

Judicial Institute  
for Scotland

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# ANNUAL REPORT

For Year to 31 March 2015

Judicial Institute for Scotland

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## FOREWORD BY THE CHAIRMAN



From small beginnings in 1997, judicial education in Scotland has become an integral part of every judge's professional life. This includes justices of the peace who are the Institute's largest constituency and who, as unpaid lay persons, are deserving of our support. In this context I wish to mention the valuable work carried out by Gillian Mawdsley, our former justice of the peace legal training adviser, who left us this year. On behalf of the Institute and all justices, I thank her for her contribution over many years.

In his foreword, the director rightly emphasises the part now played by the judicial hub, and I put on record my appreciation of the painstaking work carried out by all the staff at the Institute whose efforts have underpinned its success. Over time the hub will greatly assist with our plans for remote learning programmes.

In last year's report I took the opportunity of recognising the leadership of Sheriff Welsh QC as our former director. Before he returned to the shrieval bench, Tom set the bar at a high level. However, I have been delighted by the energy and wisdom shown by his successor, Sheriff Duff, and by Sheriff Cubie as the new deputy director. They have set a tone which has carried through to all our excellent staff, whom I thank for their commitment and dedication. In addition, I am indebted to the members of the Advisory Council for the lively and informative discussions at our quarterly meetings, and to the vice-chairman, Lord Woolman, for his constant enthusiasm for our activities. I also wish to pay tribute to the support and encouragement given to the Institute by our outgoing president, Lord Gill, as we wish him a long and happy retirement.

As the Institute faces the challenges posed by the imminent court reforms and the creation of the Courts and Tribunals Service, I am confident that the work is in good hands. For myself, my direct involvement in judicial education over the past few years has broadened my thinking and horizons, and deepened my appreciation of the importance of our work as judges. On reaching the end of my term of office as chairman, it is my hope that the curriculum for next year and the ongoing work of the Institute will afford similar benefits for all of us.

A handwritten signature in black ink, which appears to read "Colin M Campbell". The signature is written in a cursive style and is positioned above the printed name of the chairman.

LORD MALCOLM, CHAIRMAN

## A WORD FROM THE DIRECTOR



The last year has been another exciting period in the development of the Judicial Institute.

I am in no doubt that the greatest step forward for me and my colleagues has been the launch of the Judicial Hub which replaced the existing judicial intranet with a customised integrated online platform to meet the information, communications, learning and training needs of the judiciary in Scotland. The Hub is accessible anywhere, anytime, on any device, is kept current and contemporary by my Institute colleagues and offers a one stop shop delivering information, communications, collaboration and learning to the judiciary in Scotland. Huge progress in developing and launching the Hub was made very quickly by the dedicated staff within the Institute, Judicial Office and SCS IT and I would wish to congratulate them on their success.

From a personal perspective I was delighted, in September 2014, to succeed Sheriff Tom Welsh QC as Director. Sheriff Welsh's role has been crucial in leading the Institute and, working with Lords Brodie and Malcolm as Chairs, steering the transition from Judicial Studies Committee to Judicial Institute and from Bearford House to Parliament House. Under his directorship the delivery of judicial training has been transformed and professionalised. Sheriff Welsh has moved back to a front line shrieval role in Edinburgh Sheriff Court. Everyone in the Institute wishes him well.

Also in September 2014 Sheriff Andrew Cubie was appointed Deputy Director and has since contributed fully and wisely to the design of courses and the development of the Institute.

The future holds many challenges for the Institute, not least those posed by court reform. We have begun the process of addressing this and look forward with enthusiasm to the year ahead.

A handwritten signature in dark ink, appearing to read 'A Duff', written in a cursive style.

ALISTAIR DUFF, DIRECTOR

## 1. ABOUT THE JUDICIAL INSTITUTE



The Judicial Institute for Scotland (formerly the Judicial Studies Committee) was officially formed on 1st January 2013. The Institute operates from a bespoke Learning Suite in Parliament House, Edinburgh, which includes fully integrated IT systems.

The Judicial Institute is directly responsible for providing a programme of varied and stimulating training for the Scottish judiciary of which there are currently 623 members. This includes:

SENATORS	TEMPORARY JUDGES	SHERIFFS PRINCIPAL	SHERIFFS	PART-TIME SHERIFFS	JUSTICES OF THE PEACE	STIPENDIARY MAGISTRATES
33	17	6	138	71	348	10

Since its inception in 1997, the Judicial Studies Committee, and now the Judicial Institute, has developed an annual programme of relevant workshops, conferences and field visits to provide continuing education and professional development for the judiciary. In recent years much emphasis has been on technology based learning. The training is best achieved through programmes that are designed and delivered by judges, for judges, and the Institute regularly draws on the wealth of talent and experience available from our own senior judges, those from England and Wales, and from further afield.

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 on 1 April 2010 in terms of the Judiciary and Courts (Scotland) Act 2008.

In his address at the Opening of the Legal Year 2014 the Lord President once again made mention of the importance of judicial training when he stated:

*“... we are in the middle of a historic programme which will reform the structure and the procedures of our civil courts and continue to improve the efficiency of the justice system. By creating efficient and responsive courts to bring civil justice to the citizen, we will safeguard and enhance the integrity of Scots law and ensure its survival as a vigorous system. That aim can be achieved only if the efficiency of our courts is matched by the commitment of the profession, and if the Judiciary at all levels displays the highest standards of excellence. We are fortunate that our Judicial Institute has established an international reputation for the quality of its judicial training. I am grateful to everyone involved in the work of the Institute for all that they have done.”*

Induction training for all newly appointed judicial office holders is compulsory and is provided by the Judicial Institute under the terms of the Judicial Training Determination No 1 issued by the Lord President.

Induction training includes the following:

- 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 has many valuable connections with other judicial training bodies throughout the world, and is widely recognised as a forward thinking training institute.

## **GOVERNANCE STRUCTURE**

The Lord President is President of the Judicial Institute. The Governance Framework for the Judicial Institute 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

It also provides that there shall be an Advisory Council comprising:

- 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

(up to a maximum of 12 persons)

The Advisory Council meets on a quarterly basis.

## **ADVISORY COUNCIL MEMBERS**

(as at 31 March 2015)

Lord President Gill	President of the Judicial Institute
The Rt Hon Lord Malcolm	Chairman
The Hon Lord Woolman	Vice Chairman
Sheriff A Duff	Director
Sheriff A Cubie	Deputy Director
Sheriff Principal M Stephen	
Sheriff S Craig	
Sheriff J Johnston QC	
Sheriff B Cameron	
Robin White	Justice of The Peace
Tom Finnigan	Justice of The Peace
Dr Judith McClure CBE	Former Head Teacher of St George's School for Girls
Shona Simon	President, Employment Tribunals (Scotland)
Neil Rennick	Criminal Justice Division, Scottish Government

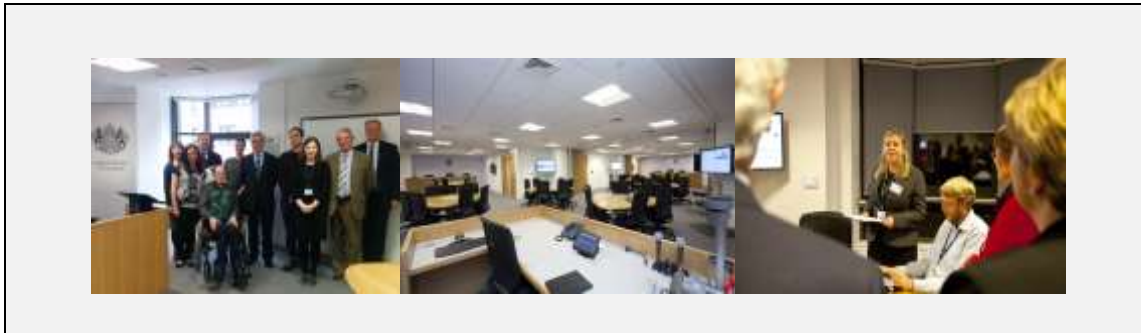


The Chairman, Lord Malcolm, and the Vice-Chairman, Lord Woolman, are engaged in full-time duties as Senators of the College of Justice sitting in the Supreme Courts. The Director and Deputy Director of the Judicial Institute are serving Sheriffs but are engaged full time with the work of the Judicial Institute on a fixed term basis.

## JUDICIAL INSTITUTE STAFF

Director	Sheriff Alistair Duff
Deputy Director	Sheriff Andrew Cubie
Head of Education	Jessica Macdonald
JP Legal Training Advisor	Gillian Mawdsley (until March 2015)
Learning Technology Manager	Jacqueline Carter
Learning Technology Technician	Gavin Downey
Project Support Officer	Brittany Stewart
Programme Managers	Anne Fisher Lesley Macaulay
Legal Assistants	Victoria Curran (until August 2014) Andrew Nicholson Sarah Dickson Jamie McNish (from August 2014)
Course Officers	Michael Wilson Anna Armitage (from Jan 2015) Cezary Zduniak (from Feb 2015)
Course Assistant	Alastair Plews

## 2. CURRICULUM



The Judicial Institute entered the third year of delivering the new curriculum which continues to offer targeted one and two day courses addressing practical and meaningful topics directly related to the judicial role. Courses continue 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.

This year we have seen an increase in the number of courses targeted at Senators and have put in place a more flexible arrangement for planning and delivery which allows us to incorporate more steer and guidance from the senior judiciary which in turn ensures we are able to deliver courses that are relevant, timely and required.

Some of the courses have been delivered for the last time in their current format, although some content will be repurposed and relocated where appropriate, in order to make way for a refreshed and remodelled 2016 curriculum. The Art and Craft of judging is one such course that will not be continued because, although popular and much enjoyed by participants, we feel that it has run its path. We make decisions such as these based on our curriculum evaluation methodology to ensure that our curriculum remains fresh, relevant and fit for purpose.

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## Core Curriculum: Two day courses

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### **Vulnerable Witnesses and Technology**

12 - 13 May 2014

This annual course aimed to enhance judicial practice in ensuring that vulnerable witnesses are not further traumatised when participating in court proceedings and are able to give their best evidence. The course looked forward to legislative changes resulting from the Victims and Witnesses (Scotland) Act 2014, and focussed on the specific needs and features of child witnesses, aspects of vulnerability, the effects of trauma on witness statements, including from the perspective of an expert witness, and an overview of how vulnerability may present in members of minority ethnic groups who give evidence in court.

A technical presentation of court room technology was followed by practice exercises using the mock-benches in the Learning Suite and remote witness rooms in Parliament House. Taking part in the scenarios were Lung Ha Theatre Company, a leading theatre company for people with learning disabilities in Scotland.

### **Faculty**

Sheriff T Welsh QC (Chair); and Sheriff A Duff ; Professor Margaret Ross, University of Aberdeen; Dr David La Rooy, Programme Tutor for Forensic Psychobiology, University of Abertay; Dr Katherine Edward, Child Psychologist; Anne Carpenter McKechnie, Consultant Forensic Clinical Psychologist; Anela Anwar, Head of Projects, Roshni; Scottish Court Service Court Technical Support Team; Martha Leishman Acting Company; Lung Ha Theatre Company.

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### **Case Management**

2 - 3 June 2014

26 - 27 January 2015

This course aimed to cover the underlying issues, competing theories and practical application of judicial case management. Both days included input from judicial office holders, The Rt Hon Lord Bonomy shared experiences of the implementation of case management in the High Court; The Hon Lord Turnbull discussed the practical management of solemn trials; His Honour Judge McCreath provided the English perspective; and The Right Hon The Lord Justice Ryder, presented a session entitled ‘Collaborative Inquisitors or Case Management Referees?’ Other contributors included Sheriff Principal Bowen on the recommendations of his report; COPFS who provided an update on pilot programmes operating in selected sheriff courts; Elaine Samuel on Judicial Case Management, drawing on her own research as part of the Taylor Report; and Mark Traynor, who provided an overview of expenses in a post court-reform and Taylor review court system. Finally delegates took part in workshops to produce and present power point presentations covering practical tips and principles for case management. There was time allowed for plenary discussion. Feedback for the course included comments such as -

*“Inspirational and a real eye-opener into the amount of detailed work required if case management is going to work”*

*“Highly relevant because it made us all consider and evaluate the various issues and priorities”*

### **Faculty**

The Hon Lord Malcolm (Chair); Sheriff T Welsh QC; Sheriff A Duff; The Rt Hon Lord Bonomy; Sheriff Principal Bowen; John Logue, COPFS; The Hon Lord Turnbull; His Honour Judge McCreath, Senior Circuit Judge, Southwark Crown Court; Elaine Samuel, University of Edinburgh; The Rt Hon The Lord Justice Ryder, Royal Courts of Justice, London; Mark Traynor, Alex Quinn & Partners Ltd; The Hon Mr Justice Stewart, High Court of Justice, England and Wales; Iain Dickson, Scottish Legal Aid Board; Roddy Flinn, Legal Secretary to the Lord President; Professor Penny Darbyshire, Law School, Kingston University

**Law of Evidence**

1 - 2 September 2014  
9 - 10 February 2015

One of the Judicial Institute's most popular courses, the September course on the Law of Evidence featured sessions on Section 259 applications, hearsay, corroboration, character evidence, irregularly obtained evidence, and Fatal Accident Inquiries. A number of practical problems were highlighted by Lady Scott, and an "Expert Evidence Panel" chaired by Professor Maher discussed the international perspective and the relationship between the scientist and the lawyer.

The February course focussed on civil and expert evidence, dealing with the role of the judge in dealing with expert witnesses followed by sessions on privilege, hearsay, best evidence and evidence issues in private law. Participants were given an introduction to evidence based on probability formulae, and on day two there were sessions on expert evidence in Fatal Accident Inquiries and in the field of forensic science, ending with a panel discussion.

**Faculty**

Sheriff A Duff(Chair); Sheriff A Cubie; Regius Professor James Chalmers, University of Glasgow; The Hon Lady Scott; Dr Chloë Kennedy, University of Edinburgh; Sheriff Principal Pyle; Professor Gerry Maher QC, University of Edinburgh; Professor James Fraser, University of Strathclyde; Professor Sue Black, University of Dundee; The Rt Hon Lord Brodie; Professor Laura Macgregor, University of Edinburgh; Dr Tereza Neocleous, University of Glasgow; Sheriff L M Ruxton; Professor Niamh Nic Daéid, University of Dundee

**The Art and Craft of Judging**

22 - 23 September 2014

This popular course was repeated again this year to allow sheriffs and, for the first time, justices of the peace to participate. The practical and interactive workshops, designed by VOX Coaching, aimed to develop and improve courtroom communication and management skills and helped participants explore the impact of voice and language when communicating with parties, witnesses, jurors, agents and counsel.

We were pleased to welcome Tamas Bokor of the Legal Board of Appeal, European Patent Office, Germany, and Colonel Michael Campion, a Judge at the Military Justice Centre, Dublin to this course.

Feedback for the event included "*Entire two days brilliant - should be compulsory for every judge at every level*"; and "*Learned new strategies from other judges – very practical*"

**Faculty**

The Hon Lord Woolman (Chair); Sheriff A Duff; Pete Bailie and Andrew Harries, VOX Coaching.

**Judicial Writing and Reasoning**

6 - 7 October 2014

This course was designed to provide practical, useful guidance and insight to help judges explore the skill of advanced judicial writing and reasoning.

Presentations on day one included "An Art not a Science" by Lord Toulson; "Judicial Advocacy – The Art of Persuasion" by the Lord Justice Clerk; "*Ex tempore* judgements" by Lord Glennie; and "Writing Interlocutors" by Sheriff Ross. Day two focussed on "Logic and Argument" with Dr MacDonald and Dr d'Almeida, and "Writing for Reason – Getting Started" with Jamie Jauncey. Participants found the course to be thought provoking with valuable pointers on how to approach writing judgements. Also attending this course were Ernst Bendl, Member of Board of Appeal, Munich, and Colonel Michael Campion.

## Faculty

The Hon Lord Woolman (Chair); Sheriff A Duff; Sheriff A Cubie; The Rt Hon Lord Toulson, Supreme Court of the United Kingdom; The Rt Hon Lord Carloway, The Lord Justice Clerk; The Hon Lord Glennie; Sheriff K Ross; Dr Euan MacDonald and Dr Luis Duarte d’Almeida, both University of Edinburgh; Mr Jamie Jauncey

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### **Criminal Law and Sentencing**

**27 - 28 October 2014**  
**2 - 3 February 2015**

Day one of the October course involved a visit to HMP Cornton Vale and contained a mix of presentations and practical problem based exercises relating particularly to the sentencing of women offenders. Presentations included “The Challenges of Working with Women in Custody”, “Women’s Offending; Context and Consequences”, and “Women’s Mentoring and its Benefits for Reducing Re-offending”.

Day two examined the history and likely practice of the Scottish Sentencing Council in a session led by Lady Dorrian. The Rt Hon Lord Justice Treacy, Chairman of the Sentencing Council for England and Wales then gave a presentation on the judicial experience of sentencing guidelines in that jurisdiction. There was also a discussion of sentencing exercises highlighting the use of guidelines. Finally The Hon R F Canan, Presiding Judge of the Criminal Division of the Superior Court of the District of Columbia looked at “The Case for Problem Solving Courts”.

The format for the February course changed with both days taking place in the Judicial Institute Learning Suite. Professor James Chalmers spoke on the topic of alternative verdicts and multiple charges spanning lengthy periods of time in cases involving sexual offences, before a series of sessions focussing on the jury. Lord Turnbull, Lord Bracadale, and Lady Dorrian each spoke on different facets of charging and directing the jury, with additional insight provided by Professor Cheryl Thomas.

The second day of the course began by looking at the categories of mentally and personality disordered offenders in the context of criminal proceedings, with presentations from Sheriff Hamilton, Dr Rajan Darjee, and Dr Katharine Russell. Closing the course, Police Scotland gave an overview of the monitoring of registered sex offenders through MAPPA.

In attendance was Renata Vystrčilová, Head of Department, Judicial Academy, Czech Republic.

## Faculty

The Hon Lord Malcolm (Chair - October); Sheriff A Duff and Sheriff A Cubie (Joint Chair – February); Allister Purdie, Governor, HMP Cornton Vale; Professor Nancy Louks, University of Strathclyde and Chief Executive of Families Outside; Maddie Stark, Programme Coordinator, Shine Women’s Mentoring Service; The Rt Hon Lady Dorrian; The Rt Hon Lord Justice Treacy; The Hon R F Canan; Regius Professor James Chalmers, University of Glasgow; The Hon Lord Turnbull; The Rt Hon Lord Bracadale; The Rt Hon Lady Dorrian; Professor Cheryl Thomas, Co-Director of UCL Judicial Institute; Sheriff D Hamilton; Dr Rajan Darjee, Consultant Forensic Psychiatrist; Dr Katharine Russell, Consultant Forensic Clinical Psychologist; Detective Sergeant Kenny Anderson and Detective Chief Inspector Gail Johnston, Police Scotland

**Children in Court**  
**10 - 11 November 2014**

This two day course provided judges with a variety of insights into child psychology and looked at the range of circumstances in which children come to be in their courts. Presentations focused on the developmentally appropriate interviewing of children, the role of the court in high conflict disputes, making judgements and challenging judgement calls in child protection cases, and the role of the Children’s Reporter. A number of participants said they had learned lessons as a result of which they would modify their approach to such cases.

**Faculty**

Sheriff A Duff (Chair); Sheriff A Cubie; Professor Michael Lamb, University of Cambridge; Dr David La Rooy, University of Abertay; His Honour Judge Aubrey QC, Circuit Judge, Liverpool Crown Court; Anne Mitchell, Chair, Practice and Development Group on Joint Investigative Interviews of Child Witnesses; Catriona Whyte, Head of Legal Services, Civil Department, Scottish Legal Aid Board; Dr Hamish Cameron, FRCP Consultant Child Psychiatrist; ; Professor Kenneth Norrie, University of Strathclyde; Gill Short, Scottish Children’s Reporter Administration; Alyson Evans, Children’s Hearings Scotland

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**Family Law and Mediation**  
**12 – 13 March 2015**

This was a new course for 2015. A range of judicial, academic and practitioner based sessions aimed to increase understanding of the mediation process and how it may operate alongside the legal process to achieve the best outcome for those families involved.

**Faculty**

Sheriff A Duff and Sheriff A Cubie (Chair); The Hon Lady Wise; Sheriff W Sheehan; Carol Wassell, and Judith Furnivall, Centre for Excellence for Looked After Children in Scotland (CELCIS); Dr Elsbeth Neil, University of East Anglia; The Hon Lord Brailsford; Roseanne Cubitt and Sonia Bruce, Relationships Scotland; Katy Macfarlane, University of Edinburgh; Alasdair Loudon, Turcan Connell

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**Core Curriculum: One day courses**

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**European Law**  
**28 April 2014**

The aim of this course was to raise awareness of contemporary European law issues and their relevance within the Scottish legal system including sessions on “Giving Effect to EU Law in Scotland”; Preliminary Reference Procedure under Art 267”; Fundamental Rights and EU Law; and an overview of “Private Law Harmonisation in the EU”. The course was designed by the Judicial Institute course team working with the Europa Institute at the University of Edinburgh. Feedback on the course included “*Raised level of awareness on impact of EU Law to domestic practice*”.

**Faculty**

Sheriff T Welsh QC and Sheriff A Duff (Joint Chair); Dr Rachael Craufurd-Smith, Dr Tobias Lock and Dr Arianna Andreangeli, all Edinburgh University; Peter Beaton, expert consultant

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**Judicial Resilience**  
**2 May 2014**  
**21 November 2014**  
**20 February 2015**

This course ran three times over the reporting period and is considered an important means of raising awareness of the health and welfare risks which can be a consequence of holding judicial office where judges face continued competing pressures on their time, and work in an adversarial setting where they have to make decisions with lifelong consequences for those involved. The course explored the origins and myths associated with stress; the benefit and risk ratios of medicine and

alcohol; whether stress is still considered an ‘unmentionable topic’; and, importantly, ways of building resilience. Feedback from all three courses suggested that participants found all sessions very helpful but felt they particularly benefitted from the group sessions where they were able to discuss issues of concern in small supportive groups.

Judge Elizabeth MacGrath, a District Court Judge in Ireland attended the February course as a guest of the Judicial Institute.

**Faculty**

Sheriff T Welsh QC (Chair – May); Sheriff A Duff (Chair – November and February); Sheriff A Cubie (Joint Chair – February); Professor Kevin Power, Honorary Professor of Psychology at the University of Stirling and Head of Service at Tayside Area Psychological Therapies Service; Professor Jonathan Chick, Consultant at Medical Director, Castle Craig Hospital and Spire Shawfair Park Hospital and Honorary Professor at the Queen Margaret University, Edinburgh; Dr Peter Copp, Private GP-Occupational Medical Advisor - Medical Director at GP-Plus Ltd and Honorary Clinical Tutor at the University of Edinburgh Medical School; and Dr Alex Yellowlees, Medical Director of the Priory Hospital, Glasgow and Consultant Psychiatrist

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**Mentor Refresher**

The purpose of these courses was to provide training and support to mentors participating in the judicial mentoring scheme and the courses were run as a follow up to the initial training provided for mentors. 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. The sessions were led by Professor David Clutterbuck, an internationally renowned expert in mentoring in both the public and private sectors.

**23 May 2014**

**10 October 2014**

**Faculty**

Sheriff T Welsh QC (Chair - May); Sheriff A Duff (Chair - October); Professor David Clutterbuck, David Clutterbuck Partnership

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**Data Protection and Social Media**

Online data and social media play a large part in all our lives today and this course aimed to look at its relationship with the courts and the judiciary. Lady Dorrian started the day with an update on her review on “Courts and the Media”, followed by a session of “Judges’ Use of Personal Data” by Chris Nicholson. Richard Susskind delivered his session on “IT, the Internet, and the Courts” by video link, and Michael Bromby closed the day discussing “Social Media, Public Life, Private Life and the Judiciary”.

**9 June 2014**

**17 November 2014**

Comments on the course included *“fascinating insight into the likely changes ahead”, and “I suspect we learned a lot about things of which we tend to know much less than the general public”*

**Faculty**

Sheriff T Welsh QC (Chair – June); Sheriff A Duff (Chair – November); The Rt Hon Lady Dorrian; Chris Nicholson, Deputy Legal Secretary to the Lord President; Richard Susskind OBE, IT Adviser to the Lord Chief Justice of England and Wales, Michael Bromby JP, Glasgow Caledonian University

**Using Online Resources and Technology**

16 June 2014  
20 October 2014  
11 March 2015

This one day workshop provided an overview of the information technology tools and resources available to judges and catered for all levels of experience. The sessions were very practical in nature and ranged from an Open Surgery with representatives from SCS IT, a session on data storage and retrieval, and navigating the Judicial Hub, Westlaw and LINETS. Indications from participants were that all sessions were helpful and would enable them to make better use of IT in terms of researching on Westlaw, navigating the HUB and making more use of pen drives for data storage and retrieval.

**Faculty**

Jackie Carter, Judicial Institute (Chair); Michael Wilson, Judicial Institute; Baktosch Gillan, Judicial Communications; Caroline McCartney, Westlaw

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**Interpretation in the Scottish Courts**

23 June 2014  
20 March 2015

The June course was the second of two courses run for senators focussing on the problems being experienced in court in relation to foreign language interpretation. The course aimed to enhance judicial knowledge and skills in implementing the EC Directives 2010/64/EU and 2012/13/EU, and dealing with interpreter issues in court. The day featured presentations and activities by Professor Isabelle Perez and Christine Wilson of Heriot Watt University Languages and Intercultural Studies, followed by practical scenarios acted out by foreign language students.

The course was run again in March for other judicial office holders, and as well as foreign language interpretation featured a presentation and practical scenario on sign language interpretation. Feedback from both courses indicated that the practical scenarios were particularly useful and focussed, which provoked a high level of contribution from delegates and a lively discussion.

Judge Keenan Johnson, a Circuit Court Judge in Ireland attended as a guest at the March event.

**Faculty**

The Hon Lord Woolman (Chair – June); Sheriff A Duff and Sheriff A Cubie (Joint Chair – March); Professor Isabelle Perez and Christine Wilson, both Heriot-Watt University; Margo Currie, British Sign Language Interpreter; Carly Brownlie, Scottish Association for Sign Language Interpreters; Brenda Mackay, Just Sign

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**Private Law**

8 September 2014

Professor Laura Macgregor delivered this one day course with sessions on “Holiday Law”; “Commercial Leasing – Repairs/Dilapidations”; “Vicarious Liability”; and “Private Law Forecast”. The presentations were interactive and participants also took part in focussed group discussions and tailored case studies.

Following the course comments from participants included “*the update on these important areas of Private Law was beneficial*”, and “*I will feel greater confidence in dealing with these topics in court*”.

**Faculty**

Sheriff A Duff (Chair); Professor Laura Macgregor, University of Edinburgh



**Adults with Incapacity**

**26 September 2014**

The Adults with Incapacity (Scotland) Act 2000 provides a framework for safeguarding the welfare and managing the finances of adults who lack capacity due to mental disorder or inability to communicate. Sandra McDonald opened the event with an update from The Public Guardian, followed by a session by Adrian Ward looking at “Cross Border Issues, Will-making and other Hot Topics”. Judge Lush provided “An English Perspective” and Colin McKay discussed “The role of the Mental Welfare Commission”. The day concluded with a presentation by Laura Dunlop QC on “Deprivation of Liberty – Cheshire West in the North”.

Feedback suggested that the course was highly relevant and useful in practical terms, and it gave participants much food for thought in dealing with these difficult cases.

**Faculty**

Sheriff A Duff (Chair); Sandra McDonald, The Public Guardian; Adrian Ward, Mental Health and Disability Committee of the Law Society for Scotland; His Honour Judge Denzil Lush, Senior Judge of the Court of Protection, England and Wales; Colin McKay, Mental Welfare Commission for Scotland; Laura Dunlop QC, Scottish Law Commission

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**Cybercrime**

**17 October 2014**

This course aimed to highlight the challenges raised by the continuing evolution of technology and to give a practical understanding of the threat that cybercrime poses for the judiciary. Practical information was provided by Police Scotland and COPFS with Dr Quayle providing an expert view of “Offender Psychology”, and Stop it Now! describing how that organisation assists offenders to reduce re-offending.

Attending the course from Northern Ireland was His Honour Judge G Miller QC.

Feedback on the course included comments such as “...*probably the best, most informative course I have attended*”.

**Faculty**

Sheriff A Duff (Chair); Det Supt Steven Wilson, DC Andrew Davis, Michael Dickson and DI Eamonn Keane, all Police Scotland; Dr Richard Jones, University of Edinburgh; Andrew Richardson, Crown Office and Procurator Fiscal Service; Dr Ethel Quayle, University of Edinburgh; Martin Henry, Stop it Now!

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**Judicial Resilience – Practical Workshop**

**23 March 2015**

This course, based on the latest research in psychology and neuroscience, aimed to provide advanced resilience skills for senators, helping them to build ‘practical tools’ and develop resilience to the potential damage that stressful occupations can cause.

The course was very well received by all senators attending and feedback indicates that the relaxation techniques and goal setting sessions were found to be particularly useful.

**Faculty**

Sheriff A Duff and Sheriff A Cubie (Joint Chair); Mary Sharpe, Sharpe Thinking

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## Senators' Training

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### **Effective Judgement Writing**

**9 - 11 July 2014**

This three day event provided a valuable opportunity for senators to meet together to share knowledge and experience with the focus being on “Effective Judgment Writing”. The programme included plenary sessions led by specialist facilitators, group discussion sessions and practical workshops. The sessions were led by Canadians Justice John Laskin and Professor Ed Berry. A number of distinguished guests joined the senators for the event including The Rt Hon Lord Toulson, Justice of the UK Supreme Court; Judge Wojciech Postulski, Secretary General of the European Judicial Training Network; The Hon Justice Brian Lennox, Executive Director, The Hon Justice Adele Kent, Executive Director (Nominate), and Professor Brettel Dawson, Academic Director, all of the National Judicial Institute of Canada.

### **Faculty**

The Hon Lord Malcolm (Chair); The Hon Justice John Laskin, Court of Appeal for Ontario; Professor Emeritus Edward Berry, University of Victoria;

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## Leadership and Management Training

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### **Leadership and Management Training**

**30 - 31 October 2014**

Chaired by Sheriff Principal Dunlop, two days training on leadership and management was provided for current and incoming sheriffs principal. Lady Smith, recently appointed first President of the Scottish Tribunals, also attended. Joanne Peel, Head of HR for the English judiciary, and Michelle Austin, Head of the Professional and Technical Team at the Judicial College, England and Wales assisted in the design and delivery of the course. The Lord President opened the event. A presentation on managing change was delivered by Chief Constable Sir Steven House QPM; The Rt Hon The Lord Justice Ryder discussed judicial leadership and operational management; and a session on managing yourself through change was delivered by the Co-operative Group Head of HR Catherine Muirden

### **Faculty**

Sheriff Principal R A Dunlop (Chair); The Rt Hon Lord Gill, Lord President; Joanne Peel; Michelle Austin; Sheriff Principal M Stephen; Sheriff Principal C A L Scott; Steve Humphreys, Executive Director, Judicial Office for Scotland; The Rt Hon The Lord Justice Ryder; Sir Stephen House QPM, Chief Constable, Police Scotland; Catherine Muirden, Co-operative Group Limited

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## Sheriffdom Conferences

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<b>31 October 2014</b>	Each of the six sheriffdoms held a one day conference, chaired by the Sheriff Principal, for the sheriffs in that area. These conferences provide the opportunity for all sheriffs in the sheriffdom to get together to discuss issues of particular relevance and interest in their area and to share experiences with colleagues.
<b>7 November 2014</b>	
<b>14 November 2014</b>	
<b>21 November 2014</b>	
<b>28 November 2014</b>	
<b>8 December 2014</b>	

### Faculty

**South Strathclyde Dumfries and Galloway:** Sheriff Principal B Lockhart; Professor K Norrie, University of Strathclyde; Kenny Simpson, STOP Unit, Police Scotland; Lesley Thomson, Solicitor General for Scotland; Steve Humphreys; Allan Weaver, Criminal Justice Team, North Ayrshire Council

**Glasgow and Strathkelvin:** Sheriff Principal C Scott; The Rt Hon Lord Carloway; Steve Humphreys; Sheriff D Scullion; Sheriff W Holligan; David Ferrier, Includem; Phil Walker, Community Safety Partnership; Ian Shaw, Media Education Ltd

**North Strathclyde:** Sheriff Principal D Murray; Det Supt Steven Wilson, Police Scotland; Lord Bonomy; Steve Humphreys

**Grampian Highland and Islands:** Sheriff Principal D Pyle; The Rt Hon Lord Carloway; Steve Humphreys; Executive Director, Judicial Office for Scotland; Campbell Thomson, Police Scotland

**Tayside Central and Fife:** Sheriff Principal R A Dunlop; Stuart Valentine and Roseanne Cubitt, Relationships Scotland; Patrick Layden QC TD, Scottish Law Commission; Steve Humphreys; Professor J Murdoch, University of Glasgow

**Lothian and Borders:** Sheriff Principal M Stephen; Dr J Crichton, The Orchard Clinic; Sheriff F Crowe; Kirsty Pate, The Willow Service; Roddy Flynn, Legal Secretary to the Lord President; Steve Humphreys

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## Stipendiary Magistrates

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<b>Stipendiary Magistrates</b>	This one-day course for Stipendiary Magistrates offered sessions on the use of CCTV; Reducing Reoffending; and on issues around Interpretation.
<b>16 January 2015</b>	A session on Judicial Structures by Steve Humphreys was considered especially interesting given the context of court reform.

### Faculty

Sheriff A Duff and Sheriff A Cubie (Joint Chair); JP Legal Consultant, Gillian Mawdsley; Steve Humphreys, Executive Director, Judicial Office for Scotland; Chief Insp James Royan and PC Caroline Iley, both Police Scotland; Philip Walker, Community Safety Partnership; David Ferrier, Includem; Anne Pinkman, Scottish Working Group on Women's Offending; Christine Wilson, Heriot Watt University

### 3. JUSTICES OF THE PEACE



In 2014 the Lord President launched a review of the arrangements for training Justices of the Peace in Scotland. A consultation process took place and the responses were collated and analysed and new guidelines setting out the arrangements for training Justices of Peace will be issued following approval by the Lord President.

This current reporting year has provided justices of the peace with a choice of two day and one day courses, at weekends and during the week, to allow them to attend the courses which best meet their personal and professional requirements. The one day courses each focused on a specific topic and the two day courses covered a range of topics.

In addition, as part of a joint initiative between the Sheriffdom of North Strathclyde and the Judicial Institute, the Institute hosted two one day courses for Justices of the Peace which included a visit to the Appeal Court. The events, held on 29 April and 1 May 2014, also allowed the Justices to take part in practical courtroom scenarios. Training modules were designed by the Judicial Institute to be highly interactive and included presentations on 'Evidence' and 'Court Objections'. Feedback from these events was highly positive.

#### Justice of the Peace – Two Day Courses

**17 - 18 May 2014**

**22 - 23 November 2014**

**11 - 12 December 2014**

The first two of these conferences took place at weekends at Stirling Management Centre to accommodate justices with weekday work commitments; the December event in Parliament House provided a weekday alternative. A diverse range of topics was covered including dealing with unrepresented accused; warrants; issues with interpretation; sentencing; tensions between personal and public life; wrongful convictions; judicial independence; CCTV in Court; signing duties; and victims in court.

## Faculty

The Hon Lord Malcolm (Chair – May); The Hon Lord Woolman (Chair – November); Sheriff A Duff and Sheriff A Cubie (Joint Chair – December); Sheriff T Welsh QC; Douglas Haggarty, Scottish Legal Aid Board; Mark Harrower, Edinburgh Bar Association; Sheriff S Pattison; Constable Rory Legge, Police Scotland; Christine Wilson; Delphine Jaouen, Anne-Katharina Johannsen, Jiqing Dong and Xiao Zhao, all Heriot-Watt University; The Hon Lord Matthews; Alasdair Youngson, Crown Office and Procurator Fiscal Service; Nick Burgess, Criminal Justice Service, Falkirk; Superintendent Gavin Phillip, Police Scotland; Sheriff Principal D Pyle; Michael Bromby JP, Glasgow Caledonian University; Steve Humphreys, Judicial Office; The Rt Hon Lord Carloway; Keith Parkes JP; James Robertson, author; The Rt Hon Lord Gill; Chief Inspector James Royan and PC Caroline Iley, Police Scotland; Jackie Carter, Judicial Institute; Michaela Pagani, Victim Support Scotland; Dr Brian Keighley JP, Sir Harry Burns, University of Strathclyde; Sheriff Principal Mhairi Stephen; Derek Young, Age Scotland; David Ferrier and Meggan Johnson, Includem; Professor Nancy Loucks, Strathclyde University; Carly Brownlie, Scottish Association for Sign Language Interpreters; Brenda Mackay, Just Sign

## Justice of the Peace – One Day Courses

<b>6 June 2014</b>	A selection of one day courses was offered to Justices of the Peace each focussing on a particular subject, ranging from Managing Your Court in June and December; Decision Making and Sentencing in September; and Road Traffic in February.
<b>12 September 2014</b>	
<b>5 December 2014</b>	
<b>27 February 2015</b>	

## Faculty

Sheriff T Welsh QC and Sheriff A Duff (joint Chair – June); Sheriff Duff and Sheriff A Cubie (joint Chair – September and February); Sheriff A Cubie (Chair – December); The Hon Lord Malcolm; Jackie Carter, Judicial Institute; Gertie Wallace, and Paul Beaton, both Crown Office and Procurator Fiscal Service; Sandra Walker, Solicitor; Lt Col Neil Morrison and Col James Wilson; Naomi Breeze, Breeze Productions; The Rt Hon Frank Mulholland, the Lord Advocate; The Rt Hon Lord Gill, The Lord President; Chief Supt Iain Murray, and Insp Brian Poole, both Police Scotland; Dr Gail Cooper, Consultant Forensic Toxicologist; Vernon Manfield and Robert Manfield, VMCL Ltd,

## Justice of the Peace – Induction Training

<b>27 - 29 March 2015</b>	Induction training took place at Stirling Court Hotel for seventeen prospective Justices of the Peace in Grampian Highland and Islands. The programme covered topics such as technology, judicial impartiality and ethics, assessing credibility and reliability, sentencing, and equality and diversity.
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## Faculty

Sheriff A Duff and Sheriff A Cubie (Joint Chair); Jackie Carter, Judicial Institute; Dr Fiona Gabbert, University of London; Sheriff Paul Crozier; Brian Wood JP; Lesslie Young, Epilepsy Scotland; Naomi Breeze, Breeze Productions; Justina Murraray, South West Scotland Community Justice Authority

## 4. JUDICIAL INSTITUTE LECTURE 2014



**“Every Judgment I  
write is a Lie ...”**

So began Albie Sachs, retired Justice of the Constitutional Court of South Africa as he delivered the Judicial Institute Lecture on 10 July 2014 in Parliament Hall, Edinburgh.

Following his appointment by Nelson Mandela in 1994 to the new Constitutional Court, Justice Albie Sachs assisted in authoring many of the Court’s most important decisions and in building its reputation as one of the most important sources of transformative human rights jurisprudence in the world. In his inspirational Lecture he discussed the qualities he feels make a good judge. The Lecture was very warmly received by an audience of 150 invited guests.



## 5. EXTRA CURRICULAR ACTIVITIES

### Football Match Visits

Football match visits are a valuable way to provide judges with an opportunity to gain a greater understanding of the issues surrounding football-related offences. These visits to football grounds around Scotland, coordinated by the Judicial Institute, provide a very useful insight into issues surrounding football violence, sectarianism and public disorder.

### Pyrotechnic Displays

During the past year demonstrations were also held at football grounds in Inverness and Aberdeen where judges were able to witness the effects of smoke bombs, stun grenades and other types of explosives often seen at football matches. The demonstrations were hosted by Police Scotland with input from club safety officers. The visits were very effective in raising awareness among judges, and feedback included the following comments:

*“An excellent event ....” “This course should be compulsory...”*



## 6. TECHNOLOGY ENHANCED LEARNING AND eRESOURCES



### Technology Enhanced Learning and Online Learning Resources

This year has seen the Judicial Institute Technology Enhanced Learning Programme go from strength to strength with the successful implementation of a number of technology led projects to further enhance access to online course materials and judicial resources via the Judicial Hub Virtual Learning and Communications Environment, and the automation of operational business processes to streamline and future proof the work of the Institute. The Learning Technology team also welcomed the addition of a newly created full time Project Support Officer post to provide executive support to learning technology and wider JI programmes and projects.

Following its launch on 28 March 2014 the Judicial Hub is now fully operational and firmly embedded as the platform for accessing the latest news and information from the Judicial Office, and course information and materials and online legal resources from the Judicial Institute. Updated daily by a team of content editors the Hub and its eLibrary is the 'go to' place for contemporary and current legal resources and is the key vehicle for communications from the Lord President.

An online curriculum and integrated course booking system was developed to coincide with the launch of the online prospectus in September 2014, supported by a portfolio of online user support resources including; screencasts (web demonstrations supported by audio) and digital media content including videos and DVDs.

One feature that has proven particularly advantageous is the Wiki based electronic resource section of the eLibrary. Work to further develop access to online resources by creating a customised 'wiki export functionality' within the Hub; a customised solution to allow users to access, export and save or print current versions of the online bench books in electronic format for use off line has provided an efficient, fit for purpose and future-proof means of



delivering electronic resources and learning interventions to the Judiciary. This has provided measurable cost savings and greatly improved efficiency.

The results of the 2015 annual user satisfaction survey verify that the Hub has been accessed by nearly 90% of the judiciary in Scotland since its launch. It is currently accessed by the vast majority of those users on a regular basis. The results of the survey have informed the future development of the site.

The Institute is endeavoring to:

- Improve navigation of the site, including a 'Hub search function' for the entire site to allow keyword and subject searches from the homepage
- Develop a searchable digital repository to house and archive electronic judicial resources and digital media such as video content
- Offer more customised and targeted news items
- Redesign the Justices of the Peace section and review the resources within
- Increase use of digital media including videos and screencasts

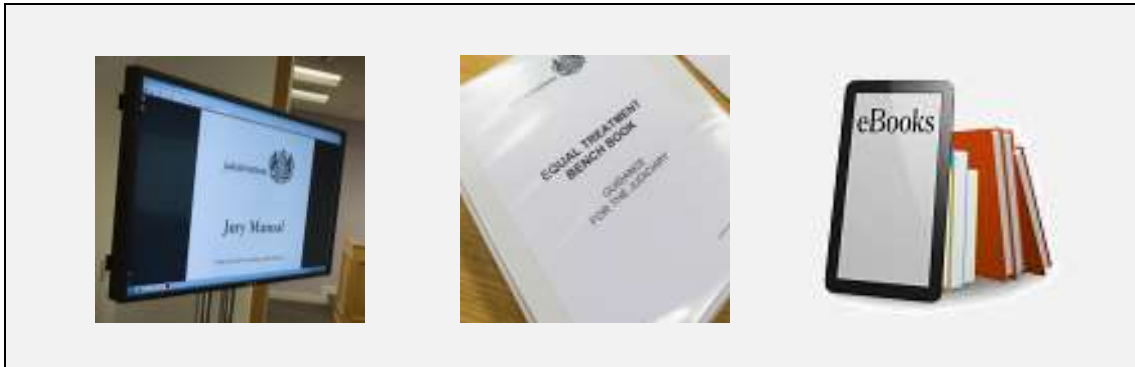
Going forward the Judicial Hub will provide a digital platform from which to develop blended and eLearning and to improve mutual knowledge and exchange of best practices in the area of justice for the Scottish judiciary.

The Judicial Institute Learning Suite was further enhanced by a number of improvements and upgrades including the:

- Installation of Wi-Fi broadband enabling the judiciary, course participants and visitors to access the internet from any computer device including personal devices
- Installation of an audio hearing loop system an assistive listening technology for individuals with reduced ranges of hearing or hearing aids
- Upgrade of the video-conferencing unit to allow multi-access enabling up to 4 separate VC links into the learning suite
- Installation of larger LCD displays screens
- Installation of additional desk microphones

And finally, the Learning Technology Team delivered a Harnessing Technology coaching programme consisting of a series of one hour practical interactive sessions providing individualised training and support for Inner House judges on the use of new technology.

## 7. PUBLICATIONS AND GUIDANCE



### The Jury Manual

The Jury Manual 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 publicly available on the Scotland Judiciary website (<http://www.scotland-judiciary.org.uk>). The Jury Manual is an *aide-memoire* for judges and has no binding legal authority.

The Jury Manual Committee meet throughout 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 2015.

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 A Duff, Director (*ex officio*)
- Sheriff A Cubie, Deputy Director (*ex officio*)

## **Criminal E-Bench Book**

The Criminal Bench Book on Criminal Jurisdiction was first published as an e-Book in 2013 and is available to members of the judiciary to view or download as a PDF. It can be viewed as a live ‘wiki’ document online on a PC, laptop, mobile computer device such as a tablet or iPad or printed out in hardcopy. The Benchbook was written by Dr Charles Stoddart and is kept under review by Sheriff A N Brown.

## **Civil E-Bench Book**

A new edition of the Civil Bench Book, authored by Sheriff A Anwar and Sheriff K Hogg, was launched as an e-Bench Book in June 2014. As work on updating the Bench Book progressed it became clear to the two sheriffs that many existing chapters required to be re-written and new ones added to cover the extensive reforms and changes in civil law and procedure which had occurred since the book was last updated in 2004.

## **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 to judges in 2014. 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 which kindly provided advice on their specialized areas.

In October 2014 the Equality and Diversity Forum was set up to ensure the Bench Book is kept up to date. The Forum, under the Chairmanship of the Hon Lord Woolman, comprises:

- Anela Anwar, Roshni
- Colin McKay, Mental Welfare Commission for Scotland
- Tam Baillie, Scotland’s Commissioner for Children
- Shona Simon, President of Employment Tribunals (Scotland)
- Louise Johnson, Scottish Women’s Aid
- James Morton, Scottish Transgender Alliance
- Sheriff A Duff, Director (*Ex officio*)
- Sheriff A Cubie, Deputy Director (*Ex Officio*)

## **Developments in Law, Practice and Procedure, and other guidance**

Examples of other guidance issued to members of the judiciary include:

- 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**

The Judicial Institute provide all new judicial office holders with a pack containing the relevant briefing papers, guidance, materials and legislation on appointment.

### **Brief Notes**

“Brief Notes” was launched on 31 October 2014 to highlight to judges developments in law, procedure and practice relevant to their daily work. The aim of “Brief Notes” is to provide basic alerts to judges via the Judicial Hub which will encourage them to then undertake their own further research. The Judicial Institute has received very positive feedback about the provision of this resource.

### **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.

### **Guidance on Section 5 of the Road Traffic Act**

With the lowering of the drink driving limits in Scotland and the likelihood that those charged with such offences would begin appearing before Justices of the Peace, the Judicial Institute produced a DVD and a pack of supporting materials to provide training for Justices in advance of this change.

## **8. LOOKING AHEAD**

The next twelve months promise to present the Judicial Institute with many challenges but also with opportunities to continue the project of streamlining and professionalising the delivery of judicial training in Scotland.

The most obvious issues to be addressed relate to the court reforms currently in the process of being implemented following the passing of the Courts Reform (Scotland) Act 2014. The Institute has already begun the process of planning training events for the sheriffs and

sheriffs principal who will sit in the new Sheriff Appeal Court and for those who will preside in the National Personal Injury Court.

Anticipating the appointment next year of a new tier of the judiciary, the summary sheriff, we have allowed for a five day induction course around May. A training day is also scheduled for the full and part time stipendiary magistrates who will in due course become summary sheriffs. The reforms will undoubtedly create other training needs and in planning the prospectus for 2016 we will allow some flexibility for the holding of courses to meet these.

As time progresses we also expect that the Institute will require to consider the training of members of Tribunals following the creation of the Scottish Courts and Tribunals Service on 1 April 2015.

It is expected that there will continue to be developments in the prosecution of cases of domestic abuse. Sheriffs across Scotland are well equipped to deal with domestic abuse cases. The Judicial Institute has provided intensive domestic abuse education to all sheriffs through a range of dedicated courses, whilst ensuring that specific domestic abuse issues are incorporated into wider courses focussing on vulnerable witnesses, courtroom technology and sentencing. Domestic abuse elements feature in the induction training of all new members of the judiciary.

The Judicial Institute works with a wide range of domestic abuse experts from other jurisdictions, academia, social work and voluntary support organisations to ensure that judicial education reflects the emerging understanding of domestic abuse and international best practice.

There continues to be a particular focus on women offenders and their experience of the criminal justice process, not least following the report of the Commission on Women Offenders chaired by The Right Honourable Dame Elish Angiolini DBE QC and the decision of the Scottish Government to cancel the construction of a new prison for women in Inverclyde. To raise awareness of the issues at relevant training events the Judicial Institute has worked with a number of external experts in this field including representatives from the Scottish Prison Service.

In 2007 Professor Dame Hazel Genn conducted a review of judicial training in Scotland which included a number of recommendations for developing and professionalising 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. Professor Genn, together with her colleague from the University College London Judicial Institute, Professor Cheryl Thomas, have over the last year been conducting a second review. They have both attended a number of our courses and have spent time meeting the Director and colleagues to discuss the work of the Institute. We hope that the report will be published in the second half of 2015. 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.

## 9. INTERNATIONAL ENGAGEMENT

### European Judicial Training Network

The Judicial Institute is a member of the European Judicial Training Network (EJTN). The EJTN's member institutions are responsible for the training of the professional judiciary, and membership of the EJTN provides a network for members to share information about forthcoming training events and operates an exchange programme to enable attendance at such events. It also allows the sharing of information and materials and the 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 Ms Renata Vystrailova, a judicial trainer from The Czech Republic, for a week-long tour. Her visit included attending the Criminal Law and Sentencing Course, visiting the Scottish Parliament, and receiving a tour of Edinburgh Sheriff Court.

### THEMIS Competition: 8 April 2014

The THEMIS competition, organised annual by the EJTN, is a Europe-wide debating competition for trainee judges and prosecutors. This year the first semi-final was held at the Scottish Prosecution College in Glasgow with the theme of 'International Cooperation in Criminal Matters'. The Judicial Institute co-hosted the event. The Director Sheriff Welsh delivered a speech at the opening ceremony, alongside Catherine Dyer, Chief Executive of COPFS, and Mr Wojciech Postulski, Secretary General of the EJTN.

### General Assembly, Thessaloniki, 12 – 13 June 2014



On 12 and 13 June the Director and Deputy Director of the Judicial Institute attended the General Assembly of the European Judicial Training Network in Thessaloniki, Greece, as part of the UK delegation. They had the opportunity to meet with colleagues from across Europe and exchange ideas and information on current challenges within the arena of judicial training. They also took part in workshops aimed at shaping the direction of the EJTN in the future. The Assembly was hosted by the National School of Judges of Greece and chaired by the General Director, Judge Michail Pikramenos. The General Secretary of the EJTN, Wojciech Postulski from Poland, who took up his post in March of this year, provided a number of reports to the Assembly. Mr Postulski attended the Judicial Institute's Senators' Training and Lecture in July this year

## **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. The IOJT has 113 member-institutes from 69 countries.

## **UK and Ireland Judicial Studies Council**

The 2014 annual meeting of the UKIJSJC was hosted by the Judicial Institute in Edinburgh. The Council consists of representatives of the judicial training institutions in Scotland, England and Wales, Northern Ireland and Ireland and meets annually to exchange ideas and information which are seen as relevant across the borders and where jurisdictional differences are not significant. After the meeting members of the Council were given a tour of the Judicial Institute Learning Suite and Parliament House.

## **International Judicial Visits**

The Judicial Institute regularly co-ordinate and host visits by judicial delegations from overseas. Additionally the Director and Deputy Director receive reciprocal invitations from international judicial training organisations to visit. During the past year the following visits took place:

### **Visit from Bosnia and Herzegovina: 4 April 2014**

A delegation from Bosnia and Herzegovina, including the President of the Court and senior judges and prosecutors, visited Scotland to learn more about improving judicial capacities for implementation of witness support and protection measures. The delegation spent a day with the Institute, during which we demonstrated and discussed Scotland's support technology for vulnerable witnesses.

### **International Judicial Conference, Islamabad: 18 – 19 April 2014**

After an extremely successful visit to the Institute from a delegation of Pakistani judges in September 2013, the Director and Deputy Director were invited by the Law and Justice Commission of Pakistan to present a session at their International Judicial Conference in April 2014. The focus of their session was "*The Role of the Judiciary in Promotion of a Culture of Tolerance*".

Other sessions at the conference included “*Judicial Review of Administrative Actions*”; “*The Role of the Judiciary in Protecting Human Rights*” and “*Access to Justice in the Context of Constitutional Requirements*”.



During their visit a judicial Training Needs Analysis was carried out and the Honourable Chief Justice of Pakistan had requested that the Pakistani judges at the Federal Judicial Academy in Islamabad should meet with the Director and Deputy Director to take advantage of their international expertise and experience. The Director and Deputy Director were also shown a range of courts, from the Supreme Court to a court which had been the subject of terrorist attack, and others which were in very poor condition.

Links with Pakistan have continued since the visit with the Director making a presentation to a judicial training event in Lahore by video link. A video conference with the new Director of the Federal Judicial Institute of Pakistan has also taken place to discuss future collaboration.

#### **Visit by Chinese Delegation: 9 May 2014**

The Judicial Institute hosted a visit by nine delegates from the China University of Political Science and Law and the Baowei Coporation. The delegation included Professor Xue Gangling, Dean of the Law School and Deputy Chief Judge of Administrative Court, People's Supreme Court of China.

The main purpose of the visit was to gain an insight into the Court of Session and the public law litigation system in Scotland, in light of China’s recent revision of its Administrative Litigation Law. The delegation visited the Employment Tribunal in the morning and participated in a round table discussion on administrative law in the afternoon, led by The Rt Hon Lord Brodie.



### **Visit by Norwegian Delegation: 4 – 5 September 2014**

A delegation of sixteen judges and nine court staff from Hålogaland Court of Appeal in Norway visited Scotland. On 4 September they observed court proceedings at Edinburgh Sheriff Court, and this was followed by a panel discussion comprising the Director of the Judicial Institute together with a number of Edinburgh sheriffs and court staff. On 5 September the delegation were given a presentation of the work of the Institute and a tour of the Learning Suite.

### **Visit to Bosnia and Herzegovina: 16 – 18 September 2014**

On 16 and 17 September, at the invitation of the High Judicial and Prosecutorial Council (HJPC) of Bosnia and Herzegovina the Director participated in a two day study visit to Sarajevo. The criminal justice authorities in Bosnia and Herzegovina have the highest number of war crime cases to deal with in comparison with other countries around the world and the problems of witness reluctance, anxiety, fear and intimidation are substantial. The HJPC is presently taking part in a project, funded by the British Embassy in Sarajevo, with the “aim of improving judicial capacity for adequate witness support and protection measures”.

Together with representatives from Crown Office and Victim Support Scotland, the Director was shown the technology and the courtrooms used to facilitate these trials and the delegation then gave a presentation to Bosnian judges and prosecutors illustrating the Scottish approach to the issue of witness protection and the giving of evidence by vulnerable witnesses.

### **Judicial College Conference, Daventry, 29 – 30 January 2015**

On 29-30 January the Director was invited by the Judicial College, England and Wales to attend a Conference in Daventry to explore, with other senior judicial trainers from throughout Europe, the current thinking on judicial training. Topics included “*Integrating social context issues into judicial training*”; “*New approaches to programme evaluation*”; and “*Expanding e-learning so that it becomes a core method of judicial training*”.

### **Visit by Justice Takehiko Otani, Supreme Court of Japan, 26 March 2015**

At the request of the Japanese Embassy in London, the Judicial Institute was very pleased to welcome Justice Otani, a judge in the Supreme Court of Japan, during his research trip to the UK, where he sought to gain insights into the working of jury trials. While in Edinburgh he observed solemn trials in the Sheriff and High Court, and engaged in useful discussion with a number of Edinburgh sheriffs.

## **10. OUTREACH EVENTS**

### **Justice Leaders Network Event, Edinburgh, 25 April 2014**

This outreach event organised through the Justice Division of the Scottish Government focussed on “Young People’s Perceptions of Fear of Crime and Safety”. It was an opportunity for the Director along with other Justice leaders to engage in a constructive and creative way with young Scotland and gain insight into how crime was perceived by young people.

### **SCCCJ Event: ‘Police Scotland – is partnership working?’, 15 May 2014**

Hosted by the Scottish Consortium on Crime and Criminal Justice, this event examined what had been achieved in the months since Police Scotland was created and explored the new policies and strategies introduced, contrasting them with the previous model of problem-solving policing. The Director chaired this event held at the Victim Support Scotland offices in central Glasgow.

### **Justice Committee Visit to Court of Session and Judicial Institute, 20 May 2014**

The Justice Committee of the Scottish Parliament visited the Judicial Institute following an invitation from the Lord President issued during evidence giving sessions on the Court Reform (Scotland) Bill. During such a session the Committee had expressed an interest in learning more about the work of the Judicial Institute in terms of judicial training and the Scottish Court Service’s approach to future use of technology in court. In a subsequent debate in the Parliament members of the Committee referred to their visit and made a number of very positive references to the work of the Judicial Institute.

### **British Sign Language Interpreters’ Training, Stirling, 13 September 2014**

The Judicial Institute, Crown Office and the Scottish Court Service jointly assisted British Sign Language (BSL) in developing a course of introductory training for court interpreters which took place at Stirling Sheriff Court. The Deputy Director delivered an introduction and overview of the day. Highlights included an interactive mock trial and a briefing from linguistics expert Margo Currie. The Judicial Institute has continued their association with Ms Currie and BSL who contributed to the Institute’s course on Interpretation in March 2015.

### **Edinburgh Doors Open Day, 27 September 2014**

Parliament House has long been a popular mainstay of Edinburgh’s “Doors Open Day” and in 2014 the Judicial Institute Learning Suite was a stop on the tour. Visitors were able to view a 5-minute video introduction to the Judicial Institute and the Learning Suite by the Director, and were given on-site demonstrations of a variety of our technologies.



