AN APPROACH TO
THE LEGAL PROFESSION
IN SCOTLAND

By James Watson

It is my intention in this article to combine an outline of the actual rules and regulations one would require to conform to in order to enter the Scots legal profession, with a personal view of the actual courses that an applicant will (or perhaps should) undertake, and I approach the latter by way of a largely subjective view of some of the merits and demerits, and pitfalls, that such courses encompass.

I should state at the outset that although my discussion ranges over much of the area and ambit of the Scots legal profession (whether one intends being a solicitor or an advocate, both of which I shall shortly define), my own particular interest lies in the field of civil and criminal litigation. Should the reader perhaps detect, therefore, a slight bias in that direction, it is hopefully (if not clearly intentional) at least understandable, and that as a consequence thereof, I need make no apology.

It should be understood, firstly, that it is not a prerequisite for entry to the legal profession in Scotland that one has to obtain a law degree (ie the Degree of Bachelor of Laws: LLB) from one of the five Scottish Universities with Faculties of Law (namely Edinburgh, Glasgow, Dundee, Aberdeen and Strathclyde). Nor, conversely, do all the under-graduate students who obtain a Scots law degree go into the legal profession; some require the degree for other professional or business reasons, and others simply desire to broaden their intellectual horizons by studying for such a degree. But certainly the vast majority of students who take a Scottish university law degree regularly progress thereafter, in one way or another, into the
Scots legal profession, and constitute a large proportion of its members. It is on their progress that I will therefore concentrate (and I followed that path myself), but I shall deal briefly beforehand with the minority of Scots lawyers who enter the profession by an alternative method. Before dealing with either group, however, it would be wise at this juncture to give a brief description of the organisation and function of lawyers in Scotland.

There are basically two types (or groups) of lawyers in this country, namely solicitors, who are members of the Law Society of Scotland, and advocates who are members of the Faculty of Advocates. Solicitors might well be described as general practitioners in law, and they deal with members of the public on virtually all matters requiring legal advice and representation. This would include, for example, the buying and selling of houses (ie conveyancing); the drawing up of wills, trusts and other formal documents; civil and criminal litigation in the lower courts; corporate matters; land law; financial advice and so on.

Members of the Faculty of Advocates, on the other hand, represent clients in both civil and criminal matters in the higher courts of Scotland (ie generally the High Court of Justiciary in criminal matters; and the Court of Session in civil matters), though advocates can also appear in the lower courts should they so wish. They are not, however, approached directly by members of the public, but are instructed by solicitors who act on behalf of such clients. Thus in fact, whether a case is going to the lowest or highest court in Scotland, members of the public will almost always see a solicitor first, who will then instruct an advocate if the case is thought to be of sufficient gravity and importance. And that completes a very basic introduction to the Scottish legal system as far as its practitioners are concerned; we may now turn our attention to the various means by which one might qualify as a practitioner in that system.

Both the Law Society of Scotland (for the solicitors) and the Faculty of Advocates (for the advocates) have their own systems of examinations which will allow candidates the opportunity to qualify as one or the other. In the former case, an aspiring solicitor
may qualify after spending a period of time, normally three years, working in a solicitor's office as an unqualified assistant, during which time he will sit a number of examinations in various legal subjects as formulated by the solicitors governing body (namely the Law Society of Scotland). Opportunities to sit these examinations are given twice a year. On successful completion of that period, such an individual will then enter the 'mainstream' of a solicitor's qualifying progress by taking one year postgraduate course, created in 1981, entitled the Diploma in Legal Practice, taught at all the Law Faculties in Scotland, and to which I shall later return.

For the budding advocate, however, the position is somewhat different. In order to make an application for admission to the Faculty of Advocates a candidate must have passed examinations in a substantial number of legal subjects set by the Faculty. There is no specific minimum or maximum time limit for obtaining these passes, but most candidates are generally keen to complete these examinations as soon as possible, as they tend to be involved in other occupations at this time. Unlike the potential solicitor taking his examinations while working in a solicitor's office, there is no comparable facility for the potential advocate. Partially as a consequence thereof, there are around six opportunities given every year to sit the requisite examinations. At the present time, all potential advocates who successfully complete the prescribed list, like their fellow solicitors-to-be (although with a few very well qualified exceptions) will require to study for, and pass, the Diploma in Legal Practice. It is not, of course, entirely coincidental that most, though not necessarily all, of the above examinations, whether for would-be solicitors or advocates, would be taken if the candidate had enrolled for the Scots degree of Bachelor of Laws as a university student.

This method of taking the appropriate professional examinations, of course, is one adopted by candidates who are predominantly Scots but who, for whatever reason, do not possess and do not wish to study for (or sometimes cannot study for owing to lack of earlier qualifications) the university degree of Bachelor of Laws. However, in addition to such people, who in themselves are very much in the minority as far as the method of normal entrance into the Scots
legal profession is concerned, there are also a few other people who apply for and achieve qualification as lawyers in Scotland, and that group is largely comprised of persons who qualified in law outside of Scotland, but now wish to practice in this country.

The basic approach here is that the Law Society of Scotland and the Faculty of Advocates will recognise, to a greater or lesser extent, the holder of a legal qualification obtained from a recognised foreign university or other recognised source (and in this context 'foreign', from a Scots law point of view, will include degrees in law obtained from English universities). In this situation, it is possible that candidates will be exempt from taking a further degree in Scots law, and also the Diploma in Legal Practice. This would be so if the candidate's qualifications were adjudged to be of a sufficiently high standard and were obtained from a source recognised as teaching a sufficient amount of law, both in content and quality, which is not substantially inconsistent with the basic principles of Scots law. It would be an additional asset for the candidate, of course, if he had thereafter been involved in the professional practice of such law in the appropriate legal system. Naturally, should any such candidate fail to satisfy the Law Society of Scotland or the Faculty of Advocates as to the suitability of their professional qualifications, then they will be required in the end of the day to follow the same path as any aspiring Scots candidate, should they wish to qualify for admission to the practice of law in Scotland.

As already indicated, however, the vast majority of candidates for entry to the legal profession in Scotland, whether they intend to be solicitors or advocates, will commence on the path toward their objective by enrolling to study for an under-graduate degree in law at a Scottish University. (In my own case, I had the honour to study at the University of Edinburgh). Thereafter, these students will require to study for the one year Diploma in Legal Practice, normally taken (though it is not a requirement) in the same university as the law degree was taken. The Diploma in Legal Practice, since its inception in 1981, has to some extent posed a problem for the student who wishes, as an under-graduate, to have the widest possible choice of subject material in his first degree, and it is a
problem which has cared much discussion (and more than a little division!) in the Scots legal profession, practical and academic, for many years now.

The difficulty is basically this: should we have, as potential intrants to a very practical and professional occupation, people who have been able to study almost anything they wished whilst they were under-graduates in a so-called law degree? Or should Scots law degrees be heavily, if not completely, geared towards the study of practical and substantive Scots Law subjects, on a compulsory basis and with the passing of examinations thereon, before such a degree be awarded? It is certainly the case that, prior to 1981, law graduates could enter immediately the practical legal profession (albeit as trainees) notwithstanding that a number of the examinations passed in some individual’s cases were subjects taught by the Arts and Social Science Faculties. The current position for aspiring lawyers (though not necessarily for others!) is slightly different owing to the creation of the Diploma in Legal Practice, for the following reasons, amongst others things.

To some extent, the rationale behind the Diploma was the perceived need to regulate the above inconsistencies in under-graduate study, by creating a compulsory course (for those who wished to enter the legal profession) which had a two-fold purpose. Firstly, as I shall shortly indicate, the course contains a good number of mostly compulsory subjects which cover most of the fundamental aspects of Scots law in professional practice, which subjects are taught in a manner which is intended to allow for their immediate practical use by the students. Secondly, it is a requirement for entry to the Diploma in Legal Practice that a candidate must have studied in his under-graduate law degree an acceptable number of substantive Scots law subjects thus ensuring, in theory at any rate, that anyone who obtains a law degree in Scotland will have a sound basic knowledge of the civil and criminal laws of that country.

Toward that end, therefore, it became a prerequisite for entry to the Diploma in Legal Practice that a candidate must have obtained a degree in law from a Scottish university which included passes in Scots Private Law (covering the areas of Family Law, Property
Law, Conveyancing, Succession, Trusts, Obligations, and Mercantile Law); Criminal Law; Tax Law; and the Law of Evidence in Scotland. That being said, of course, the Diploma in Legal Practice is also open, as I have discussed, to those people who have passed (or been exempted from) the examinations of the Law Society of Scotland or the Faculty of Advocates, without candidates from either group having taken the under-graduate degree in law.

But for those candidates who gain entry to the Diploma in Legal Practice (whether it be in their original university or elsewhere in Scotland) the days of 'compulsory subjects' and 'necessary passes' are not yet over. Diploma candidates are required to attend courses (and naturally pass the appropriate examinations) in Accountancy; Civil Court Practice; Criminal Court Practice; Conveyancing; Finance, Taxation, and Investment; Professional Responsibility; and Wills, Trusts and Executries. In addition, candidates must also take one extra course, and they must choose it from either the course on the Formation and Management of Companies; or the course on Public Administration. A pass in the Diploma in Legal Practice is an essential requirement for both the Law Society of Scotland and the Faculty of Advocates; if this course is failed, the unsuccessful candidate cannot progress further towards the qualified legal profession in Scotland (although a candidate who fails initially has at least one, and often more than one, opportunity to 're-sit' the examination which he failed).

Thus, at least in the Diploma in Legal Practice, prospective entrants to the legal profession in Scotland are required to deal with a good number of substantive law subjects, though as far as possible the Diploma course is taught in a fashion which strives to recreate the practical work of a qualified lawyer, usually a solicitor, whilst contained within the framework of the university teaching tradition. This is achieved by regular use of seminars, in which individual students are required to present their views on particular legal topics (normally with some advance warning), which views will then be open to group discussion. For example, in the course on Civil Advocacy, students are required to present prepared cases as if they were in a real court, with a qualified lawyer acting as
‘judge’ and finding in favour of the student who has presented the better case in law. This is done in competition with a fellow student, who has been given the opposing case to argue.

It is often, of course, rather difficult to artificially create in a university environment the actual problems and difficulties qualified lawyers face in their daily legal deliberations. I submit, however, that the efforts made by all the Scottish universities to attempt this in their respective Diplomas is worthy of commendation; it is far better than no attempt being made at all.

But this still leaves a difficulty with the under-graduate law degree. Prior to 1981, as I have indicated, law students could undertake, and pass, a degree in law which contained many subjects which could by no stretch of the imagination be described as ‘legal’. Even today, should a student elect not to carry on and take the Diploma in Legal Practice (which now requires the student, as I have stated, to have undergone successful study in a prescribed list of substantive law subjects in his under-graduate law degree), then it is still quite possible for that student to leave university holding the degree of Bachelor of Laws, yet having studied several non-legal subjects therein. The following example will hopefully give an illustration of this, as it is a legitimate minimum course for a student desirous of obtaining a law degree in the University of Edinburgh in the current year (ie 1988). I shall start by indicating the general law subjects the student could well choose, then I shall mention some non-law subjects which he could equally well elect to study in addition, yet still obtain his law degree. I must, however, stress at the outset that although what I shall describe is a genuinely acceptable choice of courses for the purpose of obtaining a law degree at the present time, it is by no means the only combination of courses which could have been chosen; the possibilities, indeed, are extensive.

My hypothetical student, however, begins with Constitutional Law, Jurisprudence, and a course on the Scottish Legal System. He then chooses a course on Contract, one on Family Law, and one on Delict. He opts thereafter to take courses in French Private Law, International Private Law, Criminology and Forensic Medicine. And that is the minimum number of law subjects taught in Edinburgh
University Faculty of Law that my hypothetical student would require to study; although I have to say, with all due respect to the appropriate lecturers, that not all of the subjects my hypothetical student has chosen from within the Faculty of Law teach him very much about the substantive law of Scotland, not by any stretch of the imagination.

And yet, in order to obtain his law degree, my student will require to study several more subjects. So he chooses, again purely for example, courses in Politics; European History; Social Anthropology; and Geography. And if he successfully completed all of the above courses, he would have achieved the minimum number of courses required to obtain his law degree. Yet the reader will undoubtedly have noticed that several of the courses chosen are not law subjects at all. Furthermore, in the list of law courses chosen by my hypothetical student, which he was quite entitled to do by the rules and regulations, there is nowhere included such substantive law subjects as Scots Criminal Law and the Law of Evidence in Scotland. Nor is there any requirement for my student to study any of the Scots mercantile laws, or laws relating to property. Nor, indeed, would he be required to study Civil (or Roman) Law, upon which much of Scots law was originally based.

But as I have already indicated, most of these subjects are requirements for entry to the Diploma in Legal Practice and therefore, some will argue, therein lies the safeguard for the continuing study of substantive Scots law in the under-graduate degree. That being so, however, I am constrained to put to them, and others, the following question: What of those students who have no desire to apply themselves to the Diploma in Legal Practice, but wish only to study for an under-graduate law degree? My hypothetical student, for example, could legitimately obtain his Scots law degree, yet know little of the substantive law of Scotland. This seems to me to be on unsatisfactory, if not a wholly ridiculous, position although I wholeheartedly and unreservedly support the view that, inter alia, Scottish universities must continue to be seats of learning, where one can broaden one’s intellectual horizons by study, research and discussion in a potentially wide variety of subjects which can be
contained within one university degree. But this strikes me, (with due respect to the numerous Professors and lecturers in the Arts and Social Science Faculties in the universities of Scotland) as being the ideal function of a general degree in the Arts and/or Social Science fields. It is my submission that such a general approach should not be adopted towards the study required in order to obtain a degree in Scots law.

Indeed, my submission would be that a law degree in this country ought to be a second degree, which could not generally be attempted without a candidate being already the holder of a general first degree from a recognised university (though I quite accept that the usual sort of exceptions, as already discussed in this article, ought generally to apply). Thus the young student can mature and expand intellectually by pursuing a number of varied subjects in his first degree and then, normally with a view to entering the Scots legal profession, he takes a degree in law during the course of which he is required to study, and pass examinations in the necessary substantive law subjects I have already indicated, which subjects are not at all compulsory in the current law degree in Scotland. If that were the case, it should go far towards ensuring that anyone who has the honour to hold a Scots law degree will be understood by the general public, should it come to their attention, to know something about the proper law of Scotland (one hopes!).

However, amongst other pressing reasons such as time and lack of youthful direction, there can be pressing financial difficulties for students who might (and indeed probably would) be required to study at university for perhaps six or seven years in order to become only partially qualified (as I shall describe) under the regime I have suggested in my writings. Therefore, at the present time, students can enter immediately into a law degree in Scotland without any previous academic experience at university level whatsoever, and such students can, for example, choose to study exactly the same subjects that my hypothetical student chose to do.

It does seem to me, therefore, that there are inherent dangers in allowing students to graduate in law from Scottish universities when they may know very little of the substantive law of Scotland,
and I shall pursue this line of thought. But this question has not been lost on at least some members of the academic profession in Scotland. I cite but one example: On 27th October 1981 Professor Robert Black, in the course of the inaugural lecture given by him on his appointment as Professor of Scots Law in the University of Edinburgh said this: "I do not for one moment suggest that we in the Law Faculties should be the lapdogs of the practising profession directing our teaching solely towards purveying what practitioners regard as essential or desirable for intrants to the profession to know. We must be masters in our own house. We, and not the practicing profession, must shoulder the ultimate responsibility for deciding what a student must study before the University will confer upon him its degree of Bachelor of Laws. But if we are to retain the respect of the profession and of the public, it is vital that every student who leaves this university with that degree carries with him a certain minimum of knowledge of the substantive law of Scotland."

It is my submission that the foregoing excerpt from Professor Black's speech carries more than a ring of truth to it; it surely has to be a fundamentally sound theoretical approach. That approach, however, has come nowhere near being realised in university practice, as to which my hypothetical student can testify. The politics of universities it seems to me, like those of national governments, ensure almost inevitably that the given intentions of academic manifestoes seldom reach full fruition, and that furthermore, specific ideas regarded as being sound by many (subjectively, of course!) can on occasion be either interrupted or compromised by others, not always academics, and not always because they necessarily think the idea is unsound (though many often, will), but on occasion because alternative matters seemed to have a more pressing need of their vote at that time, having been so convinced by themselves or others (objectively, of course!).

But let us leave these matters and return, very briefly, to my hypothetical student. He has obtained his law degree, along with his friends and fellow students most of whom are going on to study for the Diploma in Legal Practice, and thereafter, hopefully, onward
into the legal profession in Scotland. Of course, my hypothetical student does not have the necessary qualifying subjects in his Scots law degree, and cannot therefore follow his contemporaries, but must part company with them at this stage. So we wish him well as he makes his way in the world. Occasionally, at business meetings, cocktail parties, or simply at home when visitors call, it will emerge that he studied at university; and when questioned as to the subject matter he may very well reply that he holds a degree in law. And no doubt, when such an answer is given, someone in the party will exclaim that "this is tremendously fortuitous because we have, coincidentally, been involved with a little business or domestic difficulty, and could you just give a quick outline of the legal matters involved, please?" Oh, and perhaps a recommended course of action? Yes, we wish him well.

But his friends will now study for the Diploma in Legal Practice (the content of which I have already described), and this will take one academic year to complete (which is in fact approximately nine months). They will also meet at this stage, the few potential intrants to the legal profession who studied for and passed, the examinations set by either the Law Society of Scotland or the Faculty of Advocates. And when that Diploma year reaches a successful completion then all of the remaining candidates will at long last begin to feel that they have travelled a long way along the road toward reaching their goal of becoming a qualified solicitor or advocate in Scotland. But they are not quite there yet.

The Law Society of Scotland requires that before a potential intrant can be admitted as a qualified solicitor in Scotland, he must normally have served a two year period as a trainee solicitor under the supervision and instruction of a solicitor who has been qualified and in continuous practice for a period of at least three years. Thus, in order to continue towards their eventual qualification as solicitors, those students who successfully completed their Diploma in Legal Practice must seek to work as a trainee with a firm of solicitors for a period of two years thereafter. In actual fact, this process is generally commenced during the Diploma year itself, at which stage students will normally apply, by themselves, to a number
of firms of solicitors requesting that they be considered for the position of trainee solicitor for the forthcoming year. This is normally done by the firm in question calling the applicants for one or more interviews. As there is an annual turnover of trainee solicitors who have finally qualified in and thereafter left their training firms, there appears to be, at this time, sufficient vacancies still to meet the demand for places being made by prospective trainees, most of whom, as I have said, are still studying in their Diploma year. Nevertheless, this can be a worrying and distressing time for many students, who can be called for interview by many firms of solicitors, and then politely rejected by them with depressing regularity. On the other hand, some students find themselves in the position of being offered a good traineeship after only one or two interviews. I confess that I was more than a little relieved to find myself in the latter category.

Finally, at the end of those two years, a candidate will be deemed to be qualified to act as a solicitor in Scotland by the Law Society of Scotland, and the candidate will receive a qualifying certificate to that effect. He may then practice as a solicitor in whichever area he chooses whether by himself, or in partnership with other solicitors. However, should he choose to pursue a career as a solicitor in the criminal courts of Scotland, he will require to decide whether he wishes to devote his time and energy to the defence of accused persons; or whether he wishes to prosecute them. This choice arises because, in Scotland, the Procurator-Fiscal’s office is a full time job for solicitors who only prosecute criminal cases on behalf of the Crown in Scotland (the Crown Office fulfills the same role for advocates in the High Court, and these prosecution lawyers are known as advocates-depute). On the other hand if one wishes to defend the accused in the higher or lower courts on a criminal charge this is quite in order; but no solicitor or advocate can do, for fairly obvious reasons, both jobs at the same time.

And that almost completes the case for the solicitor in Scotland, having taken him from aspiring law student right through to the receipt of his qualifying certificate from the Law Society of Scotland; a process, incidentally, which on average will have taken
him six or seven years. But the overall picture is not quite complete, for again we must indicate a slight difference of approach in the final days of the qualifying advocate. Certainly, they will generally complete the Diploma in Legal Practice along with everyone else, and they also have a 'probationary' period thereafter which lasts for approximately two years. Indeed, they do in fact spend the first year of their own traineeship in a solicitors office, working alongside their fellow solicitors (which year is known as a 'Bar Traineeship'). However, in the second year all budding advocates will return to Parliament House in Edinburgh where the Court of Session is situated, and there undergo a period of individual pupillage (known as 'devilling') to practicing advocates, during which time they will hopefully learn much from the experience of their 'devil-masters' as their tutors are known. This period of pupillage will normally last approximately nine months to one year, and in the course of this time the potential intrant must study for, and pass, the Faculty of Advocates' examination in Evidence, Pleading, Practice and Professional Conduct; all of which are in addition to undertaking practical work in the Court of Session under the supervision of his devil-master. But on completion of this period the successful candidate will be admitted to membership of the Faculty of Advocates, where he may thereafter be instructed to conduct cases in his own right.

I think it is now worthwhile to point out in the matter of the progress of both solicitors and advocates toward their full and final qualifications, that by the nature of the regulatory time scales involved it is not impossible for a candidate to be admitted to the Faculty of Advocates as an advocate at more or less the same time as a candidate is admitted to the Law Society of Scotland as a solicitor, both of them having started their under-graduate law degree on the same day, in the same university some six or seven years before. And they will, of course, remain contemporaries, and often friends, for the rest of their careers in the two different branches of the legal profession in Scotland.

And now, I near the end of my own 'Approach to the legal profession in Scotland'. But before finishing this topic, what, then, of
the future for the legal profession in Scotland? Are things likely to continue, indefinitely, much as I have described them here, for example; or is the wind of change blowing through my profession as it has done through many others in recent years? In my own view the answer is probably that readers of this article in Japan, will see little difference between the entry to, and practice in, the Scots legal profession at the start of the twenty first century, and my own description of such matters contained herein (circa 1988). But there are certainly two or three variable factors which might yet have a profound effect upon the legal profession in the nearer future, and of which I shall make mention before I close.

There has been in the solicitors field, for example, a little concern in recent years that certain areas of work which were once almost exclusively the preserve of the solicitor are being lost to modern, specialised groups who are often not qualified lawyers at all. Thus, in the field of conveyancing, a not insubstantial amount of business involving the sale and purchase of houses, once a virtual monopoly for solicitors, has been lost to firms of estate agents, who are generally providing much the same service as solicitors, but have been undercutting the lawyers fees for so doing. Competition, of course, is not a bad thing in many cases, and if such situations prompt solicitors to improve and expand their services to the public while maintaining them at reasonable prices, then that must be generally for the good. Much the same principle as above has also applied in matters relating to finance and investment, for example, where insurance companies and stockbrokers are taking directly much business in these fields which could be, and in the past was more often, handled initially by solicitors.

It it also, perhaps, slightly unfortunate that even while outside agencies are taking some areas of work away from solicitors, there are more people than ever before studying law degree and attempting to enter the legal profession. Naturally, there are solicitors retiring much of the time too, thus creating spaces for upward mobility, and the market for the provision of a solicitor’s service to the public, though finite, is still quite capable of expansion. Nevertheless, a point may well be reached, and sooner rather than later,
where some individuals will become fully qualified to practice as solicitors, and yet will have considerable difficulty in obtaining a job as one. Hitherto, the idea of an unemployed solicitor would have seemed almost ludicrous, and yet it has almost become something of a real possibility. This, naturally, is a matter for concern in the legal profession and it may be that the five university law faculties will need to review, in liaison with the Law Society of Scotland and the Faculty of Advocates.

Another more fundamental problem, which has been aired from time to time, is the monopoly the Faculty of Advocates has over the right of audience in the higher courts of Scotland, to the exclusion of solicitors. A number of Scots solicitors who specialise in civil or criminal litigation have resented the fact that when approached initially by a client on a litigation matter of a serious or difficult nature (and the one tends to imply the other), they have then had to refer the matter to an advocate to pursue on the clients behalf in the higher courts. And it is certainly the case that there are some very capable litigation lawyers who, for various reasons of their own, chose to become solicitors rather than advocates. They may have wished, for example, to pursue other legal work outside of the court system, which is done rarely by advocates but often by solicitors. Yet these able litigation solicitors cannot plead a case in the higher courts but must pass it on to an advocate who, though he will generally be competent, may be far from brilliant. And it is that very type of advocate who is generally loudest in demanding the retention of the advocates monopoly, in order to keep out the best of the solicitors who specialise in court litigation.

Were I to end this particular topic here however, I would not be presenting a balanced view. There are many advocates in Scotland who are very, very good at pleading cases in court. That function is, after all, the purpose for which they trained; it is their whole life's work, and it is encapsulated in the very word 'advocate'. Such people learned their skills in an old, learned and respected school of advocacy, one of the oldest in Europe, the high and honourable standards, of which have been passed down through many generations. As a senior advocate recently said to me, "If the solicitors
want to come to the higher courts, let them come! Then we will see just how good they are." This remark is, I think, singularly apposite. At the present time, only the poorest of advocates need fear any competition from solicitors, and I cannot see that it is necessarily a bad thing should such people lose work to better practitioners; the public, presumably, will be the beneficiaries of this.

There is one final matter I deem worthy of note in considering possible changes to the Scots legal profession in the relatively near future, and that is the increasing commitment of the United Kingdom as a whole, and of Scotland as a constituent part thereof, to the ideal of greater integration in the European Community. By 1992 it is envisaged that there will be very little restriction on either individuals or businesses from any one of the twelve member states working in any of the other countries in the Community. Already some firms of Scots solicitors have opened (and others are planning to open) branch offices in places like Paris, Brussels and Bonn. While this may favour initially lawyers who specialise in financial and corporate matters, or the contractual and insurance aspects of international trade and business, there will surely also be a growing need for lawyers who specialise in civil (and, no doubt, criminal!) litigation. This is important for Scots litigation lawyers since it is already the position in this country (owing to the United Kingdom Civil Jurisdiction and Judgments Act 1982, which implemented in the United Kingdom, including Scotland, the terms of the 1968 (and subsequent) European Conventions on jurisdiction and the enforcement of judgements in civil and commercial matters) that Scots courts can on occasion have jurisdiction over other nationals from the European Community, and correspondingly, other European Member States may have legal jurisdiction over domiciled Scots in certain matters; such people, of course, will then require legal representation. And presumably, if many more Scots businessmen, professional people, and others attempt to gain access to the opening European opportunities, there will undoubtedly be an increase in international litigation; not because the Scots are a particularly litigious people, but simply because when increasing numbers of people become involved in international trade and business, con-
tractually or otherwise, an increase in litigation seems an inevitable consequence thereof.

It remains to be seen, therefore, whether Scots litigation (and other) lawyers will be brushing up on their knowledge and learning, not only of the internal and external rules concerning Scots jurisdiction, but also of the basic laws of the other members of the European Community. This growing European opportunity seems to me to be one which must be taken. Should it not be, we Scots may be in some danger of being left quietly to ourselves on the periphery of it all, and that would be a great pity. For myself I feel we shall become more involved, and all things being considered, there would appear to be some interesting and challenging times ahead for the Scots legal profession, and I look forward with a certain sense of privilege to being a part of these times.

Gt only remains for me now to put in a small caveat, as I and this personal, 'Approach to the legal profession in Scotland'. I have certainly endeavoured to give a full, fair and accurate account of the current position regarding entry into the Scots legal profession. However, any views or opinions I have aired regarding the merits or otherwise of any of these rules and regulations, or the effect of them on students and qualified practitioners alike, do not necessarily represent the views or opinions held by a significant number of Scots academic or practical lawyers, and nor were they intended to; such views and opinions are mine, and mine alone, I do however acknowledge, freely and with gratitude, certain personal thoughts and ideas which came to me during the course of some enjoyable discussions with Professor Robert Black, Professor of Scots Law in the University of Edinburgh, Scotland.

JAMES WATSON
BA. LLB. DIPLP.