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First words...

As President of the Society of Solicitor Advocates I would like to welcome you to our June 2009 Newsletter.

We have had an extremely busy few months since the Woodside opinions were issued on 18th February 2009. However, we are delighted that our sensible approach in close co-operation with the Law Society of Scotland has achieved the exciting result of an independent review of the whole system of rights of audience.

As you will be aware, the Dean of the Faculty of Advocates saw the criticisms in Woodside as highlighting regulatory concerns for the Law Society alone and his view was that an over arching review missed that point.

However, an over arching review is what we have got and we are delighted with that.

There will be a lot of work to be done over the next few months and I would again urge you to join the Society so that we have a strong representative voice in this and all the other issues with which we are dealing on your behalf.

Alayne Swanson
President
Society of Solicitor Advocates

Rights of audience review

The Society of Solicitor Advocates has welcomed the news that Justice Secretary Kenny MacAskill is to hold a review of rights of audience in the Scottish supreme courts,

The announcement was made at the recent Law Society of Scotland AGM, when Richard Henderson, outgoing president of the Law Society of Scotland, revealed that the review would be carried out in conjunction with the civil justice review, currently underway.

"It is of course at the very earliest stage, with decisions still to be made and announced by the Government on who will head the review and its scope," said Henderson.

The review comes in response to a call by the Law Society of Scotland for the Scottish Government to conduct a comprehensive review of rights of audience in the Scottish courts. The Society of Solicitor Advocates supported the call, made in order to resolve issues arising from the recent Woodside case.

In that case Lord Gill questioned the way in which all solicitor advocates operate, and specifically queried whether or not solicitors and solicitor advocates are able to act independently when advising their clients on who they should instruct for appearances in court.

Not since the debates in the House of Lords in 1990, when the law allowing solicitor advocates was introduced, has there been such a direct criticism of the whole concept of solicitor advocates.

The Society of Solicitor Advocates has worked hard to respond to the comments.

It sought the views of its members at an Extraordinary General Meeting held in April.

Those attending roundly rejected the criticisms. The meeting passed a resolution, stressing the existing duties of solicitors and solicitor advocates and the right of solicitor advocates to accept instructions from solicitors with whom they are in a business relationship.

It also sought the revocation of Rule 3 of the Solicitors (Scotland) (Supreme Courts) Practice Rules 2003, which requires clients to be given the choice of advocate or solicitor advocate.

The motion was due to be proposed at the Law Society of Scotland's AGM by the Society of Solicitor Advocates, but was withdrawn in light of the decision to carry out a review.

Alayne Swanson, President of the Society of Solicitor Advocates, welcomed the announcement.

"The Society of Solicitor Advocates and the Law Society have supported the idea of a review from the outset and we were delighted to hear that the Government is agreeable in terms of such a review," she said.

"Things are at an early stage but we are aware that before finalising the remit and appointing a suitable person to conduct the review the Government will consult the Lord President, the legal regulatory bodies, the OFT and consumer interests," she explained.

The Society of Solicitor Advocates understands that the report should be available no later than March 2010 in order to ensure that any legislative changes arising from the review's findings would be able to be considered at the later stages of the Legal Profession Bill.

The review will operate within the broad principles which have formed the approach to the Legal Profession Bill. In other words it will be assumed that:

- * Both advocates and solicitor advocates will retain rights of audience
- * advocates and solicitor advocates should in general have an equality of standing before the Court and operate under similar standards of conduct
- * There should be fair competition between solicitor advocates and advocates, and
- * The proper administration of justice should be a paramount consideration.

The Society of Solicitor Advocates will advise members as the process develops.

New solicitor advocates



Twelve new solicitor advocates have been introduced at the Court of Session in recent weeks, bringing the total number of solicitor advocates practicing in Scotland to 264.

The newly admitted solicitor advocates are:

- * John Carruthers of Oracle Chambers, Glasgow;
- * Margaret Smillie of Bannatyne Kirkwood France, Glasgow;
- * Fiona K Muirs of Balfour & Manson, Edinburgh;
- * Malcolm McKay of Balfour & Manson, Aberdeen;
- * Robert Holland of Balfour & Manson, Edinburgh;
- * Carly L Forrest of bto, Glasgow;
- * Iain K Clark of Ross Harper Solicitors, Glasgow;
- * Vikki Watt of bto, Glasgow;
- * David McLean of Tods Murray;
- * Fergus Thomson of Harper Macleod;
- * Mary Maitland of McGrigors;
- * Catriona McLean of MBM Commercial and
- * Linda Fyffe of Thorntons.

The Society of Solicitor Advocates would like to wish our new colleagues every success in the future.

More training the NITA way



The Society of Solicitor Advocates is committed to ensuring that solicitor advocates conform to the highest standard in advocacy skills.

According to Gillian More, procurator fiscal depute and head of advocacy training for the Society of Solicitor Advocates, the training offered by the National Institute for Trial Advocacy is second to none.

The National Institute for Trial Advocacy (NITA) is a US charity that has been providing training in advocacy skills for over 35 years. It seeks to "promote justice through effective and ethical advocacy" by training and mentoring lawyers, and developing and teaching trial advocacy skills. It is acknowledged to be one of the world's foremost providers of trial and courtroom skills training.

Gillian More, who is also a member of the NITA training staff, agrees, suggesting that NITA offers the gold standard in advocacy training.

"NITA takes a learning by doing approach," she explains. "Participants on a NITA course

find themselves not only listening to lectures but tackling case-based exercises. They spend time in small groups looking at case themes and planning courtroom examinations or arguments. At other times they are on their feet in courtroom settings, examining witness, objecting, and arguing cases."

NITA coaches provide instant feedback on these courtroom performances, which are also videoed, allowing participants to review their performance later, on their own with a different member of the teaching staff.

"This approach teaches both the individual and the group," says More. "It encourages participants to embrace new techniques and try newly acquired trial skills within a comfortable and private setting. As NITA rules state - 'what you say in the room, stays in the room!'"

While NITA is based in Colorado, its courses are not limited to the US. The charity runs several courses a year in the UK, using local tutors from Scotland, Northern Ireland, the Republic of Ireland, as well as NITA coaches from the United States.

Two courses are in the pipeline this year - one an Advanced Advocacy Course to be held in Belfast from Monday 7th to Friday 11th September, the other an Advanced Advocacy Course to be held in Edinburgh on 14th September.

NITA's President and CEO, Laurence M. Rose, will be leading the day-long course. Mr

Rose is an emeritus Professor of Law and former Director of the Litigation Skills Program at the University of Miami School of Law.

Communication and persuasion skills coach Brian Johnson will also be present for the course. Mr Johnson has tutored many of the world's top businessmen in communication skills, and has served as communication specialist for NITA since 1981.

NITA participants consistently rate his teaching as one of the most useful aspects of their NITA training. On this occasion he will be lecturing on presentation skills and court presentation.

NITA participants, in fact, tend to rate the entire course highly. One participant in last year's Society of Solicitor Advocates-run course commented afterwards:

"It was, without doubt, the best training course I have ever attended. I would go so far as to say it was life-changing! I was amazed by how instructional and inspiring the course was and it brought out a side of me I did not know existed. I am now busily recommending it to all my colleagues."



Footnotes...

Society of Solicitor Advocates dinner



For solicitor advocates

Monday 14th September 2009

Scottish Parliament, Holyrood

The Society of Solicitor Advocates is holding a dinner on the evening of 14th September 2009 at the Scottish Parliament, Holyrood.

The event marks the culmination of our day-long NITA Advanced Advocacy Course, and will provide an opportunity for solicitor advocates to entertain clients and friends in an informal setting.

We are delighted that Justice Secretary Kenny MacAskill and Lady Smith will be joining us for the evening.

The festivities, which include a tour of the Parliament building, begin at 7.30 pm.

The cost of attending the dinner will be £50 a head.

Please contact our event organiser, Nicola Macara of extratime event management, on 0141 955 2110 or by email to nicola@extratimegroup.com.



Advanced Advocacy Course

For solicitor advocates

Monday 14th September 2009

The Society of Solicitor Advocates is running a National Institute of Trial Advocacy (NITA) Advanced Advocacy Course to be held at the offices of the Law Society of Scotland, 26 Drumsheugh Gardens, Edinburgh on 14th September 2009.

The course is open to all solicitor advocates and prospective solicitor advocates at a cost of £300. It will culminate with an informal Society of Solicitor Advocates dinner to be held at the Scottish Parliament, Holyrood, and attended by Justice Secretary Kenny MacAskill. The cost of attending the dinner will be £50 a head.

If you are interested in a place on the NITA course please contact Gillian More on 0844 561 4112 or by email to gillian.more@copfs.gsi.gov.uk.

Alternatively contact our event organiser, Nicola Macara of extratime event management, on 0141 955 2110 or by email to nicola@extratimegroup.com.

Introductory training course

For prospective solicitor
advocates

Friday 12th June 2009

This half-day event is intended for all solicitors (civil or criminal) considering applying for Extended Rights of Audience but unsure of what is involved.

The Introductory Course deals with the practical and administrative steps involved in applying for Extended Rights of Audience and covers application criteria, referees, examinations (Supreme Courts Procedure and Codes of Conduct) and the subsequent written pleading /oral advocacy assessment courses as well as costs.

Speakers include Bruce Ritchie, Director of Professional Practice at the Law Society of Scotland, and Lord McGhie, who acts as one of the advocacy assessors.

Contributions will be made by senior office bearers of the Society of Solicitor Advocates and there will also be a panel session dealing with practical and topical matters relative to practising as a solicitor advocate.

The half-day course runs from 10 am - 1 pm and costs £100. To reserve a place contact Paul Motion, Secretary of the Society of Solicitor Advocates on 0131 240 1114 or email prm@bto.co.uk.