

# Judicial Institute for Scotland

Induction Training for the  
Scottish Judiciary

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Director

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# Welcome and Introduction

## Topics to be addressed

- The Scottish Court and Judicial Structure
- The Judicial Appointment System
- Induction Training



# The Scottish Court and Judicial Structure



# The Courts in Scotland

- Justice of the Peace – criminal only  
Justices of the Peace – lay judges
- Sheriff – criminal and civil  
Sheriffs and Summary Sheriffs – all legally qualified
- High Court (criminal)/Court of Session (civil)  
Senators of the College of Justice – all legally qualified  
Outer House (first instance) and Inner House (appeals)



# Criminal Jurisdictions

- Justice of the Peace – very minor criminal offences – summary procedure ie no jury. Judge sits alone but with a legally qualified adviser. Maximum 60 days imprisonment
- Sheriff – summary criminal offences – no jury. Maximum 12 months imprisonment
  - solemn criminal offences – sheriff and jury. Maximum 5 years imprisonment
- High Court solemn criminal offences – judge and jury. Maximum life imprisonment



# Civil jurisdictions

- There are 39 Sheriff courts distributed throughout the six Sheriffdoms in Scotland: Sheriff courts deal with the majority of civil cases, with a jurisdiction broadly similar to that of the Court of Session. The Sheriff court has exclusive jurisdiction for claims up to £100,000. In civil cases, matters are dealt with by a Sheriff sitting alone.
- The Court of Session is the superior civil court in Scotland. As already mentioned, it has a jurisdiction broadly similar to the Sheriff court – however, the Court of Session will tend to deal with the more complex or higher-value cases. The Court of Session sits in Edinburgh

# Appeal courts

## > Sheriff Appeal Court

Hears summary criminal appeals from the Justice of the Peace and Sheriff Courts  
Hears civil appeals from the Sheriff Court

## > Court of Appeal

Hears solemn criminal appeals from the Sheriff and High Courts  
Hears civil appeals from the Outer House of the Court of Session

## > United Kingdom Supreme Court

Civil appeals and, in exceptional circumstances, some criminal appeals can go to the UKSC



# The Judiciary

- The Lord President is the senior judge in Scotland, and the head of the Judiciary. He acts as both Lord President of the Court of Session, presiding over the First Division of the Inner House, and as the Lord Justice General of the High Court of Justiciary.
- The Lord Justice Clerk may deputise for the Lord President, but also has her own functions. The Lord Justice Clerk presides over the Second Division of the Inner House.
- Senators of the College of Justice are the judges who sit in the Court of Session and the High Court of Justiciary, dealing with both civil and criminal cases. The number of Senators, both Inner and Outer House, is limited to 34 in total.



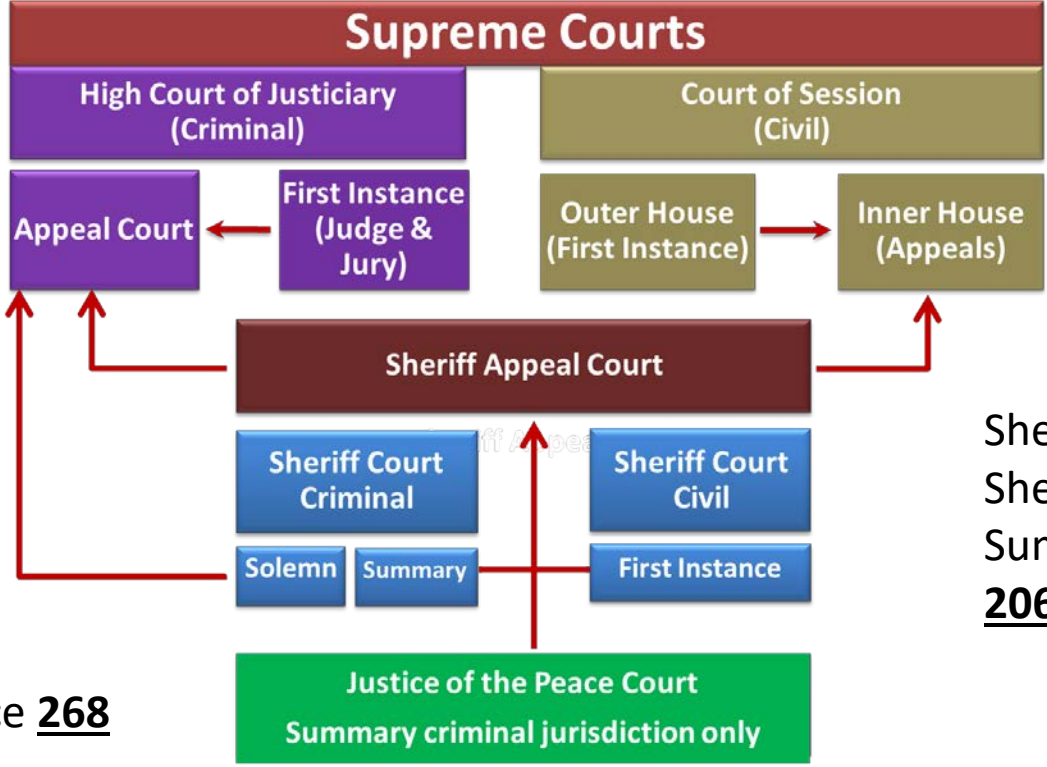


# The Judiciary continued

- Sheriffs Principal head each of the six Sheriffdoms in Scotland. They are all members of the Sheriff Appeal Court and as members of that court hear appeals against Sheriffs' decisions. Administrative responsibilities relating to the smooth functioning of the Sheriffdom's operations also fall to the Sheriff Principal.
- Sheriffs and Summary Sheriffs deal with the majority of civil and criminal court cases in Scotland. There are currently around 200 Sheriffs and Summary Sheriffs in the 6 Sheriffdoms and 39 Sheriff courts across Scotland.
- Justices of the Peace are lay magistrates from a variety of backgrounds, who deal with summary criminal cases, sitting with a legally qualified adviser. At the present time, there are 268 Justices of the Peace in Scotland.



Total 510



Senators 36

Sheriffs Principal,  
Sheriffs and  
Summary Sheriffs  
206

Justices of the Peace 268

# The Judicial Appointment System



# Judicial Appointments

Justices of the Peace are appointed by the Scottish Government after a process of advertising, application and interview followed by successful completion of induction

The professional judiciary are appointed by the Queen. There is a body called the Judicial Appointments Board for Scotland (JABS) which advertises, sifts and interviews. JABS recommends applicants for appointment. The recommendations must be considered by the Lord President and the First Minister before finally going to the Queen for consideration and appointment.

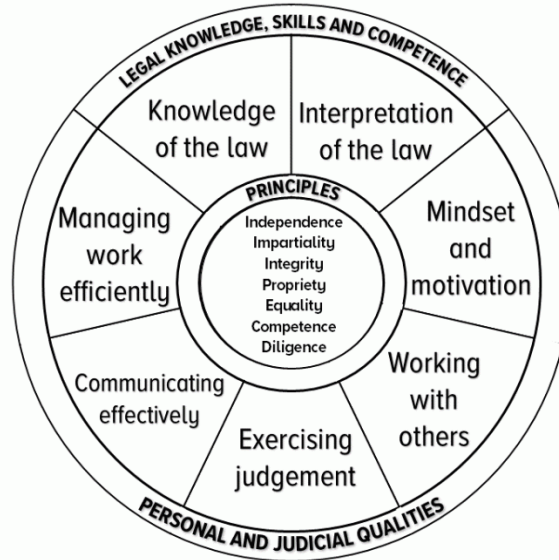


# Professional Requirements

An individual is legally qualified if they are a solicitor or an advocate during the 10 years immediately preceding appointment.



# What JABS looks for



# Skills and Qualities

## Legal Knowledge, Skills and Competence

### Knowledge of the Law

- A high level of expertise in the applicant's area of practice
- Good working knowledge of at least one area of substantive law commonly encountered in the Sheriff court or evidence of motivation and ability to acquire sufficient knowledge
- Good working knowledge of the law of evidence
- Knowledge of the principles of natural justice and Sheriff Court practice and procedure.



# Skills and Qualities

## Skills and Competence in the Interpretation and Application of the Law

- Ability to analyse complex legal problems and apply the law correctly
- Ability to analyse and interpret case law and statute
- Ability to apply the law in unfamiliar areas





# Skills and

## Personal and Judicial Qualities

### Mind-set and motivation

- Commitment to the role and to public service
- Commitment to fair and impartial administration of justice
- Acts with humility and common sense
- Uses feedback and self-reflection to develop



# Skills and Qualities

## Exercising judgement

- Remains impartial and open minded and is seen to be fair to all
- Able to analyse and assess evidence and arguments
- Able to reason in a clear and rational way
- Confident in judging and making decisions



# Skills and Qualities

## Managing work efficiently

- Manage cases and time effectively
- Diligent and hardworking
- Confident in managing the court / hearing process
- Able to work at speed and under pressure



# Skills and Qualities

## Communicating effectively

- Establishes authority and inspires respect and confidence
- Modifies communication style to meet the needs of different court users
- Listens with patience and respect
- Produces written decisions that are clear, concise, well-reasoned and timely



# Skills and Qualities

## Working with others

- Allows people to give of their best
- Even tempered and consistent
- Treats people with respect and sensitivity
- Understands people and society



# Induction Training



# The history of judicial training in Scotland



1997



# Induction

## **Justices of the Peace**

For justices of the peace, who are lay people, not legally qualified, the whole induction process takes almost a year. Most of the induction is delivered locally. The prospective new JPs attend a final two day conference with the Judicial Institute before appointment

## **The professional judiciary**





# Judicial Training Determination No1 of 2017

The Lord President, acting under section 2 of the Judiciary and Courts (Scotland) Act 2008, determines as follows:-

1. Every judicial office holder must complete a course of judicial induction training within three months of the date of his or her appointment. However, the Judicial Institute will have discretion to waive this requirement in whole or in part if it is satisfied that he or she has already undertaken relevant induction training in relation to any previously held judicial office.
2. The Judicial Institute is responsible for the preparation and delivery of judicial induction training. It may issue training programmes of general application or a distinct programme for individuals or for a specific class of judicial office holder. The induction training should last no longer than five days.



# Litigator to Judge

The five day induction course includes presentations, problem exercises and facilitated discussions on a range of topics relevant to the judicial role.

The Lord President has made it clear however that induction is not a crash course on the substantive law knowledge which, it is assumed, new sheriffs will already have acquired or will be capable of acquiring. It is not a mini university course designed to turn good criminal lawyers into equally good civil lawyers, or vice versa, in the space of 5 days.

Induction is designed to prepare the new sheriff for sitting on the bench and to provide support to him or her in making the transition from practice to the new judicial role, from litigator to judge.



# Topics

<b>Keynote address by Lord President</b>	<b>Sentencing</b>
Ethics	Prison visit and social work
Finding your judicial voice	Appeals
Case management	Aspects of civil cases
Assessing witnesses	Writing judgements
Dealing with unrepresented parties	Jury charging
Forum management	Rape shield rules
<b>Relationships</b>	<b>Domestic abuse</b>



# Judicial Hub

Providing a platform for learning and communications for the judiciary in Scotland

- Developed and launched by the Judicial Institute in 2014
- It is the main platform for communications from the Judicial Office, Judicial Institute and Lord President's Office on news, training, legal developments and other key communications. Updated with news and information daily
- Accessible 24/7 from any computer device with internet access (external host)
- User support is provided by the Judicial Institute Hub help desk 7 days
- Confidential and password protected
- The Judicial Hub is regarded within European judicial institutions as representing an innovative practice at improving both quality and access to justice. As a result, in autumn 2015 the Judicial Institute for Scotland was awarded the 'Crystal Scales of Justice' Prize by the European Commission for the Efficiency of Justice (CEPEJ).



# Judicial learning and communications

- Virtual Learning Environment (VLE)
- Digital Repository (Online Resource Bank - ORB)
- Hub homepage provides access to everything in one place
- Resources and updates - e-Resources, Brief Notes, eJury Manual
- 'My Learning' – courses, bookings, access to training materials
- Judicial news and communications



# Blended learning

- Pre read resources
- Exercises to be done – rape shield, sentencing, jury charge and judgement writing
- Domestic Abuse Resource Kit

# Feedback

*“It was a positive experience which both allayed some of my anxieties and focussed where I should be anxious about the job. Sheriffs Duff and Craig were both very interesting, helpful, and approachable.”*

*“I really enjoyed this course and felt it was a valuable learning experience. It also provided an excellent orientation for areas where I required further personal learning.”*

*“It would have been great to spend lots more time hearing from Sheriffs Duff and Craig. I really appreciated the opportunity to learn from accomplished and highly experienced Sheriffs. Their manner was pitch perfect in my view with a great balance between talks and group discussion. Their teaching style encouraged thoughtful reflection and a careful and measured approach. In speaking to my fellow delegates we all agreed that the experience of the course prior to starting was invaluable.”*

# The future

**3 + 2**

Three days and two days

## **Topics**

Prison visit

Domestic abuse

Different focus

## **Review**





Thank you

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