

Covid-19 and Scotland's courts: A brief background

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Although we in Scotland have returned to scaled-back summary criminal courts and a full programme of criminal jury trials (with remote juries sitting in cinemas - I am waiting for a verdict from the cinema this afternoon), almost all our civil court work and all appeals, civil and criminal, are being dealt with electronically and by video conferencing, remotely from the court. Experience shows that this can be a very efficient way of working for procedural hearings and appeals. Practitioners do not have to travel to court and wait around, but can be busying themselves at home, earning fees and larger benches of judges, who would otherwise have had to travel some distance to the appeal court, can sit at home (or in their local chambers) in front of a screen and make better use of their working time.

It's not all plain sailing: connection can be poor, and the courts may well be less public in fact than in theory (anyone can ask to "attend", but few spectators do), but for some types of court hearing which have low public or media interest, video conferencing may well be an efficient way to continue permanently. We have also seen a much greater drive to take witness testimony remotely: we have done that for some time in serious child and vulnerable witness cases, where the evidence is recorded in advance, but it is available for live evidence in pretty much any case during COVID and the question is whether we should have that as a default position in future for, say, professional and police witnesses.