was not possible, the mini-group and depth interview approach worked well and was highly appropriate for the respondent profile. This approach allowed all respondents to contribute fully and resulted in very rich data being gathered.
- 8.8.2 The results presented above provide an improved understanding of the views and needs of more experienced professionals, as well as an assessment of how these are similar and how they differ from those at earlier stages of their careers. It also provides useful recommendations regarding how the society can better engage with experienced professionals, meet their needs, and assist with achieving future aspirations.
- 8.8.3 In addition, the results also highlight other key areas where improvements would be welcomed across the profession, as well as the wider concerns that the profession have regarding both the Society itself and the direction and sustainability of the profession more generally. It may be that the Society cannot address these bigger issues, certainly in isolation, but nevertheless, it is important to be aware of them going forward.

# APPENDICES

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## APPENDIX A: TOPIC GUIDES

### Experienced Solicitors Topic Guide

#### 1. BACKGROUND

1. Can you please provide some background to your current position, level of/number of years' of experience within the legal profession, and whether you work full or part time?

Probe: private practice, in-house solicitor, size of firm/sole practitioner, partner, employee, etc.

2. What areas of law do you work in (e.g. criminal law, employment law, family law, conveyancing, commercial/corporate law, etc.)?
3. When did you enter the legal profession in Scotland? If applicable, did you do anything before starting your legal career, if so please detail?
4. What has been your career path so far?

Probe: stayed with same firm/organisation and worked way up; moved between firms/organisations to achieve career progression; started own business (e.g. became sole practitioner or started own firm); etc.

#### 2. MOTIVATIONS AND ASPIRATIONS

5. What are your key day to day motivations at work, and are these more important now than at earlier stages in your career? How have your motivations changed and why?

- Salary
- Possibility of promotion
- Quality and/or variety of work
- Level of responsibility/included in decision making
- Work-life balance
- Hours of work
- Holidays
- Family commitments or providing for family
- Job security/good working conditions
- Colleagues you work with
- Appreciated for the role you do
- Opportunities to help others (either clients or colleagues)

- Etc.
6. What are your future career aspirations? Again, how have these changed from the earlier stages in your career, and why?
- Higher salary
  - Promotion – to what level
  - Greater quality and/or variety of work
  - Greater level of responsibility/included in decision making
  - Work-life balance
  - Reduced hours/to work part time hours
  - Job security/good working conditions
  - Colleagues you work with
  - Appreciated for the role you do
  - Opportunities to help others (either clients or colleagues)
  - Retirement plans
  - Etc.
7. What could and/or should the Society be doing to support achievable day to day motivations or career aspirations?

Probe: Fee Guidance, CPD Courses, Assistance with technology and/or electronic document usage, etc.

### **3. ATTITUDES TOWARDS EXPERIENCED PROFESSIONALS**

8. Do you find that you are treated differently now compared to any of the earlier stages of your career? This can be differing treatment of any type, positive or negative?
- Listened to, respected, trusted more?
  - Given greater responsibility, more challenging cases/clients, and/or more autonomy?
  - Treated differently as you are perhaps no longer in the 'ascendancy' of your career?
  - Is it assumed that you won't like change?
  - Is it assumed that you won't like technology?
  - Any other way you feel you may be treated differently now?
9. Do you have any concerns about redundancy linked to age? Is this something that you think has been an issue within the profession during the recession, or more generally? Is it something you have feared would happen to yourself perhaps over the last few years?
10. Do you think that there is a perception, either amongst the profession itself, amongst clients, or the wider public, that law is seen as a 'young person's game' now or does age, and therefore, experience count?
11. What are the positive attitudes about established professionals?

12. What are the negative attitudes about established professional?
13. What do you think the benefits are to being more established in your role/within the profession? What are the drawbacks, if any? How do these benefits and drawbacks balance out?

#### **4. CONSIDERATION OF OTHER CAREERS**

14. Have you, at any point, considered other legal careers – advocate, judge, tribunal chair?
15. Have you, at any point, considered other non-legal careers?
16. What makes you stay in the profession? Or tempts you to leave?
17. Have you taken, or considered taking time out or on a sabbatical? If yes, at what point in your career was this/would you like to do this, and for what reasons (i.e. push away from the profession, or drawn towards something else)?
18. What do you consider to be the benefits of a legal career?
19. What do you consider to be the problems of a legal career?
20. Do you consider your level of remuneration to be consistent or appropriate to your degree of experience and professionalism?
21. Do you think you will stay in law to the end of your working career?
22. What could and/or should the society be doing to support those staying within the profession?
23. What could and/or should the society be doing to support those who want new challenges - but still within the legal profession?
24. What could and/or should the society be doing to support those who may wish to look for alternative careers?

## 5. SUCCESSION/EXIT PLANNING

25. Do you have a retirement plan? (For example, have you started to think about pension planning – when did you start to give this some serious thought; perhaps being able to ‘wind down’ – at what age and what would you look to do this and what would this entail; or hoping to take new and/or exciting risks knowing that you have some stability behind you; thoughts or plans for a portfolio career; etc.)

**IF YES:** When did you start to consider this, and what prompted you to consider it and begin planning?

**IF NO:** Is there any reason you have not begun to consider this yet?

26. **FOR PARTNERS AND SOLE PRACTITIONERS:** Have you started to consider your ‘succession or exit plan’?

**If YES:**

- What does your succession/exit plan entail? (Selling or merging the firm/practice; internal transition; practice continuation with other firms; or closing the firm?)
- Do you think you will get capital out your business?
- Are you thinking about sale and value of your business? Have you had it valued yet?
- When did you start to think about this plan? I.e. how soon before you plan to retire did you start thinking about this and making plans? What prompted you to start thinking about this? Do you think this has given you long enough to be effective?

**If NO:**

- What would your preference be for succession/exiting the business? (Selling or merging the firm/practice; internal transition; practice continuation with other firms; or closing the firm?)
- When do think you will start to give this consideration? I.e. how soon before you plan to retire will you start thinking about this and making plans? Do you think this has given you long enough to be effective?
- Are there any reasons you have not considered this previously?

## 6. EXPERIENCES AND EXPECTATIONS OF THE SOCIETY

27. Have you experienced/noted any issues/best practice in terms of interaction with the Society around regulatory matters (e.g. renewing your practising certificate each year, inspections, complaints, CPD requirements). If yes, please detail these, including when this was?

28. Have you experienced/noted any issues/best practice around the membership services of the Society – like provision of CPD course, Journal content, e-bulletin content, etc. If yes, please detail these, including when this was?

29. Have you experienced/noted and issues/best practice around the advisory services of the Society on Professional Practice matters (e.g. Advertising, Confidentiality, Conflict of Interest, etc.)? If yes, please detail these, including when this was?
30. What work by the society around equality are you aware of?
31. Are you aware of the Society's Equality and Diversity Committee and any of the work that they have done?
32. What do you think the Society's remit and responsibility should be for equality and diversity within the profession?
33. What more do you think the society could do to:
- improve its own services,
  - promote the interests of the Society's members,
  - promote better practice in the profession,
  - improve its public position on equality issues

# Early Career Control Group Topic Guide

## 1. BACKGROUND

1. Can you please provide some background to your current position, level of/number of years' of experience within the legal profession, and whether you work full or part time?

Probe: private practice, in-house solicitor, size of firm/sole practitioner, partner, employee, etc.

2. What areas of law do you work in (e.g. criminal law, employment law, family law, conveyancing, commercial/corporate law, etc.)?
3. When did you enter the legal profession in Scotland? If applicable, did you do anything before starting your legal career, if so please detail?
4. What has been your career path so far?

Probe: stayed with same firm/organisation and worked way up; moved between firms/organisations to achieve career progression; started own business (e.g. became sole practitioner or started own firm); etc.

## 2. MOTIVATIONS AND ASPIRATIONS

5. What are your key day to day motivations at work? Have these changed as you have moved through your degree, traineeship, first position, etc.?

- Salary
- Possibility of promotion
- Quality and/or variety of work
- Level of responsibility/included in decision making
- Work-life balance
- Job security/good working conditions
- Colleagues you work with
- Appreciated for the role you do
- Opportunities to help others (either clients or colleagues)
- Etc.

6. What are your future career aspirations? Again, have these changed as you have moved through your degree, traineeship, first position, etc.?

- Higher salary
- Promotion – to what level
- Greater quality and/or variety of work
- Greater level of responsibility/included in decision making
- Work-life balance
- Job security/good working conditions
- Colleagues you work with

- Appreciated for the role you do
- Opportunities to help others (either clients or colleagues)
- Retirement plans
- Etc.

7. What could and/or should the society be doing to support achievable day to day motivations or career aspirations?

### **3. ATTITUDES TOWARDS OLDER PROFESSIONALS**

8. Being at the earlier stages of your career, how do you feel you are treated within the profession? Has this changed in any way as you have progressed through the early stages (e.g. degree, traineeship, first position, etc.)? This can be differing treatment of any type, positive or negative?

- Listened to, respected, trusted?
- Level of responsibility, challenging cases/clients, autonomy?
- Is it assumed that you'll embrace change and/or new technology?
- Is it assumed that you'll be more flexible in your working patterns/hours/etc. than older/more senior colleagues?

9. Are you treated differently, in any way than older/more experienced colleagues? If so, please explain.

10. Do you have any concerns about redundancy linked to age? Is this something that you think has been an issue within the profession during the recession, or more generally? Is it something you have feared would happen to yourself perhaps over the last few years?

11. Do you think that there is a perception, either amongst the profession itself, amongst clients, or the wider public, that law is seen as a 'young person's game' now or does age, and therefore, experience count?

Thinking specifically about those older members of the profession that are more established in their careers, I'd like to ask a few questions about how they are perceived?

12. What are the positive attitudes about older, more established professionals?

13. What are the negative attitudes about older, more established professionals?

14. What do you think the benefits are to being older and more established within the profession? What are the drawbacks, if any?

### **4. CONSIDERATION OF OTHER CAREERS**

15. Have you, at any point, considered other legal careers – advocate, judge, tribunal chair?

16. Have you, at any point, considered other non-legal careers?

17. What makes you stay in the profession? Or tempts you to leave?
18. What do you consider to be the benefits of a legal career?
19. What do you consider to be the problems of a legal career?
20. Do you think you will stay in law to the end of your working career?
21. What could and/or should the society be doing to support those staying within the profession?
22. What could and/or should the society be doing to support those who want new challenges - but still within the legal profession?
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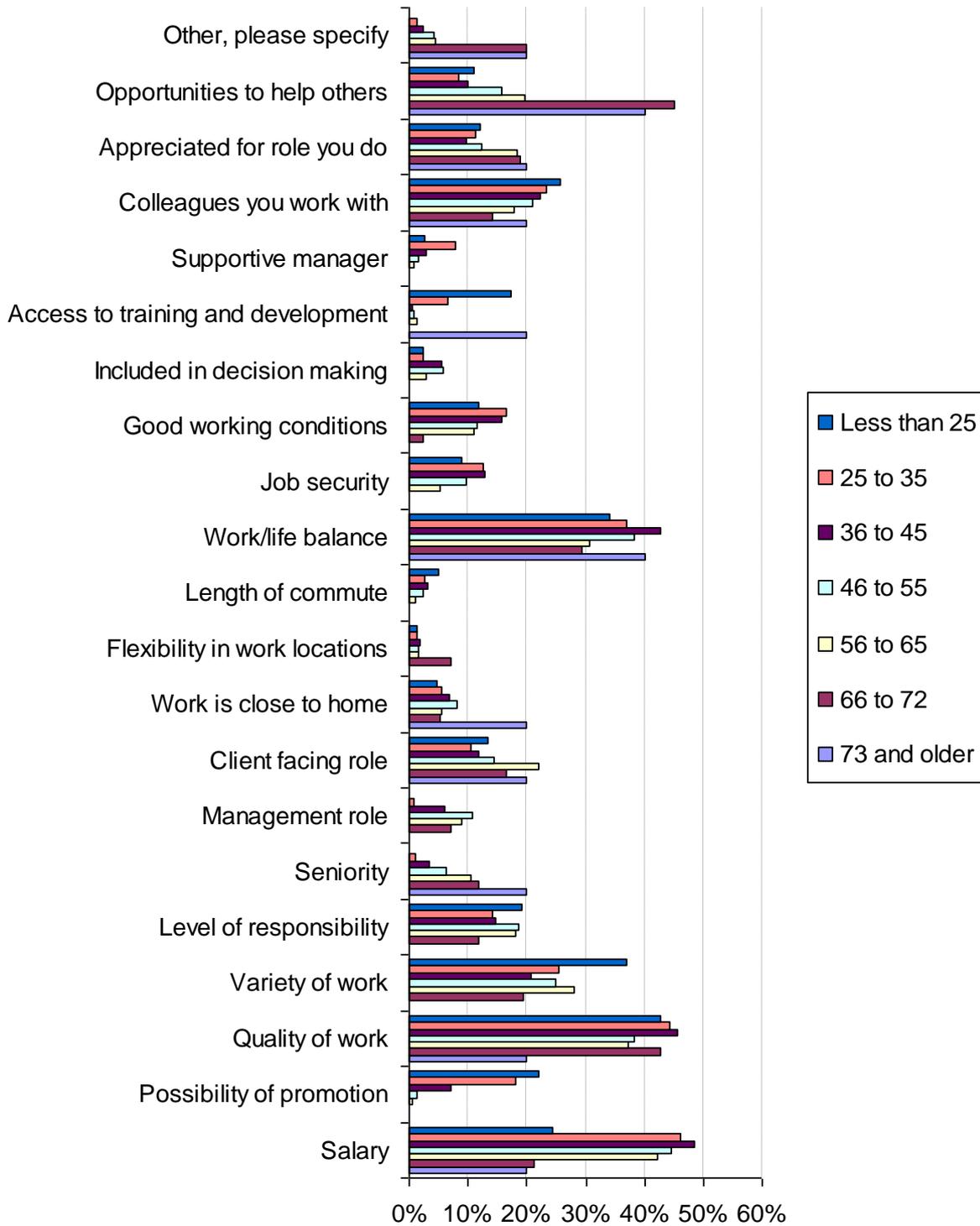
## **5. EXPERIENCES AND EXPECTATIONS OF THE SOCIETY**

24. Have you experienced/noted any issues/best practice in terms of interaction with the Society around regulatory matters (e.g. renewing your practising certificate each year, inspections, complaints, CPD requirements). If yes, please explain these, and when was this?
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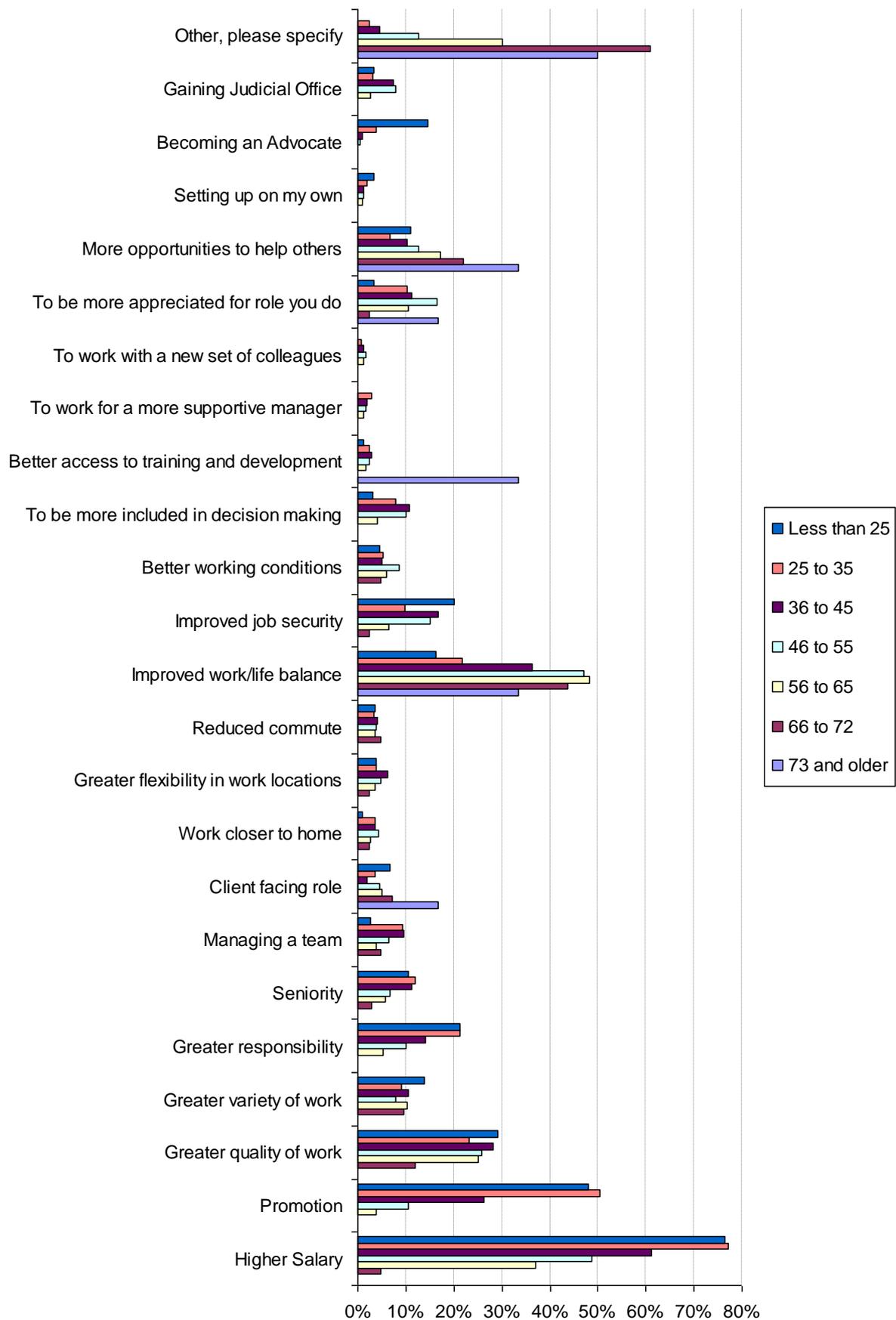
## APPENDIX B: SUPPORTING DATA ANALYSIS

All figures below present additional data analysis conducted on the 2013 Profile of the Profession Survey to provide comparisons with the views expressed in this research.

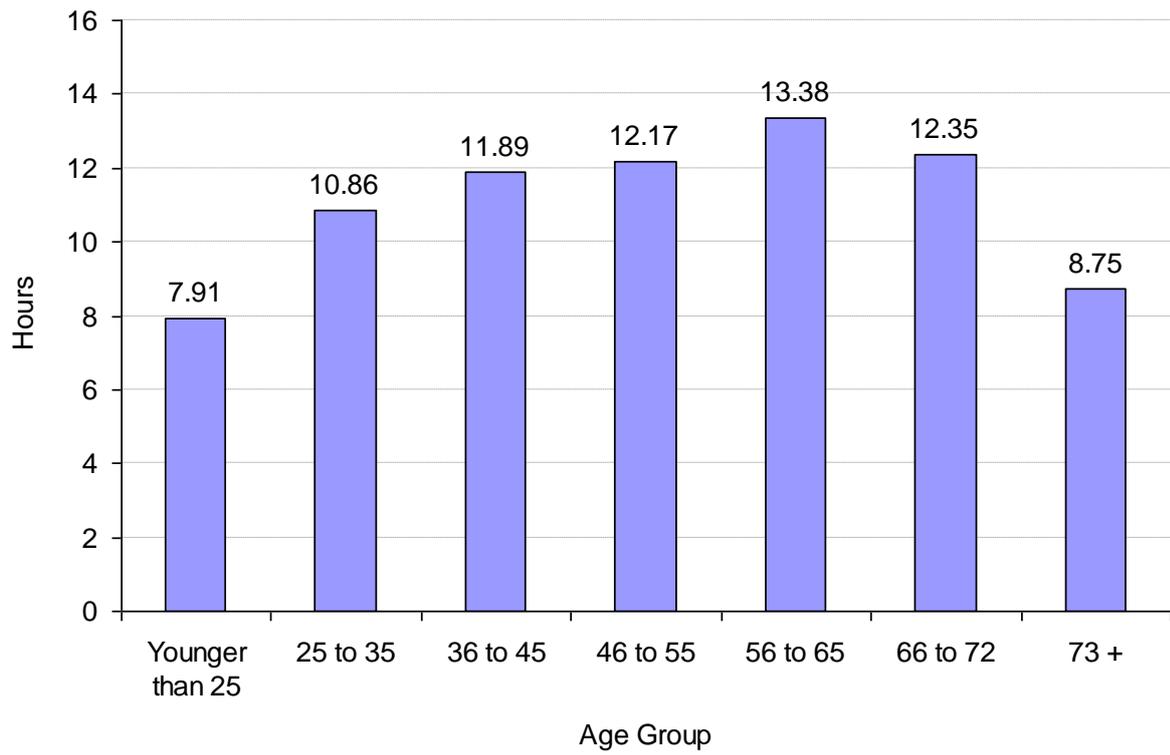
**Figure 1 Day-to-day motivations by age group**



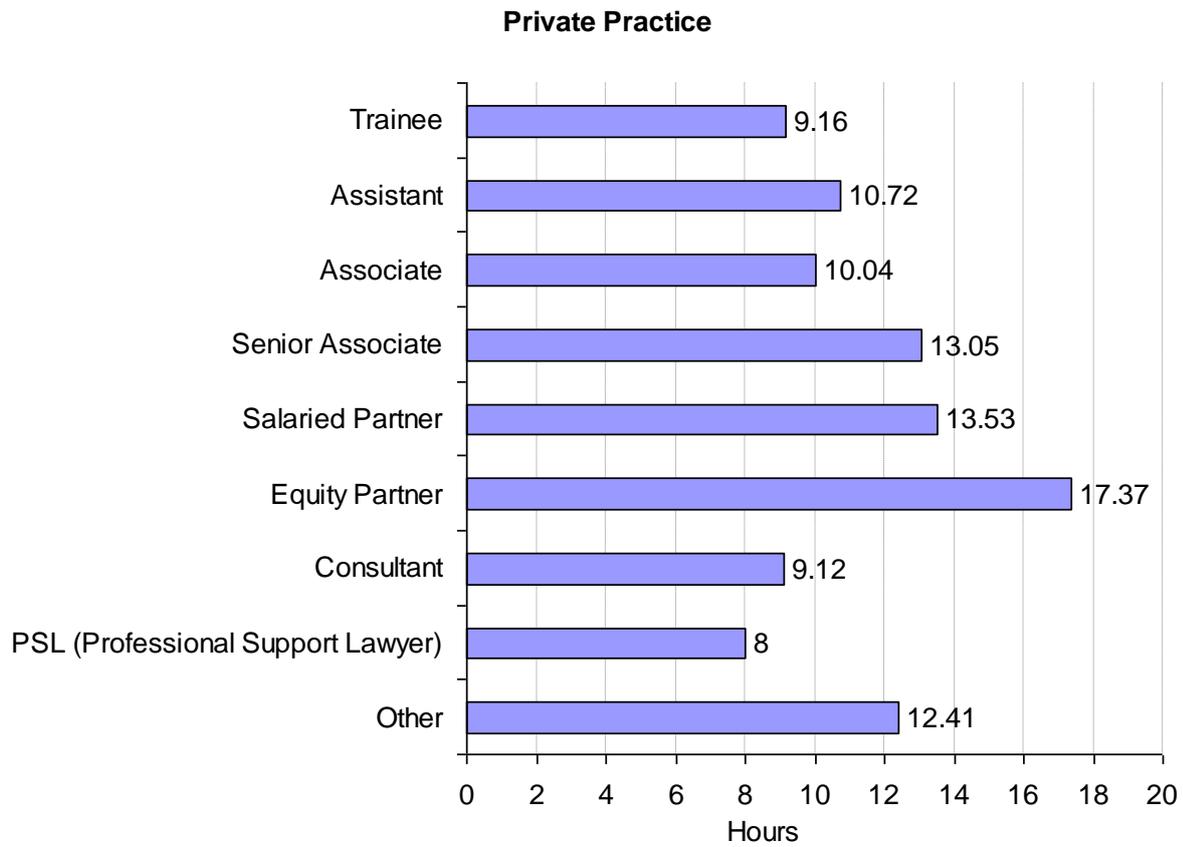
**Figure 2 Career aspirations by age group**



**Figure 3 Average overtime worked by age group**



**Figure 4 Average overtime worked by position (private practice)**



**Figure 5 Average overtime worked by position (in-house and other sectors)**

