



FACULTY OF ADVOCATES

**MINI-DEVILLING SCHEME
2022 - 2023**

ADVOCATES LIBRARY PARLIAMENT HOUSE EDINBURGH EH1 1RF
www.advocates.org.uk

INTRODUCTION

The Mini-Devilling Scheme is open to students enrolled on the Diploma in Professional Legal Practice at an accredited provider in Scotland. The Scheme, which was piloted in 2018 and which continued until 2021/2022 in partnership with a small number of Scottish law schools, is being expanded this year to enable participation from students at all Diploma providers.

The Scheme involves the student shadowing a Member of Faculty (a practising advocate) for one day per week over the course of a university semester.

In this handout, information is provided to prospective Mini-Devils about what the Scheme entails; what Mini-Devils can expect from Faculty; what Faculty expects from the Mini-Devils; and some general information about the Faculty of Advocates which may be of interest to those considering a career at the Bar.

WHAT IS AN ADVOCATE?

The website of the Faculty of Advocates describes Advocates thus:

“Advocates are specially trained lawyers who are independent (self-employed) and objective. As well as initially having to have trained as solicitors they have to undergo further training (devilling) and examinations before they can call to the bar.

Advocates come from a diverse range of backgrounds but all have an incisive, intelligent interest in the law and a determined approach when it comes to assessing their client's position. They specialise not only in legal analysis but in the presentation of legal arguments. They can represent clients in the highest courts in the land. As well as excellent thinkers and presenters, they are excellent negotiators.”¹

The Faculty of Advocates itself:

“...ensures that the people of Scotland, regardless of wealth, background or location, have access to the very best independent, objective legal advice. The Faculty has been at the forefront of legal excellence since 1532 and regulates the training and professional practice, conduct and discipline of advocates.”²

Unlike solicitors in Scotland, who are regulated by the Law Society of Scotland, Advocates do not, in most circumstances, deal directly with clients; rather, they are instructed by the solicitor to represent the solicitor's client in, usually, particularly serious or complex cases, whether in the European courts, UK Supreme Court/ the Judicial Committee of the Privy Council, the High Court of Justiciary, the Court of Session, or in the Sheriff Court/ Tribunals. They are also instructed for their advice (opinions), for negotiations, and in alternative dispute resolution.

¹ <http://www.advocates.org.uk/about-advocates/what-is-an-advocate>.

² <http://www.advocates.org.uk/faculty-of-advocates/what-is-the-faculty-of-advocates>.

They are self-employed and are not in partnership with each other (or any solicitor). Advocates are also known as “counsel”, and the Faculty is also known as “the Bar”.

The Faculty is led by elected office-bearers: the Dean of Faculty; the Vice-Dean; the Treasurer; the Clerk; and the Keeper of the Library. Members also appoint a Chairman of Faculty Services Limited, a service company which provides support to Members.

WHAT IS MINI-DEVILLING?

Mini-Devilling is a scheme which provides an opportunity for Diploma students to gain experience of the work of an Advocate and an insight into the Faculty of Advocates; as well as a more general introduction to advocacy and the realities of legal work.

Devilling is, essentially, the period of training, learning and assessment which those wishing to be admitted as Advocates in Scotland must undertake. This scheme is therefore called Mini-Devilling because it is designed to give students an insight into Devilling proper.

WHAT WILL I DO?

A Mini-Devil will be assigned a Mini-Devilmaster. A Mini-Devilmaster is a practising Advocate who has been approved by Faculty Office Bearers to supervise a Mini-Devil. The Mini-Devils will liaise directly with their Mini-Devilmasters and will, in essence, shadow them for a period of roughly one day a week over the course of a semester.

In the course of shadowing their Mini-Devilmasters, the Mini-Devils will have an opportunity to attend client consultations; to read their Mini-Devilmasters’ papers (files); to assist with legal drafting; and to attend court hearings.

While many Mini-Devilmasters will be based in the Advocates Library in Parliament House, Edinburgh, some are based at other locations throughout Scotland. Some work will most likely involve the Mini-Devil being in Edinburgh, but there will also be opportunities to work elsewhere in Scotland, and indeed to work remotely on occasion. Mini-Devils will receive a tour of Parliament House, the Court of Session, and at least one High Court of Justiciary, and will have an opportunity to hear from senior counsel and judges in organised talks.

WHAT CAN I EXPECT?

Mini-Devils can expect commitment in terms of time from their Mini-Devilmasters and to receive feedback on any work they are asked to produce. They can expect to be invited to attend most, if not all, meetings and court hearings that their Mini-Devilmasters are undertaking

during the days assigned for Mini-Devilling. They can expect to have access to their Mini-Devilmaster's papers (files).

WHAT DOES FACULTY EXPECT?

Faculty expects Mini-Devils to engage fully with the work being undertaken by their Mini-Devilmasters. Mini-Devils will be required to sign confidentiality and data processing agreements.

HOW CAN I APPLY?

Faculty leaves it to the individual universities to establish processes through which interested students can apply to take part in the Mini-Devilling scheme. Faculty in turn will ensure that those selected by the universities will be assigned a Mini-Devilmaster. If prospective Mini-Devils have an interest in a particular area of law, Faculty will endeavour to match the Mini-Devil with a Mini-Devilmaster who practises in that area.

HOW IS IT ASSESSED?

Faculty leaves assessment and decisions as to what credits, if any, are attained through participation in the Mini-Devilling scheme to the universities.

IS IT FUNDED?

Faculty will provide reasonable travelling expenses for Mini-Devils.

CONTACT US

In the first instance, those interesting in finding out more information about the Mini-Devilling scheme should contact the director of the Diploma in Professional Legal Practice at their institution.

The Mini-Devilling co-ordinators can be contacted at admin@minidevils.org.uk

APPENDIX A

MINI-DEVILLING CO-ORDINATORS

Craig Findlater, Advocate

Mr Findlater is a member of Black Chambers. Since calling to the Bar in 2012, Mr Findlater has been involved in hundreds of cases including some of the largest and most complicated trials to be heard in the High Court of Justiciary in that time. He has an interest in all areas of criminal law, and particularly enjoys cases raising complex and difficult issues, factual and legal. He is a Law Reporter for Session Cases and has been the Co-ordinator for Scotland for the Young Citizens Mock Trial Competition for senior secondary pupils for a number of years. In 2022, Mr Findlater was appointed a part-time Summary Sheriff.

Elisabeth Roxburgh, Advocate

Ms Roxburgh is a member of Axiom Advocates. She called to the Bar in 2013, and practises mainly in commercial law and appears regularly in the commercial courts. She acts in contractual and property law matters as well as advising on partnership disputes and claims relating to negligence by solicitors and accountants. She has a particular interest in insolvency and company law matters and is regularly instructed in relation to bankruptcy and insolvency cases. Ms Roxburgh also has experience in acting in public law cases and in 2015 was appointed by the Advocate General for Scotland to the panel of Standing Junior Counsel to the UK Government.

Dominic Scullion, Advocate

Mr Scullion is a member of Compass Chambers. He called to the Bar in 2020, having qualified as a solicitor in 2012 and as a solicitor advocate in 2016. His principal areas of practice are public law, health and safety, and reparation. Mr Scullion was a lecturer at the University of Dundee, has tutored at the universities of Aberdeen and Edinburgh, and has had articles and notes published in professional and academic journals. He is a Law Reporter for Session Cases, a member of the Advisory Board to the Stair Memorial Encyclopaedia, and in 2020 was appointed by the Lord Advocate to the panel of Standing Junior Counsel to the Scottish Government.

The Mini-Devilling co-ordinators can be contacted at admin@minidevils.org.uk

APPENDIX B

BECOMING AN ADVOCATE

HOW DO I BECOME AN ADVOCATE?

The Court of Session, Scotland's supreme civil court, is responsible for admitting persons to the public office of Advocate and for prescribing the criteria and procedure for admission. The Court has delegated to the Faculty of Advocates responsibility for prescribing the criteria and procedure for admission. Essentially, those wishing to become Advocates must first matriculate as an Intrans, and thereafter satisfy the Requirements set out in *the [Regulations as to Intrans](#)*, (in a nut-shell entrance exams followed by a period of intensive training, known as devilling). Therein, the qualifications necessary to become an Advocate are set out. If, upon reading the Regulations, you discover that you have not passed a necessary exam, you should be able to sit the exams through Faculty.³ Everyone, whether they have just completed their traineeship or have been a practising solicitor-advocate for a number of years, ordinarily requires to sit two, Faculty exams: Practice & Procedure, and Evidence. These exams are undertaken in the February before devilling commences. In advance of the exams, you will be sent past-papers and information about the exam format.

WHAT IS DEVILLING?

Devilling is the period of training, learning and assessment which those wishing to be admitted as Advocates in Scotland must undertake. It commences in late September/ early October each year and begins with a 5 week Foundation Course run by the Faculty's Director of Training and Education; currently Hugh Olson, Advocate.

Each devil starts with a "blank slate". From learning how to project the voice and command attention whilst standing and speaking, to presenting a submission in a court room in Parliament House before a Senator of the College of Justice (a judge of the Supreme Courts of Scotland), devils spend five weeks learning the principles of case analysis and advocacy: they watch experienced junior and senior counsel demonstrate what to do, and then they have a go themselves; they are filmed, and given feedback; they draft opinions and writs; they move for interim interdict; take evidence in a criminal trial; conduct a proof; address a jury; and mixed in with it all they attend talks and workshops put on by judges, experts, and actors.

³ It is not essential that you sit the exams through Faculty, and indeed many choose to sit them at a university. All that matters is that, by the time you commence devilling, you have passes in the prescribed subjects.

Thereafter, devilling “proper” begins where devils shadow their devilmaster(s). During this period in the lead up to Christmas, devils attend everything their devilmaster has on, from consultations with expert witnesses and meetings with agents, to negotiations, mediations and court hearings across the country. The devil has the run of their devilmaster’s papers, and will be given an opportunity to familiarise themselves with the cases before attending any consultation or hearing. Devils will be assigned work by their devilmaster and receive feedback on the work once done. They will see the work their devilmaster has done and will build up a style-bank.

In December, there is a refresher day of training followed by a further week or two with devilmasters before the Christmas break.

In January, the first two weeks are spent with devilmasters before a further two weeks back in a classroom setting. The January Skills Course is a “step up” from the Foundation Course. Rather than a focus on skills of general application, the January course has days of specialist workshops in family law, commercial law and public law. These days are normally led by silks⁴ practising in those areas. It also sees devils present a reclaiming motion,⁵ consult with expert witnesses and attend a written pleadings clinic.

February is the month of assessments and stable applications.⁶ The assessments take place during the course of a week. In exam conditions, devils require to draft a writ/ summons/ petition; draft an opinion; take evidence from a witness; and present submissions to a judge. To pass, devils require to be assessed as “Competent”, the criterion for which is the competence expected of a newly called Advocate.

Thereafter, devils return to their devilmasters. It is usually at this point that devils undertake their criminal devilling. This can be done in a block of 4 – 6 weeks, or can be spread out over the course of the devilling. It is up to devils to arrange when to do this, in consultation with their principal devilmaster.

⁴ The term used to describe an advocate who has attained the rank and dignity of His Majesty’s Counsel (ie those who have “KC”, formerly “QC”, after their name). If an advocate who is not a KC (known as junior counsel) becomes a KC, that is known as them “taking silk”.

⁵ The term for an appeal from the Outer House of the Court of Session to the Inner House of the Court of Session.

⁶ The vast majority of Advocates belong to a “stable”, which is served by a Clerk and Deputy Clerks. This is simply a means of grouping Advocates, often based on their areas of practice. Regardless of stable, all Advocates are Members of the Faculty of Advocates. There are nine stables: [Ampersand](#), [Arnot Manderson Advocates](#), [Axiom Advocates](#), [Black Chambers](#), [Compass Chambers](#), [Themis Advocates](#), [Optimum Advocates](#), [Terra Firma Chambers](#) & [Westwater Advocates](#).

The final return to the classroom is in May. This is another two-week block where devils have the key messages of the previous courses reinforced: case analysis, and effective written and oral advocacy. The course sees devils consult with medical experts; present a criminal appeal; learn how to approach taking evidence from vulnerable witnesses; and participate in sessions on alternative dispute resolution. There are also talks and seminars on preparation for practice, including on accounting, setting up a business, feeing etc.

On the last Friday of June, assuming they have passed their assessments, participated in the skills courses and been “signed off” by their devilmasters, the devils will be admitted as Advocates in a “calling” ceremony. There, the devils will be presented for admission of Membership of the Faculty of Advocates at a Meeting of Faculty, and be admitted by the Court to the public office of Advocate and as a member of the College of Justice. It will be their first opportunity to wear wigs and gowns,⁷ and family and friends attend to celebrate the newly called Advocates’ success. The formal calling ceremony is usually followed by a lunch with devilmasters and a calling party, before work as an Advocate begins on the Monday.

DEVILMASTERS

Devilmasters are Advocates who have been in practice for 7 years or more, who have not (yet) taken silk. This cohort of Advocates is known as “senior juniors”. Devils will need a principal devilmaster, who will have a civil practice, and a criminal devilmaster, with whom they will spend a minimum of 4 weeks and a maximum of 6 weeks during the period of devilling. Devils are advised to arrange their devilmasters well before starting devilling. Devilmasters not only provide their devil with guidance during the period of devilling, but throughout the devil’s career at the Bar once called. The relationship between devil and devilmaster is therefore a most important one.

Nowadays, most devils have one or two subsidiary devilmasters in addition to their principal and criminal devilmasters. This is not a requirement, but it can allow a devil to get some exposure to an area of practice not undertaken by their principal.

There is no application process involved in the devilmaster process, and nothing formal is required/ no interview necessary. If a senior junior is free (i.e. if he/she has not already agreed to take on a devil) then they must normally agree to be your devilmaster.

⁷ And all associated gear: see Chapter 12 of the Faculty’s [Guide to Conduct](#).

FUNDING DEVILLING

Devils are not paid during devilling and, with limited exceptions, are not allowed to undertake paid work during devilling as they are expected to devote their time to their training. It is, therefore, unquestionably a difficult period financially, and being realistic about how you will fund it is essential.

Faculty is very much aware of the difficulty this places devils and prospective devils in. Scholarship schemes are in place which prospective devils can apply for in advance of matriculating. There are currently four scholarship schemes: the Lord Reid Scholarship; the Faculty Scholarship; the Lord Hope of Craighead Scholarship; and the Scottish Council of Law Reporting Scholarship.⁸ Careful consideration should be given to the [*Guide to Scholarships*](#). In addition, with the exception of administrative fees at the outset which cover exams and matriculation, Faculty does not charge for the training it provides to devils.

In addition, most devils, even those with a scholarship, will require to have saved up in advance of starting in order to tide them over. Alongside saving, there are things one can consider doing to alleviate the financial burden and to top-up finances. Many devils tutor at universities; others write case notes for practitioner journals which pay a small fee. In addition, opportunities sometimes arise for devils to provide research assistance to universities or to get involved in ad hoc, fee-paying projects with other bodies in the legal system. Mortgage holidays, council tax exemptions, and other reliefs might be available depending on individual circumstances.

Finally, it should also be borne in mind that, although devils do not get paid, devilmasters tend to cover their devil's outlays whilst they are shadowing them; from train-tickets for getting to court, to the occasional coffee and lunch, members of Faculty look after devils during the devilling period, as they themselves were looked after when devilling.

⁸ Although there are four schemes in place, that does not mean there are only three awards made; the Faculty and Lord Hope scholarships in particular routinely offer more than one award each year.

APPENDIX C

GENERAL INFORMATION

The Faculty and the College of Justice

Created in 1532, the College of Justice consists of the Supreme Courts judges (senators), Faculty of Advocates, societies of solicitors (the WS Society and the Society of Solicitors to the Supreme Courts), and Supreme Courts staff.

The Faculty of Advocates as a body dates back to the foundation of the College of Justice in 1532, although individual Advocates were probably working in the courts even earlier. It has had a central role in maintaining and developing Scots law as a distinctive legal system.

All Advocates are members of the Faculty. The aim of Faculty is to secure that high quality legal advice and representation is available to anyone who needs it, throughout Scotland.

Advocates appear in courts and tribunals all over Scotland as well as in the UK Supreme Court, the Court of Justice of the European Union and the European Court of Human Rights.

The Advocates Library dates from 1689, and by the 1850s it had become, in effect, Scotland's national library. In 1925, the Faculty gifted to the nation some 750,000 non-legal books, pamphlets, maps and sheet music, and the National Library of Scotland was established. Past Keepers of the Library include David Hume, Sir Walter Scott, Robert Louis Stevenson, and Dame Margaret Kidd KC – the first woman to take silk in the United Kingdom. Today, the Advocates Library is widely regarded as the finest working law library in the UK.

Faculty Office Bearers

Dean of Faculty:	RW Dunlop KC
Vice-Dean of Faculty:	Ronaldo Renucci KC
Treasurer of Faculty:	Ruth Crawford KC
Clerk of Faculty:	Barney Ross, Advocate
Keeper of the Library:	Neil MacKenzie KC