

Judicial Institute  
for Scotland



# ANNUAL REPORT

For Year to 31 March 2013

August 2013  
Judicial Institute for Scotland

# Contents

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Section	Content	Page
	<b><u>Foreword</u></b>	
	<a href="#"><u>The Hon Lord Malcolm</u></a> Chairman	1
	<b><u>Introduction</u></b>	3
1.	<b><u>The Judicial Studies Committee / Judicial Institute for Scotland</u></b>	6
	<a href="#"><u>The Committee</u></a>	8
	<a href="#"><u>Relocation to Parliament House</u></a>	8
	<a href="#"><u>Judicial Training</u></a>	10
	<a href="#"><u>Learning Technology</u></a>	10
2.	<b><u>Courses</u></b>	
	<a href="#"><u>Judicial Studies Committee</u></a> (to Dec 2012)	12
	<a href="#"><u>Judicial Institute</u></a> (from Jan 2013)	20
	<a href="#"><u>Future Courses</u></a>	23
3.	<b><u>Justices of the Peace Training</u></b>	24
4.	<b><u>Publications</u></b>	27
5.	<b><u>Other Activities</u></b>	30
6.	<b><u>Reports</u></b>	
	<a href="#"><u>Sheriff T Welsh QC</u></a> Director	33
	<a href="#"><u>Sheriff A Duff</u></a> Deputy Director	34
	<a href="#"><u>Jessica MacDonald</u></a> Head of Education	35

## Foreword by The Hon Lord Malcolm, Chairman

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The arrangements for the professional development of judges, and attitudes towards it, have come a long way since the pioneering work of Lord Ross in the 1990s. This past year has been as important as any, having regard to three developments; the first being our move into custom built premises in Parliament House. They are as well- equipped as any equivalent facility and have been praised by all who have used them. Secondly, this landmark event coincides with a wholly new programme of courses for the judiciary and a well-developed plan for a virtual learning environment, which it is hoped will transform the landscape for remote study and learning. Thirdly, the transition from Judicial Studies Committee to Judicial Institute for Scotland recognised that judicial education is now accepted as an integral part of the administration of justice in Scotland.

I hope this report gives an impression of the breadth and depth of the current activities of the Institute. I am amazed at how much is achieved by so few people. I was therefore delighted when Sheriff Welsh agreed to extend his term of office for a further year to August 2014. We are fortunate to have the services of a director who enjoys a worldwide reputation. I also welcome Sheriff Duff's appointment as a full time deputy director (previously he shared his time between us and Dundee Sheriff Court). And we are now

seeing the first fruits of the recent appointments of a head of education and a learning technologist.

I will mention only two aspects of our work; firstly, with justices of the peace. They are our largest constituency, and as lay people willing to undertake unpaid public service, they are very deserving of our help. In this regard we rely heavily upon our JP legal consultant, Gillian Mawdsley. Secondly, the Institute is under an obligation to provide induction courses for new senators, sheriffs and justices. For various reasons it has been difficult to plan and co-ordinate these events, but, whatever the demands, they deserve their current priority.

While I remain concerned that our resources are stretched over many diverse and expanding activities, I am confident that the right people are in place to guide the Institute through these important times. I record my thanks and appreciation to the staff, the vice chairman, and the members of the committee. I also pay tribute to the active support of our presidents, now Lord Gill, and before him Lord Hamilton, all of which has been vital to recent progress.

Many people have played a part, but at the end of the year covered by this report, it would be remiss not to mention one person in particular. In the summer of 2012 Lord Brodie ended his term as chairman. Without his vision, determination and guidance, none of this would have happened. All of the judiciary in Scotland is in his debt.



COLIN CAMPBELL

## Introduction

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The Judicial Institute for Scotland (formerly the Judicial Studies Committee) officially came into being on 1st January 2013. The change of name and identity was accompanied by a move to new premises in Parliament House and a new purpose built Learning Suite with fully integrated IT systems where all future training will take place. During the period from April to December 2012 training continued to take place at external venues including hotels, conference centres and Higher Education Institutes.

The Judicial Institute is directly responsible for providing varied and stimulating training for the whole spectrum of Scottish judicial officer holders from the lay justices, most of whom will not have been legally trained, to senators of the College of Justice.

Since its inception in 1997, the Judicial Studies Committee, and now the Judicial Institute, has developed judicial training from lectures and prison visits, through improving elementary skills in judicial communication, to the current approach of addressing a much wider and more current range of educational and training needs of the judiciary. As was the case in 1997, it is still believed that this is best achieved through training that is designed and delivered by judges, for judges.

In his speech at the start of the legal year in September 2012, The Lord President, The Right Honourable Lord Gill, emphasised the importance he placed on providing judges in Scotland with high quality training in order to ensure that they are in a position to deal with the raft of new legislation and case law, and that they are fully conversant with courtroom technology and case-management expectations. The new Learning Suite with its integrated facsimile benches now allows training to take place in an authentic, innovative learning environment which will ensure that judges in Scotland benefit from the latest technology to help them meet the challenges that lie ahead.

The JI continues the work undertaken by JSC in revising and publishing the Jury Manual in addition to the Criminal Bench Book, now an e-book, JP Bench Books, the Equal Treatment Bench Book and briefing papers.

On 1 April 2010, under the new provisions of the Judiciary and Courts (Scotland) Act 2008, the statutory responsibility for ‘making and maintaining appropriate arrangements for the welfare, training and guidance of judicial office holders’ in Scotland passed to the Lord President, as Head of the Judiciary in Scotland.

Under the statutory powers conferred on him by the 2008 Act, the Lord President approved the ‘Governance Framework for the Judicial Studies Committee’ on 1 April 2010. The Lord President also issued in January 2011 the first ‘Judicial Training Determination No.1 of 2011 on Judicial Induction Training’. The determination provides for compulsory induction training for all newly appointed judicial office holders within one year of their appointment. The Judicial Institute is responsible for the delivery of this training, which includes the following topics:

- Judicial ethics and conduct
- Court management, including jury trial management
- Procedural and evidential issues
- Assessment of witnesses
- Judgment writing and *ex tempore* decisions
- Sentencing

- Contempt of court
- Social context, equal treatment and diversity issues
- Unrepresented litigants and vulnerable persons in courts
- Use of information technology

## **JUDICIAL OFFICERS IN SCOTLAND**

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At 31 March 2013, there were 32 Court of Session/High Court judges, 17 Temporary Court of Session/High Court judges, 6 Sheriffs Principal, 142 Sheriffs, 72 part-time Sheriffs, 5 Stipendiary Magistrates, 5 relief Stipendiary Magistrates and 440 Justices of the Peace. The judiciary thus comprised 719 serving judicial officers in the reported year.

SENATORS	TEMPORARY JUDGES	SHERIFFS PRINCIPAL	SHERIFFS	PART-TIME SHERIFFS	JUSTICES	STIPENDIARY MAGISTRATES
<b>32</b>	<b>17</b>	<b>6</b>	<b>142</b>	<b>72</b>	<b>440</b>	<b>10</b>

## 1: The Judicial Studies Committee / Judicial Institute

### Committee Members as at 31 March 2012

Lord President Hamilton	President of the Judicial Studies Committee
The Hon Lord Brodie	Chairman
The Hon Lord Malcolm	Vice Chairman
Sheriff T Welsh QC	Director
Sheriff A J M Duff	Deputy Director
Sheriff Principal M Stephen	
Sheriff L D R Foulis	
Sheriff M J Fletcher	
Sheriff I Fleming	
Rev R Neilson	Vice-Chairman of the The Scottish Justices Association
Mr A Clasper	Justice of the Peace
Ms B Campbell	Director of Criminal Justice
Dr J McClure CBE	Former Head Teacher of St George's School for Girls

### Committee Members as at 31 March 2013

Lord President Gill	President of the Judicial Institute (from June 2012)
The Hon Lord Malcolm	Chairman
The Hon Lord Woolman	Vice Chairman
Sheriff T Welsh QC	Director
Sheriff A J M Duff	Deputy Director
Sheriff Principal M Stephen	
Sheriff L D R Foulis	
Sheriff A Cubie	
Sheriff I Fleming	
Rev R Neilson	Vice-Chairman of the The Scottish Justices Association
Mr A Clasper	Justice of the Peace
Ms B Campbell	Director of Criminal Justice
Dr J McClure CBE	Former Head Teacher of St George's School for Girls



## Office Staff

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Director	Sheriff T Welsh QC
Deputy Director	Sheriff A J M Duff
Head Of Education	Mrs J Macdonald
Learning Technology Manager	Ms J Carter
Programme Manager	Ms A Fisher
Programme Manager	Mrs L McIntosh
Legal Assistants	Mr S Balmer (until September 2012) Miss D Bovingdon (until January 2013) Mr J McGrory (from August 2012) Miss V Curran (from September 2012) Miss B Evans (from January 2013)
JP Legal Consultant	Mrs G Mawdsley
Personal Assistant To The Director Clerk/Typist	Miss J Kelly Ms H Stevenson (until January 2013)
Course Officer	Mr M Wilson
Course Assistant	Mr A Plews

### 1.1 Changes to the Committee in 2012-13

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On 11 June 2012 The Rt Hon Lord Gill was appointed Lord President of the Court of Session and President of the Judicial Studies Committee, replacing The Rt Hon Lord Hamilton. In August 2012 Lord Malcolm succeeded Lord Brodie as Chairman and Lord Woolman joined the Committee as Vice Chairman. At the same time Sheriff A Cubie was appointed to the Committee in place of Sheriff Fletcher whose term of office came to an end.

### 1.2 Changes in Office Staff

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The Judicial Institute has welcomed a number of new staff over the past year. Jacqueline Carter joined in May 2012 as Learning Technologist. Michael Wilson, Administration Officer, and Alistair Plews, Administration Assistant, both joined the office team in June 2012. Jordan

McGrory and Victoria Curran joined Legal Assistant Daisy Bovingdon in August and September respectively. Beth Evans joined as a Legal Assistant in January 2013.

A number of office staff left over the last year. Legal Assistant, Steven Balmer left at the end of August 2012 to commence his Diploma in Legal Practice at the University of Edinburgh. Jennifer Kelly, Personal Secretary to the Director is currently on maternity leave. Helen Stevenson, Clerk/Typist left in January 2013 to join the Scottish Government. Helen was the longest serving member of the office staff, having been with JSC for nearly seven years. Legal Assistant, Daisy Bovingdon also left in January to commence her Legal Traineeship. A number of temporary staff were appointed to assist with administrative tasks throughout the year.

### **1.3 The Committee**

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The Committee meets on a quarterly basis. The Chairman, Lord Malcolm, and the Vice-Chairman, Lord Woolman, are engaged in full-time duties as Senators of the College of Justice sitting in the Supreme Courts. The Director and Deputy Director are engaged full time with the work of the Judicial Institute. Sheriff Principal Stephen, Sheriff Cubie and Sheriff Foulis are full time judicial office holders and Sheriff Fleming represents the part-time Sheriffs. Bridget Campbell is the Director of Criminal Justice Division of the Scottish Government. Rev Roger Neilson and Mr. Allan Clasper are Justices of the Peace. Dr. Judith McClure is the former Head Teacher of St George's School for Girls and is the lay representative on the Committee.

### **1.4 Relocation to Parliament House**

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The JSC relocated in November 2012 from Bearford House, Edinburgh to new office accommodation in Parliament House, where staff are ideally situated to manage the training events which now take place in the same building.

The new Judicial Institute Learning Suite was officially opened on 25 January 2013 by the Hon Lord Ross, the first Chairman of Judicial Studies Committee and the event was attended by many former Chairmen, Vice Chairmen, Directors and Deputy Directors.



This new facility provides an in-house modern dedicated training space which enables the delivery of a wide range of courses utilising the latest technology. The purpose built Learning Suite contains fully integrated IT systems designed to support an effective and innovative learning environment. The Suite houses two facsimile benches at either end of the L-shaped room to simulate an authentic learning space. These benches provide a safe and supportive learning environment and make it possible to replicate aspects of a court scene with great accuracy, thus enabling the inclusion of effective practice-based education into the curriculum. The central learning space accommodates seven plectrum-shaped learning pods, fitted with multimedia systems including sound recording and video equipment. In addition to this, there are two interactive whiteboards, video-conference facilities and video recording equipment which are also fully networked to each learning pod and can be operated at a local level or from the central station. The space has the capacity to sub-divide into four separate learning spaces through the use of soundproof moveable partitions, creating the necessary flexibility for a suitable judicial training environment.

## 1.5 Judicial Training

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Since the launch of the Judicial Institute in January 2013, a number of training courses and events have been held in the Learning Suite.

In addition to having a dedicated learning space, a new Judicial Education Curriculum was introduced in January 2013 and will continue to be developed as the year progresses.

Learning and development for the judiciary in Scotland has become much more sophisticated and complex since the JSC was formed in 1997. The course curricula now focus more on bench specific skills, in addition to substantive law and court procedure, legal research, communication and case management skills. The emphasis at training is approaching problems from the perspective of the judge in the courtroom. Jessica MacDonald, Head of Education joined in September 2011 with the key objective to help develop training modules and to apply the principles of adult education and training to the work of the judiciary. She has worked closely with the Director over the past year to continually evaluate the training needs of the judiciary.

With the new Curriculum and the move to bespoke training facilities in Parliament House came an end to the Refresher and Judicial Skills residential courses which have run for many years and introduced instead were a variety of one-day and two-day courses.

In the period April 2012 to December 2012 the JSC provided a varied programme of eighteen courses attended by two-hundred and three delegates. Since its launch in January 2013 to the end of March 2013 the Judicial Institute has provided eight courses attended by sixty-nine delegates.

## 1.6 Learning Technology

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The use of technology has become an integral part of learning and is now used in a variety of ways to support teaching and delivering education. Since the launch of the Judicial Institute Learning Suite in January 2013 the use of information, communication and learning

technologies has been used to enhance the learning experience of judicial delegates attending events and courses and provides a more rewarding experience for the delegates and the course directors alike.



The Learning Suite is operated using state of the art touchscreen control display panels. The range of technology currently being used within the learning environment includes:

- Video conferencing
- DVD, VCR Video and recording cameras
- Interactive Smart whiteboards
- LCD display monitors
- Digital material and resources
- Visualizer
- Wireless microphones and recording microphones
- Turning Point technology

In 2013 the Judicial Institute embarked on a project to develop a bespoke Judicial Virtual Learning Environment (VLE) which will be used as a platform to deliver course materials and online learning and provide easy access to the Judicial Institutes resources and publications. The VLE is essentially a website with a range of additional tools to support teaching and learning. The VLE will provide password protected access to courses, resources and materials, judicial communications, scheduling tools, such as the curriculum calendar and a booking system. The VLE will be called the Judicial Hub and will be available to all judicial office holders in Scotland in 2014.

## 2: Courses

### JSC COURSES APRIL TO DECEMBER 2012

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#### 2.1 Induction Courses

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Induction training is mandatory for new judicial appointments and usually takes place over a period of five days. The course is in effect a ‘crash’ course, which includes modules on all the compulsory topics of judicial training. All new appointees are given a starter pack and are invited to attend a training course at their earliest convenience. In the past year the JSC and JI has provided induction training to four Senators and three full time Sheriffs.

#### 2.2 Judicial Skills Courses

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Two Judicial Skills courses took place between April and December 2012. These three-day residential courses were established in October 2000 but no longer feature in the curriculum. Previously each member of the judiciary was invited to attend one such three-day residential course every five years:

(i) **23-25 April 2012 – Fairmont Hotel, St Andrews**

This event was chaired by Lord Brodie, then Chairman of Judicial Studies with the assistance of Sheriff Welsh and Sheriff Duff. The course was attended by one Senator and ten Sheriffs, two Part-Time Sheriffs. Dr. Rainer Hornung, Director of the German Judicial Academy was a guest. His contribution and insight enhanced the overall participation in this course.

(ii) **29-31 October 2012 – Fairmont Hotel, St Andrews**

Lord Malcolm chaired this course in St Andrews. Dr. David La Rooy, Lecturer in Psychology at the University of Abertay led an interactive session on assessing witnesses on day one. This was followed by a session on charging the jury, led by Lord Malcolm with contributions from Bill Wright and Professor Ros Steen from the Centre for Voice in

Performance at The Royal Conservatoire for Scotland in Glasgow. On day two of the course there were both plenary and group sessions on ‘*ex tempore*’ decisions and situations in court. The Lord President led the group discussion on ‘*ex tempore*’ decisions and his paper on the subject has been published on the Judicial Intranet. The focus on day three was equality and diversity, with Dr. Lisa Jones, Senior Teaching Fellow and Director of Teaching in Philosophy at the University of St Andrews leading a session on judicial ethics.

### **2.3 Refresher Courses**

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As with Judicial Skills courses, the three-day Residential Refresher courses no longer feature in the 2013 Curriculum. Previously each member of the judiciary was invited to attend one such course every three years. Between April and December 2012 two Refresher courses were held, and the programme included sessions on matters of topical and general interest and recent developments in law and practice:

**(i) 1-3 October 2012 – Dunblane Hilton Hotel, Dunblane**

This course was chaired by Lord Malcolm. In attendance were one Senator, one Sheriff Principal, eleven Sheriffs, four Part-Time Sheriffs and one District Judge from Ireland. The focus on day one was sentencing, and included sessions by Professor Fergus McNeill, Professor of Criminology & Social Work at the University of Glasgow, Sheriff Andrew Grant McCulloch and Sheriff Johanna Johnston QC. Laura Macgregor, Senior Lecturer at the University of Edinburgh led a session on contract law that included discussions of unfair terms, sales of goods and contractual interpretation. Domestic abuse was the focus on day two and participants engaged in facilitated discussion, working through the Domestic Abuse DVD in small groups. This session was led by Rory Macrae, National Trainer, The Caledonian System, and Professor Elizabeth Gilchrist, Professor of Forensic Psychology, Glasgow Caledonian University. On day three the training centred on the issue of diversity, with a presentation and discussion led by Mr Siraj Khan & Mr Tom Lea, Al-Waleed Bin Talal Centre for the Study of Islam in the Contemporary World at Dept. of Islamic & Middle Eastern Studies at the University of Edinburgh. The day also included a plenary discussion of sentencing options and problems in court scenarios.

**(ii) 19-21 November 2012 – Dunblane Hilton Hotel, Dunblane**

This course was chaired by Lord Malcolm. In attendance were two Senators, ten full-time Sheriffs and three part-time Sheriffs. Also in attendance were four guest judges: Judge Senija Ledic from the Judicial Academy of the Republic of Croatia; Mrs Anne-Marie Morice from the Ecole Nationale de la Magistrature; Judge Satu Saarensola of the District Court, Pirkanmaa; and Judge Mary Collins of the District Court, Ireland. The format of the course followed the previous one held in October.

## **2.4 Online Legal Research**

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Three Online Legal Research courses were held in June, September and December 2012. These one-day seminars provided members of the judiciary with intermediate IT skills the opportunity to develop their knowledge of the Westlaw, LexisNexis and BAILI legal databases and other online legal resources accessible via LINETS (the Legal Information Network for Scotland). The courses were directed by Daisy Bovingdon, Legal Assistant and Sarah Kerr, LINETS Manager. A total of ten Sheriffs, four Part-Time Sheriffs, one Temporary Judge and two Stipendiary Magistrates attended these courses.

## **2.5 Judicial Mentoring**

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A formal mentoring scheme for the judiciary in Scotland was implemented from 1 April 2011, as necessitated in the first judicial training determination by the Lord President. The scheme is mainly applicable to new judicial officer holders who wish to take advantage of this type of personal support and guidance. Mentoring training was provided for those nominated to be mentors.

The purpose of the mentoring scheme is to:

- (i) provide a meaningful form of support in the performance of the judicial function for the first year of the new judge's career;



- (ii) offer a valuable means of alleviating judicial stress during particularly challenging periods of the judge's career, especially at the time of and shortly after appointment to the bench;
- (iii) enhance collegiality within the judiciary;
- (iv) focus on the personal needs of the judge, particularly during the early stages of his/her career on the bench; and
- (v) recognise that effective welfare, guidance and support are essential elements of the judicial culture in Scotland.

The mentoring scheme, which is voluntary, applies to all members of the judiciary (Senators of the College of Justice, Sheriffs Principal, Sheriffs, Part-Time Sheriffs, Stipendiary Magistrates and Justices of the Peace). From 1 April 2011, every newly appointed judge is entitled to have the support of a trained mentor from the same tier of the judiciary to which they are appointed. There were eight mentoring seminars held in total. Each employed interactive workshops to address the principles, purposes and benefits of mentoring as well as the skills and qualities required of a mentor and the challenges the role may entail. The first round of mentoring training concluded in May 2012 and there are now approximately 56 trained mentors within the Scottish Judiciary. Each mentor has been issued with their own LawCare pack. LawCare is an advisory and support service to help those in the legal profession to deal with health problems and related emotional difficulties.

## **2.6 Senator's Training**

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The three day event hosted various sessions chaired by Lord Menzies, Lord Brodie, Lord Tyre and Lord Malcolm. Twenty-nine Senators of the College of Justice were in attendance. The content for the three days was set by the Organising Committee comprising of Lord Carloway, Lord Brodie, Lord Malcolm, Sheriff Welsh and Sheriff Duff. The JSC worked in partnership with the Academy of European Law (ERA) in forming the content for a European Law themed day on day two. Day one of the training featured sessions by Lord Carloway who presented a discussion entitled 'The Sifting Process and the Gatekeeping Function of the Judge', and Trish McLellan who delivered a presentation from LawCare.

The workshops were followed by a plenary discussion and Q&A session regarding Lord Carloway's earlier discussion. Dr. Livingston Armytage, Director of the Centre for Judicial Studies, Australia, presented a paper entitled 'Judicial Development as a Tool for Leadership and Change.' Following Lord Carloway and Dr. Livingston Armytage's discussions delegates broke into syndicate groups to discuss key elements and issues.

Day two of the training course featured discussions presented by Professor Joachim Vogel of the Ludwigs-Maximilians University in Munich, who also sits as a High Court district judge in Munich, entitled 'The Europeanization of Criminal Justice: Challenges and Chances for the National Judiciary'; Judge Kieran Bradley of the Civil Service Tribunal of the EU in Luxembourg entitled 'Member State Liability in EU Law: Beyond *Pacta Sunt Servanda*'; and Professor Peter McEleavy of the University of Dundee entitled 'Mutual Trust, Distrust and Human Rights: The Movement of Children within Europe.' Following the presentations, delegates were separated into groups and assigned specialized topics. The afternoon session involved a reporting session. Each syndicate group nominated a *rapporteur* who would summarise the discussion, issues raised and conclusions reached for their group. This was followed by time for questions and comments.

The opening session on day three was entitled 'The Adaptation to Sitting *En Banc*' and featured presentations from Lord Justice Girvan of Northern Ireland, who spoke on 'The Transition from Sitting as a Single Judge to Sitting on a Panel', The Master of the Rolls, who spoke on 'Managing and Conducting a Panel: A Chairman's Perspective', the Lord Justice Clerk who spoke on 'Writing a Collaborative Judgement', Lord Justice Moses of England and Wales, who spoke on 'Dissent in Appeal Cases'. The final session on day three was entitled 'Ethics of Punishment' by Prof John Haldane, University of St Andrews. This presentation looked at theories of punishment and the philosophical angle of what punishment entails. This was followed by some problem scenarios put to the participants, looking at ethical dilemmas they could potentially face. Feedback for the course was positive. Delegates noted that the sessions were interesting and informative.

## 2.7 One-Day Courses

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Over the course of the year, the JSC and JI held a number of one-day courses on a variety of topics:

**(i) 14 May 2012 – Legal Developments following the decision in *Cadder***

The morning consisted of a series of academic sessions followed by an afternoon focusing on the practical implications of the case law. The day opened with a discussion of the structural and constitutional implications of the *Cadder* judgment led by Jim Murdoch from the University of Glasgow. Sir Gerald Gordon QC delivered the following discussion on a paper describing how *Cadder* has changed the legal landscape, and James Chalmers from the University of Edinburgh presented on the issue of Waiver and the evolution of the *Cadder* jurisprudence. Solicitor Simon Collins led a session on ‘Access to Clients and Changing Practice at the Police Station’ and Chief Supt Paul Main and Detective Inspector John Wylie from Strathclyde Police concluded the day with a session entitled ‘Practicalities at the Police Station’. The feedback from the course was very positive, and participants appreciated the opportunity of a full day course dedicated exclusively to the *Cadder* jurisprudence.

**(ii) 25 June 2012 – Environmental Law, Wildlife Crime and Health & Safety**

This seminar was attended by nine Sheriffs and eight Part-Time Sheriffs. The day was divided into four seminars to focus on three areas of regulatory crime. The morning seminar entitled ‘Health and Safety: Investigation and Prosecution’ was led by John Blackburn, HM Principal Inspector, Health and Safety Executive and Sally Clark, PF Depute from the Health and Safety Division at Crown Office. After coffee the subject matter changed to environmental crime and included contributions from SEPA’s Director of Operations Calum MacDonald, Mr. Craig Harris, Head of Wildlife and Environmental Crime Unit at Crown Office and Professor Mark Poustie, Head of Law School at the University of Strathclyde. Thereafter, Alan Stewart from the National Wildlife Crime Unit presented a discussion on Wildlife Crime in Scotland addressing current police priorities and provided examples of effective bail conditions. Dr. Adam Smith, Director Scotland for the Game and Wildlife Conservation Trust and Mr. Mark Oddy, Estate Manager at Buccleuch Estates Ltd

led a session on ‘Living with Licensing – The Practitioners’ View’ to place wildlife crime in context. The course concluded with a Q & A chaired by Sheriff Drummond QC. The feedback from the course was very positive, and participants found the sessions to be very informative and offered insight into an unfamiliar subject.

**(iii) 8-9 August 2012 – Military FAP’s (Coroners Training)**

A Sheriff Principal and ten Sheriffs were invited by the MOD’s Defence Inquest Unit to the Land Warfare Centre at Warminster for training with 15 coroners. This course ran over a two day period. The training provided practical insights into military operational environment, tactics and equipment used in Afghanistan. Sheriffs were provided with demonstrations of judgmental training and of military patrols entering Afghan villages. Deputy Director Sheriff Duff represented the JSC at this event. The Sheriffs found the course very interesting and informative.

**(iv) 3 September 2012 – Law, Science and Expert Witnesses**

This course was attended by three Senators, nine Sheriffs, six Part-Time Sheriffs and one Temporary Judge. The course featured sessions led by Professor Fiona Raitt, Professor of Evidence and Social Justice and Director of the Diploma of Professional Legal Practice at the University of Dundee, Andrew Rennison, Forensic Science Regulator for the UK and The Rt Hon Sir Anthony Campbell, Chairman of the Fingerprint Inquiry. There was also a workshop on Interpreting Scientific Evidence in Court led by Professor Colin Aitken, Professor of Forensic Statistics at the University of Edinburgh and Chairman of the Royal Statistical Society’s Working Group on statistics and the law.

**(v) 27 September 2012 – Problem Solving Courts Seminar**

This course was chaired by Sheriff Welsh and was attended by ten full time Sheriffs and one Senator. The morning was a closed, judge-led session which included contributions from the US, English and Scottish Judiciary. The Hon Mr Justice Ryder, Presiding Judge of the Northern Circuit, High Court Family Division Judge, and Judge in Charge of Modernisation of Family Justice, and His Honour Judge David Fletcher CBE from North Liverpool Community Justice Centre contributed to the discussion, outlining the Liverpool experience

and the direction of travel south of the border. Sheriff Max Hendry and Sheriff Andrew Mackie gave short presentations on the Drugs Court at Kirkcaldy and the Domestic Abuse Court at Glasgow respectively. The Hon R. F Canan, Presiding Judge of the Criminal Division of the Superior Court of the District of Columbia and The Hon M D’Emic, Judge of the Court of Claims and the Kings (Brooklyn) Criminal Court gave presentations on their approaches to therapeutic jurisprudence. The US judges are world leaders in solution specific courts and it was very helpful for the Scottish judges to have the opportunity to discuss problem solving courts with judges who have extensive experience in this area. Professor Eric Miller, Saint Louis University Law School, USA, gave a brief presentation on the challenges posed by problem solving courts.

**(vi) 5 November 2012 – Sexual Offences Seminar**

In attendance for this training course were eight Sheriffs, seven Part-Time Sheriffs and one Temporary Judge. The focus of this seminar was the Sexual Offences Act 2009. The day was a mixture of presentations, small group case studies and plenary discussions. Professor James Chalmers, Regius Chair of Law at the University of Glasgow discussed the topics of consent and reasonable belief. Sir Gerald Gordon QC presented his paper on sexual offences involving children and mentally impaired persons. The final speaker, Professor Gerry Maher QC, University of Edinburgh focused on some of the more unusual provisions of the 2009 Act, such as the voyeurism and international offences provisions.

**(vii) 12 November 2012 – Family Law Seminar**

This training course was attended by nineteen Sheriffs and seven Part-Time Sheriffs. Temporary Judge Morag Wise QC began the course with a discussion of human rights issues in family cases, followed by a session on financial provision by Scott Cochrane, Partner in the Family Law Team at Brodies LLP. Sheriff Principal Derek Pyle then led the discussion on delay and case management issues, with contributions from Sheriff Elizabeth McFarlane and Sheriff Richard A Davidson. The afternoon session, led by Professor Kenneth Norrie, Professor of Law at the University of Strathclyde, comprised of an interactive workshop on financial claims of ex-cohabitants followed by a session on adoption, permanence orders and supervision requirements.

## **2.8 JI COURSES JANUARY TO MARCH 2013**

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The following courses were held in the new JI Learning Suite following the move to Parliament House:

### **(i) 16 January 2013 – Stipendiary Magistrates Training**

This one day course in January was the first to be held in the new premises. The course was chaired by the Director Sheriff Welsh, assisted by Deputy Director Sheriff Duff and Gillian Mawdsley. In attendance were nine Stipendiary Magistrates. Guest speaker, Professor Pamela Ferguson from the University of Dundee led the session regarding recent developments in criminal law. Sheriff Welsh and Sheriff Duff led the discussions regarding appeals and sentencing/sentencing delivery as well as an exercise on equality and diversity. For the practical exercise attendees were divided into two syndicate groups.

### **(ii) 4-5 March 2013 – Criminal Law & Sentencing**

This two day course in March was chaired by Lord Woolman with the assistance of Sheriff Welsh, Sheriff Duff, Jessica MacDonald and Victoria Curran. Ten Sheriffs and three Part-Time Sheriffs were in attendance. The first day focused on community based sentences and imprisonment with the intent to instill in participants an awareness of the realities inherent in the sentencing options available. This included a visit to CPO projects in Edinburgh and an interactive tour of HMP Saughton. The second day of training focused on sentence selection and consisted largely of small group and plenary discussions of sentencing case studies. The second day included three speakers: Dr. Gary Clapton, Senior Lecturer in the School of Social and Political Studies, University of Edinburgh who spoke on the topic of ‘Judging in a Climate of Moral Panic and Public Hysteria’; Professor Fergus McNeill, Professor of Criminology & Social Work, University of Glasgow, who spoke on ‘Intelligent Justice’; and Lord Woolman who presented a discussion on Regulatory Crime.

### **(iii) 11 March 2013 – European Law**

This one day course in March was chaired by Lord Malcolm with the support of Sheriff Welsh, Sheriff Duff, Jessica MacDonald, and Beth Evans. One Senator, five Sheriffs and

four Part-Time Sheriffs attended this course. The first two sessions were led by Dr. Rachael Craufurd-Smith, Senior Lecturer in EC Law at the University of Edinburgh, entitled ‘Giving Effect to EU law in Scotland’ and ‘Fundamental Rights and EU Law’. Following this discussion delegates were split into groups to complete case scenarios dealing with fundamental rights. The latter half of the seminar was led by Dr. Arianna Andreangeli, Lecturer in Competition Law at the University of Edinburgh. Dr. Andreangeli provided updates on EU competition law and discussed ‘Preliminary Reference Procedure under Act 267’.

**(iv) 15 March 2013 – Problem Solving Courts**

This one day course in March was chaired by Sheriff Duff with the assistance of Sheriff Welsh, Jessica MacDonald and Victoria Curran. Five full time Sheriffs and four Part-Time Sheriffs were in attendance for this course. Dr. Cyrus Tata, Director of the Centre for Law Crime & Justice and Reader in Law at the University of Strathclyde opened the seminar addressing problem solving courts focusing on the principles, opportunities and challenges. The second session incorporated a recorded video interview of The Hon R. F. Canan, Presiding Judge of the Criminal Division of the Superior Court of the District of Columbia discussing the art of therapeutic jurisprudence. Following that session attendees were divided into syndicate groups to discuss therapeutic jurisprudence in terms of advantages/disadvantages and implementation in Scottish courts. Stuart MacArthur, Team Manager of the Drug Court in Kirkcaldy and Ryan McCallum, Social Worker of the Drug Court Supervision and Treatment Team finished of the day by providing success stories and perspectives of a supervising officer. Their presentation included video recorded interviews with three offenders who were or had been before the drug court and were subject to a drug treatment and testing order.

**(v) 18 March 2013 – Time Management, Pressure on the Professions Seminar**

This one day seminar was chaired by Lord Malcolm. Eleven Senators were in attendance for this course, designed to raise awareness of the health risks associated with the position of judicial office holder. The first session delivered by Professor Kevin Power, Honorary Professor of Psychology at the University of Stirling and Head of Service at Tayside Area

Psychological Therapies Service discussed the topic of stress and associated origins and myths. Professor Jonathan Chick, Consultant at Spire Murrayfield Hospital Edinburgh and Spire Shawfair Park Hospital and Honorary Professor at the Queen Margaret University in Edinburgh conducted a discussion examining medicine and alcohol in terms of benefit and risk ratios. Participants were then split into syndicate groups and were given focused questions for discussion. Following the group discussions, Dr. Peter Copp, Private GP- Occupational Medical Advisor - Medical Director at GP- Plus Ltd and Honorary Clinical Tutor at the University of Edinburgh Medical School, facilitated a plenary panel session followed by a discussion as to whether stress was still considered an ‘unmentionable topic’. His discussion provided reflections of working exclusively within the domain of private General Practice and Occupational Health in Edinburgh. The final session of the day was presented by Dr. Alex Yellowlees, Medical Director of the Priory Hospital, Glasgow and Consultant Psychiatrist entitled ‘Building Resistance’.

**(vi) 22 March 2013 – Ethics, Public Life and The Media**

This one day course in March was chaired by Lord Malcolm with the assistance of Sheriff Welsh, Sheriff Duff, Jessica MacDonald and Jordan McGrory. One Sheriff Principal, six Sheriffs and six Part-Time Sheriffs were in attendance. Judith Alcock, Deputy Legal Secretary to the Lord President began the day with a discussion on judges’ use of personal data. The second discussion was delivered by Dr. Chistopher Belshaw, Research Fellow at the University of Edinburgh and addressed judicial ethics in the public office. In the afternoon The Rt. Hon Lady Dorrian, Senator of the College of Justice conducted a discussion on public and media access in public courts. Following Lady Dorrian’s discussion, Michael Bromby JP, Reader in Law, Glasgow Caledonian University presented a discussion entitled ‘Social Media, Public life, Private Life and the Judiciary’.

## **2.9 Local Sherifffdom Training Events**

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The Judicial Institute continues to support local annual training events held within each Sherifffdom, which are organised by the Sheriffs Principal and a nominated member or members of the Sherifffdom responsible for overseeing the content and canvassing opinion of



their colleagues. The JI has assisted in arranging for the attendance of speakers and preparation of material at these events. Advantage can be taken of local training days arranged by the Procurator Fiscal and Sheriff Court staff to run a reduced number of courts so as to allow as many Sheriffs as possible to attend. This year the JI provided full support in terms of administration and providing the necessary equipment. A legal assistant attended each event to ensure the smooth running of the event.

## **2.10 Future Courses**

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A number of the new courses held in early 2013 will be repeated over the course of the year. In addition new courses on the following topics will be included in the 2013 Curriculum:

- **The Art & Craft of Judging**
- **Mentoring**
- **Judging in the Social Context: Equality and Diversity**
- **Vulnerable Witnesses and Technology**
- **IT Training**
- **Children in Court**
- **Contract Law**
- **Extradition Seminar**
- **Case Management**
- **Evidence**
- **Judicial Writing and Reasoning**

## 3: Justices of the Peace Training

There were approximately 440 justices in Scotland at the end of March 2013. The overall number of justices always tends to fluctuate throughout the year. A number of justices who had been reappointed following the significant changes brought in by Criminal Proceedings etc (Reform) Scotland Act 2007 chose not to be re-appointed in December 2012. Recruitment of justices of the peace took place in the Sheriffdoms of Lothian & Borders and South Strathclyde Dumfries & Galloway. These justices of the peace have now successfully completed their induction training programme and have been formally appointed.

In 2012-2013 changes were seen to delivery of national training for justices of the peace. Two annual conferences were held to maximize the potential opportunities for justices of the peace to attend. Justices of the peace are volunteer members of the judiciary who have a number of personal and professional commitments to juggle in order to commit time to attending training events, and this is taken into account when planning national training events. The continuing approach from the Judicial Institute is to provide flexibility in offering specialist one day events as well as courses targeted at supporting justices of the peace at different stages of their experience as members of the judiciary. The provision of annual conferences is planned to continue.

The work of the Judicial Institute also supports local training in the provision of materials and speakers on various topics as requested. Contributions are made to various justices' publications.

### 3.1 Annual Conferences

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The annual conferences allow the Judicial Institute to deliver training on a diverse variety of topics from 'black letter' law to equality and diversity. Presentations are delivered by the Director and Deputy Director of the Judicial Institute, Sheriffs from across Scotland and external speakers. Small syndicate group sessions are also a feature of the justices of the peace courses. These sessions concentrate discussions on a number of scenarios and exercises to maximise the learning experience.

Support too in providing training is much appreciated from serving sheriffs who help facilitate a number of sessions. The Sheriffdom Legal Advisers and their team of Legal Advisers also provide their expertise in delivering and facilitating at these courses.

Another feature of these justices of the peace courses was the “drop in” sessions. David Morris and Gerry Dawson, SCS IT department provided workshops to help the justices become more adept at accessing their email and other electronic resources. LawCare were also present to support justices of the peace pastorally with their judicial role.

All justices of the peace courses in 2012-2013 were delivered at Stirling Management Centre.

**(i) 30 March- 1 April 2012**

This residential course was chaired by Lord Brodie. 50 justices of the peace attended. Sheriff Principal Stephen provided the introduction and welcome. Saturday’s topics ranged from *‘Finding your Judicial Voice’* presented by Sheriffs Wood and Cubie, *‘Assessing Witnesses’* focused on credibility and reliability delivered by Dr David La Rooy, University of Abertay, *‘Disclosure Delay and Decisions in Court’* by Sheriff Duff, Sentencing Selection and Delivery by Sheriff McFadyen and *‘Are we friends’* by Sheriff Welsh.

As diversity is one of the training priorities, in 2012- 2013 the Judicial Institute increased its contacts with representative groups to allow them to contribute to various training events. On Sunday, Eleanor Williams, Head of Legal at Equality and Human Rights Commission, Wales gave the keynote speech supported by contributions from Epilepsy Scotland and the Scottish Consortium for Learning Disability.

**(ii) 21- 23 September 2012**

Sheriff Welsh QC and Sheriff Duff chaired this course. Sheriff Principal Scott provided the welcome and introduction. 50 justices of the peace attended. This residential course was substantially similar in content to the earlier course run in March 2012. Sheriff Welsh presented on *‘Today’s Judicial Role: some Challenges we face.’* Sheriff Munro delivered the sentencing slot.

On Sunday, continuing with the theme of diversity, Lynn Welsh, Head of Legal, Equality and Human Rights Commission Scotland gave the keynote speech supported by Capability Scotland and the Scottish Transgender Alliance.

## **3.2 Induction Training**

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As part of the prescribed course of training for new justices of the peace approved by the Lord President, all prospective justices of the peace must attend a residential training course run by the Judicial Institute prior to their appointment. As with the annual conferences, the scope of training covers a variety of topics. The objective is to consolidate the programme of extensive induction training undertaken within their respective Sheriffdoms. Much use is made too of syndicate groups in delivering training by way of group discussions. Overall, 45 prospective justices of the peace attended these courses.

### **(i) 9-11 November 2012**

Lord Malcolm chaired this course. Topics included Sheriff Cubie and Sheriff Hendry on *'What makes a good judge?'*, Sheriff Duff on *'Delay, Discussion and Decisions in Court'*, Sheriff Welsh on *'Contempt of Court'*, Dr Fiona Gabbert, University of Abertay on *'Assessing Witnesses'*, Stephen Humphreys and Sheriff Principal Stephen on *'Judicial Office – Role of the Judiciary'* and Sheriff Scullion on *'Sentencing'*.

Sunday concentrated on diversity and equality where Eleanor Williams Head of Legal Equality and Human Rights Commission Wales again presented the keynote address. She was supported with contributions from Engender and LawCare.

### **(ii) 7- 9 December 2012**

The Course was chaired by Lord Woolman. The content followed the November course with changes to allow Sheriff Leslie to provide the presentation on sentencing. Charles Martin of the Wise Group presented on *'Reducing Reoffending.'*

## 4: Publications

### 4.1 The Jury Manual

The Jury Manual Committee met three times during the year on 9 July and 5 November 2012 and on 6 March 2013 to discuss revisions and publication of the document. The Committee comprises:

- Lord Uist, Chairman
- Lord Turnbull
- Lord Bannatyne
- Sir G Gordon QC
- Sheriff L D R. Foulis
- Sheriff J K. Mitchell
- Sheriff T Welsh QC, Director (*ex officio*)
- Sheriff A Duff, Deputy Director (*ex officio*)

The resource is available to members of the judiciary electronically via the Judicial Intranet, digitally as a CD and in hard copy. The jury manual is also available publically on the Scotland Judiciary website (<http://www.scotland-judiciary.org.uk>). The nature of the Jury Manual, which is reviewed annually, is that of an *aide-memoire* and has no binding legal authority.

## 4.2 Developments in Law, Practice and Procedure

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During the year, briefing materials were produced on the following:

- *NJDB v JEG and another* [2012] UKSC 21 (May 2012)
- 'Sex Offender Notification Requirements' (October 2012)
- *Stephen Murray v HM Advocate* [2013] HCJAC 3 (January 2013)
- *MR v HM Advocate* [2013] HCJAC 8 (January 2013)
- *R v N.S.* 2012 SCC 72 (January 2013)
- 'Sentence Discounting Post *Gemmell* and *Murray*' (January 2013)
- 'Requirement of Judicial Approval under the Regulation of Investigatory Powers Act 2000' (January 2013)

## 4.3 The Equal Treatment Bench Book

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The Equal Treatment Bench Book was updated in 2013 and can be accessed on the Judicial Intranet. It is also publically available on the Scottish Judiciary website (<http://www.scotland-judiciary.org.uk>).

## 4.4 Provision of Starter Packs to Sheriffs, Part-Time Sheriffs and Senators of the College of Justice

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There were a number of judicial appointments during the reported year at senatorial, shrieval and part-time levels. All have been supplied by Judicial Institute with a pack of the relevant briefing papers, guidance, materials and legislation.

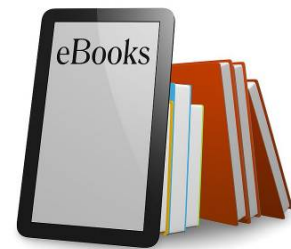
## 4.5 Criminal E-Bench Book

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The Criminal E-Bench Book was published on 13 February 2013. Dr Charles Stoddart has been responsible for the writing of the E-Book on Criminal Jurisdiction since January 2010, assisted by Legal Assistants Afsi Barekat and Steven Balmer. Jackie Carter, Learning Technology Manager has been responsible for all the technical aspects of production in making the Benchbook available to view or download in a variety of electronic formats from the eBook section of the Judicial Intranet at

[http://judicialintranet/pages/judicial\\_studies/JSC/ebenchbook/ebenchbook.aspx](http://judicialintranet/pages/judicial_studies/JSC/ebenchbook/ebenchbook.aspx).

The Benchbook can be viewed or downloaded as a PDF on a PC or laptop, in HTML or web based format on a PC or laptop, downloaded as an ePub file to be viewed as an eBook on a PC or mobile device such as a tablet or iPad and as a MOBI file to view on a Kindle device.



## 4.6 JP Bench Book

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The JP Bench Book aims to support Justices in the delivery of their judicial duties. The Bench Book is currently undergoing updating and revision. The updated Bench Book will become an electronic resource to support justices of the peace in delivery of their judicial functions.

The JP Bench Book will incorporate the JP Signing Manual that was previously the responsibility of the Scottish Government.

## 5: Other Activities

### 5.1 Inaugural Lecture

The Inaugural JSC Lecture was held on 7 June 2012 in Parliament Hall, Edinburgh. The extremely thought-provoking and stimulating Lecture was delivered by the Rt Hon Beverley McLachlin, the Chief Justice of Canada. The topic was '*Judging: the Challenges of Diversity*'.



### 5.2 European Judicial Training Network

The EJTN is the only body which represents most of the major judicial training organisations within the EU. The Judicial Institute is a member of the Network. It provides members with a means of communicating information about forthcoming training events and accessing written and electronic materials. The Network exists to promote judicial training programmes with a European dimension for members of the European judiciary. This involves the exchange of experiences between the judiciary of the EU, promoting training events on matters of common interest and providing a forum during which issues such as cross border criminal co-operation, commercial and family law matters may all be considered. The Network also organises exchange visits. The JI reserves two places, funded by the EJTN, on each course for foreign guest judges. This year we had visitors from Italy, France and The Netherlands.



### 5.3 International Organization of Judicial Training

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The International Organization for Judicial Training (IOJT) was established in 2002 in order to promote the rule of law by supporting the work of judicial education institutions around the world. The mission of the IOJT is realised through international and regional conferences and other exchanges that provide opportunities for judges and judicial educators to discuss strategies for establishing and developing training centres, designing effective curricula, developing faculty capacity, and improving teaching methodology.

The IOJT is a volunteer, non-profit organization and relies upon the efforts and good will of its members. The organization is governed by a General Assembly of its members which meets every 2-3 years during the international conference. There is an elected Board of Governors which consists of an Executive Committee, Regional Deputy Presidents, additional Deputy Presidents and Governors. As at March 2013, the IOJT has 113 member-institutes from 69 countries.

### 5.4 Visiting Foreign Judges

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The Judicial Institute regularly co-ordinate and host visiting judicial delegations.

In August 2012 a delegation of judges and administrative staff from Thailand visited the High Court of Justiciary in Edinburgh. A presentation was given by ESDU (Electronic Service Delivery Unit) of courtroom technology.



Six Judges from the Shanghai No. 1 Intermediate People's Court visited Edinburgh on 24 September 2012. The Judges met with the Lord President, The Rt Hon Lord Gill, followed by a tour of Parliament House, the Faculty of Advocates and Edinburgh Sheriff Court. Lady Clark of Calton, Chairman of the Scottish Law Commission also met with the visiting Judges to discuss the work of the Scottish Law Commission.

The JSC hosted Judge Rosanna Giannaccari, Judge of the Civil Court of Lecce and elected Member of the Judiciary Council of the Court of Appeal of Lecce in October 2012. Judge Giannaccari spent a few days in Edinburgh and visited Edinburgh Sheriff Court, the Court of Session, Crown Office and the Faculty of Advocates. Judge Giannaccari then attended the Judicial Skills training course in St Andrews from 29-31 October 2012, along with Judge Kim van der Kraats, Civil Law Section of the District Court of Utrecht.

Four guest Judges attended the November Refresher Course in Dunblane: Judge Mary Collins, Judge of the District Court of Ireland; Judge Satu Saarensola, Judge of the District Court Pirkanmaa; Judge Senija Ledic, Judge at the Civil Department of the County Court in Split; and Mrs Anne-Marie Morice, Regional Training Coordinator at the Ecole Nationale de la Magistrature. Following the training in Dunblane, Judge Ledic and Mrs Morice visited Edinburgh Sheriff Court, the High Court of Justiciary, Parliament House and the Faculty of Advocates.

The President of the Supreme Court of the Republic of Croatia and ten delegates visited Parliament House in March 2013. Sheriff Welsh gave a presentation on the work of the Judicial Institute in training and supporting the Scottish judiciary.

## 6: Reports

### 6.1 The Work of the Director, Sheriff T. Welsh QC

The Director has operational responsibility for the creation and delivery of all training and education for all judicial office holders in post. In addition to working with the Deputy Director Sheriff Duff and Head of Education Jessica MacDonald on the content of the courses, the Director attends most courses as part of the directing team. The Director also works closely with the Justice of the Peace Legal Consultant Gillian Mawdsley.

The Director is a co-opted member of the Sheriffs' Association. He also sits on the Scottish Appropriate Adult Network Committee, which supports the development and maintenance of the Appropriate Adult Services in Scotland. The Director is on the Board of LINETS which provides an integrated IT platform to the public sector in Scotland.

The Director continues to be a member of the Joint Standing Committee for Legal Education in Scotland, which discusses current developments in legal education and training. It comprises representatives from Scottish Universities, the Law Society of Scotland, the Faculty of Advocates and the legal profession involved in the education and training of lawyers.

Recognising the increasing importance of delivering distance learning programmes and the development of online training resources, Sheriff Welsh regularly contributes to the Information and Communications Technology Committee and the Judicial Intranet Working Group.

He is jointly responsible for drawing up the Judicial Institute Business Plan with the aim of furthering high-quality facilitation in the delivery of training at all levels of the judiciary. This has included developing new seminars as referred to above.

## **6.2 The Work of the Deputy Director, Sheriff Alistair JM Duff**

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Sheriff Duff was appointed as Deputy Director of JSC with effect from 1<sup>st</sup> September 2011 and is the first full time Sheriff to occupy the post. Initially he had to balance his work with the Judicial Institute with his responsibilities as a resident Sheriff in Dundee. However from 1<sup>st</sup> January 2013 Sheriff Duff was appointed full time with the Judicial Institute.

The Deputy Director supports the Director in his many day-to-day operational duties and deputises for the Director when he is absent. The Deputy Director's duties include assisting with strategic decision making related to the future planning of training events, the Judicial Institute Business Plan and financial budgeting for the organisation.

The Deputy Director assists the Director with the development and delivery of all of the training courses. He also supports the work of the Jury Manual Committee.

The Deputy Director is responsible for the design and delivery of training at national level for Justices of the Peace.

Regular liaison is also undertaken with the Sheriffdom Legal Advisers to identify and discuss training needs and provision for justices. That work too fits with his role as supporting the JSC Justices Training Subcommittee. Work taken forward has involved reporting to the Lord President on the annual Sheriffdom training plans and reports submitted with recommendations being made to standardise the future format of such reports.

In all aspects of the training of Justices he has enjoyed the invaluable support of Gillian Mawdsley who has brought great enthusiasm, creativity and endeavour to this most important area of the JI's work.

The Deputy Director has represented the JI in its contact with the Scottish Government as well as with fellow judicial training institutions in England, Northern Ireland and the Republic of Ireland.

### **6.3 The Work of the Head of Education, Jessica MacDonald**

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Jessica MacDonald is responsible for supporting the Director to uphold the academic rigour and educational integrity of the Judicial Education Programme. One of her key functions is to provide advice on curriculum planning, adult learning and teaching methodology, programme evaluation and governance. Critical to her role is ensuring that the Judicial Training Programme is underpinned by appropriate pedagogic theory. The Head of Education continues to carry out educational research at the University of Edinburgh and is a Fellow of the Higher Education Academy and an Associate of the Chartered Institute of Personnel and Development.

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