

GLASGOW BAR ASSOCIATION
Executive Committee Meeting
Via Video Conferencing
on
Tuesday 8th September
2020 @ 5.45pm
MINUTES

- **Sederunt**
- Fiona McKinnon, Craig Dewar, Alison Heron, Lindsay Gaughan, David Fiskien, Umar Hussain, Eddie Gilroy, Jim Bauld, Scott Adair, Tracey Mulholland

- **Apologies for Absence**
- Billy Lavelle, Moira Deeney, Lorna McCann, Katy Wilson, Michael Gallen

- **Minutes of Last Meeting**
 - Proposed: FMcK, Seconded: TM

- **Treasurer's Report**
 - In credit

- **President and Chief Executive's Report** (See Action Points)
 - Various action points removed as no longer relevant, agreement that Constitutional reform will be deferred to the next Committee year.
 - **All other action points continued to next meeting**

- **Matters requiring Special Attention**
 - Court Issues
 1. Feedback from LANT re funding request

We have heard back from LANT that there has been a further meeting and there appears to be an acceptance that there should be some level of funding made available. There is to be a further meeting in approximately two weeks' time as to the proposals. If made available, it is likely to be a one off grant to practitioners. There is an email coming out from the Law Society.

 - a. **Action:** continue to next meeting

 2. Fee Review Panel

On the back of previous meeting and desire for increased fees, there is a view that the best place to seek an increase in fees and payment for the additional work that is requiring to be undertaken, (such as written records, civil submissions, working additional bank holidays) would be the Fee Review Panel. FMcK

has been in contact with the Presidents of the ABA and EBA re the production of a paper to be placed before any further meeting of the Fee Review Panel. This was put together and sent to the Law Society in draft to then be told that the meeting due to take place, had been cancelled. Steps will be taken to reconsider the paper and ensure this is submitted well in advance of any further meeting. The meeting which has been cancelled has already been stalled since March 2020.

- a. **Action:** FMcK to look at draft papers
- b. **Action:** FMcK to raise delay in Panel meeting with the Law Society

3. Feedback from BL,CD and FMcK re meetings with SCTS and COPFS

CD was able to meet with the SC last Monday. MO of COPFS was due to attend but could not. A further meeting was made for Friday of last week. Many issues were raised. A big problem at the moment is the number of witnesses that are allowed to be in the building at the one time, with many placed on standby. It was raised that a current problem for agents is that we are not advised as to what Trials have priority. Various issues raised inc; not being able to get through to court on the telephone, mail delays, system re collection of productions in civil cases. The SC and MO were keen to keep a line of communications

- a. **Action:** continue to monitor

4. SCTS paper – Survey of members about additional working proposals for evening and weekend work

A number of faculties have already taken a stance in relation to this. FMcK has discussed with ABA and EBA who are on the face of it, against weekend work

- a. **Action:** FMcK will prepare email to members to seek views

5. Court Programme

Update to members will be given by letter (letter from CD 11th September refers)

6. Jury trials

It is understood that there are some High Court Jury trials set down for October, but there appears to be no real prospect of Sheriff and Jury trials running until January. On briefing the Justice committee, Eric McQueen indicated that the Sheriff and Jury Centre will not be available until next year

- a. **Action:** continue to monitor

7. Practice Note re Conduct of Criminal Trials

- a. **Action:** Take off Agenda

8. Cell area

The cell area has now reopened. Members have been advised as to the need to wear masks. There is an issue in relation to the time at which access can be gained, which is 11am.

- a. **Action:** FMcK to write to GeoAmey / SCTS

9. Summary written records and ID position

The feedback is that 68% of IDs are still requiring to call in court. We understand that there are various pressures upon COPFS in terms of resources

- a. **Action:** CD will speak to MO, and thereafter consider a letter to the SP / Law Society

10. Use of Slots, e.g. 5pm Friday ID slots

- a. As above

11. Remote Custodies

DF was able to undertake a meeting in relation to same on Friday 4th September. See separate note.

- a. **Action:** Continue to next meeting

12. Bank Holiday Courts

We will require to continue this matter until we have further information from the tripartite meeting

- a. **Action:** Continue to next meeting

13. Member Concern re undertakings

We understand that there is now to be a weekly list produced in relation to same, which should resolve this matter

- a. **Action:** Take off agenda

14. Defence witnesses

Agents are to give a note to those at the front desk as to who is expected. Witnesses will then be directed to the Defence witness rooms between courts 7 and 8, and next to the Civil Office

- a. **Action:** Take off agenda

15. Member issue Rape Crisis

CD will speak to the member in relation to same

- a. **Action:** Continue to next meeting

16. Heritable Court

We are pleased to note that a timetable has now been published

- a. **Action:** take off agenda

17. Civil Hearings

Update to members will be given by letter (letter from FM 11th September refers)

18. Court Facilities

There is no prospect of the café opening in the building anytime soon. The court days are now becoming longer and there is a need for some form of facilities to be available. An honesty box tuck shop is to be trialled.

- a. **Action:** FMcK to liaise with Estates re kitchen facilities.
Continue to monitor

19. Mandatory use of facemasks in building – Proposal a supply of facemasks is purchased for members’ use.

This was discussed by the committee and it was agreed we would not be purchasing

- a. **Action:** Take off agenda

20. Feedback from LSS President’s virtual meeting of Members of Glasgow and Strathkelvin constituency

This appeared to pass without issues

- a. **Action:** Take off agenda

• Organisational issues

1. Shrieval Retirements and elevations

We were pleased to note the elevation of our former member Gerry Considine to the position of Sheriff at Glasgow. We have passed on our congratulation to him as well as to our present resident Summary Sheriffs Cameron and Bonnar on their elevation to Sheriff.

- a. **Action:** Continue to next meeting to consider event for GC

2. Furlough of GBA staff

The present arrangements are going well and will continue to be reviewed in line with the furlough scheme.

- a. **Action:** continue to next meeting

3. Mandatory Ethics course and CPD programme for next year

Consideration will require to be given to this as the next year is approaching.

- a. **Action:** a meeting of the CPD sub committee to be convened

AOCB

1. Availability of CJSW report

- There is presently an issue as to where these are to be available from and when. Clarification is needed.
- **Action:** FMcK to write to SCTS

2. Non-member use of the hub

- We have been providing various facilities for members in the hub and we would ask the members remain vigilant to these being used by non members
- 3. Canteen provision for members and non-members (including suggestion of purchase of a microwave)
 - As noted above, we are considering options available to provide members with food and drink options.
 - **Action:** FMcK to contact estates re microwave etc.
- 4. Subscriptions for next year
 - **Action:** Continue to next month.
- 5. Member concern re Track and Trace provision
 - We note the member's concern in relation to the lack of same within the building however, we understand that there is no requirement for this to be undertaken.
- Current Consultations
 - Raising the Age of Referral to Principal Reporter
 1. **Action:** AH to prepare response
- Next Meeting

6th October 2020 at 5.45pm by video conference

contd.... Action points/

Action	Owner	Close	Continue
Membership	MD/ALL		2020 membership drive
Social Ideas	LG TM EG		March event
CPD	EDUCATION SUB COMMITTEE		Update
Date for Next AGM	Constitution SC		Update
Update constitution	Constitution SC		Update
Membership Category for those not practising	Constitution SC		Update
Staff Contracts	FMcK and BL		Update
Judgment re late Payments	FMcK		Update
Changes in practice for Civil Practitioners	LM		Update

SLAB Duty Scheme	DF and LG		Update
SLAB Quarterly meeting	MD and Office Bearers		Update
Independent review of complaints handling	BL, MD, EG		Update
Foodbank Drive	AH/ UH		Update
Card Reader	FMcK		Update

Note from DF re meeting about Remote Custodies

“As you know, there was another meeting of the local virtual custody court working group on Friday. Ian Moir had also been invited onto it at the request of the Sheriff Principal.

In relation to the meeting, a few points are worthy of note. Firstly, the SP was not wholly impressed by the police procedure whereby they assessed a majority of the domestic cases in the first week to be vulnerable/suicide risk and therefore to be brought to court. This had changed by week 2 and by that time 65% of cases were being done virtually. He also requested of the police that they advise the court/defence why a person is being brought to court if that is the case, rather than being dealt with virtually.

On 24th August (the Monday before the pilot started) there were 16 domestic cases which took the court 6 hours 30 mins to get through. On 31st August (the first Monday of the pilot) there were 23 cases called which took 6 hours 10 mins to do. 15 of these were virtual with the remainder in person. The SP didn't place too much reliance on these figures as showing that the court is running better with virtual cases, but gave them as an indicator that it isn't delaying the court. It might be interesting to see whether guilty pleas have dropped, as that may also explain why the court is running slightly quicker.

The SP wishes to encourage agents to use their own devices to see clients, rather than queue for the interview booths at the court, which perhaps feeds into requests for Scottish Government grant funding to allow defence agents to update their own technology if that is the expectation from the court.

The situation regarding warrants from other jurisdictions was clarified. The position is that the SP wishes exclusive use of the video conferencing facilities at Cathcart (i.e. for no other court to require to log into it). This effectively means that if custodies for other jurisdictions are being held for whatever reason at Cathcart (Covid or otherwise) then Glasgow would require to deal with them.

The start time is 12 noon and to run right through until conclusion. There is, however, a break at 1pm for the change of shift for the Sheriff Clerk and this requires court to go down for 15-20 mins to allow for the desk to be cleaned. The Crown felt that the court should simply therefore start at 1pm but the SP was not with this suggestion, stating that if he had his way the court would be starting at 11am and it

was only the Crown saying they couldn't have papers ready for then that had stopped that happening. The SP indicated that delays in the court are usually down to there being no defence lawyers present but I pointed out that the other side of that coin is that there are often many defence lawyers present when their papers aren't ready. Despite this, where there are papers it is always recorded as no defence lawyers present.

There had been an incorrect telephone number issued on the initial Practice Note, however this has now been changed.

The Crown advised that there is little use of the plea telephone line which is available from 11am until noon.

The other big issue raised was the technical problems which were described in my previous email. The SP was aware of the difficulties but felt that problems on one day out of eight wasn't too bad.

There is still no end date for the pilot. There will be another meeting of the local working group on 2nd October, by which time the SP hopes to be in a position to give an indication of the future of the pilot.”