



glasgow bar association
established 1959

Room 1.29
Glasgow Sheriff Court
1 Carlton Place,
Glasgow
G5 9DA

14th September 2020

By Email only

Dear Member,

Poll results – Response to SCTS paper about resolving the Court trial backlog

Arising from the poll of members last week, we are writing to confirm the results of our poll.

We acknowledge that there can be nuances and layers to the issue, which we may have an opportunity to debate in further detail in due course, but the Executive Committee decided at our latest committee meeting that a simple canvass to gauge initial thoughts would be an appropriate course of action. We wish to thank each of you who took the time to respond, particularly to those who provided additional material to support your decision.

The question asked was –

Are you for or against the proposal that Defence Agents participate in conducting trials beyond usual court business hours during the week and also conduct trials at the weekend?

The overwhelming response was no to both scenarios.

No Glasgow based legal aid solicitor was in favour of either option.

One Glasgow private client solicitor was in favour of an extension to usual court business hours during the week and weekend trial work.

One country member was also in favour of an extension to usual court business hours during the week and weekend trial work.

One country member was in favour of an extension to usual court business hours during the week and was opposed to weekend trial work.

A common thread which ran through the responses reflected how overworked and underappreciated legal aid practitioners are and have historically been regarded. These proposals, although well intentioned, have no regard for those with health issues, our aging group of registered practitioners, the desire to promote some work/life balance and the challenges of childcare provision, with associated remuneration challenges for those with office staff and salaried practitioners expected to work additional days. This proposal is compounded by the loss of public court holidays this year and for the foreseeable future caused by coronavirus measures, with legal aid practitioners the only justice partners not compensated for this work to represent accused who appear from custody. It also fails to take into consideration that conduct of a trial is only one, (albeit significant) element of the work that has to be done by legal aid practitioners, such as consultations with clients, conduct of police interviews, participation in Identification parades, examination of special defences, citation of witnesses, preparation of written records, together with office administration and preparation and submission of accounts, often already undertaken outwith normal office hours.

Some members were critical of the conduct of SCTS and COPFS for their response to the crisis, self-creating the problem which has now arisen, with a lack of focus on collaboration with us to identify reasonable solutions and to use their substantial resources more effectively.

We intend to share these results with our Justice partners to promote further dialogue about this challenging situation that has been created by the global pandemic.

We will keep you updated but should you wish to discuss matters arising, please do not hesitate to contact one of our Office Bearers.

Kind regards,

The Executive Committee of the Glasgow Bar Association