

## ADVERT

### STANDING JUNIOR COUNSEL TO THE SCOTTISH GOVERNMENT

The Lord Advocate is looking to appoint up to nine Standing Junior Counsel to act on behalf of the Scottish Government (which for this purpose includes office holders in the Scottish Administration) to fill vacancies which have now arisen. In total there should continue to be a pool of 18 Standing Junior Counsel to represent the interests of the Scottish Government. The Scottish Government will ordinarily instruct as junior counsel only those who have been appointed by the Lord Advocate to be Standing Junior Counsel.

Applications are invited from both members of the Faculty of Advocates and from members of the Law Society of Scotland who have rights of audience in the Court of Session to fill the Standing Junior posts. If you require any reasonable adjustments to support you through the application and selection process, you should contact **[redacted]** (contact details below) separately to advise.

These appointments, which will initially be for a period of three years are open to members of the Faculty of Advocates or Solicitor Advocates, with not less than four years' experience of legal practice in Scotland, whether as an advocate or as a solicitor. Applicants must be able to demonstrate an ability to conduct skilled advocacy before the courts, and in particular the Court of Session, in a way which is likely to command the respect of the court and effectively advance the interests of the Scottish Ministers. We would expect that applicants for appointment would be able to demonstrate a thorough knowledge of public law, preferably including experience of appearing in public law cases, or a demonstrable ability to acquire the expertise to do so. Public law cases may include cases of a commercial nature in a public law context or experience of taxation law. It is expected that applicants will be able to provide examples of cases in which they have appeared in which they have demonstrated the appropriate advocacy skills and a high level of professional integrity.

We are keen that these appointments reflect the people of Scotland and we welcome applications from groups currently under-represented such as women, disabled people and minority ethnic communities.

Further information on these appointments, how to apply and the process for selection and appointment can be found in the attached Annex.

Application should be submitted to **[redacted]** Scottish Government Legal Directorate, G-B(N), Victoria Quay, Edinburgh or by email **[redacted]**@gov.scot

The closing date for applications is 8 February 2018.

Scottish Government Legal Directorate  
Victoria Quay  
Edinburgh

## **INFORMATION SHEET**

### **STANDING JUNIOR COUNSEL TO THE SCOTTISH GOVERNMENT**

The Lord Advocate is looking to appoint up to 9 Standing Junior Counsel to the Scottish Government (which for this purpose includes office holders in the Scottish Administration) to fill vacancies which will arise in January 2018, and therefore invites applications for appointment to the group from both members of the Faculty of Advocates and members of the Law Society of Scotland who have rights of audience in the Court of Session. The Lord Advocate envisages that in total there should continue to be 18 Standing Junior Counsel including First and Second Standing Junior Counsel.

These appointments, which will initially be for a period of three years, are open to members of the Faculty of Advocates and Solicitor Advocates with not less than four years' experience of legal practice in Scotland, whether as an advocate or as a solicitor advocate.

The Scottish Government will ordinarily instruct as junior counsel only those counsel who have been appointed by the Lord Advocate to be Standing Junior Counsel.

#### **Terms of appointment**

The following paragraphs set out the principal terms which attach to appointment

- (i) Appointment is as a Standing Junior Counsel to the Scottish Government. For the purposes of appointment, the reference to Scottish Government includes the office holders in the Scottish Administration in terms of the Scotland Act. Appointment is not specific to any Department or function within the Government. Standing Junior Counsel may therefore be instructed on any matter falling within the Government's range of responsibilities.
- (ii) Appointment does not guarantee that instructions will be issued to any appointee.
- (iii) Appointments as Standing Junior Counsel will initially be for a period of three years, but that period may be extended from time to time.
- (iv) Appointment as Standing Junior Counsel does not affect the appointee's ability to accept instructions from any other source including instructions to act against the Scottish Government.
- (v) Standing Junior Counsel are expected to give priority over other business to instructions from the Scottish Government.
- (vi) Work undertaken on behalf of the Scottish Government in terms of instructions pursuant to an appointment as Standing Junior Counsel should

be charged out at a rate of £120 per hour. Fee notes should contain a detailed breakdown of work carried out and should record the time spent. Fee notes should be rendered on a monthly basis and will be payable within 30 days of receipt.

- (vii) Reasonable expenses in relation to travel and subsistence will be reimbursed for work undertaken outside Edinburgh.
- (viii) Appointment as Standing Junior Counsel does not attract any salary, pension or similar benefits.

### **Appointment process**

A selection panel comprising senior members of the Scottish Government Legal Directorate will meet to sift applications. Only those applications which meet all the criteria detailed below will be considered further. If an application meets those criteria and the applicant demonstrates sufficient relevant experience, the panel may make recommendations to the Lord Advocate for appointment without the need to interview. In other cases applicants may be called to interview where the panel considers this appropriate. The Lord Advocate will appoint Standing Junior Counsel who appear to him to be best qualified regardless of age, ethnic origin, gender (including transgender status), marital or civil partnership status, sexual orientation, political affiliation, religion or belief or disability.

### **Timetable for appointment process**

Applications should be sent so as to be received by no later than 8 February 2018

Interviews will be held mid February 2018 and appointments are likely to be announced in early March.

### **Applications**

Applications for appointment, with any supporting information, should be submitted to:

**[redacted]  
SG Legal Directorate  
G-B North  
Scottish Government  
Victoria Quay  
Edinburgh EH6 6QQ**

Or email **[redacted]**@gov.scot

Applications should be by way of a covering letter accompanied by an up to date CV which should include detailed information sufficient to enable the panel to ascertain whether the selection criteria are met and to make the necessary recommendations to the Lord Advocate. Applicants should also provide examples of cases in which they have demonstrated skill in civil advocacy and a high level of professional

integrity. If invited to interview, they may be asked to elaborate on any such details given.

Applicants should also provide such further information as they consider appropriate together with names of two professional referees. Referees' assessments will be requested only for those candidates under consideration for short listing and interview. Applicants should ensure that before nominating them, chosen referees are willing to act (and will be available if references are called for) and to provide an assessment within the timetable set out above.

Disabled applicants who may require adjustments to the selection or interview process should inform **[redacted]** of this separately from their covering letter and CV.

### **Criteria for appointment**

Consideration of applications will take into account the following selection criteria:

- Advocacy experience and ability demonstrated by appearances in court, and in particular the Court of Session;
- Overall experience, in particular experience in judicial review and administrative law areas, or exceptionally, a demonstrable ability to acquire expertise in these areas. Experience and / or interest in one or more of; EU law, human rights, the Scottish Land Court, planning, mental health appeals, procurement, commercial contracts, reparation, taxation and employment would also be beneficial.
- Experience of working for or against government or other public bodies;
- Academic strength (University honours degree at level 2:1 or better) or compensating strength in relation to other relevant factors;
- Professional integrity and an appreciation of the special demands of government litigation.

**From:** Lord Advocate <[LordAdvocate@gov.scot](mailto:LordAdvocate@gov.scot)>

**Sent:** 27 March 2018 19:38

**To:** [redacted]@gov.scot>; Lord Advocate <[LordAdvocate@gov.scot](mailto:LordAdvocate@gov.scot)>; Solicitor General <[SolicitorGeneral@gov.scot](mailto:SolicitorGeneral@gov.scot)>

**Cc:** Sinclair MA (Murray) <[Murray.Sinclair@gov.scot](mailto:Murray.Sinclair@gov.scot)>; [redacted]@copfs.gsi.gov.uk>; [redacted]@gov.scot; [redacted]@gov.scot; [redacted]@gov.scot

**Subject:** RE: Appointment of Standing Junior Counsel

[redacted]

The Lord Advocate has considered your email below and is content to appoint [redacted], [redacted], Ewen Campbell, [redacted] and [redacted] as standing junior counsel.

Thanks,  
[redacted]

**From:** [redacted]

**Sent:** 27 March 2018 10:42

**To:** Lord Advocate; Solicitor General

**Cc:** Sinclair MA (Murray); [redacted]; [redacted]; [redacted]

**Subject:** Appointment of Standing Junior Counsel

*Sent on behalf of [redacted]*

Lord Advocate/Solicitor General

And copy recipients

#### APPOINTMENT OF STANDING JUNIOR COUNSEL

Interviews for the appointment of Standing Junior Counsel have now been concluded. We interviewed 9 candidates. The panel unanimously agreed that the five candidates who scored highest, namely [redacted], [redacted], Ewen Campbell, [redacted] and [redacted] met the criteria for appointment having provided satisfactory references and demonstrated the relevant competencies at interview. We accordingly recommend their appointment as standing junior counsel.

In light of their performance at interview, the remaining candidates ([redacted], [redacted], [redacted] and [redacted]) are not being recommended for appointment.

I would be grateful for confirmation that you are content to appoint [redacted], [redacted], Ewen Campbell, [redacted] and [redacted] as standing junior counsel. Please let me know if you need any further information.

Kind regards

[redacted]

[redacted]

PA to [redacted], FCEHSC and  
PA to [redacted], CBS

Ext. 47307

SGLD Business Division, Area GB North, Victoria Quay, Edinburgh, EH6 6QQ

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Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

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T: 0131-244 7307  
E: [redacted]@gov.scot

## PERSONAL

Ewen Campbell  
Axiom Advocates  
Parliament House  
Edinburgh  
EH1 1RF

Our ref: QWM 502/25

12 March 2018

Dear Ewen,

## APPOINTMENT OF STANDING JUNIOR COUNSEL TO THE SCOTTISH GOVERNMENT

Thank you for your recent application. I am pleased to invite you to attend for interview by a selection panel. The panel will comprise [redacted], [redacted], [redacted], and [redacted].

The interview will be competency based and the competencies to be covered will be "Communication & Engagement" and "Analysis & Use of Evidence". You will also be asked to give a short presentation of no more than 5 minutes on the topic: "***How would you meet the challenges of acting on behalf of the Scottish Ministers whilst also ensuring best value?***". You may use notes but no visual aids.

The interview will take place at Victoria Quay, Leith, Edinburgh, on Monday 19 March at **14.30**. Please report to our Reception desk 10 minutes before the interview is due to commence and ask for [redacted].

In the meantime, can you please arrange to provide 2 references. I attach an electronic copy of the proforma for a reference to your nominated referees. The completed references should be sent to [redacted] SGLD, Area G B(N), Victoria Quay, Leith, EH6 6QQ or emailed to [redacted]@gov.scot by Thursday 15 March 2018. Please note that receipt of satisfactory references is a mandatory requirement in advance of attending for interview.

If you have any questions arising from this letter, or any difficulties with the interview arrangements themselves, please contact [redacted] (0131 244 7307) in the first instance. I look forward to seeing you at the interview.

Yours sincerely

[redacted]

## PERSONAL

Ewen Campbell  
Axiom Advocates  
Parliament House  
Edinburgh  
EH1 1RF

Our ref: QWM 502/25

5 April 2018

Dear Ewen,

I am very pleased to inform you that the Lord Advocate has asked me to offer you appointment as Standing Junior Counsel to the Scottish Government.

The following terms and conditions apply to the appointment.

- (i) Appointment is as a Standing Junior Counsel to the Scottish Government (which, for these purposes, includes the office-holders in the Scottish Administration, as defined in the Scotland Act). Appointment is not specific to any part or function of the Government. Standing Junior Counsel may therefore be instructed on any matter falling within the Scottish Government's range of responsibilities.
- (ii) Appointment does not guarantee that instructions will be issued to any appointee.
- (iii) Your appointment as Standing Junior Counsel will last until 31 March 2021 but that period may be extended from time to time.
- (iv) Appointment as Standing Junior Counsel does not affect the appointee's ability to accept instructions from any other source including instructions to act against the Scottish Government.
- (v) Standing Junior Counsel are expected to give priority to instructions from the Scottish Government over other business.

- (vi) Work undertaken on behalf of the Scottish Government in terms of instructions to Standing Junior Counsel should be charged out at a rate of £120 per hour. Fee notes should contain a detailed breakdown of work carried out and should record the time spent. Fee notes should be rendered on a monthly basis and will be payable within 10 days of receipt.
- (vii) Reasonable expenses in relation to travel and subsistence will be reimbursed for work undertaken outside Edinburgh.
- (viii) Appointment as Standing Junior Counsel does not attract any salary, pension or similar benefits.

If you are prepared to accept appointment on these terms and conditions please sign and return the enclosed copy letter.

**MURRAY SINCLAIR**  
Solicitor to the Scottish Government

I accept the appointment on these terms and conditions.

Signature .....

Date .....