

HIGH COURT REFORM PROGRAMME BOARD
TRAINING AND COMMUNICATIONS PLANNING GROUP
NOTE OF MEETING HELD AT ST. ANDREW'S HOUSE

ON WEDNESDAY, 5 MAY 2004

Present:

Ian Walford, JD
Bill Moore, JD
Tom Fyffe, JD
John Scott, SoSA

Norman Dowie, SCS
Fiona Scott, COPFS
Peter Gray, Faculty of Advocates
Allan Finlayson, SCS

Apologies were received from Sheriff Morrison, Derek Ogg, Chairman of the Criminal Bar Association, Ruairaidh Macniven, LPP0 and Alex Prentice, Law Society.

Minutes of Meeting of 25th March 2004.

The Minutes were approved.

Matters Arising

The Lord Justice General has indicated that he is content that High Court business should be kept to a minimum on Monday, 4th October so that the maximum number of practitioners can attend High Court Reform- related awareness raising events that day. The Justice Minister and the Lord Advocate are keen to be involved in a launch event, and would also like to see follow up road shows and further detailed training events take place.

The JD web site containing information on the reform programme will go live next week. It will also be used to publicise details of forthcoming events, such as those mentioned in the previous paragraph. It was agreed that the minutes of meetings and other papers pertaining to the work of this group should be posted onto the site.

Scottish Executive Justice Department Paper of April 2004.

Those present discussed the paper, which highlighted the proposed approach to training and communication and listed matters that required further discussion and on which decisions required to be taken. These are:

Launch Events

The date for this has now been fixed as 4th October. It was agreed that separate training events could be held in the morning and a plenary event in the afternoon.

The Faculty of Advocates will be running a training event for their members that day. It is for other organisations (e.g., Judicial Studies Committee, Law Society, COPFS) to decide whether to take advantage of the light court business to hold their own training events that day, either centrally and/or locally. The events could attract CPD credit for lawyers. JD, COPFS, SCS would be happy to participate in other organisations events - e.g., fielding speakers etc.

The plenary event will be an opportunity for key people within the various stakeholder organisations to attend and receive some high level messages about the reform programme. It was agreed that victim and witness support groups should also be invited to attend the event, which would probably commence at 2 or 2.30pm and last until late afternoon, and that VSS should be invited to field a speaker.

The group felt that a single plenary event would be preferable to two simultaneous presentations at different locations. This would be much easier to organise and would focus matters better, avoiding the risk of diluting the impact and the possibility of different messages or approaches being taken at the two venues.

As regards location it was noted that Glasgow High Court deals with the largest amount of High Court cases and there was therefore a strong case for holding the plenary event in Glasgow. On the other hand, the Faculty would probably prefer to hold their training event on 4th October in Edinburgh, where they have a facility readily available. However, it might be possible to book a venue for a whole day in Glasgow that could be used by the Faculty in the morning and for the plenary event in the afternoon.

Ian will put the comments of the group to Ministers for further consideration. Thereafter, JD will arrange the venue etc., depending upon whether Edinburgh or Glasgow is finally chosen. The content and format of the event will be discussed at the next meeting.

Action:

- ◆ **Ian to discuss the group's views with Ministers.**
- ◆ **Allan to discuss with Cliff Binning (SCS) approaching the Sheriff's Principal regarding the possibility of arranging a light court programme for 4th October.**
- ◆ **Allan to inform the Principal Clerk and the Keeper of the Rolls that 4th October has been set aside for the plenary event.**
- ◆ **All to inform the group about what events, if any, they are planning for the morning of 4th October – if possible, by the date of the next meeting.**

Road Shows

The events will be a valuable opportunity for the various agencies to talk to each other about the reform programme and for the judiciary to be involved. The transitional provisions should have been drawn up by the time the road shows take place, and audiences will no doubt wish to have information about, and discussion on, them. The roadshows will also be an opportunity to discuss matters such as aspects of the Act of

Adjournal and the implications of the reform programme for Legal Aid. They would attract CPD credit for lawyers.

It was agreed that the timing of the road shows was important. They should take place after 4th October, far enough away to give everyone the chance to digest the messages from that event, but not too late so as to, in turn, make the follow on training events too close to the implementation date of April 2005. November/December was thought to be the optimum period during which the road shows should take place.

A preference was expressed for the road shows to cover material relating to both the reform programme and the provisions of the Vulnerable Witnesses Act. Whether this should be done in a single session or in separate sessions as part of the same road show would require further consideration, particularly as regards timing and the possibility that a series of combined events might prove to be too unwieldy to manage. Vulnerable Witness and Victim Support groups might be invited to participate, particularly if joint events do indeed take place.

As to locations, Edinburgh, Glasgow, Inverness, Aberdeen and either Dundee or Perth were thought most appropriate. The format and content of the road shows would be considered at the next group meeting, as well as who should be invited and who should participate.

Action:

- ◆ **Ian and Bill to discuss the feasibility of joined up events for the reform programme and the vulnerable witness provisions, and also who might be approached to organise the events.**
- ◆ **Ian to consider whether some expert assistance might be obtained to help with planning the format and content.**
- ◆ **Norman to discuss with the Judges their input to the road shows.**

Detailed Training

It was agreed that:

- ◆ Sight of the Act of Adjournal would be necessary before most of the detailed training events can take place;
- ◆ Each stakeholder organisation should press ahead with their own plans for detailed training in the New Year, liaising with other as they felt appropriate;
- ◆ The group should consider what additional joint training events in the New Year would add value to the separate training, bearing in mind that key practitioners would be under a great deal of pressure in the run up to commencement

Against this background, the group supported the idea of something akin to a mock preliminary hearing exercise being carried out, ideally with judicial participation.

Alternatively, the idea of having a training video that could act as a focal point for discussion was floated. In any event, the programme could consist of a set of hypothetical scenarios being presented for discussion and how the court would react to the various different circumstances that might arise. Such an event could take place, in February or March, probably on a Saturday in Parliament House. The Judicial Studies Committee, along with the Faculty of Advocates and the Law Society, might be best placed to organise and plan this event. A note of lessons learned from the exercise might usefully be distributed amongst those with an interest and posted on the website

Action:

- ◆ **Norman to discuss the idea of holding a mock preliminary hearing style event with the Lord Justice General and to report back to the group at the next meeting.**
- ◆ **Ian to speak with Sheriff Morrison about the JSC's possible role.**

Date of Next meeting.

16 June 2004 at 2.00pm in St. Andrew's House

ALLAN FINLAYSON
JD Secretariat

6 May 2004.