

From: [REDACTED]_gov.scot [mailto:[REDACTED]@gov.scot]

Sent: 23 March 2018 09:50

To: [REDACTED]@alexanderattorneys.co.uk

Cc: [REDACTED]

Subject: RE: ACA REVISED SCHEME

I append below an extract from an email sent by Roddy Flinn, and have highlighted his commitment to include the potential rights in respect of Court of Session within the proposed consultation. My email reiterated that point.

Firstly, may I assure you that there is no question of a co-ordinated effort on the part of anyone to deny your members the right to wear gowns. When the Lord President seeks to formulate his view on a matter, in particular a matter relating to the sheriff courts, he will frequently seek the views of the sheriffs principal, either personally or through LPPO officials. Since the Lord President and the sheriffs principal share responsibility for the efficient disposal of business in the sheriff courts, in terms of the Courts Reform (Scotland) Act 2014, that is to be expected. It is to be expected also that LPPO and SCTS officials will be copied into relevant exchanges to ensure that any views are thoroughly understood. There is no question of any 'secret submissions' being made.

*As far as the informal consultation is concerned, any delays thus far have been due to the need to modify the consultation **to include potential rights to instruct cases in the Court of Session**. As far as I am aware there is no reason why that cannot now proceed quickly, but I am happy to check on that.*

On the content of my email of 10 May 2017, there are no threats contained in that email, nor was there any form of intimidation in the subsequent meeting. We are now moving forward on the consultation on the revisions sought by the ACA and it would be beneficial to work towards that goal. My email of earlier committed to keeping you informed of that work, and that will include answering the questions raised by you.

While the offer of a meeting remains, we are happy to progress with that work without a meeting and both Roddy and I can maintain email contact on progress made.

Regards,

Denise Swanson
 Head of Access to Justice Unit
 Civil Law and Legal System Division
 Justice Directorate
 Scottish Government

Tel: [REDACTED]

BB: [REDACTED]

From: [REDACTED] [mailto:[REDACTED]@scotcourts.pnn.gov.uk]

Sent: 09 March 2018 15:31

To: Swanson DA (Denise)

Subject: RE: Association of Commercial Attorneys

Denise,

I didn't get a chance to speak to you this week.. The LP is content for me to meet with Bill. Should we meet him together?

I'm planning to send this, on Monday.

[REDACTED]

.....

Dear [REDACTED],

Thank you for this e-mail. I had hoped to reply earlier, but other commitments, followed by a period of leave, have delayed matters.

Firstly, there is no question of a co-ordinated effort on the part of anyone to deny your members the right to wear gowns. When the Lord President seeks to formulate his view on matter, in particular a matter relating to the sheriff courts, he will frequently seek the views of the sheriffs principal, either personally or through LPPO officials. Since the Lord President and the sheriffs principal share responsibility for the efficient disposal of business in the sheriff courts, in terms of the Courts Reform (Scotland) Act 2014, that is to be expected. It is to be expected also that LPPO and SCTS officials will be copied into relevant exchanges to ensure that any views are thoroughly understood. There is no question of any 'secret submissions' being made.

As far as the informal consultation is concerned, any delays thus far have been due to the need to modify the consultation to include potential rights to instruct cases in the Court of Session. There is no reason why that cannot now proceed quickly.

You will appreciate that standing the views expressed by the Lord President it would be difficult to have a constructive dialogue on the matter of wearing gowns. If however there are other matters relating to the future development of the ACA then I would be very happy to meet, along with Denise Swanston.

I consider myself subject to the Civil Service Code, and to my professional obligations as a solicitor and solicitor-advocate.

Regards,

Roddy

[REDACTED] **Legal Secretary to the Lord President | The Lord President's Private Office | Parliament House | Edinburgh | EH1 1RQ | Tel - [REDACTED] | Blackberry - [REDACTED]**

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