

## MINUTES

### GBA COMMITTEE MEETING 1<sup>st</sup> July 2019

#### GLASGOW SHERIFF COURT – COMMON ROOM 5.45pm.

#### SEDERUNT

Andrew Stevenson, Ron MacKenna, Katy Wilson, Fiona McKinnon, William Lavelle, Emma Crilly, Alison Heron, Lorna McCann, Tracey Mulholland, Tracey Patterson, Desmond Ziolo, Jim Bauld, David Fisker, Craig Dewar, Moira Deeney

#### APOLOGIES

Michael Gallen, Lindsay Gaughan & Edward Gilroy

#### MINUTES OF LAST MEETING

Two amendments proposed, accordingly amended and thereafter approved.

#### TREASURER'S REPORT

In Credit

#### PRESIDENTS REPORT/CHIEF EXECUTIVE REPORT

##### Corporate Membership Drive

Continuing steps have been taken to approach large commercial firms regarding joining the GBA. Moira Deeney has had meetings with David Flint regarding ideas and proposals in taking the corporate membership drive forward.

##### York Street

Andrew Stevenson providing the committee an update regarding the steps he has taken to approach the Sheriff Principal regarding the concerns of committee members and practitioners in general regarding the unsatisfactory set up of York Street. The committee has learned that the transfer of business to York Street may only be to Easter next year but that does not assist members in the meantime standing the lack of facilities available for consultations etc that have been raised.

#### COMPLAINTS POLICY

Billy Lavelle reporting back to the committee regarding his proposal for a statement on bullying and harassment that he has prepared. The committee discussing at length the correct terminology to use etc and advising when completed this will be published on the GBA bulletin boards and website.

#### ANNUAL DINNER

Discussing this briefly. Subcommittee chaired by Tracey Mulholland. Moira Deeney take this out in red and just subcommittee to discuss with Michael Gallen when he returns from holiday discussions with the speakers etc.

#### ISSUES WITH BARLINNIE

Committee discussing an update regarding the current situation with agents access into the visits area at Barlinnie. Craig Dewar reporting that he was able to see clients very quickly last week and the very next day he had to wait for over an hour to get into the agents visits room. The committee urges members to keep reporting the issue either to the SPS or indeed any committee member whom will in turn report on behalf of the GBA to the visit's manager. The committee agreeing to monitor the situation and if the situation escalates can revert in early course to the visit's manager.

#### ASH DENHOLM

DZ providing an update to the committee regarding a reply he received dated 25<sup>th</sup> June from Ash Denholm regarding the previous request to review their refusal to allow the GBA to join with the panel. Ash Denholm advised that panel was content with his existing compliment of representatives and stated that solicitors associations should raise any issues through the nominated representatives- The Law Society of Scotland & Society of Solicitor Advocates in the first instance. The letter further went on to say a web page will soon be publicly available setting out the work being undertaken and what research has been considered. There will also be a mailbox available for correspondence. The GBA being encouraged to participate in the work of the panel by engaging through those channels. The committee thereafter discussing the best way forward etc

#### LENDING LIBRARY

Fiona McKinnon providing update to the committee in this regard.

#### SOCIAL IDEAS

Tracey Mulholland advising the committee that a summer get together will take place on 26<sup>th</sup> July and further details will be published by Tracey.

## CPD

Education Sub Committee to meet again in early course regarding ongoing ideas for the criminal full days etc. As always, should any member wish a specific topic to be discussed or raised as part of a CPD seminar please have no hesitation in contacting Moira Deeney.

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## MATTERS REQUIRING SPECIAL ATTENTION

Report on the profession for Scottish Government- Ron MacKenna discussing with the committee that the concept of a report to the Government provide a full picture, with evidence, of the current state of the profession. Increasing costs, diversion, falling prosecutions etc. Ron MacKenna/DZ/Fiona McKinnon discuss further as to how best to approach this. Email to the membership will be sent out in early course.

## AOCB

Update Robertson Report – discussing the most recent emails from the Law Society Scotland, timescales in this and seemingly this next stage of this report are unlikely to be discussed further until the early part of 2020.

## LAW SOCIETY INSPECTIONS

A member has highlighted a serious concern to the committee regarding payments of fixed fees from clients going straight into their firm account. This is in relation to private fees from clients to firms where the firms do not have a client account. Ron MacKenna discussing at length and advising the committee of the update in this regard and advising that he has spoken to John Mulholland the Law Society President and to the accounts department at the Law Society whom have reported back on 1<sup>st</sup> July that the assessment/conclusion for that member was wrong and the position will be corrected.

## GBA SPONSORSHIP

Discussing approach, the committee have had from Denovo and discussing this and lawware etc. After lengthy discussions Moira Deeney to discuss with Denovo discuss sponsorship of events.

## PASSING OF PAULA BLACK PFD

Committee discussing the dreadful news of the passing of Paula Black. Committee already sent their condolences to Moira Orr. Discussing Michael Poggi's proposal of a CPD event in her honour. Discussing this at length and possible donation to a charity of the family's choice. Committee voting almost unanimously for a CPD event to take place – Moira Deeney to liaise regarding proposals and organisation of this event.

### CELL AREA VISIT ACCOMMODATION

Custody court users update in relation to this – there are two rooms behind court two and three - estates are having to put in secure doors to prevent wandering into secure/private area and accordingly once it is up and running there should be four extra rooms available for agents to see their clients in custody. Clearly the main issue is, as it always was with those rooms, is somebody from GeoAmey will have to be able to staff this area and someone will have to answer the phone at the other end. Discussing from previous experience it was an absolute nightmare in relation to somebody picking up the phone at the other end. The committee discussing it is better than the present situation which is clearly frustrating as there are only five rooms available to see custodies.

### CUSTODY COURT MEETING

Committee discussing the concern in relation to the figures being collated by the Sheriff Clerks in the delays for courts not running efficiently – apparently the main reason being highlighted by the Sheriff Clerks Office is the fact that the agents are not being present in court. Clearly the Sheriff Clerks are recording courts going down because solicitors are not present. That is concern as the GBA carried out its own survey a number of years ago where it was reported by the Scottish Court Tribunal Service that it was over 56% attributable to agents not being there but upon the GBA conducting its own survey it was actually only 15%. The committee urging members if they are in courts, to note why the court is going down as this will have a dramatic effect ultimately with the attitude and relationship with the Sheriff Principal. The Sheriff Principal is clearly keen on monitoring the reason as to why the courts are being adjourned etc and GBA members are encouraged to take a proactive stance in this regard.

David Fisker reporting back regarding the most recent criminal justice meeting advising that it has been reported that the High Court use of court 5 might be a permanent fixture however that is subject to review as is the accommodation at York Street which seems to only have a lease to Easter 2020. No further proposals have been provided at this stage.

### CURRENT CONSULTATION

Legal Aid performance – Craig Dewar, Fiona McKinnon, Des Ziolo & Ron MacKenna to look at and review/respond.

### BUILDING FAMILY THROUGH SURROGACY – a new law

Consultation – Fiona McKinnon and Alison Heron to look at and respond/feedback regarding proposed sentencing guidelines – David Fisker & Ron MacKenna.

Next committee meeting – 2<sup>nd</sup> September 2019 at 5.45pm