THE LAW SOCIETY OF SCOTLAND
QUALIFIED LAWYERS ASSESSMENT

LEGAL SYSTEM AND LEGAL METHOD

9 May 2022
0830 – 1000
(90 minutes)

All candidates must answer THREE questions.

Common law qualified candidates can answer ANY three questions out of four.

Non-common law qualified candidates can answer any TWO questions from question one to question three and MUST answer question FOUR which is compulsory.

All questions are marked out of 100 and are weighted equally.
**Question 1**

Union with England in 1707 is arguably the most important event in Scottish Legal History. Explain the main ways that the union affected the Scottish legal system. Comment on the extent to which Scots law retains its own identity despite the union.

**Question 2**

According to the then Lord Justice Clerk, Lord Gill, “…fast moving changes in the social and economic life of Scotland in recent decades have left us with a structure of civil justice that is seriously failing the nation. Reform is long overdue.”

Lord Justice Clerk, the Rt Hon Lord Gill: Report of the Scottish Civil Courts Review (Gill Review), 30 September 2009 p. 1

Explain the main reforms to the structure of civil justice following the Gill Review.

**Question 3**

It is widely accepted that, to operate effectively, the Scottish legal system needs both advocates and solicitors. Explain the main roles played by each.

**Question 4**

“A … striking feature of precedent … is the notion that in certain circumstances a court may be bound to apply a previously reached decision.”

22 Stair Memorial Encyclopedia para 247

Explain the circumstances in which a judge sitting in the Outer House of the Court of Session would consider himself or herself bound to apply a previously reached decision.

END OF QUESTION PAPER