Justice Committee
Courts Reform (Scotland) Bill
Written submission from Group of Devils, Faculty of Advocates

1. Devils are former solicitors or trainee solicitors who have elected to undergo the Faculty of Advocates’ specialist advocacy skills training programme. Successfully passing that programme permits the devil to be called to the Scottish Bar as an advocate. Prior to undergoing the programme, devils must pass entrance exams in evidence and in practice and procedure. Devils must also have passed exams, or obtained exemptions based on their previous course of study, in various legal subjects. There are currently 18 devils in the 2013/2014 training programme who come from a range of backgrounds and have a significant amount of professional experience.

2. The Group of Devils (“Group”) from the 2013/2104 training programme endorse the Evidence submitted on behalf of the Faculty of Advocates (“Faculty”).

3. In particular, the Group supports paragraph 5 of the Faculty’s Evidence that “Advocacy is a specialist professional skill. To be equipped to represent a client effectively, a lawyer requires specialist training and the opportunity to build on that training with practical experience. The Faculty has led the way in specialist advocacy skills training. Lawyers who wish to become advocates undergo an intensive course of study and training specifically directed to the requirements of professional advocacy. Practice at the independent referral bar enables advocates throughout their professional career to build on that training, devoting themselves to the practical demands of the profession of advocacy.”

4. This submission provides additional evidence with regard to the quality of, and need for, that training.

5. The training is an intensive, 9 month-long programme covering civil and criminal court advocacy. The programme is a continuous critique of the devil in all areas of written and oral advocacy skills. It is an internationally recognised course which aims at developing key advocacy skills.

6. The course itself consists of two parts. The first is classroom based, and takes place over nine weeks in total throughout the devilling period. It involves presentations from leading advocates at the Scottish Bar who share their experience and knowledge. It also involves intensive workshops, with devils receiving one-to-one feedback from experienced advocates on both written and oral submissions. Prior to calling to the Scottish Bar, devils must pass four assessments in written and oral advocacy skills. Those assessments comprise of drafting court documents, drafting written opinions, questioning witnesses and delivering a legal submission. Devils must demonstrate a satisfactory level of competence in each of these practice areas.

7. The second part of the course consists of placements with a number of advocates working in different practice areas. The placements involve shadowing advocates in Court, drafting court papers and legal opinions, and attending consultations with clients and solicitors. There is a checklist of various things which devils are expected to
experience over the period of their devilling. In order to call to the Bar, devils must satisfy the Faculty that they have undertaken a sufficient number of tasks during the devilling period and that they are a fit and proper person.

8. Many devils have significant experience in representing clients in court prior to undergoing the programme. None in the Group currently undergoing the programme has experienced such focused and intense training in advocacy and court skills. All in the Group agree that their skill set, in terms of written and oral advocacy, has improved as a result of the training programme. There is no comparable course available in Scotland which develops advocacy and court skills. With the training programme, the Group strongly believes that its advocacy and court skills – written and oral - are significantly enhanced.

9. The training programme equips devils to continue the excellence in advocacy currently practised before the Scottish courts. The public benefits from having access to that excellence. The Group is therefore opposed to reform which reduces to any material extent that access. The Group considers that it is important that the public continues to have the choice of raising cases in the Court of Session. If more cases are to be heard in the Sheriff Courts, sanction for representation by advocates should be readily available to the public to ensure choice in representation.

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