

Judicial Institute
for Scotland



ANNUAL REPORT

For Year to 31 March 2014

Judicial Institute for Scotland

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FOREWORD TO THE ANNUAL REPORT OF THE JUDICIAL INSTITUTE BY LORD MALCOLM, CHAIRMAN



The experience of using the learning suite over the past year has confirmed its many benefits. It has been an excellent environment for the delivery of our new courses. This report outlines their full range and diversity. We have been particularly glad to welcome Justices of the Peace to Parliament House. Some have said that this has made them feel part of the wider judicial family.

The Judicial Hub is now operational. Thanks to painstaking preparation, this major project has progressed smoothly. It is popular with users and in due course will provide a platform for remote learning.

The Institute's work generates much interest in other jurisdictions. We welcome regular visits from foreign judges and others, even though it places additional burdens on our staff. I wish to pay tribute to the dedication of our highly motivated team. Much of this is due to the tone set by the director and deputy director. We also benefit greatly from the constant support provided by our president, Lord Gill, and from the guidance given by members of the Advisory Council.

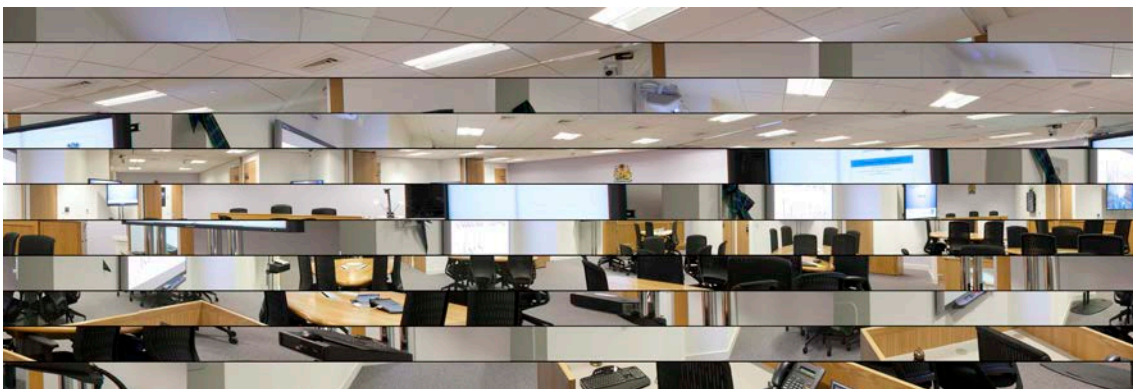
The Institute could not fulfil its remit without the willing help of a large number of judges and many others. This is not just in respect of the courses, but also in keeping our publications relevant and up to date. Many organisations, including the police, the prison service, and the universities, have provided invaluable assistance. A glance through the report will give more details. I thank everyone who has contributed to our work over the past year.

As I write this foreword, Sheriff Welsh's six year term as director is ending. I wish to record my appreciation of his exceptional leadership. Since he took charge, the landscape for judicial education in Scotland has been transformed. While many have played a part in this, it was Tom's determination and enthusiasm which drove the project forward. We are all greatly in his debt, and wish him well on his return to the bench at Edinburgh Sheriff Court.

A handwritten signature in black ink that reads "Colin M Campbell". The signature is written in a cursive style and is positioned above the printed name.

COLIN CAMPBELL

INTRODUCTION



The Judicial Institute for Scotland (formerly the Judicial Studies Committee) officially came into being on 1st January 2013. The Institute has now had the benefit of operating from the purpose built Learning Suite in Parliament House for just over a year. The benefits of having a bespoke learning environment are many, and include ready access to fully integrated IT systems, and financial savings from being able to run almost all training “in-house”.

The Judicial Institute is directly responsible for providing a programme of varied and stimulating training for the whole spectrum of Scottish judicial officer holders from the lay justices, most of whom have not 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.

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.

The Lord President, The Right Honourable Lord Gill, regularly emphasises the importance of high quality training for judges 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 and helps ensure that judges in Scotland benefit from the latest technology to help them meet the challenges that lie ahead.

The Judicial Institute continues the work undertaken by JSC in revising and publishing the Jury Manual. In addition the Criminal Bench Book is now available as an e-book and is updated on a regular basis. The Civil Bench Book and the Equal Treatment Bench Book have also been updated and are available as e-books. Other publications are issued from time to time including briefing papers and notes. The JP Bench Book is currently under revision and will in due course be issued as an e-book.

In January 2011 the Lord President issued 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

The Judicial Institute is a relative newcomer in comparison with some judicial training bodies throughout the world, but as a relative newcomer has quickly established itself as a forward thinking training institute.

JUDICIAL OFFICERS IN SCOTLAND

At 31 March 2014, there were 33 Court of Session/High Court judges, 18 Temporary Court of Session/High Court judges, 6 Sheriffs Principal, 135 Sheriffs, 60 part-time Sheriffs, 3 Stipendiary Magistrates, 7 part time Stipendiary Magistrates and 375 Justices of the Peace. The judiciary thus comprised 637 serving judicial officers in the reported year.

SENATORS	TEMPORARY JUDGES	SHERIFFS PRINCIPAL	SHERIFFS	PART-TIME SHERIFFS	JUSTICES	STIPENDIARY MAGISTRATES
33	18	6	135	60	375	10

1. THE JUDICIAL INSTITUTE

The Lord President is President of the Judicial Institute. On 2 September 2013, the Lord President approved the 'Governance Framework for the Judicial Institute for Scotland'.

This Framework provides that there shall be a Board of the Judicial Institute, and that the Board shall comprise:

- Two Senators of the College of Justice, one of whom shall act as Chairman and the other as Vice Chairman
- A Sheriff who shall be the Director of the Institute, and
- A Sheriff who shall be the Deputy Director of the Institute

In addition the Governance Framework provides that there shall be an Advisory Council comprising the following (up to a maximum of 12 persons):

- A Sheriff Principal
- Two Sheriffs
- One part-time Sheriff
- Two Justices of the Peace
- A representative of the Justice Department of the Scottish Government
- A lay person
- Such other persons who possess such particular expertise as the Chairman considers would be of assistance to the work of the Judicial Institute

The Advisory Council meets on a quarterly basis.

ADVISORY COUNCIL MEMBERS

(as at 31 March 2014)

LORD PRESIDENT GILL (PRESIDENT OF THE JUDICIAL INSTITUTE)

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

MR A CLASPER, CHAIRMAN OF THE SCOTTISH JUSTICES ASSOCIATION

MR R WHITE, VICE CHAIRMAN OF THE SCOTTISH JUSTICES ASSOCIATION

MS B CAMPBELL, DIRECTOR OF CRIMINAL JUSTICE

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

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 of the Judicial Institute are serving Sheriffs but are engaged full time with the work of the Judicial Institute on a fixed term basis. Sheriff Principal Stephen, Sheriff Cubie and Sheriff Foulis are full time judicial office holders. Bridget Campbell is the Director of Criminal Justice Division of the Scottish Government. Mr Allan Clasper and Mr Robin White 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

The Rev R Neilson, former Vice Chairman of the Scottish Justices Association served on the Council until his retirement in January 2014.

JUDICIAL INSTITUTE STAFF

DIRECTOR	SHERIFF T WELSH QC
DEPUTY DIRECTOR	SHERIFF A J M DUFF
HEAD OF EDUCATION	JESSICA MACDONALD (MATERNITY LEAVE) BRIAN MCKECHNIE (MATERNITY COVER)
JP LEGAL TRAINING ADVISOR	GILLIAN MAWDSLEY
LEARNING TECHNOLOGY MANAGER	JACQUELINE CARTER
LEARNING TECHNOLOGY TECHNICIAN	GAVIN DOWNEY
PROGRAMME MANAGERS	ANNE FISHER LESLEY MACAULAY

LEGAL ASSISTANTS

VICTORIA CURRAN

ANDREW NICHOLSON

SARAH DICKSON

COURSE OFFICERS

MICHAEL WILSON

BRITTANY STEWART

COURSE ASSISTANT

ALASTAIR PLEWS

2. JUDICIAL TRAINING - CURRICULUM

Since the launch of the Judicial Institute in January 2013, a full year of the new Judicial Education Curriculum has been delivered.

The new curriculum for members of the judiciary offered one and two day courses focusing on specific subject matter.

The Judicial Institute's curriculum upholds the integral philosophy that judicial education is for judges by judges which means that all course directors are judicial office holders. The curriculum is also underpinned by up to date pedagogic theory in adult learning by way of the Head of Education who sits on all course and programme teams in an advisory capacity.

The Educational Philosophy at the Judicial Institute is one of social constructivism. The nature of judicial independence makes this a suitable epistemological approach. Our pedagogic model is one of active participation, facilitation and socially constructed knowledge. Courses aim to encourage reflection and reasoning and require learners to challenge their own social, moral and philosophical understandings of their judicial role within the broader socio-political context in which they live and work.

Core Curriculum: Two day courses

Children in Court This course ran twice in the same format. The course aimed to raise awareness of the impact that court proceedings can have on children and included a mixed delivery of presentation and problem-based exercises. The sessions covered a number of topics, including the voice of the child, children with incapacity, adoption and permanence, Children’s Hearings, legal aid implications for children in court and Joint Investigative Interviews of Children.

22 – 23 April 2013 and 18 – 19 November 2013

The feedback was particularly positive, with one delegate stating that it was “the best course I have been on with JI! I would recommend it to my colleagues”.

Faculty

The Hon Lord Malcolm (Chair); Sheriff T Welsh QC (Course Leader); Tam Baillie, Scotland’s Commissioner for Children and Young People; Adrian Ward, Partner at TC Young, Turnbull & Ward and Convener of the Mental Health and Disability Committee of the Law Society of Scotland; May Dunsmuir, In-House Convener of the Mental Health Tribunal for Scotland, Convenor of the Additional Support Needs Tribunal for Scotland and Vice Convenor of the Mental Health and Disability Committee of the Law Society of Scotland; Professor Kenneth Norrie, Professor of Law, University of Strathclyde; Malcolm Schaffer, Head of Practice and Policy at the Scottish Children’s Reporter Administration; Alan Taylor, Children’s Hearings Training Officer, Queen Margaret University; Alyson Evans, Practice and Policy Officer with Children’s Hearings Scotland; Catriona Whyte, Head of Legal Services, Civil Department for the Scottish Legal Aid Board; Professor Michael Lamb, Professor of Psychology at the University of Cambridge; Dr La Rooy, Programme Tutor for Forensic Psychobiology at the University of Abertay; Martin Henry, National Manager, Stop It Now! Scotland and Chair of the Practice and Development Group on Joint Investigative Interviews of Child Witnesses.

Evidence This course, always popular and successful, aimed to help judges enhance their knowledge and broaden their understanding of the Law of Evidence and to provide the opportunity to further develop skills in analysing and applying the rules of evidence. The course explored a wide range of topics associated with the law of evidence including corroboration and admissibility; section 259 applications; hearsay; expert evidence; and prior inconsistent statements. The delivery was a combination of group and plenary discussions of case scenarios.

13 – 14 May 2013

27 – 28 January 2014

Faculty

The Hon Lord Malcolm (May Chair); Sheriff A Duff (January Chair); Regius Professor James Chalmers, University of Glasgow; Dr Liz Campbell, Senior Lecturer in Criminal Law and Evidence, University of Edinburgh; Sheriff L M Ruxton; Professor Gerry Maher QC, Professor of Criminal Law, University of Edinburgh; The Rt Hon Lord Carloway, The Lord Justice Clerk; The Hon Lord Turnbull.

Criminal Law and Sentencing**17 – 18 June 2013**

The first day of this course involved a visit to Edinburgh City Council Social Work Department, the Willow Project (Lauriston Place) and HMP Saughton. Day two was held in the Learning Suite and focussed on the topics of women offenders, young offenders and judging in the social context and included a live video conference with Professor Laub of the University of Maryland. The participants also worked on a number of sentencing exercises, which involved discussion of the imposition of sentences in various cases. The participants were asked to consider and discuss whether the sentences they submitted in advance of the training remained the same after the visits on the first day of the course.

Faculty

Sheriff A Duff (Chair); Michelle Miller, Chief Social Work Officer, Edinburgh City Council; Harry Robertson, Service Manager, Criminal Justice Social Work Services Edinburgh; Dr Gary Clapton, Senior Lecturer, School of Social and Political Studies, University of Edinburgh; The Rt Hon Lord Bracadale; Professor John H. Laub, Distinguished Professor of Criminology & Criminal Justice, University of Maryland and former Director of the National Institute of Justice.

The Art & Craft of Judging**24 – 25 June 2013,
21 – 22 October 2013
and
3 - 4 February 2014**

This course ran three times in the same format. On day one participants explored the components of vocal and physical presence and examined the nature of rehearsal. On day two participants engaged in a variety of exercises that covered communicating with the jury and interacting with the witness and were given individual feedback regarding their communication style. The course was well received by participants who praised VOX Coaching and felt that the material covered was relevant to their day to day practice.

Faculty

The Hon Lord Malcolm (Chair June and October 2013); The Hon Lord Woolman (Chair February 2014); Sheriff T Welsh QC, and Sheriff A Duff (Course Leaders); Pete Bailie, Director of VOX Coaching; Dominic Rickhards and Andrew Harries, VOX Coaching.

Vulnerable Witnesses and Technology**2 – 3 September 2013**

A number of topics were covered in this two day course, including: the legislative provisions that relate to vulnerable witnesses; a discussion on children in the legal system covering disclosure of abuse, rapport building, interviewing and cross examination; understanding the vulnerability of witnesses; the impact of childhood sexual abuse on giving testimony in court; and an overview of the technology used when vulnerable witnesses are called to court. The afternoon sessions allowed delegates the opportunity to practice using the courtroom technology using scenario-based exercises involving vulnerable witnesses.

Faculty

The Hon Lord Woolman (Chair); Sheriff T Welsh QC (Course Leader); Professor Fiona Raitt, Professor of Evidence and Social Justice and Director of the Diploma in Professional Legal Practice at the University of Dundee; Dr David La Rooy, Programme Tutor for Forensic Psychobiology at the University of Abertay; Mark Rourke and David Carroll, Electronic Service Delivery Unit, Scottish Court Service; Dr Katherine Edward, Child Psychologist; Theo Dijkman, Psychotherapist; Anela Anwar, Head of Projects at Roshni.

Judicial Writing and Reasoning

11 – 12 November 2013

This course aimed to explore the skill of advanced judicial writing and reasoning through a series of presentations, discussions and practical exercises. Day one focused on the style and structure of judgment writing, how to use language effectively and how to communicate to different audiences. Day two explored concepts of communications and the process of decision-making and logic.

This was a new course and it was very well received. The Learning Suite technology was used to good effect; delegates participated in a video conference with Justice David Watt of the Appeal Court of Ontario; and were required to prepare digital presentations which were displayed across the various screens in the Learning Suite and discussed in plenary. Lord Woolman suggested that this may have been one of the most interesting and productive courses that he had ever attended.

Faculty

The Hon Lord Woolman (Chair); Sheriff A Duff (Course Leader); The Rt Hon Lord Gill, The Lord President; The Rt Hon Lord Carloway, The Lord Justice Clerk; Jaimey Jauncey, Author and Corporate Communications Trainer; Dr Euan MacDonald, Lecturer in Jurisprudence, and Dr Luís Duarte d'Almeida, Chancellor's Fellow in Law, University of Edinburgh; The Honourable Mr. Justice David Watt, Court of Appeal for Ontario.

Case Management

9 – 10 December 2013

This course examined all aspects of case management. Sessions were delivered through plenary presentations and practical group workshops. Topics covered on day one included; Scottish system past, present and future; COPFS Pilot Schemes; the management of solemn trials; the England and Wales perspective; the role of judge as the 'case manager'.

Day two included a presentation and discussion entitled 'Judicial Case Management: An Unequivocal Blessing?' and further insights on the English system with added reflections on the role of the judge in the court. Sheriff Principal Taylor delivered a session on the management of expenses in court. The afternoon of day two was a workshop on the key principles of case management followed by a plenary presentation.

Faculty

The Hon Lord Malcolm (Chair); Sheriff T Welsh QC (Course Leader); The Rt Hon Lord Bonomy; Sheriff Principal Bowen; John Logue, Procurator Fiscal for the East of Scotland; The Hon Lord Turnbull; His Honour John Samuels QC; Elaine Samuel, Former Senior Lecturer in the School of Social and Political Science at the University of Edinburgh; The Right Honourable Lord Justice Ryder, Court of Appeal for England and Wales; Sheriff Principal Taylor.

Criminal Law and Sentencing

3 – 4 March 2014

The first day of this course was held at HM YOI Polmont, and the focus of the training was young offenders and women offenders, both in the custodial setting and in the community. A number of topics were covered in the two days, including: the challenges of working with women in custody; women's mentoring; working with young offenders in custody; and creating a learning environment for young offenders. The second day of the course took place at the JI Learning Suite and addressed key themes through presentations followed by sentencing exercises in syndicate groups. The themes were as follows:

- 'Sentencing Guidelines in Scotland' presented by The Rt Hon Lord Carloway and The Hon Lord Matthews and on 'Sentencing Guidelines in England' presented by His Honour Judge W. Davis.
- 'Women offenders and the impact of a custodial sentence on children of the offender' presented by Professor Nancy Loucks,
- 'Thinking about the Future of Electronic Monitoring in Scotland' by Professor Mike Nellis which concluded with sentencing exercises focussing on young offenders.

The feedback received from the delegates in attendance was highly positive with comments that the course was "excellent, very worthwhile" and "instructive and stimulating".

Faculty

The Hon Lord Woolman (Chair); Sheriff A Duff (Course Leader); Allister Purdie, Governor of HMP Cornton Vale; Maddie Stark, Programme Coordinator at Shine Women's Mentoring Service; Christine Buntrock, Operations Manager, Turning Point Scotland; Kim Ross, Manager, 218; Kirsty Pate, Service Manager, Willow Project; Sue Brookes, Governor of HM YOI Polmont; Lisa Hogg, Youth Work Co-ordinator at Barnardos; Mhairi Gilfillan, Education Scotland; Audrey Mitchell, Education Manager at Fife College; Johnny Bradford, Centre Manager, Action for Children; Cathy Lang, Chief Executive, Access to Industry; The Rt Hon Lord Carloway, The Lord Justice Clerk; The Hon Lord Matthews; His Honour Judge William Davis QC; Professor Nancy Loucks, Visiting Professor at the University of Strathclyde and Chief Executive of Families Outside; Professor Mike Nellis, Emeritus Professor of Criminal Justice, University of Strathclyde.

Core Curriculum: One day courses

Contract Law

**24 May 2013 and
20 September 2013**

This one day course on contract law was facilitated by Ms Laura Macgregor. The course was split into three sessions: Interpretation and Rectification; Error and Misrepresentation; and Breach of Contract and Unjustified Enrichment. Each session involved a brief presentation on the key issues followed by small group and plenary discussions of a case scenario.

Faculty

The Hon Lord Malcolm (Chair), The Hon Lord Woolman (September Chair); Sheriff T Welsh QC (Course Leader); Ms Laura Macgregor, Senior Lecturer in Commercial Law at the University of Edinburgh.

Mentoring**26 July 2013**

Experienced judges are asked to act as mentors to provide support and guidance to newly appointed judges. This one day seminar provided representatives from all tiers of the judiciary with the opportunity to focus on the qualities and skills of a mentor and to discuss their mentoring role and the pitfalls and challenges they have encountered or may well encounter in mentoring newly appointed judges. The day included a number of practical exercises.

Faculty

Sheriff T Welsh QC (Chair); Sheriff A Duff

**Judging in the Social
Context: Equality
and Diversity****30 August 2013**

This course was attended by a mix of Sheriffs, Part-Time Sheriffs, Stipendiary Magistrates and Justices of the Peace. Also in attendance were The Rt Hon Baroness Hale of Richmond, Deputy President of the Supreme Court, and Judge A Schneebalg, Juge de paix de complement, Belgium. A variety of topics were covered over the course of the day including forced marriage, honour based violence, mental health issues and gender discrimination. The feedback received was highly positive: “whole day very valuable”; “a well worth day; I’m glad I had the fortune to be invited to attend this course”.

Faculty

The Hon Lord Malcolm (Chair); Sheriff A Duff (Course Leader); Shona Simon, President of Employment Tribunals (Scotland); Jasvinder Sanghera CBE, Chief Executive of Karma Nirvana; Angela Voulgari, Counsellor, Trainer and Development Officer, Saheliya; Detective Sergeant Pauline Nairn; Detective Constable Jack Cuthbert; Billy Watson, Chief Executive, Scottish Association for Mental Health; Dr Donald Lyons, CEO for Mental Welfare Commission for Scotland.

**Problem Solving
Courts****6 September 2013**

The principal focus of this course lay in identifying the significant characteristics of problem solving courts and how these might be capable of crossing over into mainstream courts. The course began with an interactive discussion on the characteristics and features of problem solving courts followed by a presentation on the principles, opportunities and challenges of such courts. The practical experience of managing drug court offenders was discussed alongside consideration of such courts in other jurisdictions. Thereafter participants were split into syndicate groups to discuss therapeutic justice in terms of its advantages, disadvantages and challenges for implementation in Scotland.

Faculty

The Hon Lord Woolman (Chair); Sheriff A Duff (Course Leader); Dr Cyrus Tata, University of Strathclyde; Stuart MacArthur, Team Manager, Drug Court, Kirkcaldy; Ryan McCallum, Social Worker, Drug Court Supervision and Treatment Team, Kirkcaldy; The Hon J M Lopez, Presiding Judge of the Domestic Violence Unit of the Superior Court of the District of Columbia.

**Ethics, Public Life
and the Media**

4 October 2013

This course focussed on judicial ethics in the public office, and included an update on the current review of media in the courts, judges' use of personal data and the impact of social media on the judiciary. The participants were provided with problem-based activities allowing consideration of certain ethical issues. The day was punctuated by three breakout sessions and all sessions were very well received by the participants.

Faculty

The Hon Lord Malcolm (Chair); Sheriff T Welsh QC (Course Leader); The Rt Hon Lady Dorrian; Professor David Carr, Professor Emeritus, Education, Teaching and Leadership at the University of Edinburgh; Chris Nicholson, Deputy Legal Secretary to the Lord President; Michael Bromby JP, Reader in Law, Glasgow Caledonian University.

European Law

4 November 2013

This course focused on European Law as it applies in Scotland. The day featured sessions addressing the duty to give effect to EU law as well as the status of the different types of instrument and fundamental rights both from within EU law and the interaction of other sources of rights with European law. Article 267 preliminary references to the European Court of Justice were discussed along with an overview of private law harmonisation in the EU.

Faculty

The Hon Lord Woolman (Chair); Sheriff T Welsh QC (Course Leader); Dr Rachael Craufurd-Smith, Senior Lecturer, Dr Tobias Lock, Lecturer, and Dr Arianna Andreangeli, Senior Lecturer, all of the Europa Institute, University of Edinburgh; Peter Beaton, Consultant in European Civil and Private International Law.

Cybercrime

24 January 2014

This course aimed to inform judges on this rapidly developing area of law, and included presentations from academics in the field alongside practical demonstrations of forensic investigative technology from Police Scotland. This course highlighted the versatility of the Learning Suite in permitting the use of multi-media systems to provide information, illustrate issues and engage delegates. Dr Ethel Quayle, a world leader on sexual offender psychology, was unable to attend the course but pre-recorded a session in the Learning Suite which was used to form the basis of a wider discussion. The day closed with consideration and discussion of the impact on the families of those charged with viewing indecent images of children online.

Faculty

Sheriff A Duff (Course Leader); Detective Superintendent Steven Wilson; Detective Inspector Eamonn Keane; Dr Richard Jones, Lecturer in Criminology at the University of Edinburgh; Andrew Richardson, Procurator Fiscal Summary, East of Scotland; Dr Ethel Quayle, Senior Lecturer in Child Psychology University of Edinburgh; Martin Henry, National Manager, Stop It Now! Scotland.

**Adults with
Incapacity**

14 February 2014

This one day course aimed to update participants as to the provisions for adults with incapacity, and focussed on a number of key topics in this area of law: deprivation of liberty; will-making; cross border issues; and the English Perspective. Finally, Judge Glen discussed her paper, “Changing Paradigms: Mental Capacity, Legal Capacity, Guardianship, and Beyond” via a live video link. The delegates also engaged in group discussion of the case studies provided by the speakers.

Faculty

Sheriff T Welsh QC (Course Leader); Sandra McDonald, The Public Guardian; Adrian Ward, Partner at TC Young, Turnbull & Ward and Convener of the Mental Health and Disability Committee of the Law Society of Scotland; His Honour Judge Denzil Lush, Senior Judge of the Court of Protection; The Hon Kristin Booth Glen, Dean Emerita at the City University of New York.

Private Law

24 February 2014

This course is a rebranding of the Judicial Institute’s well-established course on contract law. The change in name more accurately reflects the ever-broader spectrum of issues which the course covers. The course was led by Ms Laura Macgregor who led participants through a series of problem-based scenarios.

Faculty

Sheriff A Duff (Course Leader); Ms Laura Macgregor, Senior Lecturer in Commercial Law at the University of Edinburgh.

**Equality and
Diversity**

10 March 2014

This course was again attended by all levels of the Judiciary and covered a number of key areas, namely: responding effectively to transgender issues in and discussion of various perspectives on hate crime and the travelling community in Scotland. The afternoon was entitled ‘Islam’ and included a turning point questionnaire and a digest of the statistics on the ethnic population of Scotland from the 2011 census. Participants then discussed in groups and in plenary four practical scenarios covering issues in court regarding the veil, the oath and adjournments for prayer.

Faculty

The Hon Lord Woolman (Chair); Sheriff A Duff (Course Leader); Shona Simon, President of Employment Tribunals (Scotland); James Morton, Manager of the Scottish Transgender Alliance; George Norval, Housing and Regeneration Manager, and Christopher Bell, Trading Standards Officer, Edinburgh City Council; Superintendent Gavin Philips; Professor Hugh Goddard, Director of the Prince Alwaleed Bin Talal Centre for the Study of Islam in the Contemporary World, University of Edinburgh; Shaykh Amer Jamil, Co-Founder of the Solas Foundation.

Sheriffdom Conferences

**Tayside Central &
Fife Sheriffdom
Conference**

10 May 2013

This was the first Sheriffdom Conference held in the Learning Suite and was the largest event held in the space since it opened. It was attended by twenty four Sheriffs from the Tayside Central & Fife Sheriffdom. Sessions covered the following topics: the Children's Hearing System; Post Adoption Contact; Cohabitation Rights; the Scottish Civil Justice Council; recent criminal legislation and appeals; the work of Includem and the opportunities that exist to work alongside Sheriff Courts in Scotland to reduce youth offending. The day ended with a session comprising an introduction to Cybercrime.

Faculty

Sheriff Principal Dunlop (Chair); Sheriff A G McCulloch; Sheriff G A Way; Professor Anne Griffiths, Professor of Anthropology of Law at the University of Edinburgh; The Rt Hon Lord Carloway, The Lord Justice Clerk; Sheriff A Brown; David Ferrier, Partnership Development Manager, Includem; Dr Richard Jones, Lecturer in Criminology at the University of Edinburgh.

**Grampian Highland
and Islands**

20 September 2013

The Conference for Sheriffs in Grampian Highland and Islands was held locally. The programme for the day included a mix of sessions by local Sheriffs and by eminent guest speakers. Various topics were covered over the course of the day, including: recent decisions of the Supreme Court; reflections on the Scots law of contract; and evidence without corroboration.

Faculty

Sheriff Principal Pyle (Chair); Sheriff J Gilchrist QC; Professor William W. McBryde, Professor Emeritus of Commercial Law; The Rt Hon The Lord Mackay of Clashfern, KT PC.

North Strathclyde

11 October 2013

The North Strathclyde Sheriffdom Conference was held locally and covered topics of local interest. The programme for the day included sessions on Referrals under the Children's Hearings (Scotland) Act 2011; the Sexual Offences (Scotland) Act 2009; and Housing, which was considered to be very interesting, useful and informative.

Faculty

Sheriff Principal Kerr (Chair); Sheriff D D Livingston; Elaine Adams, Senior Practitioner, Scottish Children's Reporter Administration; Regius Professor James Chalmers, University of Glasgow.

**South Strathclyde,
Dumfries and
Galloway**

1 November 2013

The programme for the South Strathclyde, Dumfries and Galloway Sheriffs included a range of topics, namely: PDAs and Electronic Notebooks; the work of Includem and the WISE Group; specialisation within COPFS; and a session entitled “A Practitioner’s View of the Bench” by a former practising solicitor. At the end of the day the Sheriff Principal chaired a session which looked at specialisation. Overall it was considered that the range of topics provided a very valuable and interesting day.

Faculty

Sheriff Principal Lockhart (Chair); Inspector Archie Martin, Mobile Data Project, Police Scotland; David Ferrier, Partnership Development Manager, Includem; Charlie Martine, Life Coach, WISE Group; John Dunn, Procurator Fiscal, West of Scotland; George More, Former Legal Practitioner.

**Glasgow and
Strathkelvin**

8 November 2013

This Conference was held in the Learning Suite. The day began with a presentation from The Lord President on Case Management which provided a clear view of the way ahead and was felt to be enlightening and highly relevant. This was followed by sessions on forced marriage; contractual problems encountered in court; the Children’s Hearings (Scotland) Act 2011; and lastly a highly informative session on Section 275 Applications.

Faculty

Sheriff Principal Scott (Chair); The Rt Hon Lord Gill, The Lord President; Mridul Wadhwa, Shakti Women’s Aid; Louise Johnson, Scottish Women’s Aid; Raini Pandher, Hemat Gryffe, Women’s Aid; Ms Laura Macgregor, Senior Lecturer in Commercial Law at the University of Edinburgh; Sheriff J K Mitchell, Sheriff A R Mackenzie, Sheriff S Reid; Sheriff A E Swanson; Sheriff A Miller; The Rt Hon Lady Dorrian.

Lothian and Borders

2 December 2013

The Lothian and Borders Sheriffdom Conference featured sessions which addressed topics of local interest including: the Children’s Hearing (Scotland) Act 2011; dealing with social media; and the prosecution response to domestic abuse. The day also allowed time for Sheriff Crowe to provide an update on Criminal Evidence, Procedure and Sentencing and for discussion on these areas.

Faculty

Sheriff Principal Stephen (Chair); Sheriff A Miller; Morag Driscoll, Director of the Scottish Child Law Centre; Elizabeth Cutting, Head of Judicial Communications, Judicial Office for Scotland; Anne Marie Hicks, National Procurator Fiscal for Domestic Abuse; Dr Marsha Scott, West Lothian Community Health and Care Partnership.

Other Courses

Stipendiary Magistrates The morning session of this one day course consisted of two workshops; the first, a decision-making and sentencing workshop focussing on Road Traffic Offences; the second an evidence workshop. The afternoon session involved a discussion session on reducing re-offending.

17 January 2014

Faculty

Sheriff T Welsh QC (Joint Chair); Sheriff A Duff (Joint Chair); JP Legal Consultant, Gillian Mawdsley (Course Leader); Professor Gerry Maher QC, Professor of Criminal Law, University of Edinburgh; Allister Purdie, Governor of HMP Cornton Vale; Jim McBride, Service Manager, Glasgow City Council; Wendy Spencer, Senior Operations Manager and Christine Buntrock, Operations Manager, Turning Point Scotland.

Extradition Seminar This Seminar was organised in conjunction with Sheriff Crowe. It was chaired by Sheriff Maciver and attended by various members of the judiciary from Scotland, England, Ireland, Northern Ireland and Jersey. Delegates were invited to share their jurisdictions' experiences of extradition and to discuss a number of case scenarios. Presentations were given on 'The Scottish Perspective on Extradition and the 2003 Act'; 'Extradition – The Human Rights Influence'; and 'HM Governments Response to the Extradition Review.'

26 April 2013

Faculty

Sheriff K Maciver (Chair); Sheriff F Crowe (Course Leader); David Dickson, Acting Head of the International Cooperation Unit, Crown Office; Dr Paul Arnell, Reader in Law, Robert Gordon University; Anand Doobay, Peters and Peters Solicitors.

Time Management, Pressure on the Professions Seminar This one day seminar ran twice to accommodate all Senators of the College of Justice. It was designed to raise awareness of the health risks associated with judicial office. There were four main sessions over the course of the day: (i) stress and its associated origins and myths; (ii) the benefit and risk ratios of medicine and alcohol; (iii) whether stress was still considered an 'unmentionable topic'; and (iv) building resilience. Breakout sessions in which delegates were asked to consider questions around how stress affects them and their family and how it might be managed took place throughout the day.

19 July 2013 and 30 September 2013

Faculty

The Hon Lord Woolman (July Chair); The Hon Lord Malcolm (September Chair); Sheriff T Welsh QC (Course Leader); Professor Kevin Power, Honorary Professor, University of Stirling and Head of Service at Tayside Area Psychological Therapies Service; Professor Jonathan Chick, Consultant at Spire Murrayfield Hospital Edinburgh and Spire Shawfair Park Hospital and Honorary Professor, Queen Margaret University; Dr Peter Copp, Private GP-Occupational Medical Advisor, Medical Director at GP-Plus Ltd and Honorary Clinical Tutor, University of Edinburgh; Dr Alex Yellowlees, Medical Director of the Priory Hospital, Glasgow and Consultant Psychiatrist.

**Foreign Language
Interpretation in the
Scottish Courts**

20 January 2014

This seminar for Senators of the College of Justice aimed to enhance judicial knowledge and skills in implementing the recent EU Directive on Interpretation and Translation in Criminal Proceedings as well as providing practical guidance on dealing with interpretation issues. The course included presentations from Professor Perez and Dr Wilson.

The course started with a short session in which The Lord President set out why he had requested the Judicial Institute to provide training in this specialised area. The visiting academics delivered a presentation before splitting participants into pairs where they were able to practice the skills involved in translation.

Participant engaged with two simulations, one in French and the other in Chinese, designed to address issues that can arise with interpretation in court. Lord Malcolm then chaired a round table discussion to allow participants to share and reflect on their experience.

Faculty

The Hon Lord Malcolm (Chair); Sheriff T Welsh QC (Course Leader); The Rt Hon Lord Gill, The Lord President; Professor Isabelle Perez, Head of Languages and Intercultural Studies and Christine Wilson, Senior Teaching Fellow in Languages, Heriot Watt University; Chris Donnelly, retired Procurator Fiscal; Delphine Jaouen, Anna-Katherina Johannsen, Jiqing Dong and Xiao Zhao, Masters Students, Heriot-Watt University.

Online Courses

**Social Media and
Judging**

8 April – 10 May 2013

(in partnership with
National Judicial
Institute, Canada)

Seven judges including the Director and the Deputy Director participated in this online learning programme led by the National Judicial Institute of Canada. The course brought together participants and academics from Canada, Australia and Scotland to address some of the different ways the use of social media can impact upon the administration of justice.

Participants worked through a number of problem-based exercises and participated in the online discussion forum facilitated by experts in the field of social media and law.

3. JUSTICES OF THE PEACE



The number of justices of the peace varies throughout the year as a result of resignations and retirements. The number of justices in 2013- 2014 was approximately 375.

This reporting year has provided justices of the peace with the opportunity to experience training from the Judicial Institute in the Learning Suite and to benefit from the investment in up to date judicial learning facilities and enhanced teaching methodologies. Changes were made to the structure of national training being offered to include one and two day courses held in Edinburgh. The practice of delivering two day residential conferences at an outside venue, currently at Stirling Management Centre, also continued to ensure maximum flexibility for justices to attend training either during the week or at the weekend. Justices are volunteers with many demands on their professional and personal time. The choice of courses and venues allows them to select the training options which best support their learning needs.

The Learning Suite courtrooms were used for practical sessions, and observation sessions arranged to the Appeal Court, both of which allowed for much support to be provided by the senior judiciary. A wide range of topics was offered focussing on aspects of the judicial role and raising awareness of the justices' role within the criminal justice system. Significant new topics such as working with interpreters and reducing reoffending also featured in training events.

Given the success of the increased variety of training on offer, the practice of offering one and two day courses will continue.

Feedback from courses informs future training. In addition there is currently an on-going Consultation on the Arrangements for Training of Justices of the Peace in Scotland.

The Judicial Institute also provides support to the Justices' Training Committees in each Sheriffdom in relation to the delivery of training at local level by providing materials and speakers on various topics as requested. That collaboration is mutual in that the Judicial Institute benefits from the assistance provided by Legal Advisers in delivery of training to justices at the Judicial Institute

Justice of the Peace – Two Day Courses

Four two day courses were held in 2013-2014, two at Stirling Management Centre in May and August, and two in Edinburgh in December and February.

The two day courses covered a range of topics using short presentations supported by scenarios and exercises. Other judicial office holders and external speakers supported delivery. The courses allowed justices from all Sheriffdoms to mix and exchange judicial experiences, build networks, share what they found difficult and form handling strategies to help them in their judicial role.

The facilitation of these courses was fully supported by Legal Advisers from various Sheriffdoms across Scotland.

Two Day Course 18-19 May, and 17-18 August 2013 Day one of these courses focused on a substantial contribution from police officers who presented a number of practical demonstrations, an evidential workshop on technological and road traffic devices used in 21st Century policing, and awareness raising of human trafficking. The second day focused on the issue of the offender which was introduced by a key-note speech from the Governor of Barlinnie, Derek McGill at the May course and from Kate Donegan, Governor, Cornton Vale at the August course. Charles Martin, Wise Group facilitated detailed discussions on the issues ex-offenders face on leaving prison. Mental Health as a commonly occurring issue in the courts was the focus of discussion of the last session led by the Scottish Association for Mental Health. Feedback included *'Practical and full of advice'. 'Police presentations were all very engaging'*.

Faculty

The Hon Lord Malcolm (Chair – May), The Hon Lord Woolman (Chair – August), Sheriff T Welsh QC, Sheriff A Duff, and Gillian Mawdsley (Course Leaders), Sheriff Principal M Stephen; Sheriff Andrew Berry; Sheriff S Ireland; Inspector Archie Martin, Sergeant William Graham, Inspector Marian Maclean, Sergeant Neil McLeod, Detective Sergeant Robin Veitch. Detective Constable Jack Cuthbert, Detective Sergeant Mark McCann, Sergeant Alan Laurie, Detective Inspector Eamonn Keane, all Police Scotland; Derek McGill, Governor, HMP Barlinnie; Kate Donegan, Governor HMP Cornton Vale; Charles Martin, Wise Group; Aidan Collins and Shona Straiton, Scottish Association for Mental Health; and Nick Burgess, Service Manager, Criminal Justice Service Falkirk .

Two Day Course 12-13 December 2013 6-7 February 2014 The December course was the first conference for justices to be held in the Learning Suite in Edinburgh and the delegates were invited to join a conducted tour of Parliament House. The course included training on topics delivered in February and May with the Learning Suite providing a greater opportunity to practice court scenarios and engage in interactive sessions. The Lord President addressed the justices on 'Being part of the judiciary'. Topics included the importance of benefits in criminal justice, legal aid, security and technology, interpretation, Roma, appeals, warrants and reducing reoffending. Feedback included *'Difficult to choose the best session when I enjoyed the entire course, however, I found the session on warrants to be of particular significance and relevance. The session on interpretation was also very helpful.'* The February course followed a similar format with an additional session on the Role of the Judicial Office.

Faculty

Sheriff T Welsh QC and Sheriff A Duff (Joint Chair); Gillian Mawdsley (Course Leader); The Rt Hon Lord Gill, The Lord President; The Rt Hon Lady Paton; The Rt Hon Lady Dorian; Sheriff Principal Stephen; Sheriff Frank Crowe; Laura Thomson, Citizens Advice Direct; Kingsley Thomas, Scottish Legal Aid Board; Mark Harrower, Defence Solicitor; Inspector Archie Martin, Detective Inspector Eamonn Keane, Police Scotland; Christine Wilson Department of Languages and Intercultural Studies, Heriot Watt University; Wendy Henderson and Anne Davidson, Edinburgh City Council; Constable Andrew McIver, Police Scotland; Sue Brookes, Governor, Polmont Young Offenders Institution; Christine Scullion, Robertson Trust; Jonny Bradford, John Steel and Gordon O'Brien, Action for Children; Steve Humphreys, Executive Director, Judicial Office for Scotland.

Justice of the Peace – One Day Courses

These were a new initiative aimed at allowing justices to attend the Learning Suite in Edinburgh for a one day course during the week. The courses were “Decision Making and Sentencing for Justices of the Peace”, and “New Justices Training” (formerly prospective Justices Catch-Up Training). Owing to the demand, the two courses were run three times allowing approximately 100 justices to attend.

Decision Making and Sentencing

28 June 2013
23 September 2013
and
22 November 2013

This course substantially followed similar lines to the courses run for other members of the judiciary on criminal law and sentencing. It allowed justices to consider how to make decisions followed by syndicate discussion on what factors influence sentencing. ‘Visible Justice’ was a topic developed about justice being seen to be done. This included consideration of how to maintain public confidence by judicial conduct both on and off the bench. Victim Support brought a valuable perspective in understanding the complainer. The afternoon allowed discussions to develop on reducing reoffending specifically considering Offending Desistence Payback Rehabilitation and Progress.

Faculty

Sheriff T Welsh QC and Sheriff A Duff (Joint Chair); Gillian Mawdsley (Course Leader), The Rt Hon Lord Carloway, Lord Justice Clerk; The Hon Lord Woolman; John Evans, Victim Support Scotland; Dan Guff SPS; Harry Robertson, Edinburgh City Council; Charles Martin, Wise Group; Odran Doherty, Sacro; Kirsty Pate, Willow Project.

New Justices Training

23 August 2013
17 September and
16 October 2013

The New Justices Training Course was designed as a result of feedback which indicated that prospective justices felt that they needed consolidation training once they had had the opportunity to sit, and the benefit of discussing and sharing their early experiences on the bench. With the Learning Suite as a venue, this allowed the course to have a morning visit the Appeal Court to see it in action and to hear first-hand from the judges about how appeals are heard and observe their handling of the court. The afternoon offered training on three short topics in the Learning Suite.

Faculty

Sheriff T Welsh QC and Sheriff A Duff (Joint Chair); Gillian Mawdsley (Course Leader).

4. LOOKING AHEAD

Curriculum

In the first half of 2014 the Deputy Director Sheriff Duff undertook a series of visits to courts across the country to harvest input from Sheriffs on their training needs. Meetings took place in the following Sheriff Courts; Glasgow; Hamilton; Inverness; Aberdeen; Dundee; Paisley; Kilmarnock. Discussions took place regarding course content, logistics (booking, attendance, location, travel) judicial resources and emerging concerns. All matters raised will be addressed in time and already there are a number of new courses planned for 2014/15 as a result of those discussions as follows:

- Family Law and Mediation
- Housing
- Children's Hearings
- Solemn Case Management
- Mediation
- Judicial Resilience – Practical Workshop

There will be a public Consultation on the Arrangements for Training of Justices of the Peace in Scotland between May and August 2014 which will look at the future of Justices' training in Scotland and review the structures for providing justices' training nationally and locally. The outcome of this consultation will have an impact on how the Judicial Institute manages and oversees Justice of the Peace training in the future.

Review of Judicial Institute

In 2007 Professor Dame Hazel Genn conducted a review of judicial training in Scotland which included a number of recommendations for developing and professionalizing what was then the Judicial Studies Committee (JSC). The Judicial Institute has undergone a period of substantial and significant change since, in large part as a result of that report, and now Professor Genn and her colleague from the University College London Judicial Institute, Professor Cheryl Thomas, have been requested to conduct a second review which will take place throughout 2014 and into the first half of 2015. The report is due to be published in the second half of 2015 and it will evaluate the Institute's performance in a number of areas including the level, tone and value of its education programme as well

as assessing the management, operation and administration of all Judicial Institute business.

Scottish Tribunal Service

As set out in the Tribunals (Scotland) Act 2014, the Scottish Tribunal Service will merge with the Scottish Court Service and the Lord President will become responsible for tribunal members. The Judicial Institute is likely to become involved in assisting in the training of tribunal members.

Courts Reform (Scotland) Bill

The Courts Reform (Scotland) Bill was formally introduced in Parliament on 6 February 2014 and will progress through the normal process of Parliamentary scrutiny through the remainder of the year.

The reforms set out in the Bill will create a new tier of judiciary which will require training and these will be monitored by the Judicial Institute. The Judicial Institute will also monitor the need to train the existing judiciary when the changes are implemented.

5. eLEARNING AND LEARNING TECHNOLOGY

The Judicial Institute Learning Suite opened in January 2013 and since then the use of information, communication and learning technologies has been used in various capacities to enhance the learning experience of judicial delegates. Primarily it has been used to enhance the face to face provision through the use of learning technologies for courses delivered in the Learning Suite, all to great effect. This includes the use of video-conferencing, Turning Point technology, media streaming, audio and video recording, courtroom technologies, interactive whiteboards and use of the internet *in situ*. At present the Judicial Institute does not offer its own suite of eLearning courses although judges have had the opportunity to participate in two online courses offered by the NJI of Canada as detailed in Section 2.

In 2013 the Judicial Institute embarked on a project to develop a bespoke Judicial Virtual Learning Environment (VLE) which, in time, will be used as a platform to deliver course materials and online learning and provide easy access to the Judicial Institutes resources

and publications. This was an extensive project and after a great deal of planning and consultation the implementation stage project was completed.

A Learning Technology Technician was recruited on 25 September 2013 to assist with the training and implementation of the Hub and to have ongoing responsibility for the technical support for all matters relating to eLearning, blended learning and learning technology.

The Judicial Hub was launched at the end of March 2014 and acts as a single point of access for all Judicial Office business including judicial communications and the means by which the Lord President communicates with the judiciary. The Judicial Hub has been designed to meet the learning and communications needs of the judiciary and provides the interface between the Judicial Institute and the judiciary. All members of the Scottish judiciary have an account on the Hub which can be accessed by the judiciary anywhere at any time using any device with access to the internet.

The Hub has multilateral functions one of which is the VLE which sits on the Judicial Hub and will be the central driver and platform for all distance or blended learning. The Judicial Institute section of the Hub acts as a learning resource bank through which judges can access bench books, briefing papers, and other written judicial resources. It also provides a gateway to online legal resources and databases and houses multimedia resources in the shape of podcasts, vidcasts and screencasts. At present this is where participants access the Judicial Institute prospectus, sign up for courses through the integrated course booking system and access post-course materials. By the end of 2014 it is where all course information and all course materials for the face to face curriculum will sit. Judicial training and development related to the Hub will take place throughout 2014.



Looking forward the Judicial Hub will host all eLearning and blended learning courses. All eLearning and blended learning will reflect the same educational philosophy that the face to face provision embodies and this will be clearly outlined in the 2015 Judicial Institute Educational Strategy.

6. EXTRA CURRICULAR ACTIVITIES

Football Match Visits

In order to allow judges to gain a greater understanding of the issues surrounding football-related offences, visits to football matches were co-ordinated by the Judicial Institute and hosted by the match policing teams at football grounds around Scotland. The visits provided a very useful insight into issues surrounding football violence, sectarianism and public disorder.

A number of demonstrations were also held at various football grounds whereby judges were able to witness first-hand the effects of smoke bombs, stun grenades and other types of explosives often seen at football matches. The demonstrations were hosted by Police Scotland match commanders and club safety officers. The visits were very effective in raising awareness among judges, and feedback included the following comments:

“The challenges of policing such behavior, the talks by the police, the fire officers and the safety manager were sobering, to say the least”

“Watching it on TV does not convey quite how dangerous they are.”



7. PUBLICATIONS

The Jury Manual

The Jury Manual Committee met three times during the year to discuss revisions and publication of the document. A revised Manual is issued annually. The updated version of the Jury Manual was issued in January 2014.

The Jury Manual Committee comprises:

- The Hon Lord Turnbull, Chairman
- The Hon Lord Bannatyne
- The Hon Lord Burns
- 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 Jury Manual is a valuable resource and is available to members of the judiciary electronically via the Judicial Hub, digitally as a CD and in hard copy. The jury manual is also publically available on the Scotland Judiciary website (<http://www.scotland-judiciary.org.uk>). The nature of the Jury Manual, is that of an *aide-memoire* for judges and has no binding legal authority.

Criminal E-Bench Book

The Criminal E-Bench Book was first published on 13 February 2013. Dr Charles Stoddart was responsible for the writing of the E-Book on Criminal Jurisdiction which was subsequently made available to members of the judiciary to view or download in a variety of electronic formats from the eBook section of the Judicial Hub.

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. The Criminal Bench Book is reviewed and updated on a regular basis by Sheriff A N Brown.

The Equal Treatment Bench Book

“The equal treatment of all who appear in court is a core judicial responsibility” and guidance and advice is contained in the Equal Treatment Bench Book. An updated Bench Book was issued in 2014 and can be accessed by judges on the Judicial Hub. It is also publically available on the Scottish Judiciary website (<http://www.scotland-judiciary.org.uk>). The Judicial Institute is grateful to the numerous external persons and organisations who kindly provided advice on their specialized areas.

Developments in Law, Practice and Procedure, and other guidance

During the year the following guidance was updated and issued to members of the judiciary:

- Statutory Penalty Guide
- Guardianship Order Checklist
- Intervention Order Checklist
- Sexual Offences Checklist
- Recovery of Possession by Heritable Creditors

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 senatorial and shrieval levels. All appointees were supplied by the Judicial Institute with a pack containing the relevant briefing papers, guidance, materials and legislation.

JP Bench Book and Legal Advisers' Bench Book

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.

8. JUDICIAL INSTITUTE LECTURE 2013

2013 Lecture



The Judicial Institute Lecture was held on 11 July 2013 in Parliament Hall, Edinburgh. The Lecture was delivered by the Rt Hon the Lord Igor Judge, Lord Chief Justice of England and Wales. The topic was “*Judicial Studies or Judicial Training: some thoughts*”.

In his Lecture, Lord Judge addressed the importance of judicial training but stressed that this in no way detracted from the fundamental rule of law in relation to the independence of each individual judge, which is why training for judges is and always has been organized and run by their judicial colleagues.

It was an honour to welcome to the event Sir Declan Morgan, Lord Chief Justice of Northern Ireland, and the Hon Mrs Justice Susan Denham, Chief Justice of Ireland, who are pictured below with the Rt Hon Lord Gill, the Lord President and Lord Judge.



9. INTERNATIONAL ENGAGEMENT

European Judicial Training Network

The European Judicial Training Network (EJTN) is based in Brussels and comprises the institutions specifically responsible for the training of the professional judiciary within the European Union (EU). The Judicial Institute is a member of the Network. The EJTN provides a means whereby members can share information about forthcoming training events and operates an exchange programme to enable attendance at such events. It also allows the sharing of written and electronic information and materials. As a result, there exists a very valuable exchange of experiences between the judiciary of the member EU states. It also provides a forum where issues such as cross border criminal co-operation, commercial and family law matters may all be considered. The Judicial Institute welcomes guest judges through the EJTN, which funds their attendance. During the past year we were delighted to welcome Mrs Kersti Kerstna-Vaks of Tartu Circuit Court, Estonia on an exchange visit.

In addition Director Sheriff Welsh contributed to the “Driving Judicial Performance in the European Area of Justice” course held in Spain from 17 to 21 June 2013 where the emphasis was on improving knowledge and understanding of different judicial systems and their language. The course was funded by the EU.

International Organization of Judicial Training

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 2014, the IOJT has 113 member-institutes from 69 countries.

In November 2013 the Deputy Director attended the 6th International Conference on the Training of the Judiciary in Washington where he gave a presentation to over 100 international delegates on “Technology in Support of Judicial Education”.

Franco British Irish Judicial Co-operation

The Franco British Irish Colloque took place in Edinburgh from 13th to 15th June 2013. The theme of this colloque was ‘The Citizen in Europe’ and over the two days sessions took place to discuss various civil and criminal issues relating to EU citizenship. These included: ‘Protecting social rights and access to justice for the EU citizen’ chaired by Lord Brodie; ‘The European Arrest Warrant’ chaired by Mr Justice Nial Fennely of the Supreme Court in Dublin; and ‘Free movement of Persons and Immigration Issues’ chaired by The Rt Hon Lord Neuberger, President of the Supreme Court of the United Kingdom.

Seminar: “Looking Beyond Violence: Framing Domestic Abuse as Coercive Control”

On 31 October 2013 the Judicial Institute hosted a seminar delivered by Professor Emeritus Evan Stark entitled “Looking Beyond Violence: Framing Domestic Abuse as Coercive Control”. Dr. Stark is an Emeritus Professor of Public Affairs and Public Health at Rutgers University and a Leverhulme Fellow at the Centre for Research on Families and Relationships at the University of Edinburgh. Professor Stark is the author

of *Coercive Control: How Men Entrap Women in Personal Life*, a text about domestic abuse. This seminar provided a focus for training of the Edinburgh sheriffs involved in the new Edinburgh domestic abuse court. The talk was well received.

International Judicial Visits

The Judicial Institute regularly co-ordinate and host visits by judicial delegations from overseas. During the past year we have had the pleasure of receiving visits by the following groups:

29 May 2013 - Study Visit by Serbian Delegation

The Judicial Institute hosted a delegation of four senior criminal justice policy makers from the Republic of Serbia for an afternoon at Parliament House. The purpose of their visit was to learn more about Scotland's management of offenders, particularly regarding the role of local authorities in reducing crime, the management of offender services and the relationship with the courts in this area.

The delegates were invited to join us in our Learning Suite where the Director Sheriff Welsh provided a presentation on Restriction of Liberty Orders and Sheriff Lindsay Wood presented on Drug Courts. This was followed by a presentation by Sheriff Katherine Mackie on Edinburgh's Domestic Abuse Court and a final session provided by Mr Roger Houchin from Her Majesty's Inspectorate of Prisons.

1 July 2013 - Visit by Bangladesh Judicial Service Commission

This one day visit to the Judicial Institute focused on judicial education in Scotland and the visiting members of the Commission received a presentation by the Director Sheriff Welsh and a tour of the Learning Suite including a demonstration of the technology there.

12-13 August 2013 - Visit by Delegation of Zambian Judges

Over the course of two days a delegation from Zambia visited Scotland. The delegation included a Supreme Court Judge, a High Court Judge, and two senior research officers. The delegation was particularly interested in how Scotland is dealing with domestic abuse and other violence against women. On the first day the delegation visited the Domestic

Abuse Court at Glasgow Sheriff Court accompanied by Judicial Institute legal assistant Victoria Curran. On the second day, the delegation visited Parliament House and was given presentations by police officers from the Police Protection Unit of Police Scotland, a presentation on ‘Prosecution of Gender Based Crime’ by a representative of Crown Office and Procurator Fiscal Service, together with presentations from Mhairi McGowan, Head of ASSIST, and Dr Marsha Scott of the Early Intervention Programme at West Lothian Council. Finally the delegation heard a presentation on the training provided for judges in relation to domestic abuse.

25th September 2013 - Visit by Pakistani Judges

The Institute hosted a visit by a delegation comprising five Pakistani judges, accompanied by a representative of the Foreign and Commonwealth Office, based in Islamabad. The delegation was headed by the Hon Mr Justice Asif Saeed Khan Khosa, of the Supreme Court of Pakistan. The delegation visited the Institute as part of their study tour of Scotland, England and Ireland.

During the visit the delegation met the Lord Justice Clerk and was interested to hear in detail about the Scottish perspective on Serious Crime, Witness Protection, and Judicial Training. Representatives from the Crown Office and Procurator Fiscal Service, as well as Police Scotland, assisted by providing the police and prosecution perspective.

4 December 2013 - Visit by Judge Prudenti, New York State

The Judicial Institute was pleased to host a visit by Chief Administrative Judge A Gail Prudenti from New York State. This provided a valuable opportunity for Scottish judges to discuss with Judge Prudenti the subject of Problem Solving Courts.

In addition, the Judicial Institute co-operated in a six week placement to Scotland by Ms Jelisaveta Colanovic, an Advisor on International Cooperation and Projects at the Supreme Court of Cassation in Serbia. Miss Colanovic was attached to the Judicial Office for Scotland from 20 January to 28 February 2014 and during this time spent some time observing the work of the Judicial Institute and attending courses. The placement was part of a UK Foreign Office funded training initiative aimed at addressing the professional development needs of the Serbian civil service for the process of EU accession.

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