

A Supreme appointment



The ceremony had its lighter moments for Lord Reed, right, and Lord Kerr

THE Faculty has been flushed with pride to see “one of our own” become President of the UK Supreme Court.

Lord Reed of Allermuir is the first Scot to head the Court, and a special dinner to celebrate his historic appointment was held in Parliament House.

Lord Reed said: “I am deeply honoured that the Dean and the Faculty chose to mark my appointment by holding such a splendid event. Jane and I could not have received a warmer welcome from members of Faculty, or been looked after better by the Faculty staff.

“The friendship which binds members of Faculty together was evident throughout the evening, and especially in the speeches made by the Dean and Lord Hodge. It was wonderful to see so many old friends again. I look forward to seeing many more members of Faculty in the Supreme Court.”

In the summer of 2017, Lord Reed, then “merely” a Justice, returned to Scotland when the Supreme Court went on circuit for the first time and sat in Edinburgh. Might there be another return, this time with Lord Reed presiding? It was a possibility raised by the Dean of Faculty, Gordon Jackson, QC.

Mr Jackson said: “While the Faculty is immensely proud that one of our own has attained the most senior judicial position in the UK, Lord Reed’s appointment is an honour which can be celebrated by the entire Scottish legal profession and the country.

“Back in 1983, when Robert Reed joined the Scottish Bar, he stood out as a very special legal talent, and only someone of such ability could have

achieved the career he has enjoyed. Following Baroness Hale is a daunting task, but we are confident Lord Reed will prove to be the perfect fit.

“The Faculty was pleased to welcome Lord Reed and his colleagues when the Supreme Court sat in Edinburgh a couple of years back, and we would very much hope that he will be able to return ‘home’ as President of the Court.”

The Faculty was also proud to see another of its members, Lord Hodge, named as the new Deputy President of the Court.

Lord Reed studied at the universities of Edinburgh and Oxford, and was a member of the Bar of England & Wales as well as the Scottish Bar. He was elevated to the Bench in Scotland in 1998 and served until 2012 when he was appointed to the Supreme Court.

At the ceremony to be sworn in as President of the Court, Lord Kerr described Lord Reed as someone universally liked and admired by colleagues, and regarded widely as a jurist of the first rank. “In his time in the Supreme Court, Robert...has delivered judgments of quite superlative quality, particularly in the field of common law and human rights, and these judgments, if they are not already described as such, will certainly be recognised as seminal in the generations to come,” said Lord Kerr.

He added that a host of Lord Reed’s friends, many from the Faculty, were at the ceremony.

“I know that they rejoice, as do we, Robert’s colleagues, in this richly-deserved appointment, and look forward with eagerness to the imparting of yet further wisdom, the inspiration of innovative thinking, and the development of forward-looking jurisprudence under Robert’s stewardship.”



Lord Fairley

New Senators are sworn in

AS one member of Faculty reached the pinnacle of a judicial career, two others have started out as Senators.

Douglas Fairley, QC, and Anna Poole, QC, were sworn in with the titles Lord Fairley and Lady Poole.

They were welcomed to the Bench by Lord Carloway, the Lord President, who had praise for both as lawyers, and as legal authors.

Lord Carloway told Lord Fairley: “With such all-round skills, I am confident that you will be a significant asset to both the Court of Session and the High Court of Justiciary. Since you are a co-author of that indispensable work *Contempt of Court*, we can be assured that you have all the skills necessary for both of our supreme courts.”

Lady Poole had a particular expertise in administrative law, and Lord Carloway said: “I am confident that you will prove to be a major asset to the Bench, especially in the expanding field of judicial review. I have no hesitation, therefore,

in advertising your forthcoming co-authored book on the subject.”

In the coming months, the Faculty’s Sean Smith, QC, and Sheriff Robert Weir, QC, will join the Bench, along with Sheriff Peter Braid.



Lady Poole



Lorraine with the rat catcher application

Lifting the lid on our history

ARCHIVIST Lorraine McLoughlin has been making some fascinating discoveries as she opens the box on the Faculty.

Opens 436 boxes that is, some scattered around the Faculty's home in Parliament House but the vast majority in storage in a warehouse in East Lothian.

Lorraine, on secondment from Edinburgh University, is checking the contents and advising what should be kept or can be discarded.

She has unearthed some gems, such as letters written by the Dean, James Gordon McIntyre, QC (Lord Sorn) each Christmas from 1939-44 to members away on active duty, bringing them up to date with the Faculty's year. Also, a 19th Century letter of application for the post of rat catcher. And original letters and drawings by the Scottish sculptor, Sir John Steell.

"Many boxes contain information that won't be useful long-term, but there are also many archives which give a wonderful insight into daily life at the Faculty over the last two centuries," said Lorraine.

"For example, artistic and literary works created by members in the 19th Century, scrapbooks of news items outlining Faculty life during war time, and records which give excellent detail regarding the provenance of some of the Advocates Library's incomparable collections."



Artist and subject – Grace with Lady Dorrian

New chapter beckons for 'amazing' MiniTrials

MINITRIALS have moved into a new era after Lord Kinclaven, the initiative's founder and linchpin for 17 years, stepped aside.

In 2001, Sandy Wylie, QC, as he then was, saw a suggestion that more should be done to promote legal education in schools, and came up with the idea of mock trials where pupils played all the parts.

With help from the Faculty, the first MiniTrial was staged in 2002 and in the years since, thousands of youngsters have learned about the justice system AND had great fun.

Now, Lord Kinclaven, who was awarded an OBE in 2017 for his MiniTrial work, has passed on the baton – quite literally – to a steering group headed by Lord Mulholland. He brought a special "MiniTrials baton" to a handover ceremony as a parting gift.

"The key to the success of MiniTrials has been so many enthusiastic people – in education authorities, in schools, in the legal profession and in courts. There is a great sense of goodwill, a sense of community and everyone

working together," said Lord Kinclaven. "I like to think that MiniTrials are inclusive and accessible to all, and inspirational and aspirational. It has been a real privilege to have been associated with them for so long."

Kim Schofield, a Senior Depute in the Crown Office's High Court Sexual Offences Unit, is a member of the steering group. As a fourth year student at Trinity Academy, she took part in the first MiniTrial.

"It gave me an incredible insight into the world of law and an opportunity to see what a future in the profession would involve. It was the most worthwhile, inspiring experience of my school education," said Kim.

"Having been a participant, I became a supporter and have attended many schools over the years to provide guidance to pupils. I am responsible for the organisation of the annual event at Edinburgh Sheriff Court. I love it, and I am forever grateful to Sandy for creating such an amazing programme."



Kim Schofield



Lord Kinclaven, seated, passes the baton to Lord Mulholland

Picture credit: Phoebe Grigor

Awards success for talented trio

CONGRATULATIONS to Aidan O'Neill, QC, on making it a Silk of the Year hat-trick in The Herald Law Awards of Scotland 2019, following successes in 2017 and 2018.

Wendy Hay, Secretary and CPD Co-ordinator of the Scottish Criminal Bar Association, was named Advocate of the Year.

Mr O'Neill was also chosen as Silk of the Year in the Scottish Bar section of The Legal 500 UK Awards 2020, while Laura-Anne van der Westhuizen took the Junior of the Year title and the award for Stable of the Year went to Axiom Advocates.

Laura-Anne van der Westhuizen, Wendy Hay, and Aidan O'Neill, QC



Tribute is a work of art

WORK has started on a portrait of Lady Dorrian, which the Faculty has commissioned to honour her achievement of becoming Lord Justice Clerk.

A talented, young artist, Grace Payne-Kumar, was chosen for the work and it is hoped that the portrait will be hanging in Parliament Hall by the summer.

Roddy Dunlop, QC, Treasurer of Faculty, said: "Faculty are delighted to

have been able to arrange this very exciting commission. Grace is an incredibly talented young artist, and we look forward to the unveiling of her tribute to the achievements of our first female Lord Justice Clerk."

Hong Kong-born Grace is an English student at Edinburgh University who spent two years honing her artistic talent at Charles Cecil Studios in Florence before coming to Scotland. She won a commendation in the Young Fine Artist section of the Scottish Portrait Awards 2019, and her entry was voted the most popular in the exhibition by members of the Scottish Arts Club. She has been described as "a formidable talent".

Lady Dorrian said: "I am delighted and proud that the Faculty have done me this honour, and I am very excited that they have chosen Grace, whose talent is obvious from the awards she has won, to paint the portrait."

"The Faculty was keen to promote the work of a young, talented artist working in Scotland, and showing such talent at the age of 20, Grace obviously fills the bill."

Grace said she was "thrilled" to have been chosen.

She added: "Lady Dorrian has agreed to sit for me so I can paint her from life. This is central to my practice as the flow of light is the most important element in visually describing the figure."

"This is also an exciting achievement as my grandma's family are from Dunbartonshire so are especially proud of this commission!"

Is Santa's trial acquittal a Claus for concern?



Santa with chief witness, Twinkle Toes

IT wasn't the first time the Laigh Hall had been used as a court, but the Old Lady has never seen anything quite like *Santa on Trial*.

The International Christmas Court was convened at the instigation of this year's devils and the Scottish Young Lawyers' Association for a demonstration of advocacy skills, but much more importantly for a huge serving of festive fun.

At the end of the evening, television and theatre producers were wishing that they had something half as entertaining for the Xmas season, and a new comedy double act – Findlay and Jackson – was born. And the

coffers of a charity were given a tidy boost.

Santa, who had a touch of Gordon Jackson, QC, across the eyes, was accused of drink-sleighting, housebreaking and breaching the Elf and Safety Act over his treatment of workers.

As in true panto tradition, there was a villain – Roddy Dunlop, QC, leading the persecution, with help from devils Chris Miller and Nicholas McAndrew.

Their star witness was Twinkle Toes, aka devil Antonia Welsh, the brains behind the event.

The dreams of children around the world depended on the defence team – Donald Findlay, QC, and devils Cameron Smith and Adam Black – keeping Santa out of jail. It all came good in the end with acquittals for Santa, albeit on majority verdicts (mutterings of "There's always one" could be heard in the audience).

The trial received rave reviews on social media, and Antonia Welsh said: "I think it was the most enjoyable CPD event I have ever been to. The feedback from those who attended was fantastic."

"I am truly grateful to my fellow devil Chris Miller for all his efforts in helping me pull the event together. My thanks to all who



A credible and reliable witness?

Picture credit: Victoria Young

participated, for making the night such a success and for helping to raise over £2,300 for the Edinburgh Children's Hospital Charity."

With the proceeds of sales of the Faculty's Christmas cards and a donation from the Faculty, the sum was rounded up to £3,000.

• The Faculty repeated its Christmas Collection, organised by Maria Maguire, QC, for the family support charity, Home-Start Glenrothes. Two van loads of presents and treats meant festive cheer for vulnerable families, and £5,760 in cash will be used throughout the year to help families in urgent need and to pay for days out in the summer.

• The Faculty Choir again raised a substantial amount for Edinburgh City Mission's work with the homeless at its Christmas carol concert.

Winners Robert Hovey and Neale Tosh with, from left, Lady Carmichael, Fiona Jones and Mark Mulholland, QC



Picture credit: Phoebe Girgor

Devils' Prize delight

DEVILS Robert Hovey and Neale Tosh emerged as winners of a moot competition to claim the second Lord Jones Excellence in Advocacy Prize.

Talks at the event were given by "home" QCs Kenneth Campbell and John Sturrock, as well as by Mark Mulholland, QC, former Chair of the Bar of Northern Ireland, and current Vice-Chair of the Hong Kong-based International Advocacy Training Council and external assessor for the Faculty's quality assurance programme.

Mike Jones, QC, was a pioneer of the Faculty's training programme, established in the 1990s. He died in 2016 and a prize in his memory for excellence in advocacy was

launched by his family and the Faculty.

Robert Hovey said: "I am delighted to have won this year's Prize. The competition was challenging but provided an excellent opportunity to put into practice the skills taught on the Faculty's training courses. The high standard of training available is thanks to the contributions of Lord Jones."

Neale Tosh added: "It was a real privilege to take part in a competition which recognises the significant contribution that Lord Jones made to training within the Faculty. The case we were asked to argue was both topical and challenging and it made for an interesting discussion before Lady Carmichael."

Annual lecture in tribute to Roy Martin

THE outstanding contribution to planning law by the late Roy Martin, QC, is to be marked by an annual lecture in his name.

Mr Martin, the former Dean of Faculty, was the first Chairman of a planning law group within the Faculty which he founded in 1990 with Gordon Steele, QC, and Colin Boyd, QC (as he was then).

Plans for the Roy Martin Memorial Lecture were announced at an event by the Scottish Planning, Local Government and Environmental Law Bar Group (SPLGEBG) which examined delays in the planning system. and heard talks from Gordon Steele and Lord

Carloway, the Lord President.

Maurice O'Carroll, Advocate and Vice Chairman of SPLGEBG, chaired proceedings and said: "Roy Martin was an eminent figure in planning law and a driving force behind the

Faculty's planning group. We intend to hold a lecture around Christmas time each year on a planning theme, in his name and in his memory."

Details of the first lecture will be announced in due course.



Gordon Steele, QC, Maurice O'Carroll and Lord Carloway at the SPLGEBG event



SCBA President
Ronnie Renucci, QC

Spotlight on court change

THE Scottish Criminal Bar Association made sure members were ready for a major change in court procedure – the pre-recording of evidence by witnesses under 18 in certain High Court cases.

Evidence will be taken before a Commissioner, at a newly-opened, purpose-built suite in Glasgow, with the witness open to questioning by both the prosecution and the defence. It is planned to open similar suites in Edinburgh, Inverness and Aberdeen.

The SCBA put the spotlight on the reform at its winter conference, and will hold dedicated events throughout the year.

"We are determined to ensure we are best placed to meet the demands of taking evidence in a way which gives full regard to the vulnerable status of the witness while still representing and protecting the interests of the accused. While this can often be a fine balancing act, requiring both skill and judgment, we do not regard these tasks as mutually exclusive," said Ronnie Renucci, QC, SCBA President.

"With the assistance of Neil Mackenzie QC, the Faculty's Director of Training, the SCBA has already embarked on a number of training workshops, and we are planning a rolling programme of workshops throughout the year. I have been delighted to see that all of the workshops on offer so far have been greatly oversubscribed."

Faculty welcomes Themis Advocates

THE New Year brought a new name to the list of the Faculty's stables – Themis Advocates.

Formerly Hastie Stable, Themis Advocates

emerged from the appointment of Senior Clerk, Kiera Johnston, after the departure of Susan Hastie who had clocked up more than 25 years' service.

Kiera, who has two depute clerks, Sara Mauriello and Liz Archibald, said: "The clerking team are very excited to be

given the opportunity to relaunch ourselves as a contemporary stable with a new direction going into 2020 and beyond."

Themis was an ancient Greek Titaness, known as "the lady of good counsel" who offered balanced and pragmatic advice.

