

Judicial Studies Committee



ANNUAL REPORT

For Year to 31 March 2011

JUDICIAL STUDIES COMMITTEE

COMMITTEE MEMBERS AS AT 31 MARCH 2011

THE HON. LORD BRODIE (CHAIRMAN)

THE HON. LORD MALCOLM (VICE CHAIRMAN) (SINCE FEBRUARY 2011)

THE HON LORD MENZIES (VICE CHAIRMAN) (UNTIL FEBRUARY 2011)

SHERIFF T. WELSH QC (DIRECTOR)

SHERIFF A.G.D. THORNTON (DEPUTY DIRECTOR)

SHERIFF PRINCIPAL R.A. DUNLOP QC

SHERIFF J.K. MITCHELL

SHERIFF M.J. FLETCHER

DR J. McCLURE CBE, FORMER HEAD TEACHER OF ST GEORGE'S SCHOOL
FOR GIRLS

REV. R. NEILSON, VICE-CHAIRMAN OF THE JUSTICES ASSOCIATION

MS B. CAMPBELL, DIRECTOR OF CRIMINAL JUSTICE

MR G. COE, JUSTICE OF THE PEACE

OFFICE STAFF

DIRECTOR OF JUDICIAL STUDIES	SHERIFF T. WELSH QC
DEPUTY DIRECTOR	SHERIFF A.G.D. THORNTON
HEAD OF JUDICIAL STUDIES	MS A. FISHER
SECRETARIAT	
LEGAL ASSISTANTS	MISS A. BAREKAT
	MISS E. JOHNSTON
	MR S. BALMER (SINCE AUGUST 2010)
	MR O. TIDMAN (SINCE SEPTEMBER 2010)
LAY JUSTICE CONSULTANT	MRS G. MAWDSLEY
PERSONAL ASSISTANT TO THE	MS A. SHIELDS
DIRECTOR	
CLERK/TYPIST	MS H. STEVENSON
PORTER/MESSENGER	MR M. ORTON

FOREWORD TO THE ANNUAL REPORT OF THE JUDICIAL STUDIES COMMITTEE BY LORD BRODIE, CHAIRMAN¹



It is my privilege to introduce the report of the Judicial Studies Committee for Scotland (“JSC”) for the year ending 31 March 2011.

This has been the first year of operation of the JSC as reconstituted in terms of the scheme of governance approved by the Lord President in discharge of his responsibilities under section 2 of the Judiciary and Courts (Scotland) Act 2008 for making and maintaining appropriate arrangements for the welfare, training and guidance of judicial office holders; a change which the Lord President has marked by assuming the position of President of the Judicial Studies Committee.

The JSC has seen consequent structural changes. The staff of the JSC is now incorporated within the Judicial Office for Scotland and our budget is managed there. These new arrangements have brought us useful technical support. I would wish particularly to acknowledge the valuable direct help that we have received from the Director of the Judicial Office, Stephen Humphreys. He has been most generous in putting the fruits of his extensive experience of policy, administration and finance at our disposal and he has been consistently supportive of the central importance of effective education and training for an efficient and independent judiciary.

When she reported in August 2008,² Dame Hazel Genn identified the need for an *organization*, rather than one or two people, with proper administrative support and sufficient resources to deliver training of the quantity and quality that, as she put it, “the Scottish judiciary deserve and require”. The new arrangements, incorporating our staff within the Judicial Office and

¹ Photograph taken by Bill McBryde.

² Professor Dame Hazel Genn QC, *Judicial Learning Needs Analysis for the Judicial Studies Committee for Scotland*.

drawing on its expertise, can be seen as a move in that direction. A further important step has been creation of the new position of Head of Education. An appointment has been made and the successful candidate will take up post later this year. A further post, that of IT Manager has been approved and I hope to be able to report on an appointment in next year's report. If the JSC is to continue to develop and improve its training programmes and to produce the materials for their support, in the way Dame Hazel envisaged, the assistance of our new appointees will be essential.

That I see a need to keep raising our game and to recruit specialist professional help in order to do so, is not to say that we have not been playing the game at quite a high level over the past year. Here I would wish to pay tribute to the exceptional dedication and imagination of the Director and the Deputy Director in planning and in large part leading the residential and one-day courses for the professional judiciary and the annual conference for justices of the peace. While we are fortunate in being able to draw on some very distinguished outside speakers to inform and to stimulate our audiences, the JSC's central philosophy is that to be effective, as well as being properly founded in constitutional terms, judicial education should be devised by judges, should be delivered by judges and should be for the benefit of judges. It is such a bench-focused approach that the directing team sets out to achieve, and that to the highest possible standard. I would see them as succeeding. At the conclusion of each of our training events participants are required to complete evaluation questionnaires which are then collated and studied in order to identify what aspects of a course worked well and what worked less well. Judicial office-holders make for a demanding and critical audience. Despite that fact the evaluation questionnaires provide consistently positive feedback and, remarkably frequently, responses along the lines of "this was the best training event that I have ever attended". If that is so, and to be frank that is precisely what we aim to provide, then that is in large part due to the outstanding work of Tom Welsh QC and Alastair Thornton, ably seconded (in relation to justice of the peace training) by Gillian Mawdsley.

The Judicial Studies Committee's most ambitious programme during the course of the past year was a full week of training for the judges of the Court of Session and High Court, held from 31 May to 4 June 2010. Training for High Court judges presents particular challenges. There is the problem of devising a sufficiently demanding and relevant programme and finding those with the necessary skills and experience to deliver it and there is the problem of ensuring the release of judges to attend training. By reason of pressure of business, principally in the High Court of Justiciary and the Appeal Court, the call-off rate from JSC residential courses

for High Court judges remains significant. “Senators’ Week” sought to address this. Planning began some eighteen months beforehand. With the approval of the Lord President no court business was set down for the week in question. The Crown Office and Procurator Fiscal Service and the Scottish Courts Service were advised with a view to them considering how the time so made available could best be utilised within the respective organisations. An educational programme for the week was developed by the Director and Deputy Director with the help, very generously provided, of our training partners, the National Judicial Institute of Canada (the NJI). Lord Eassie chaired the liaison committee. Five senior Canadian judges: Justice Thomas Cromwell of the Supreme Court of Canada; Brian Lennox, Executive Director of the NJI; George Thomson, Senior Director, International of the NJI (a former Executive Director of the NJI and former Deputy Minister of Justice of Canada); Justice Marc Rosenberg of the Court of Appeal for Ontario; and Justice Lynn Smith of the Supreme Court of British Columbia; joined 30 members of the Scottish Supreme Courts for the five days of the programme. This full participation by the Canadians, all of whom were very experienced in judicial education, was much valued by the Scots. The programme was one of blended learning: a combination of presentations by some of the participating judges, talks by expert outside speakers, and discussion, both in small groups and plenary, some of which was facilitated using a specially prepared DVD. The outside speakers were distinguished. They included Mr Justice Eady of the English High Court and Eleanor Sharpston QC, Advocate General of the European Court of Justice. The week concluded with an address by Jean-Paul Costa, President of the European Court of Human Rights.

We see it as beneficial to maintain Scottish involvement with the institutions providing judicial education in other jurisdictions, within the United Kingdom and Ireland, within Europe and beyond. We take pride in the fact that there continues to be a high demand from other EU member states to take part in judicial training in Scotland, financed through the European Judicial Training Network. It is usual for there to be two foreign judges participating in any of our residential courses, enriching the experience for everyone involved. Our association with the NJI has been especially valuable. The NJI is the world leader in the field. Its generosity in making available the time of its judicial educators and the materials it has developed is simply extraordinary. We hope to take the association between the JSC and the NJI forward and by way of formalising that, the Lord President and Justice Cromwell, on behalf of the Chief Justice of Canada, signed the formal Partnership Agreement at a ceremony during Senators’ Week.

Significant as it was, Senators' Week was but one event in a busy calendar. This year I have taken a particular interest in what is provided for justices of the peace. I have attended and participated in the Justices Annual Conference and the sheriffdom residential courses for Lothian and Borders and Grampian, Highland and Islands. From that experience I would highly commend the work of Alastair Thornton and Gillian Mawdsley in particular in relation to the Annual Conference which is the responsibility of the JSC, but also that of the Sheriffdom Legal Advisers, the Justices' Legal Advisers and the members of the Justices' Training Committees who facilitated at all of the conferences and planned the sheriffdom events. As far as objectives and methods are concerned, justices' training is not very different from senators' training. Lessons learned and techniques developed in putting together Senators' Week can be and are being applied in the training of justices. Similarly, with a view to maximising return on investment, the DVD and modules prepared for Senators' Week will be used again at events for sheriffs.

When reviewing the work of the JSC, it may be the courses that come first to mind but as at least as important and probably more so are the briefing materials that we publish in order to up-date judicial office-holders on developments in the law which are likely to impact on their day-to-day work on the bench. All new legislation has potential to increase the work of the JSC, but in the course of the past year the Sexual Offences (Scotland) Act 2009 and the Criminal Justice & Licensing (Scotland) Act 2010 have imposed particular burdens.

Perhaps the most important of our publications is the *Jury Manual* prepared by the sub-committee chaired by Lord Uist. A measure of the importance and the interest shown in the *Manual* is that the Lord President has authorised that it be made available to the public on the internet. While the *Manual* is the responsibility of the whole of the sub-committee and each member contributes to the final text, it is necessary that there be an initial draft from which to work. For a number of years Sheriff John Horsburgh QC has produced these drafts. This was a big task, involving, on an annual basis, a review of all developments bearing on criminal trials on indictment and reflecting them in concise, accurate and understandable model jury directions, accompanied by explanatory notes. John stepped down from the sub-committee this year on his retirement from the bench. He deserves the grateful thanks of everyone who has had to charge a jury during the period of his stewardship. We are, however, fortunate in having secured a successor in the person of Sheriff Lindsay Foulis.

As will be evident the work of JSC is dependent on the time and talent, often gratuitously expended, of many people: the members of the Committee; the members of the *Jury Manual* sub-committee; our staff; and many judicial office-holders and others who have helped with courses and projects. I am very grateful to them all but I wish to mention some in particular. Firstly, our administrative team of Aileen Shields, Anne Fisher, Helen Stevenson, and Matthew Orton. Aileen, who retired from the Scottish Courts Service on 17 June 2011, has been with the JSC from more or less the very beginning and has provided much-needed support to each succeeding Director from that time forward. Anne has brought very necessary administrative skills and made a vital contribution to the organisation of Senators' Week. Helen is the mainstay of our front office and an always reassuring voice on the phone. Matthew has backed-up our residential courses and diversified into an impressive acting career as part of the cast of characters in our training DVDs. Secondly, our legal assistants: Luke McBratney (who left us in the course of the year to pursue his legal career), Afsi Barekat, Emma Johnston, Steven Balmer and Oliver Tidman. Their diligence has been extraordinary, their enthusiasm stimulating, their intelligence often quite frightening, their work essential.

I would wish also specially to mention the Honourable Lord Menzies who at the end of March 2011 stepped down after five years as Vice-Chairman of the Judicial Studies Committee. During that time Lord Menzies has been indefatigable in the cause of judicial education in Scotland, a constant source of telling insight, wise advice and good fellowship. I am enormously grateful for his assistance, his support and his friendship without all of which my job would have been much more difficult.

Much as I regretted Lord Menzies's departure, I have been delighted to welcome the Honourable Lord Malcolm, as the Lord President's appointee as Lord Menzies's successor. A former Dean of the Faculty of Advocates and judge of the Court of Session since 2007, Lord Malcolm brings a wealth of experience from which the JSC will benefit.

As I have sketched out and I hope the following report will substantiate, the past year has been one of achievement and real progress towards what "the Scottish judiciary deserve and require". However, there are no grounds for complacency. There is much still to achieve. The immediate focus must be on the acquisition of adequate accommodation including teaching facilities, preferably close to the heart of other judicial activity in Parliament House. I fully understand that I am writing this at a time of acute constraint on resources when the emphasis is on looking where to make cuts but cuts can make for false economies. In that context it is

perhaps apposite to refer to what was said by President Obama in his 2011 State of the Union Address in a passage that was drawn to my attention by a very experienced Belgian judicial educator:

“Cutting the deficit by gutting our investments in innovation and education is like lightening an overloaded airplane by removing its engine. It makes you feel like you are flying high at first, but it won’t take long before you feel the impact.”

PHILIP H BRODIE

INTRODUCTION

The JSC provides 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 the full-time Senators of the College of Justice. Over the last year, the JSC provided 35 training courses to 694 delegates. The JSC also prepares and publishes the Jury Manual in addition to JP Bench Books and briefing papers.

At 31 March 2011, there were 34 Court of Session/High Court judges, 6 Temporary Court of Session/High Court judges (who are not sheriffs), 11 Temporary Court of Session/High Court judges (who are sheriffs), 6 sheriffs principal, 138 sheriffs, 85 part-time sheriffs, 5 stipendiary magistrates, 5 relief stipendiary magistrates and 406 justices of the peace. The judiciary thus comprised 696 serving judicial officers in the reported year.

The JSC has been in existence since 1997 and, over the years, the training output has developed from lectures and prison visits, through improving elementary skills in judicial communication, to the current approach of addressing a much wider range of educational and training needs of the judiciary. To improve the quality and scope of the training offered in order that courses fully meet the needs of the modern judiciary for continuing professional education and training, there is now a greater demand to deliver effective bench specific training. This is best achieved through training that is delivered by judges, for judges.

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

To this end and 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 Judicial Induction Training”. The determination provides for compulsory induction training for all newly appointed judicial office holders within one year of their appointment. The JSC 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

SENATORS	TEMPORARY JUDGES	SHERIFFS PRINCIPAL	SHERIFFS	PART TIME SHERIFFS	JUSTICES	STIPENDIARY MAGISTRATES
34	17	6	138	85	406	10

1. THE JSC

1.1 Changes to the Committee in 2010

In February 2011, the Vice-Chairman, Lord Menzies, stepped down from the JSC Committee and was replaced by Lord Malcolm.

1.2 Changes in Office Staff

Steven Balmer and Oliver Tidman joined the JSC as Legal Assistants in August and September 2010 respectively.

1.3 The Committee

The Committee meets on a quarterly basis. The Chairman, Lord Brodie, and the Vice-Chairman, Lord Malcolm, are engaged in full-time duties as Senators of the College of Justice sitting in the Supreme Courts. The Director of Judicial Studies is committed only to a limited number of days sitting as a Sheriff each year. Sheriff Principal Dunlop, Sheriff Fletcher and Sheriff Mitchell are full time judicial office holders. The Deputy Director is a part-time sheriff who commits a significant proportion of his time to the work undertaken by the Committee. On 17 March 2011 it was announced that the Deputy Director was to be appointed as an all-Scotland floating sheriff based at Kirkcaldy Sheriff Court with effect from 6 June 2011. He has now stepped down from the JSC Committee to pursue this appointment. Bridget Campbell is the Director of Criminal Justice of the Scottish Government. Rev Roger Neilson and Graham Coe are lay 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 Judicial Training

The judicial training landscape has become much more sophisticated and complex since the JSC was formed in 1997. The course curriculum should focus more on bench specific skills, from substantive law and court procedure to legal research, communication and case management skills. The emphasis for training is approaching problems from the perspective of the judge.

A full-time Head of Education is set to join the JSC in September 2011 to help develop training modules and to apply the principles of adult education and training to the work of the judiciary. The Head of Education will oversee educational content, working closely with the Director of Judicial Studies to constantly evaluate the training needs of the judiciary, including the initiation of a “training for trainers” programme. In the forthcoming year, a full-time IT Manager and an additional administrative assistant will also commence to develop remote learning programmes and a distance learning strategy for the JSC, the benefits of which can be accessed online by judges.

JUDICIAL STUDIES COMMITTEE ACTIVITIES

2. COURSES

2.1 Induction Courses

Induction courses are held for new judicial appointments over a period of three days. The course is in effect a crash course, which includes modules on all the compulsory topics of judicial training referred to above. All new appointments are given a starter pack and are invited to attend a Judicial Skills or Refresher course at their earliest convenience. Induction courses are conducted at the JSC office. Induction courses were attended by two senators, four sheriffs, three part-time sheriffs and five stipendiary magistrates appointed during the period of this report. Induction courses for justices of the peace are referred to below at paragraph 4.3.

2.2 Refresher Courses

Two three-day residential courses were held in the year to 31 March 2011. A residential course scheduled for 29 November – 1 December 2010 had to be cancelled due to adverse weather. Each member of the judiciary is invited to attend one such three day residential course every three years. The programme is varied and includes talks on matters of topical and general interest and recent developments in law and practice.

(i) 1-3 November 2010 – Dunkeld House Hotel, Dunkeld

The course was chaired by Lord Brodie, who was supported in his directing duties by Sheriff Welsh and Sheriff Thornton. The course was attended by one senator, two sheriff principals, eighteen sheriffs, and one Polish judge. The course included lectures and discussions on The Criminal Justice and Licensing (Scotland) Act 2010, the Sexual Offences (Scotland) Act 2009, contract, company and consumer law, bankruptcy and diligence, violence reduction, desistence from serious and persistent offending, judicial ethics and diversity. Syndicate and plenary sessions were held on Problems in Court and Sentencing Exercises.



(ii) 21-23 February 2011 – Dunblane Hilton Hotel, Dunblane

The course was chaired by Lord Brodie with the support of Sheriff Welsh and Sheriff Thornton. It was attended by two senators, one temporary judge, fifteen sheriffs, and four part-time sheriffs. The programme included lectures and presentations on The Criminal Justice and Licensing (Scotland) Act 2010, the Sexual Offences (Scotland) Act 2009, aspects of contract law, violence reduction, desistence from serious and persistent offending, civil jurisdiction, judicial ethics and diversity. Syndicate and plenary sessions were held on Problems in Court and Sentencing Exercises.

2.3 Judicial Skills Courses

Three three-day residential Judicial Skills courses were held in the year to 31 March 2011, as well as one one-day Judicial Skills seminar. Each member of the judiciary is invited to attend one such three-day residential course every five years. Having established Skills courses in October 2000, many members of the judiciary are now attending their second Skills course.

2.3.1 One Day Seminars

(i) November 2010 - Caledonian Hilton Hotel, Edinburgh

The 23 participants at this seminar consisted of fourteen sheriffs and nine part-time sheriffs. The day featured presentations on judicial writing, efficient management of a jury trial, and judicial fact finding in summary criminal trials followed by fact finding exercises. The presentations were delivered by Dr. C. N. Stoddart (formerly a sheriff and Director of Judicial Studies), the Honourable Lord Turnbull, and Sheriff M Stone respectively.

2.3.2 Three day residential courses

(i) 19 – 21 April 2010 - Fairmont Hotel, St Andrews

This course was led by Lord Menzies, with Sheriff Welsh and Sheriff Thornton providing support, and was attended by one senator, nine sheriffs, three part-time sheriffs, one Romanian judge and one German judge.

Facilitated discussions were held on the assessment of witnesses, the charge to the jury, dealing with situations in court and problem cases, *ex tempore* decisions and judicial ethics. The participants were filmed in jury charging exercises and each performance was reviewed within the small group they filmed with. Voice coaches from the Royal Scottish Academy of Music and Drama were present to provide constructive criticism to each participant. The feedback demonstrated that the voice coaches added an extra dimension to the exercise. In addition to the facilitated discussion, workshops on judicial ethics and situations in court were held. Professor John Haldane of St Andrews University delivered a presentation on judicial ethics.

(ii) 4- 6 October 2010 - Fairmont Hotel, St Andrews

This course was led by Lord Menzies, with Sheriff Welsh and Sheriff Thornton providing support, and was attended by one senator, one sheriff principal, six sheriffs, two part-time sheriffs and one Italian judge.

Facilitated discussions were held on the assessment of witnesses, the charge to the jury, dealing with situations in court and problem cases, *ex tempore* decisions and judicial ethics. The participants were filmed in jury charging exercises and each performance was reviewed within the small group they filmed with. Voice coaches from the Royal Scottish Academy of Music and Drama were present to provide constructive criticism to each participant. The feedback

demonstrated that the voice coaches added an extra dimension to the exercise. In addition to the facilitated discussion, workshops on judicial ethics and situations in court were held. Professor John Haldane of St Andrews University delivered a presentation on judicial ethics.

(iii) 31 January - 2 February 2011 - Fairmont Hotel, St Andrews

This course was led by Lord Malcolm, with Sheriff Welsh and Sheriff Thornton providing support, and was attended by one senator, one sheriff principal, seven sheriffs, four part-time sheriffs and two Irish judges.

Facilitated discussions were held on the assessment of witnesses, the charge to the jury, dealing with situations in court and problem cases, *ex tempore* decisions and judicial ethics. The participants were filmed in jury charging exercises and each performance was reviewed within the small group they filmed with. Voice coaches from the Royal Scottish Academy of Music and Drama were present to provide constructive criticism to each participant. The feedback demonstrated that the voice coaches added an extra dimension to the exercise. In addition to the facilitated discussion, workshops on judicial ethics and situations in court were held. Professor John Haldane of St Andrews University delivered a presentation on judicial ethics.

2.4 Adoption

On the 14th June 2010, the second of two one-day Adoption Seminars in 2010 was held at Surgeons' Hall in Edinburgh. Ten sheriffs and four part-time sheriffs were in attendance and participated in critical debate with two of the Phase II members of the Adoption and Policy Review Group (Ms Lexy Plumtree, Legal Consultant, BAAF Scotland and Sheriff P. Gillam, Haddington Sheriff Court). In the morning of the seminar an overview of the significant provisions of the Adoption and Children (Scotland) Act 2007 was given by Sheriff J. Scott QC as well as a comprehensive account of the related court rules by Lexy Plumtree. In the afternoon, the participants were split into three groups and worked through adoption order, permanence order and children's referral problems devised by Sheriffs P. Gillam and A. Finlayson.

2.5 Vulnerable Witnesses

On 21 October 2010 at Parliament House in Edinburgh, a one-day course was held on Vulnerable Witnesses. One senator, five sheriffs and four part-time sheriffs attended. The day consisted of Professor Fiona Raitt speaking to the legislative provisions relating to vulnerable witnesses, Dr Katherine Edward, a Child Psychologist speaking about children as vulnerable witnesses, and a technical presentation by Mr Colin Armstrong from the Electronic Delivery Unit. The day concluded with the participants working through practical exercises with the CCTV court technology. The course was very well received.

2.6 IT Training

The Judicial Studies Committee has been working to develop its IT Training Programme in response to the Scottish judiciary's training needs. The JSC IT training comprises two independent one-day modules, the first on general Computer Skills and another on Online Legal Research. These are delivered as a consecutive pair of training days at quarterly intervals during the year.

2.6.1 Computer Skills

This one-day seminar covers basic computer skills such as understanding file management, word processing, emailing and navigating the internet. It is expected that by the end of the course, participants should be able to understand how file directories, folders and paths work, find and manipulate files, work with removable media, set defaults and preferences for various functions, back up work, navigate the web and access internet files, add favourites, organise storage of e-mails, set up a personal address book and many other skills. The Deputy Director leads this training course, with Bryan Goodfellow, Head of HR Service Delivery at the Scottish Court Service, providing the bulk of the face-to-face training. A total of 26 senators, sheriffs, part-time sheriffs and stipendiary magistrates attended the course which was held on four occasions during the reported year.

A one-day module providing introductory IT training will run for the first time on 2 June 2011. This module is aimed at those who are less confident in their IT abilities than those who attend the course detailed above. The introductory course will focus on Windows desktop,

creating and renaming folders, saving, deleting and renaming files, printing, basic word processing as well as sending, receiving, filing and deleting emails.

Occasionally, JSC offers one-to-one IT training to judges with very little, if any, knowledge of the workings of information technology. This training normally lasts a full day and introduces the participant to some of the areas mentioned above.

2.6.2 Online Legal Research

Three Online Legal Research Courses were held in the reported year. These one-day seminars give members of the judiciary with intermediate IT skills the opportunity to develop their knowledge of the Westlaw legal database and other online legal resources accessible via LINETS (the Legal Information Network for Scotland). In the morning of these seminars, participants are presented with a comprehensive and interactive demonstration of the functions of such databases (with particular emphasis on Westlaw). In the afternoon, participants are set problem exercises which the Directing Team help the participants to apply their newly acquired knowledge to. A total of 21 sheriffs and part-time sheriffs attended these courses, which were chaired by the Deputy Director and supported by the Legal Assistants and Sarah Kerr, the System Manager at LINETS.

Feedback from all the IT courses was resoundingly positive.

2.7 European Law

On the 11 October 2010, a one-day seminar on European law was held at the Caledonian Hotel, Edinburgh. A total of one senator, thirteen sheriffs and seven part-time sheriffs as well as two guests from the Judicial Studies Board in Northern Ireland attended. The morning consisted of presentations by Professor P. Beaumont, University of Aberdeen and Professor K. Lenaerts, President of the Third Chamber of the European Court of Justice on “Selected Aspects of the Lisbon Treaty” and “National Remedies for Private Parties in the light of the Principles of Equivalence and Effectiveness” respectively. The afternoon slot featured presentations by Professor Eric Clive and The Rt Hon Lord Clarke concerning “Current Developments on the Harmonisation of European Contract Law” and “Rome I – A Judicial Perspective” respectively. The evaluation questionnaires were particularly positive.

2.8 Drug Treatment & Testing Orders and Football Banning Orders

On 10 May 2010, a one-day seminar on Drug Treatment and Testing Orders and Football Banning Orders Seminar was held in the Glasgow Hilton. Attendees included one Temporary Judge, eleven sheriffs and four part-time sheriffs. The morning consisted of presentations on “Methadone and other opioids: realities and myths of this treatment modality” by Dr A. Baldacchino, Consultant Psychiatrist and Clinical Senior Lecturer in Addiction Psychiatry with NHS Fife and the University of Dundee and “Dealing with Drug Users at the Front Line” by Ann Orr, Senior Addiction Worker, Drug Court Supervision and Treatment Team. After lunch, the topic changed to Football Banning Orders with a presentation by DC L. Gray, ACPOS Football Banning Order Authority, entitled “Football Banning Orders - Social Context”. Sheriff L. Foulis followed with a presentation on the legislation governing football banning orders. The evaluation questionnaires were, again, very positive.

As part of the training on football banning orders, twenty sheriffs and part-time sheriffs attended eight Scottish Premier League matches over the reported year, including three Old Firm fixtures. The match visits allowed participants to observe the police operations surrounding the control of large crowds containing potentially hostile elements. Participants also observed police pre-match briefings, including plans for evacuation of the ground and for dealing with any terrorist incident which might arise to the operation of crowd control arrangements. The technology available and its use was also demonstrated. Participants found the visits a highly worthwhile and illuminating experience, particularly for sheriffs from a non-football background but who have to deal with accused persons in relation to football related incidents. Strathclyde Police are very keen to have sheriffs attend and observe their operations and JSC plan to continue match visits in the forthcoming training year.

2.9 Sexual Offences

Three one-day seminars on Sexual Offences took place during the reported year. The first seminar was on 28 January 2011, as part of the Glasgow and Strathclyde Sheriffdom Conference in the Teaching Building, Glasgow. The second and third seminars were on 14 March and 28 March 2011 in the Glasgow Hilton and Edinburgh Apex respectively. The morning consisted of presentations by Sir G. Gordon QC and Mr J. Chalmers, University of

Edinburgh, on “Principal and New Statutory Offences under the Sexual Offences (Scotland) Act 2009” and “Consent and Reasonable Belief” respectively. Participants then went into syndicate groups to discuss problem based exercises on consent and reasonable belief and the morning concluded with a plenary session. In the afternoon, Professor L. Farmer, University of Glasgow, talked on “Sexual Offences involving Children” before participants went into syndicate groups again to discuss problem based exercises on the same subject. The seminar concluded with a plenary panel session. The first seminar was chaired by Sheriff Principal J. Taylor, with the remainder being chaired by the Director. In total, 58 sheriffs, 14 part-time sheriffs and one foreign guest attended the seminars. The feedback received from participants was very positive.

2.10 Sexual Offences and Cybercrime

A one-day seminar on Sexual Offences and Cybercrime took place on 6 September 2010 in the Glasgow Hilton. The course was attended by one senator, nine sheriffs and eleven part-time sheriffs attending. The morning consisted of a presentation by Graeme Brown, Solicitor, on new sentencing guidelines relating to child pornography and the provisions relating to extreme pornography in The Criminal Justice and Licensing (Scotland) Act 2010. Dr Katharine Russell, Consultant Clinical Psychologist and Dr Rajan Darjee, Consultant Forensic Psychiatrist, Orchard Clinic Royal Edinburgh Hospital, followed with a presentation entitled “Sex Offenders: Risk Assessment and Risk Management; can we rehabilitate and treat?” In the subsequent plenary session, the participants were invited to discuss whether sex offenders can be rehabilitated and treated. In the afternoon, the seminar focused on the investigation of cybercrime. Mr Martin Henry, National Strategic Group for Investigative Interviewing of Child Witnesses and Superintendent Jacqueline Conway, Lothian & Borders Police, talked about interviewing children who had been victims of cybercrime. This was followed by Detective Inspector Keith McDevitt, SCDEA e-Crime Unit, who concluded with an introduction to “Technology Enabled Crime”. The feedback on the course was very positive.

2.11 Personal Injury Rules

A one-day seminar on new Personal Injury (PI) rules in the Sheriff Court and the Court of Session was held on 25 March 2011 in the Glasgow Hilton. This seminar was rescheduled from 13 December due to the inclement weather conditions which prevented travel in December last year. We attempted to find a date suitable for as many of the original participants as possible. In the event, 12 sheriffs and 8 part-time sheriffs attended. Nine of these participants had been due to attend the cancelled seminar in December.

The morning consisted of presentations by Sheriff J. K. Tierney and Sheriff M. P. Anderson on “New PI Rules in the Sheriff Court” and “Issues arising from the Court of Session equivalent rules and possible problems which may arise under the new procedure” respectively. There was also a period for facilitated discussion followed by a workshop, during which the participants worked through seven PI rules scenarios. In the afternoon, Sheriff Principal J. A. Taylor and Sheriff J. K. Mitchell concluded the seminar with presentations on “Case Management” and “Glasgow Sheriff Court PI Pilot Court” respectively. Evaluation questionnaires indicate that this course was well received.

3. FUTURE COURSES

The course curriculum requires a large amount of organisation and advance planning. During the reported year, the JSC has been preparing for conferences and seminars in the following:

3.1 Mentoring

A formal mentoring scheme for the judiciary in Scotland is being 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 personal type of support and guidance. The purpose of the mentoring scheme is to:

- (i) provide a meaningful form of support in the performance of the judicial function;

- (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 judges of the Court of Session, sheriffs principal, sheriffs, part-time sheriffs, stipendiary magistrates and justices of the peace. From 1 April, every newly appointed judge is entitled to have the services of a trained mentor from the same tier of the judiciary to which they are appointed. There will be four mentoring seminars before the end of 2011 and each will employ 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. Further details of the mentoring scheme, its operation and a register of mentors can be found on the new Judicial Intranet described below.

3.2 Justices of the Peace Annual Conference

The Justices of the Peace Annual Conference will take place in Stirling from 20-22 May 2011.

3.3 Guardianship and Intervention

A one-day seminar on Guardianship and Intervention is planned for May 2011, which will include experts in the field of adults with incapacity.

3.4 Court Expenses

A one-day seminar on court expenses is planned for June 2011, which will include a keynote speech by the Rt Hon Lord Carloway followed by an overview of the practical issues by auditors of court and law accountants.

3.5 Sheriffs' Principal Training

A residential two-day training course for Sheriffs Principal is planned for June 2011.

3.6 Firearms Law

A one-day seminar on firearms law is planned for September 2011.

3.7 Relocation of Children

A one-day seminar on parental disputes over the relocation of children is planned for October 2011, which will discuss the problems associated with the relocation of children where parents are separated or divorced and the parent with residence wishes to relocate to another jurisdiction.

4. JUSTICE OF THE PEACE TRAINING



4.1 There were 406 justices in Scotland at the end of March 2011. The figure for justices does fluctuate throughout the year as a number of justices reach retirement or tender their resignations. This figure also recognises that some justices have still to be formally appointed. The Sheriffdom of North Strathclyde and Tayside Central and Fife recruited 59 justices in 2010-2011, whose appointments have been confirmed as they have successfully completed their national and local induction training programmes. Recruitment in 2011-2012 is anticipated to be undertaken in two Sheriffdoms.

4.2 Justices of the Peace Annual Conference, 22-24 October 2010 The Beardmore Hotel & Conference Centre, Clydebank

This was the third three-day national Annual Conference. A similar format was adopted to the Annual Conferences held in 2008 and 2009, with speakers and small group syndicate sessions. Each justice is expected to attend a national training event by 2012 to tie in with their original five year appointment. The inclusion of a member of each Sheriffdom Justices' Training Committee has provided a much appreciated conduit between national and local training. The

emphasis at the Annual Conference is on facilitator led, small group sessions including practical exercises using scenarios presented on a DVD filmed by the JSC.

The focus of the Annual Conference was to discuss particular and challenging situations that arise in court. Considering such issues are of general benefit to all and provides an important opportunity to cover a range of topics of current national importance. The topics covered included the judicial skills of presiding in court, working with the Legal Advisers, sentencing (including the new disposal of Community Payback Orders), case management, assessing witnesses, judicial ethics, diversity and conduct. The justices, who represented varying years of experience, met other justices and shared different approaches to sitting in courts throughout Scotland.

Sixty justices representing each of the Sheriffdoms attended as participants. Sheriff Thornton and Gillian Mawdsley directed the course assisted by two Legal Assistants and nine facilitators. In obtaining the services of the facilitators, they represented each Sheriffdom. The course was attended by Lord Brodie, the JSC Chair and Sheriff Welsh, Director of Judicial Studies. Stephen Humphreys, Chief Executive, Judicial Office also attended as a guest.

Sheriff Principal B. Kerr welcomed everyone as the Annual Conference was taking place in the Sheriffdom of North Strathclyde. Sheriff A. Cubie and Sheriff M. Hendry (“What makes a good judge?”), Sheriff T. Welsh QC (“Dealing with the Unexpected in Court”) and Sheriff S. Fraser (“Case Management: Delay and the effect on the Justice System”) were speakers. Professor Amina Memon introduced the topic of “Assessing Witnesses” and Sheriff Thornton introduced the topic of ethical dilemmas. That was followed by a syndicate session discussing practical examples of ethical issues which may be encountered by the judiciary.

Philip Murray, Chair of the Scottish Justices Association, welcomed everyone to the Annual Conference dinner.

The DVD filmed in 2010, “Case Management and Behaviour in Court,” was used at the Annual Conference where a number of the scenarios provided the basis of interesting debates. The DVD will be used again for future conferences. Once the JSC has used it fully, as with

other materials produced by the JSC, the intention is to make it available as a resource for the Sherifffdom Legal Advisers in local training provision.

4.3 Induction Courses

Two induction courses (the course planned for December required to be rearranged due to the severe winter weather) were held, entitled “Judicial Skills for Prospective Justices.” Each of the courses was of three days’ duration providing an opportunity for justices to attend a national induction course as required as part of the training programme approved by the Lord President. The two courses provided an opportunity to meet fellow justices from the other Sherifffdom which was recruiting. The course programmes followed the formula that has been developed for other induction courses though the speakers changed to provide variety and to suit availability.

(i) 12- 14 November 2010 Hilton Dunkeld House Hotel

The course was directed by Sheriff Thornton and Gillian Mawdsley who were assisted by five facilitators from the two Sherifffdoms who had recruited. 30 prospective justices attended. Sheriff M. Hendry and Sheriff A. Cubie (“What makes a Good Judge?”), Sheriff I. McDonald (“Court Management and dealing with the Unexpected”), and Sheriff M. Galbraith (“Sentencing Selection and Delivery”) all attended as speakers. Professor Amina Memon led the session on “Assessing of Witnesses.” Sheriff Thornton spoke on Judicial Ethics. All plenary sessions were followed by syndicate sessions which used DVDs to illustrate court-based scenarios that formed the basis for discussion.

These sessions focused on contemporary issues as how such justices can contribute to the effective and efficient running of their courts by dealing with court churn and how diversity can affect court behaviour. Both these themes will be developed further as part of the JSC’s work on training. These topics will also be included in training delivery for existing justices.

The syndicate group session on sentencing specifically highlighted awareness about CPOs and their scope.

(ii) 4-6 March 2011 Hilton Dunkeld House Hotel

The course was directed by Sheriff Thornton and Gillian Mawdsley who were assisted by five facilitators from each of the Sheriffdoms who had recruited. 29 Justices attended. Sheriff M. Hendry and Sheriff A. Cubie (“What makes a Good Judge?”), Sheriff D. Cusine (“Court Management and dealing with the Unexpected”), and Sheriff A. Vannet (“Sentencing Selection and Delivery”) all attended as speakers. Professor Amina Memon led the session on “Assessing of Witnesses.” Sheriff Thornton spoke on Judicial Ethics. A similar style of syndicate sessions was followed as for the earlier course delivered in November to ensure that both groups of prospective justices received training in the same areas. The session on sentencing reflected that CPOs were now a disposal available for the court following their introduction in February 2011.

None of the JSC’s residential events for existing justices and prospective justices would be possible without the excellent skills and assistance of our facilitators who are drawn from the ranks of Legal Advisers and Sheriffdom Legal Advisers. Sincere thanks must be accorded to them for all they contribute to the success of such events.

5. OTHER ACTIVITIES

5.1 JSC Intranet and Website

A Judicial Intranet was launched on 4 April 2011. The intranet will, for ease of reference, contain copies of and information regarding all of the policies and procedures that have been introduced since 1 April 2010 when the Lord President assumed his responsibilities as head of the Scottish Judiciary. It will become the means by which the Lord President will communicate when he has information to disseminate, or which he wishes to be disseminated, to members of the Scottish judiciary.

The intranet was developed by a judicially led group under the chairmanship of Lord Hodge. It is a developing organism and, through a phased development, will, in time, extend to encompass electronic access to all of the information and/or sources of information that are agreed as useful by members of the Scottish judiciary.

The JSC Intranet is now contained on the Judicial Intranet under “Judicial Studies”. Using an electronic course booking system, judges can book training courses and view their own training record. The intranet also contains information about the JSC, briefing materials, and links to international judicial training organisations. Furthermore, there is now a Sentencing Information Resource, which includes information on the national and local programmes provided by Criminal Justice Authority Areas and local authorities, a sentencing checklist and summaries of cases containing sentencing guidelines. It is anticipated that the intranet will be a useful electronic resource for judges. We welcome all feedback to continue to improve this electronic resource.

The new JSC website was launched on 21 September 2010 and can be accessed at <http://scotland-judiciary.org.uk/59/0/Judicial-Training>. It has been rebranded and updated.



5.2 Senators' Training

A major event in the Judicial Studies calendar for 2010 was Senators' Week from 31 May – 4 June 2010, held at the Mackenzie Building in Edinburgh. The Supreme Court closed for a week and 30 out of 34 senators of the College of Justice attended for a course over three full days and two half days. Five Canadian judges participated throughout the week. Among those delivering lectures were Jean-Paul Costa, President of the Court of Human Rights, Eleanor Sharpston QC, Advocate-General of the European Court of Justice, and Mr Justice Eady of the High Court of England & Wales. Topics included the new Sexual Offences legislation, expert opinion evidence, the law of privacy as well as various aspects of European law. Representatives of the National Judicial Institute of Canada (NJI), who are widely regarded as world leaders in Judicial Training, assisted in the directing of the event.

On 3 June 2010, a reception and dinner took place in Edinburgh Castle. This was attended by guests from government, the newly-constituted Scottish Courts Service and from the jurisdictions represented on this Committee. There was a DVD message from the Chief Justice of Canada and a symbolic signing of a judicial training partnership agreement by The Hon Justice Cromwell on behalf of the NJI and the Lord President on behalf of the JSC.



The presentations during the week were very impressive and the event itself very successful. We would like to extend our sincere gratitude to our Canadian training partners, particularly George Thomson and Marc Rosenberg of NJI, who assisted JSC with the planning and training methodology for the week.

5.3 The Jury Manual

The Jury Manual Committee met three times during the year on 12 July and 22 September, 2010 and on 24 January 2011 to discuss a set of revisions. The Committee comprises:

- Lord Uist, Chairman
- Lord Turnbull
- Lord Bannatyne
- Sir G Gordon QC
- Sheriff J. Horsburgh QC (until August 2010)
- Sheriff L. D. R. Foulis (since September 2010)
- Sheriff J.K. Mitchell
- Sheriff T. Welsh QC, Director (ex officio)

For the first time the Lord Justice General authorised that the JSC Jury Manual be made available to the public and wider legal profession. It is now available on the JSC website. The nature of the Jury Manual, which is reviewed annually, is that of an aide-memoire and has no binding legal authority.

5.4 Sentencing Checklist

The JSC issued Sheriff Morrison's updated Sentencing Checklist electronically in March and in hard copy in May 2011 to all members of the judiciary. This version updates the March 2009 Sentencing Checklist.

5.5 Domestic Abuse DVD

Filming for a DVD on domestic abuse took place this year, which included contributions from ASSIST, Fife Women's Aid and a victim testimony. Editing of the DVD occurred at the end

of March 2011 and an informal screening at Edinburgh Sheriff Court is planned for 19 May 2011 to thank all those involved in the production of the DVD. The DVD will be debuted as a training resource at the Refresher Course in May 2011.

Numerous parties gave generously of their time and expertise to develop and produce the DVD, and the JSC extends its thanks to all those involved, including members of staff and representatives of Womens Aid, Shakti Womens Aid, Rape Crisis, Victim Support, the Scottish Government's Victims Unit and the Crown Office and Procurator Fiscal Service.

5.6 Developments in Law, Practice and Procedure

During the year, the JSC produced briefing material on the following:

- Act of Sederunt (Sheriff Court Rules) (Miscellaneous Amendments) (No.2) 2010/416 – “McKenzie Friends”
- Act of Adjournal (Criminal Procedure Rules) 1996/513 - the minimum number of jurors to proceed to ballot the jury
- Act of Sederunt (Sheriff Court Rules) (Miscellaneous Amendments) 2011/193
- Act of Sederunt (Sheriff Court Rules) (Enforcement of Securities over Heritable Property) 2010
- Act of Sederunt (Sheriff Court Rules) (Miscellaneous Amendments) (No.2) 2010
- The Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (Commencement No.9) Order 2011/188
- The Criminal Justice & Licensing (Scotland) Act 2010 – community payback orders, stalking, and threatening and abusive behaviour
- Offences (Aggravation by Prejudice) (Scotland) Act 2009
- Protection of Vulnerable Groups (Scotland) Act 2007 (Part 1)
- Sexual Offences (Scotland) Act 2009

5.7 The Equal Treatment Bench Book

Oliver Tidman is reviewing and, where necessary, updating the Equal Treatment Bench Book in order to incorporate the changes and developments in the law since the second edition was produced in August 2008, most notably The Equality Act 2010.

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

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

5.9 E-Book on Criminal Jurisdiction

Dr Charles Stoddart has been responsible for the writing of the E-Book on Criminal Jurisdiction on behalf of the JSC since January 2010. Afsi Barekat has been assisting Dr Stoddart in this project. The aim is to produce high quality briefing material of immediate use to the busy first instance or appeal judge either on the bench or in chambers. The intention is to enable each judge to personalise their own copy by adding electronic annotations. To ensure the E-Book is hosted in an intuitive and user-friendly fashion, the launch will be postponed until the appointment of an IT Director to the staff of the JSC. Dr Stoddart and Steven Balmer will ensure the material is kept up-to-date in the meantime.

5.10 European Judicial Training Network

This training network is the only body which represents most of the major judicial training organisations within the EU. The JSC 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 European Union, promoting training events on matters of common interest thereby 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 for judges. The JSC reserves two

places, funded by the EJTN, on each residential course for foreign guest judges. This reported year we had visitors from Poland, Romania, Germany, Ireland and Italy.

5.11 The Council of the UK and Republic of Ireland Judicial Studies Committees

The United Kingdom Republic of Ireland Judicial Studies Council met in Belfast on 28 June 2010 and in Edinburgh on 6 December 2010 at the JSC office. Topics of discussion included the developments of judicial training strategies in England, Northern Ireland and Scotland, the European Judicial Training Network, cross border conferences, specialist training for senior judicial officers and further international co-operation in judicial education.

5.12 JP Bench Book and Legal Advisers' Bench Book

A detailed survey was conducted in 2010 to identify the needs of the justices in respect of the JP Bench Book. The JP Bench Book requires to support justices in the delivery of their judicial duties. The responses received from the survey have been considered and used to develop a programme of work.

The JP Bench Book is currently undergoing updating and revision. That work is to continue in the next financial year. The JP Bench Book will be re-formatted to facilitate justices being able to source relevant advice and materials. That will assist in the development of the JP Bench Book as an electronic resource. It is anticipated that materials currently available in the JP Signing Manual will be included in the JP Bench Book with the passing of responsibility for that manual from Scottish Government to the JSC.

5.13 Local Sheriffdom Training Events

The JSC continues to support local annual training events held within each Sheriffdom, which are organised by the sheriffs principal. The JSC 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 JSC provided case

papers and assisted in arranging speakers for a number of local training events. In addition, a legal assistant attended each event to ensure the smooth running of the training day.

5.14 The Work of the Present Director of Judicial Studies Sheriff T. Welsh QC

The Director is responsible for organising and directing the content of training and education for the Scottish judiciary. He is a member of the Sheriffs' Association. He sits on the Scottish Appropriate Adult Network Committee, which supports the development and maintenance of the Appropriate Adult Services 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.

With the support of our Canadian training partners at the National Judicial Institute, JSC organised a successful Senators' Week in June 2010 held in Edinburgh. He has directed five JSC residential courses in 2010/11 and shared with the Deputy Director the directing of one day training seminars. He also attended the Justices of the Peace Annual Conferences in 2010 and 2011 to observe and meet the Justices along with the JSC Chairman and has also attended as a speaker on contempt of court. Local annual training days held within each Sheriffdom were also supported by the Director.

In February 2011, the Director was part of a group of experts in Brussels invited to identify common judicial training needs, learning behaviours and training methodologies. He also attended the European Judicial Training Network Conference in Budapest with the Hon Lord Brodie in March 2011. This conference brought together 92 delegates representing 41 training schools, Institutions and Ministries of Justice in membership of the European Judicial Training Network.

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 JSC 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 one day seminars referred to above and material for use at residential courses. He advised on the filming and editing of various training DVDs, most recently on domestic abuse, for use at courses. He continues to advance training on effective case management and behaviour in court, particularly in the area of diversity which will be included in the curriculum for next year.

Sheriff A.G.D. Thornton was appointed as an all-Scotland floating sheriff based at Kirkcaldy Sheriff Court with effect from 6 June 2011. He left the JSC on 27 May 2011. His departure was marked with a lunch and tributes from JSC staff as well as a Committee dinner for his excellent service over nearly 4 years. Sheriff Thornton has made an unparalleled contribution to judicial training in his professional approach, boundless energy and creative flair. He will be a hard act to follow. The Director, the JSC and its staff wish him all the very best in his new post.

Aileen Shields, PA to the Director, is also leaving the JSC on 20 June 2011. Aileen has been with the JSC since its inception in 1997 and with the SCS for the past 26 years. Aileen, for over 13 years, has been the face of the JSC for very many judges, sheriffs and justices. The Director would like to take this opportunity to thank Aileen for her enormous contribution to the evolution of the JSC. She shall be greatly missed. The JSC and its staff wish her well for the future.

5.15 The Work of the Deputy Director, Sheriff A.G.D. Thornton

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 future planning for the organisation. That includes identification of strategic objectives by contributing to the ongoing development of the JSC Business Plan and the creation of the

annual programme of training events. To support the planning process, he also assists with financial budgeting to ensure that the priorities for cost effective training can be met and delivered, representing an efficient use of resources at this time of economic challenges. Where recruitment is involved, he participates in the interview process for staff.

He is responsible for the design and delivery of training at national level for lay justices of the peace. He led the Justices of the Peace Annual Conferences in Clydebank during the period of this report. This national Conference was attended by 60 existing and experienced justices. In addition, he led two national induction courses for 60 prospective justices from North Strathclyde and Tayside Central & Fife in November and March.

Work undertaken this year has included the filming of training DVDs for use at the various courses. This year's DVD for justices focused on the effective handling of issues in court and diversity which work is planned to be further developed. Sheriff Thornton was also substantially involved in the creation of the training DVD on domestic abuse which will be utilised at future training events for the professional judiciary, particularly sheriffs and part-time sheriffs.

Following the implementation of the Criminal Justice and Licensing (Scotland) Act 2010 and the introduction of Community Payback Orders, the Deputy Director led in developing the national package of training on this new disposal for justices. A modular approach was adopted, providing a flexible means of facilitating local delivery of training, including a DVD which was filmed using Sheriff A. Cubie to deliver an introductory presentation to support practical group exercise materials.

Liaison with Scottish Government has been maintained and developed at a number of levels, particularly to provide background information required to support training following the commencement of CPOs in February. That led to an invitation to deliver a lunchtime seminar with the Director for civil servants on the work of the JSC. Contacts have also been maintained with the Office of Judicial Complaints in England and Wales to exchange information and with the Judicial Studies Board there to compare different training methodologies and approaches.

Regular liaison is also undertaken with the Sherifffdom 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 Sherifffdom training plans and reports submitted with recommendations being made to standardise the future format of such reports.

Recognising the importance of good group facilitation in the delivery of training, two one-day training courses were delivered to those Legal Advisers assisting the JSC at the JP Annual Conference and the Induction Courses for prospective justices.

In all aspects of the training of justices he has enjoyed the invaluable support of Gillian Mawdsley, the JSC's Lay Justice Training Consultant, who has brought great enthusiasm, creativity and endeavour to this most important area of the JSC's work.

Throughout his time at the JSC he has been responsible for the delivery and development of the IT training modules on Computer Skills and Online Legal Research. He was Chair of the LINETS Management Board throughout the period of this report.

The Deputy Director assists the Director with the development and delivery of all of the residential Judicial Skills and Refresher Courses. With the Director he developed and provided the induction training for two senators, four sheriffs, three part-time sheriffs and five stipendiary magistrates appointed during the period of this report. He also provided technical and administrative support at the Senators' Week in early June 2010. Together with the Director he has been instrumental in commencing work on a training module on diversity and equal treatment for all tiers of the judiciary.


