

My Lord, My Ladies

At the opening of the last legal year, I spoke of the challenges that COVID continued to pose, and expressed confidence that we could build a system for the administration of justice that is modern, and forward thinking; that seizes the many benefits of the advances that SCTS had brought forward in light of COVID; but which equally would not impair that administration, or ignore the interests of those that serve it. I am delighted that this has proven to be so. The resilience and adaptability of the court system and of those that practise before it have been patent. We have returned to a situation in which substantive business is conducted in many ways as it always has – in person, with all the benefits that this brings – and yet in many other ways wholly differently. Of note has been the speed with which the judiciary and the profession have embraced technological advances, with electronic papers and the capacity to conduct business remotely, particularly procedural but sometime substantive, where that is in the interests of parties and of justice itself. That adaptability was demonstrated just last week, where a mix up with counsel's diary had counsel in one part of the country when a bail appeal was due to start in another. In minutes, the court was able to reconvene online, thus allowing the appeal to proceed. Faculty is grateful to SCTS and to the judiciary for their continued and constructive engagement with the profession.

That is not to say that no challenges remain. Whilst civil business is very much proceeding "as usual", the backlogs in the criminal courts continue to pose conundrums, and will do so for years to come. But these can and will be tackled. The need to fortify the criminal bar and to ensure sufficient senior counsel to address the backlog has been recognised in many of today's appointments. Every one of today's new silks merits the rank and dignity, and is a welcome addition to the senior bar. Faculty now will focus on renewing its efforts to persuade the brightest legal talent, regardless of sex, ethnicity or social background, to join our ranks and to ensure the continued smooth operation of the justice system in Scotland.

With increased business comes increased pressure. That combined with the increased isolation that can come with working from home is something of which Faculty is all too aware. As Faculty puts in place mechanisms to support its Members in that regard, I note with gratitude the understanding and flexibility shown by the Judiciary to support these.

A pressing current concern lies in criminal legal aid, particularly for the solicitors' side of the profession. The solution to that does not lie with Your Lordship, nor with me, but I am sure we all hope that those problems can be addressed in short order, and Faculty will continue to work with our friends at the Law Society in that regard.

At the opening of this legal year, accordingly, I look forward with optimism and with confidence. Your Lordship has my assurance that Faculty will continue to strive to ensure that the gains that have been achieved are sustained, and that further progress can be made. Our shared common goal, of a robust and efficient justice system fit for the 21st century and beyond, is one that will continue to evolve and to pose challenges. Those challenges will be addressed, and they will be met. Justice in Scotland requires no less.