

When I retire, I will look back with few regrets on having worked in or from the Parliament House for fifty years. That may seem a long time to have been based in the same building, but the work has taken me not only to almost all of Scotland's towns and cities, from Lerwick and Stornoway to Dumfries and Stranraer and to many of Europe's capitals as well as the judicial centres in Luxembourg and Strasbourg, but to the other ends of the globe; to Far East, Australia, South Africa and North America, representing Scotland on the world's judicial stage. For all of that, this building has been the rock from which I have started these journeys and to which I have always returned.

Parliament House has been my base for all those years. My acquaintanceship started in August 1975, when I was an apprentice, as they were then called, with the solicitors' firm of Drummond & Co. Then, the staple business of the Court of Session was divorce, both defended and undefended. The first instance judges would sit processing maybe 8 to 12 undefended divorces each day, with the pursuer – the so called innocent party – having to appear in Edinburgh from everywhere in Scotland and beyond to prove by corroborated evidence that their husband or wife was "guilty" of cruelty, adultery or desertion. The courts sat on Saturday mornings to hear adultery and desertion cases, but not cruelty, which was too complicated for the weekend. There would be contests, sometimes about the divorce itself but more often about money and/or children. It was in these very courtrooms that marriages would end, financial provision given or denied and the future residence of children determined. Many will have happy, but some will have sad or maybe bitter, memories of what happened. The walls of the courtrooms have many tales to tell.

I started devilling, as training to be an advocate is called, in October 1976. It was then that I first gained access to the Advocates Library, although as a trainee then I had been allowed

into the corridor of the library – the route from Parliament Hall towards George IV Bridge to the National Library’s portals. The Advocates’ Library is one of the finest law libraries in the world. It is, or least was, a treasure trove to the aspiring lawyer. It contains the law reports of Scottish cases dating back to before the 17th century; English reports of the same vintage and a selection of the reports of other countries of the English speaking world. Before that it has ancient texts from the renaissance in French, or Latin or Dutch; reflecting a time when the enterprising student would go to Padua, Bologna or Milan and later to Heidelberg or Leiden to learn the Roman *ius commune* on which Scots law is based. The library has all the major textbooks written over the last two centuries and has operated as a copyright source, obtaining at least one copy of every law book published in the United Kingdom, and many more from overseas. It functions collaboratively with the other libraries in the building: the WS Library, the SSC Library and the judges’ library, as well as the law library of the University at Old College.

These are changed days. The young advocate of today probably starts his or her researches on a computer rather than by picking up a book. He or she may have little cause to go into the library at all, or not very often. When I started and up until I left practise in 2000, it was difficult to find a seat and there were constant efforts to find more accommodation for the advocates by renovating the basement of the Library, which replaced the Faculty of Advocates’ other location at the Judicial Library on Charlotte Square. In those days, the Advocates Library, like the rest of Parliament House, opened only during business hours. Consultations with counsel took place in rooms rented in the New Town or in the advocates’ own houses. Research had to be done in the Juridical, which was available 24 hours a day, as the Advocates’ Library began to be at around that time.

The most unusual feature of the libraries to the modern mind was the ability of the advocate to smoke after 4.00 pm, when the Faculty official would bring the ash trays into the Law Room. Then again, we still light the fires in Parliament Hall in the Winter. There were quaint rules which applied to different parts of the building. You were not permitted to talk in the Law Room, which the room accessed immediately off Parliament Hall or in the Reading Room, which is on George IV Bridge, even though it is now the Faculty's main chattering and coffee drinking sanctuary. There were rules on dress. Woe betide any advocate who attempted to enter the Library during the court term if he or she was not in business attire; meaning a suit and, in the case of men, a tie.

When I became a judge, I began to be familiar with other parts of the building. It was like starting school again; trying to find my way around the labyrinth of the Parliament House. Back in 2000, accommodation was short. My chambers consisted of a small room marked "fire exit" located between the press room and staff smoking room. It had a rope ladder to be thrown out of the window if the fire exit actually had to be used. It also contained what looked like fairly serious computer equipment which hummed and beeped constantly. Changed days again. The renovations which were carried out at the expense of tens of millions, but which secured the presence of the courts in this location, produced new courtrooms and chambers of a modern standard

By then the business of the court had changed. The divorces had all but gone; either to be dealt with administratively or in the sheriff court. There were still the accident cases, although few ever went to a final hearing on evidence. There were growth areas too; notably the judicial review of government action and statutory appeals from planning decisions and from the many tribunals which have been established over time. The civil and criminal

appellate courts heard many appeals from the sheriff courts; the dissatisfied having an absolute right to appeal. Some of these were either relatively low value civil cases or summary criminal prosecutions. The establishment of the Sheriff Appeal Court has seen these move away, but the SAC now sits in Parliament House for its civil business.

COVID 19 has seen us move rapidly away from the use of the courtroom in favour of the virtual hearing by video link in some cases. Within weeks of lockdown, almost all the civil business of the Court of Session and the criminal business of the High Court was operating with the judges, court staff and the lawyers in their own homes or chambers and all linking in on their laptops. The clients could tune in too. That is what we are still doing. The courtrooms are, to a large extent, lying empty. There is pressure to return to them, now that restrictions have been eased. No doubt we will do that. There is no doubt, however, that we have learned much about the use of technology in recent months and we must harness the benefits.

We continue to recognise the importance of the building as a meeting place, primarily for business but also social gatherings. The need for physical contact and in person conversation should not be underestimated in terms of psychological wellbeing. The court staff, the judges and the advocates and agents are, at varying pace, moving back into the building. It will soon once again be a place of constant chatter and movement as the civil business re-adjusts to the new norm; whatever that may turn out to be. Meantime, we are re-purposing two of the main courtrooms – 3 and 9 - for criminal trials. The cinema model will continue for some time yet as we deal with the backlog.

As time marches on, so the Parliament House changes itself to meet the demands of the day.

It has been with us for almost 400 years. I would not be surprised if it were to remain with us for the next 400. That is for future generations to decide.

Enjoy your day.