

## **Opening of the Legal Year 2026-27**

### **Address by the Lord President**

**28 September 2026**

#### **Welcome**

Good morning. It is my great pleasure to welcome you all to the Opening of the Scottish Legal Year.

I extend the warmest of welcomes to the Consuls-General of France, India, Ireland and Japan, countries with whom we have close judicial links. We are honoured to have you with us this morning.

Today we will recognise those who have been appointed to the rank and dignity of King's Counsel and Honorary King's Counsel. I especially welcome all of you who have been appointed and your families and friends who join us in the court room.

#### **Introduction**

As we welcome the legal year to come, it is worth reflecting on the wider context in which justice is delivered and the need for the justice system to continue to modernise to meet changing circumstances, while adhering to its fundamental principles.

It is well recognised that the justice system has always had to respond to societal change. Today, however, we face unprecedented demands on our courts and tribunals, rapid technological transformation and evolving expectations of

professional standards. These are inexorable features of the year ahead so I address them in turn.

### **Unprecedented demand**

The rule of law remains the foundation of a prosperous democratic society. It is the guarantee of fairness that ensures, as citizens, we can go about our business in safety, confident that the laws set by Parliament will be enforced and that those who break them will be held to account. The justice system is at the sharp end of upholding that principle and the judiciary and the state must always stand by it.

I used the word unprecedented a few moments ago. I do not do so lightly. In 2024, the Crown typically lodged less than 100 indictments a month. That is, less than 100 cases of serious criminal offending brought to the High Court each month. That figure has grown to an average of over 150 a month today. By the Crown's own estimates, it is expected to reach over 200 per month in the course of this legal year. In other words, there will soon be more than twice as many serious criminal cases coming to the High Court each month than just two years ago.

The Scottish Courts and Tribunals Service – together with those in the wider justice system – have already addressed the key pressures created by the aftermath of the pandemic. The new reality facing the High Court is characterised by both a higher volume of cases and greater complexity in those cases.

Action has already been taken. By the start of 2027 there will be 26 High Court trial courts running when, at the start of the decade, there were 16. At the

same time, improvements such as trauma-informed practice and a new summary case management model have been introduced. I congratulate all concerned for their achievement in adapting the system to respond to the present challenges as best we can.

However, the capacity of the system is finite and adaptations of the existing model can only take us so far. Without system-wide change, the impact on victims, witnesses, accused, court users and the prison population, will be severe. The nature of these new cases means that that impact will be felt most acutely by those subjected to domestic abuse and sexual violence. If the scourge of violence against women and girls is to be addressed, modernising the criminal justice system to deal with the increasing numbers of those cases is essential.

The urgent question we must answer is: how is everyone in the justice system going to modernise in a co-ordinated way to meet the coming increase in prosecutions while ensuring the rights of all are upheld?

As was demonstrated during the pandemic, the justice system is capable of leading and delivering major reforms at pace for minimal cost.

And I am pleased to say that the Scottish Courts and Tribunals Service and other criminal justice leaders have been working with the Scottish Government to develop a strategic response to meet the challenge of joining-up criminal justice.

It involves re-designing existing ways of working and replacing outdated processes. It requires meaningful investment in digitisation which will underpin new practice and deliver swift information to all parts of the justice system when it is

needed. Only by working together as a single system can its individual parts continue to function effectively in the face of unprecedented demand. Only by resourcing those individual parts in a way that supports the efficiency of the wider system can the system improve. And only by doing *both* will journey times for serious criminal cases stay within the law and justice be served.

The Scottish Courts and Tribunals Service has also developed a proposal following the joined-up approach to justice for introducing a single, end-to-end, redesigned criminal court case management system. This could act as a hub for all participants in the criminal justice system to utilise and from which they could all extract efficiencies. Justice reforms must be seen as a key element of wider public service reforms. The investment required is comparatively modest when compared with the alternative options, and would put the justice system on a solid foundation for many years to come.

The same is also true of the Sexual Offences Court. It has the potential to change radically the way in which the justice system addresses violence against women and girls, but it needs to be implemented and resourced properly if it is to achieve its promise in supporting victims in a trauma-informed way.

The status quo is no longer sustainable and modernisation is no longer optional. With the necessary investment and resourcing from government, consistent with their public service reform ambitions, I am confident the challenge of high criminal business volumes can be tackled. Importantly, these reforms also offer

substantial benefits in prevention, earlier intervention and improved social outcomes beyond those already available through the resolution of cases in the courts.

### **Technological transformation**

Those high criminal business volumes have been partially driven by rapid technological transformation. New technology has improved the quality of evidence available, making more prosecutions possible. But it is also driving other changes and, in many cases, can also be the solution.

We have, for example, already seen the gains in the summary courts which the Digital Evidence Sharing Capability project has brought in aiding early resolution of cases.

In particular, the rapid technological transformation brought by artificial intelligence is impacting many areas of our work. From a judicial perspective, generative AI assistants will be considered as a tool to support judicial work, not as a substitute for it. Decision-making rightly remains solely the work of judges. We need to understand both the capabilities and limitations of what can be achieved by AI. The judiciary are expected to be fully informed about the risks and benefits of a particular AI tool prior to its use, and the judiciary will receive appropriate training and support as the integrity of the judiciary is of the utmost importance.

Generative AI is being used more and more by unrepresented parties and, while it holds some promise as a way of facilitating their access to justice, it also introduces considerable risk for those who rely on it uncritically. Neither the court

nor other parties appreciate their time being wasted with the citation of hallucinated court cases, the assertion of belief as fact or reference to legislation which does not exist. All of these have happened in our courts and the bar for contempt of court is perilously close to being met. Work is underway to consider what might be done to avoid that. The Scottish Civil Justice Council has also committed to establishing a digital innovation and AI working group this year to consider AI from the civil justice perspective.

For practitioners, I urge tempered enthusiasm for AI. The legal profession in Scotland must continue to embrace technology if it is to compete and thrive. It must demonstrate the enormous added value which comes from using a professional legal adviser rather than an artificial intelligence. The courts and tribunals will continue to apply the same rigorous standards to all those appearing before them. AI has the potential to assist in our daily work and thereby support a more effective and efficient justice system. Equally, its use is not without risk and it must be used critically if those high standards are to continue to be met.

### **Regulation of the legal profession**

Of the three points I wished to mention, I turn lastly to the regulation of the legal profession. As the head of the Scottish judiciary, I have made it clear on several occasions that I take my responsibility for the ultimate regulation of the legal profession extremely seriously. Apolitical regulation by the Court is inextricably linked with the rule of law and the independence of the judiciary. With that comes the obligation to regulate in an open, transparent – and modern – way.

The Regulation of Legal Services (Scotland) Act 2025 represents a step change in the regulation of the legal profession. It calls for an evolved approach from all those who regulate the legal profession. I am pleased that improvement is now well under way.

In particular, I welcome the ongoing and valuable work undertaken by the Faculty of Advocates in their recent public consultation on the Faculty Disciplinary Rules.<sup>1</sup> Publicly consulting on disciplinary rules is a strength and demonstrates the Scottish Bar is confident, transparent and outward-looking. A modern set of disciplinary rules is a prerequisite for a growing Bar and will ensure standards and public confidence are upheld.

I have also launched a public consultation – on the meaning of the regulatory objectives. That work is necessary so all those who regulate the legal profession have a common understanding of their scope and application. I encourage everyone to engage with that process. While a matter for Ministers, I consider it important that those objectives are not commenced before we have that understanding and that, when they are, the associated enforcement powers are ideally commenced simultaneously so the objectives have the necessary teeth.

Implementation of the 2025 Act is otherwise beginning in earnest across all the regulators. It is vital that we work together to improve the system, both for consumers and those who are regulated. To that end, I and the regulatory judge, Lord Ericht, have had numerous meetings with the regulators to discuss priorities

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<sup>1</sup> [Disciplinary Rules Consultation 2026 | Faculty of Advocates](#)

and timescales. It must proceed expeditiously but at a pace that takes account of resources. Each regulator faces pressure and when the government brings the Act into force it will have to take account of that pressure if consumers are to get the benefit of the legislation.

I also welcome the greater co-ordination between the Scottish Legal Complaints Commission and the Law Society of Scotland and the work undertaken by both bodies to improve the handling of complaints and compliance with SLCC requests for information.

Overall, I have been impressed by how all the regulators have risen to the challenge of implementing the Act on top of existing reform work. Considerable work lies ahead in the coming legal year but the progress already made bodes well.

### **Senators and new KCs**

I wish to finish with three particularly happy aspects of change and modernisation.

First, I warmly welcome the appointment of the latest Senators of the College of Justice. The judiciary must reflect the society we serve. Their appointment marks a welcome and historic expansion in judicial diversity.

Diversity is not solely about gender, race or other characteristics. It is about every aspect of a person's background and lived experience. Scotland is fortunate in having an abundance of intellectual talent right across its legal sector and I commend the Judicial Appointments Board for casting its net widely in selecting

candidates. In turn, I encourage those thinking of becoming judges to take confidence that, whatever one's background or path in the law, becoming a member of the judiciary is open to you and based solely on merit.

There is work still to do, and we will continue to work with the Board to improve the judicial recruitment process and learn lessons from those who have been through it.

Secondly, it is my pleasure to welcome those who have attained the rank of Honorary King's Counsel: Sheriff Brown, Professor Ferguson and Professor Leverick.

The award of Honorary King's Counsel serves to recognise those from a range of backgrounds whose work, outside of practice as an advocate or solicitor advocate, has made a major contribution to the law in Scotland or the legal profession.

I offer my sincere congratulations to each of you for the recognition of your work and your contribution to Scots law.

Finally, I turn to those who have recently attained the rank and dignity of King's Counsel: each of you has distinguished yourself in your field of practice and demonstrated advocacy of the highest quality. The calibre of the senior bar is essential to the health of the profession. You will be instructed in the most complex cases in the jurisdiction, which are likely to be of substantial gravity, value and public importance.

The rank and dignity of King's Counsel is an accolade of which each of you can be proud and is a well-deserved recognition of your skill in advocacy. I offer you all my sincere congratulations and best wishes for your future career.

For those who were unsuccessful in their applications, I encourage you to consider applying in future once you have gained the necessary additional experience. I attach particular importance to the extent to which candidates have demonstrated a significant commitment, in whatever sphere, to public service.

I will now invite the Deputy Principal Clerk of Session formally to introduce each of the new King's Counsel to the court...

I am grateful to all my colleagues across the courts and tribunals for their dedication to public service in challenging times. I thank the legal profession for their commitment to ensuring that the rule of law continues to be upheld.

My thanks to everyone who has joined us today, whether in person or online. The court will now adjourn.

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