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# Annual GENERAL MEETING 2022

Minute of the Annual General Meeting of the Law Society of Scotland held via telephone and video conference on 26 May 2022 at 5.30 pm.

Present: Ken Dalling (President), Murray Etherington (Vice-President), Amanda Millar (Past President), Paul Gostelow, Austin Lafferty, John Mulholland, Jean-Paul Kasusula, Alison Atack, Ian Forrest, Fiona MacDonald, Jane Dickers, Pat Thom, Anne Macdonald, Susan Watson, Sheila Webster, Rachel Wood (Executive Director of Regulation), Colin Anderson, Louisa Doole, Sheekha Saha, Andrew Hinstridge, Andrew Stevenson, Linda Sneddon, Philip Lafferty, Beatrice Nicholas, Alistair Hill, Vlad Valiente, Phil Enwegbara, Mike Blair, David Mair, Anargyros Kemerlis, Colin Graham, Susan Murray and David Morton.

In attendance: Sue Carter (Lay Council Member), Fiona Larg (Lay Council Member), John Mcguigan (Lay Council Member), Alastair Rae (Auditor, BDO LLP), Diane McGiffen (Chief Executive), Loraine Strachan (Executive Director of Finance and Operations), Kevin Lang (Executive Director of External Relations, Paul Mosson (Executive Director of Member Services and Engagement), James Ness (Head of Member Registration and Business Intelligence), Valerie McEwan (Media and Communications Manager) and Alex Spence (Council Minute Secretary, Vialex Limited).

Apologies for absence were intimated from: Thomas Monteith and Christine McLintock.

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|  | **Welcome**  The President welcomed everyone to the 73rd Annual General Meeting (“AGM”) of the Law Society of Scotland (the “Society”).  The President invited the Council Minute Secretary to run through the principal procedural arrangements for the meeting.  The Council Minute Secretary summarised the procedural arrangements for the AGM. The formal notice for the AGM had been issued on 5 May 2022.  Advance voting for the meeting had run from 17 to 24 May 2022. The following advance votes had been received:   * Resolution Number 1 – 52 in favour, 0 against and 5 abstentions. * Resolution Number 2 – 52 in favour, 2 against and 4 abstentions. * Resolution Number 3 – 48 in favour, 10 against and 1 abstention. |
|  | **Approval of the Minute of the Annual General Meeting (2021)**  The President referred to the minute of the Annual General Meeting held on 27 May 2021, circulated in advance of the meeting.  The minute was proposed by Austin Lafferty and was seconded by Sheila Webster. The minute of the Annual General Meeting held on 27 May 2021 was approved. |
|  | **The President’s Address**  The President addressed the meeting stating: “It has been an honour and privilege to lead the Society and solicitor profession as President of the Law Society.  It has of course been another challenging year for all of us, but we are – at last – starting to make much more of a return to ‘normal life’, However well adapted we may now be online, it is something of a relief to be moving on.  I also want to recognise the efforts of you, our members.  In another year that continued to be dominated by Covid, solicitors once again went above and beyond, working longer and harder to provide essential advice and expertise to those most in need and to ensure that civic life, private life, politics, government and the courts continued to function.  And it is a tribute to your commitment that public satisfaction remained impressively high, with the number of those satisfied with the service they received from their solicitor increasing slightly to 93%, according to our own survey at the end of last year. That is a huge vote of confidence in the profession and something I think we can and should all be proud of.  The past two years have also confirmed to me, that justice, whether in the criminal or civil forum, must be real and accessible.  Technology has allowed us to get on with the job throughout lockdowns and restrictions. There’s no doubt that it has helped keep the wheels of justice turning during lockdowns and restrictions, but it would be naïve to think it can solve all our problems.  While the pandemic has shown how resilient and responsive the entire legal system can be when accepted ways of working suddenly need to change; it has also starkly revealed who can miss out when the gaps in the system can’t be covered. Including those accused, witnesses and victims of alleged crimes; and difficulties with prisons, policing and court provision and the importance of doing all that we can to ensure no-one falls between the cracks.  While we here this evening may all have access to devices which support our lives, professional and personal - not all of our clients do, and it is vital that we ensure that everyone has access to justice and all necessary routes to are made available.  And we are still faced with a backlog of solemn cases in Scotland not expected to be cleared until 2025 and then only if the appropriate resources are in place. It truly underlines the phrase that justice delayed is justice denied.  What has been key in all this, however, is the active role that we as solicitors and the Society have played in finding solutions to problems.  Using cinemas as remote jury centres emanated from our discussions at the Law Society. And if I may cite an example from my own Hub court in Falkirk; Sheriff Principal Lewis made a particular point of commending those solicitors who had, by their efforts and experience, facilitated the system’s operation despite resourcing issues.  There is no getting away from it, it is people who make the difference.  Of course, it’s good that, in times of trouble, alternative processes were introduced and made to work. Some changes adopted during the pandemic have provided real value. Many, we could not now do without and some, we should have tried earlier. There are however those which we should view as temporary emergency measures, useful at the time but which now, ultimately, have served their purpose.  Tonight’s AGM marks another extremely busy year for the Society. Those of you who have had the opportunity to read the annual report to October 2021 will be aware of the many projects that have been undertaken and completed over the 12 months.  It includes our work in relation to reforming the regulation of the legal services sector. We had warned that some of the options set out in the Scottish Government’s consultation paper, published in October last year, would risk undoing what already works well and has delivered strong public confidence and trust in the profession. Worryingly, it could also push up the cost of legal services and risk the independence of the legal profession from the state through unacceptable levels of political interference.  We developed a robust response to the consultation, including our own proposals for reform, and will continue to attempt to build a consensus for a package of effective, and necessary, reforms in 2022.  The Society also worked to improve complaints handling and reduce complaints numbers, while supporting our members and promoting best practice. In working towards the licensing of new business models, we submitted a revised Regulatory Scheme to the Scottish Government last summer.  Protecting legal aid and access to justice remained key priorities for the Society throughout the year, with much of the focus on the financial shock of the Covid pandemic and ensuring the sustainability of the sector through the challenges ahead. Our achievements included securing a £20 million support package from the Scottish Government. This comprised a 10% uplift to fees over two years; a £9 million resilience support fund for firms; and a £1 million fund for 40 part-funded traineeships.  However, the current crisis in legal aid cannot be overstated. It has been a generation in the making and the Society will continue to press the government to invest properly in legal aid to ensure the most vulnerable in our society receive the advice and services they need, and solicitors are fairly paid for the work they do.  We have achieved this despite the challenging financial circumstances for the profession and the Society.  You will all be aware that at the time of the first lockdown two years ago, we moved quickly to pull together an unprecedented package of financial support, amounting to £2.2 million, to help members deal with the economic shock of Covid-19.  This included the substantial 20% temporary discount in the cost of practising in 2020-21, followed by a 10% discount last year.  The huge uncertainty of two years ago meant we could have no idea of just how the pandemic would affect the profession. It also meant some tough choices for us at the Law Society; projects had to be paused, recruitment was frozen.  That was, however, without a shadow of a doubt the right thing to do.  As we now look to the future beyond the pandemic however, the Society’s Council is recommending a practising certificate fee of £585 for 2022/23.  We believe it is right to get the Society’s finances on track. Like all of you, the Society is also having to deal with record levels of inflation and rising energy costs. Funding at a prudent level, 8% lower in real terms compared to pre-pandemic levels, we can continue to regulate effectively in the public interest.  As my year in office draws to a close – and it is with some disbelief that a year has passed already - I know I will look back on the past 12 months, certainly as among the most challenging, but also as the most fulfilling in my professional life. As I said at the outset, it has been a huge privilege to represent and serve my profession. And alongside the challenges, there have been many highlights. Chief among them has been talking to our members the length and breadth of the country and beyond. While I’m the first to recognise the limits of technology, it has allowed me to meet ‘virtually’ hundreds of our members. Being able to have these conversations, to continue to engage, despite the ongoing upheaval around us, strengthened my understanding of the wider profession.  I have also been very fortunate in the very final days of my presidency, to have attended the IBA conference last week in Lithuania. I’ll confess it was a real joy, not just to be able to travel and enjoy its novelty after such a long period, but to meet in ‘real life’, to listen to our peers in other countries and discuss the many shared issues that are affecting lawyers in different parts of the world.  Admission ceremonies for new solicitors and ceremonies for the swearing in of Solicitor Advocates has been another important highlight. New solicitors are the lifeblood of the profession, and we all have a duty to support them and help them develop.  There is even more need for the senior end of the profession to ensure that the pandemic does not leave a damaging legacy for those in the very earliest stages of their legal careers. They have done so well progressing through university and traineeships in adverse circumstances we really owe it to them to have them share the “legal life” to the fullest extent.  I have been very ably supported by the Law Society team and it very much is a team. The people who have helped, supported and guided me are too numerous to mention, but I want to take this opportunity to thank not one, but two chief executives; Lorna Jack, who retired in December last year and our current Chief Executive, Diane McGiffen, who has done a tremendous job in picking up the reins and immediately understanding the work and aims of the organisation. Diane, you sit at the helm of a highly collegiate organisation, supported by an excellent senior leadership team and colleagues.  I would like to thank our Board, Council, committee and working group members for dedicating their time and expertise to the work of the Society. Supported by the Society’s fantastic staff, they make a huge, and vital, contribution to the solicitor profession and the public interest.  And finally, to our Past President who is here this evening, Amanda Millar, I am very grateful for your support, encouragement and for being unafraid to ask the difficult questions and leading on so much of our diversity and inclusion ambitions. For both Society and the profession you have been a leader with passion and integrity.  I will do my best as I move into the role of Past President to provide that same support to Murray Etherington and Sheila Webster. I wish you every success in your year as President and Vice President and hope that you enjoy highlights as numerous and varied as I have even from behind a computer screen”. |
|  | **Adoption of Reports**  The President referred to the reports from The Treasurer, the Client Protection Fund Convener, the Audit Committee Convener, the Lawscot Foundation Board of Trustees, and the convener of the Scottish Solicitors’ Benevolent Fund (the “Reports”). The Reports were for the period 1 November 2020 to 31 October 2021. The Reports had been placed on the Society’s AGM website page. The President invited questions.  There were no questions on the Reports which were all duly adopted by the meeting. |
|  | **Chief Executive’s Report**  The Chief Executive reported to the meeting, stating: “It was a real honour to take up this post at the start of the year. I can’t start without paying tribute to my predecessor, Lorna Jack. During her 13 years in this position, Lorna made an outstanding contribution as Chief Executive, transforming the Society into a truly world-leading professional body. On a personal level, she was also so kind and gracious in helping me get ready for my new role.  The Chief Executive’s Report for the AGM would often highlight the Society’s achievements. The President has spoken about many of these and they are also highlighted within the Annual Report. Those achievements belong to Lorna and the wonderful team working with, and for, the Society. As Ken stated, it’s the people who make a difference, matter and make things happen. It’s been a privilege to join such a talented team. It has been a difficult but successful year and I hope that you, the members, are happy with all that’s been achieved.  However, on this occasion and given my newness in the role, I would like to look forward and discuss some of things on the stocks for this year.  Since joining the Society I have spent much of my time listening. Listening to colleagues within the Society; to colleagues across our legal sector; to stakeholders in the wider justice sector; to those working in other jurisdictions and within the wider business community.  All have been keen for me to hear about the challenges and opportunities facing the legal profession and to talk about the short- and long-term impact of the pandemic and the other pressures the sector faces. Throughout all these interactions I have been tremendously struck by the expertise, knowledge and the pride when looking from afar for our Scottish legal profession.  I believe that the Society is one of Scotland’s jewels. Our members are so very active across civic society. Through your expert contributions I believe that you make society better. The rule of law has been sorely tested this year but that principle is to be held dearly along with access to justice and legal excellence. The Society’s impact is evident at home and abroad and as we adapt to the challenges of recent times those principles will be at the forefront of our work.  And as well as their day jobs, so many of our members - over 500 - willingly and so very generously share their expertise with the sector on a voluntary basis to help support access to justice and the rule of law. Often through membership of committees and in supporting the Society’s work. I see a genuine desire to achieve our best both in the public interest and for our profession, in our dual role as both a regulator and a membership organisation. And I thank you for this.  The start of this new operating year has been filled with many, many things already. Looking ahead to October, we will launch our next 5-year strategy. We have been talking with colleagues, members and with our Council and these insights and expertise have helped us navigate some of the biggest issues we have ever faced, both as an organisation and as a civil society. Issues such as economic recovery, legal services regulation, protecting access to justice through the proper resourcing of legal aid, maintaining wellbeing in our profession, championing equality and diversity and much more.  We also know that the years ahead will include work on aspects of justice reform, including of course, the consultation on reforming the three verdicts system something that I know has caused concern with the profession. We will also be working with colleagues in the courts service to imagine and create new and innovative ways to address the staggering backlog of cases, whilst of course safeguarding fair trials. Innovate yes. But protect too.  Our economic recovery, the recovery of our courts and our justice system must take place in a way that is fair and equitable. We need to keep what we know works well, improve what shows promise and move on from things that don’t serve us well. It is with pride and a sense of optimism, and with a promise to join you in your dedication to the Society’s important principles that I join you in the role of Chief Executive today.  I am hugely excited to get to know more and more of our members, up and down the country, and listen to them. It will be a critical year for the Society, and I look forward to working with you”. |
|  | **Resolution Number 1 – Approval of the Annual Report and Financial Statements of the Society and the Client Protection Fund for 2020/21**  The President referred to the following resolution:  “the approval of the Annual Report and Financial Statements of the Society and the Client Protection Fund for 2020/21” (“Resolution Number 1”).  Resolution Number 1 was proposed by the Vice-President and was seconded by Patricia Thom.  Resolution Number 1 was approved. |
|  | **Resolution Number 2 - The Appointment of the Auditors to the Society and the Client Protection Fund for 2021/22**  The President referred to the following resolution:  “the appointment of BDO LLP as the Auditors to the Society and the Client Protection Fund for 2021/22” (“Resolution Number 2”).  Resolution Number 2 was proposed by Sheila Webster and was seconded by Andrew Hinstridge.  Resolution Number 2 was approved. |
|  | **Resolution Number 3 – Practising Certificate fee for 2022/23**  The President referred to the following resolution:  “that, as from 1 November 2022, the Annual Subscription payable by each member of the Society holding a Practising Certificate will be £585.00” (“Resolution Number 3”).  Resolution Number 3 was proposed by Anne MacDonald and was seconded by the Vice President.  Resolution Number 3 was approved.  The meeting noted that all three resolutions had been carried. |
|  | **Conclusion of the Meeting**  The President thanked all members who had attended. The President also thanked the Society’s executive for their work in arranging the meeting.  There being no other business, the Meeting ended at 6.00pm |