

Opening of the Legal Year 2015

The beginning of a new legal year holds differing degrees of importance for us all. For Court of Session lawyers, both advocates and solicitors, it signals the end of the vacation, as we used to call it, and the start once more of the exercise of juggling cases with and all the demands that come with the practice of civil litigation. For our court administration, workloads are increased; staffing ratios return to normal. For everyone, Parliament Hall will hopefully be restored to its bustling best.

Today, we welcome members of the Texas Bar Association who are visiting the jurisdiction. For one individual, however, this year marks a significant milestone in the service to our courts and the legal profession. It is my great pleasure to welcome John Burns as a guest of the proceedings today. He is a familiar face to so many of us in this building. John recently entered his 80th year of service as a court runner for (TC Young) Wilson Terris, on 1 September 1936. On behalf of my colleagues and the Scottish Courts and Tribunals Service, I wish to congratulate John on his remarkable achievement and for his continued service to the justice system.

This new legal year holds particular significance for our court system. The many years of work, commenced by the Scottish Civil Courts Review and culminating in the Courts Reform (Scotland) Act 2014, shall come to fruition as the

first of the court reforms are implemented. Reaching this point has required an enormous contribution from the staff of the SCTS, the Government, judges, advocates and solicitors alike. There are too many to mention by name, but we are indebted to all who made it possible to have reached this stage in implementation and we will be equally indebted to those – notably the much pressed rules rewrite team, whose work cannot but be admired for its scrutiny of detail and those on the Scottish Civil Justice Council – who will take it forward. One individual, however, requires special mention. Lord Gill, who retired as Lord President in May, dedicated 8 years to the reform of our court system. The implementation of the reforms in this new legal year owes so much to his foresight, determination and leadership. Despite the reservations of some, the reforms will be part of a lasting legacy. We will ultimately be in his debt. The Court of Session will be different, but it will be much improved as Scotland's Supreme Civil Court.

Today, two new courts are established. The all Scotland Personal Injury Court located in Edinburgh Sheriff Court will provide an impressive state-of-the-art facility. It will relieve the pressure on the Outer House. Although some fear the consequences of the change, it will remove cases of relatively low value and free up time to allow more significant cases in terms of value to be heard within a reasonable time. There is a particular concern with the time lag in the fixing of long proofs in the Outer House, which will be addressed in the coming year.

The second court is the Sheriff Appeal Court which begins first with its criminal jurisdiction, with civil cases being heard early next year. It is a pleasure to welcome Sheriff Principal Stephen, President of the Sheriff Appeal Court and Sheriff Principal Scott, Vice-President and other Sheriff Appeal Court judges today. Their experience will be invaluable in leading the new court through the transitional period and in administering a high quality of justice at this new appellant level. I invite the Principal Clerk of Session to present a newly commissioned mace to Sheriff Principal Stephen and thereafter invite Sheriff Principal Stephen to address the court.

The court reforms are just one aspect of what will be, over time, a radical overhaul of our justice system. The courts are in a period of transition; catching up with the technological advances of the modern world. Court proceedings have been broadcast live from this building for the first time, opening our courts to a wider audience, even if the press reaction was mixed. Our justice system is seeking new and innovative ways to use technology to capture best evidence, avoiding the need for witnesses, accused and perhaps soon lawyers, to attend court unnecessarily. This will cause a hastening of the pace of business; a challenge which we must all strive to meet.

As we embark on a continued period of reform of our system of civil and criminal justice, I thank my judicial colleagues, and in particular, but by no means

exclusively, the administrative judges, Lord Menzies, Lady Dorrian, Lords Turnbull and Boyd, and all our court staff for their continued commitment and enthusiasm. To all the advocates and solicitors and all those support staff who participate in our justice system on a day to day basis, I thank you for your contribution and occasionally your patience. I wish you all every success in the new legal year.

It is now my pleasure to welcome those who have been appointed to Her Majesty's Counsel.

Ms Higgins, you are a leading specialist in commercial litigation, but particularly the field of intellectual property. You have made a valued contribution to the work of the commercial court.

Ms Hood, your impressive academic credentials and varied civil court experience have earned you highly sought appointments to the Scottish Courts and Tribunals Service Board and as Clerk of Faculty. Your contribution to the work of the Scottish Civil Courts Review was considerable.

Ms McCall is absent in Campbeltown but has extensive experience of criminal work and is, of course, a member of the Scottish Human Rights Commission and a part-time sheriff.

Sheriff MacIver your work as a temporary judge in these courts and your recent appointment as an Appeal Sheriff are another milestone of a long and distinguished career as a renowned procurator fiscal, sheriff and High Court judge.

Dr Morrow, in your diligence as the President of the Mental Health Tribunal for Scotland in resolving the administrative problems of that forum and more recently, your appointment as Lord Lyon, King of Arms, you have shown expert judicial leadership in highly specialised and technical areas of the law. It is also our pleasure to welcome members of your court here today.

For each of you, the rank and dignity of Queen's Counsel is hard-earned and well deserved. I wish you the best of good fortune in this new chapter of your respective careers.

The court will now adjourn.