

MINUTES

GBA COMMITTEE MEETING 4th February 2019

GLASGOW SHERIFF COURT – COMMON ROOM 5.45pm.

SEDERUNT

Andrew Stevenson, Ron MacKenna, Moira Deeney, Emma Crilley, Katy Wilson, Lindsay Gaughan, Lorna McCann, Desmond Ziolo, David Fiskin, Scott Adair, William Lavelle, Craig Dewar, Fiona McKinnon, Alison Heron & Tracey Mulholland.

APOLOGIES

Michael Gallen, Jim Bauld & Edward Gilroy (ill), Tracey Paterson- No Apology.

MINUTES OF LAST MEETING

Approved

TREASURER'S REPORT

Accounts in credit.

PRESIDENTS REPORT

SLAB Meeting

To take place on Thursday 7th February. Action points being discussed- what we want to raise with SLAB and Fiona McKinnon advising that civil LANT meeting was cancelled.

Ron MacKenna raising the issue of Peer Review and the new compliance guidelines that were published the tail end of 2018 – It would appear that the new guidelines place a further administrative burden on practitioners to provide in depth detail as to the discussions with the client etc- issues arising with regards to confidentiality etc . Members are encouraged to peruse the document and provide feedback to the committee.

Membership

Membership drive is still ongoing 299 members have re-joined from last year- significant work is ongoing between Aileen and Moira regarding chasing up those who have not re-joined and encouraging new members.

CPD

Moira Deeney confirming to the committee that the 2019 evening programme has been confirmed and has been fully organised. Committee again are grateful to Moira for all of her work and ensuring that the GBA has an extensive and competitive CPD programme.

Complaints Policy

Ron MacKenna advising that he will circulate to the committee the style of the complaints procedure that he has received from the Faculty of Advocates- This is in order for the committee to consider its terms and thereafter the best move forward for GBA members. The committee believes that it is important that there is a complaints policy available for all GBA members for the GBA to be able to represent members if they have a complaint.

GBA Trainee

Moira Deeney advising that the application for funding has been submitted and the committee would like to thank her for her hard work in this regard and also to Jim Bauld, Edward Gilroy and Ron MacKenna and in particular Garvey McArdle who made excellent submissions and helpful contributions during the application process - The committee is grateful to Mr McArdle for his time that he spent on this.

GBA Dinner

This has been set for 6th September 2019 – Michael Gallen has arrangements in hand for the speaker at the dinner and MG has spoken to Sheriff Wood regarding this matter. Band has been confirmed.

GBA Interns

Committee reminding members that the interns are available to assist not only the committee but also the members and if they wish to contact any of the interns should liaise with Aileen and Moira.

Matters Requiring Special Attention

- Special General Meeting follow up – Andrew Stevenson providing feedback regarding the SGM that took place on 25th January regarding the amendment to the constitution. Full details of this will be published online on the GBA website regarding the amendments that were voted upon. AS also advising that he wishes to have a general root and branch review of the consultation and he and Jim Bauld will form a sub-committee to deal with looking at that.

- Agents' visits to prisons – the Head of Operations from HMP Barlinnie has been in touch with Moira Deeney regarding a possible meeting to discuss concerns from agents regarding the ongoing difficulty for visits. There appears to be contradictory information regarding the issue of agents' visits problems. There appear to be days where members have to wait for an hour to get access to their clients and other members are reporting that there are no waiting times at all. Members are again encouraged to keep reporting any days in particular where they have to wait for a prolonged period of time to have access to their client.
- Robertson Report – committee is interested in the views from members regarding the proposal that the regulatory powers of the Law Society of Scotland are removed to an independent body. A sub-committee has been set up in this regard of Andrew Stevenson, Fiona McKinnon, Lorna McCann, Edward Gilroy & Emma Crilley to look at the report in detail and to provide information to the membership in order that there can be an informed view as to the stance that the GBA should take. The Law Society of Scotland has sought the support of the GBA regarding its role, however, in recent history, the role of the Law Society Scotland has come under criticism from members and it is important that the committee obtains the views of its members – possibly send email to members regarding their thoughts and observations on the issues.
- Equality and Human Rights Round Table – this event was attended by David Fiskien and Moira Deeney. DF providing insightful feedback with regards to engagement to all parties regarding clients and persons with mental health within the criminal justice system. It is noted that the Criminal Defence Solicitor are valued.
- Meeting with PF Feedback – DZ and Andrew Stevenson providing feedback to the committee regarding the attendance with Moira or Angela Farrell. It is noted that Angela or Moira were not able to provide DZ and AS with the figures of all prosecutions within Scotland in 2018 and the breakdown of those figures regarding diversions etc and they were advised that a freedom of information request would have to be submitted to Katie Stewart who is head of the marking hubs. PFs advising that wish to emphasise- encourage agents to use the Plea helpline on a more regular basis rather than sending letters regarding resolving cases at a summary level. There is also a Domestic Plea hotline as well which is always manned. PF advised that they are making headway with regards to the return of productions and making it a streamline process in that regard.
- Meeting with Sheriff Principal – Sheriff Principal advised that he has arranged for the Sheriff training day to coincide with the GBA all day CPD event in the hope that members will thereafter be able to attend the GBA all day event and have no court business.
- Further- Civil Proof Courts- The issue of court loadings has been raised, and in particular the concern from practitioners over the number of Civil Proofs assigned in one day- The committee are inviting members to provide specific feedback to the committee regarding specific days where there are a large number of proofs assigned- how many Proof courts are running- if a proof runs- how many other proofs are discharged- if they are discharged- when is the next available Proof day/ assigned day etc. This information can then be provided to the SP.

Quiz – Lindsay Gaughan and Tracey Mulholland have arranged the quiz for the Admiral bar for 26th April 2019. Further details to be given.

Paralegal Training

Moira Deeney consulting with a representative from the Paralegal Association regarding possible training course run by the GBA. Discussing the cost & benefits of such an option.

Edinburgh Bar Association

Discussing the fact that Edinburgh Bar Association and their members have come off the extradition duty scheme within Edinburgh Sheriff Court jurisdiction and there is apparently a discussion within the EBA whether their members should come off the Duty Scheme in its entirety.

Independence of Judiciary

Committee discussing the most recent press release regarding the apparent “training” of the Judiciary in relation to Domestic Abuse/Violence cases. Discussing the fact that Sheriffs will be “trained” by representatives from Women’s Aid – This unprecedented access to members of the Judiciary is to apparently help/influencing Sheriffs in decision making process for sentencing. Ron MacKenna voicing concerns regarding the input of “victims groups” discussing that they had been allowed access to Sheriff/Judges – should Judiciary disclose to the profession what information is passed to the Judiciary by these organisations? Should the profession take any steps to voice concerns over this?

NEXT COMMITTEE MEETING – 4TH MARCH 2019 @ 5.45PM