



Lord Hamilton Picture: Andrew Milligan/PA

- Stressed top judge enters Priory Sun 28 May 2006

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SCOTLAND'S most senior judge is recovering from a "stress-related condition" in the world-famous Priory Clinic, it emerged yesterday.

The news that Lord Hamilton, the Lord President of the Court of Session, is receiving treatment at the clinic has thrown the Scottish legal establishment into turmoil. Hamilton was appointed only six months ago and immediately declared his intention to sweep away centuries of tradition in favour of a more modern, efficient court system.

Insiders warned at the time he would face stiff resistance to his plans from legal conservatives and yesterday, after weeks of speculation, his spokesman confirmed he was receiving treatment at the Priory in Glasgow. Other former Priory clients include boxer Scott Harrison and TV presenter Kerry Katona.

Last night, the former High Court judge Lord McClusky, called for Scottish Executive reform plans to be put on hold until Hamilton returned to work or was replaced.

Hamilton, 63, replaced Lord Cullen in December last year. Sources close to the judge said he would do away with advocates' virtual monopoly on business in the higher courts, replace the chaotic system of paper files with fully-computerised courtrooms, allow further experiments with televised trials, and order courts to get tougher on time-wasting lawyers.

The reforms were described by insiders as "requiring the wisdom of Solomon" to get them past conservatives in the legal world.

To make matters more complicated, ministers want to bring Scotland's judges and sheriffs under a single management structure, with a secretariat staffed by officials from the Scottish Executive. Legal experts believe that having Executive civil servants might prejudice the independence of the Scots judiciary.

However, it has been known for weeks that Hamilton was off work, and speculation was rife that he was suffering a stress-related illness. A spokeswoman for the Lord President confirmed reports yesterday that he was in the Priory, Glasgow.

She added: "On medical advice the Lord President was admitted to hospital on May 13. He is receiving treatment for the symptoms of a stress-related condition and his return to work will remain subject to

medical advice."

In his absence, the Lord Justice Clerk, Lord Gill, is acting as presiding judge of the Court of Session and the High Court. It was reported at the time of Hamilton's appointment that he had been given the job as something of a reforming outsider rather than the more obvious candidate for the post, Gill.

Lord McCluskey, who retired as a High Court judge in 2000, said: "It would be unwise for the Executive to proceed with major consultation exercises in the absence of a proper opportunity for the judiciary to respond. Given the circumstances, they are unlikely to have received a response from the Lord President.

"They are proposing changing a system which has served us well for centuries on the basis of about 90 days of consultation. This agenda for reform is being run by the Lord Advocate, Colin Boyd, a justice minister who has been in post for three years and civil servants, some of whom have been less than a year in the job, and no opportunity for the Lord President to respond."

A legal insider said: "This is all a bit of a mess really. Big changes, masses of consultations, and all the judges having to double up for each other.

"Of course they can do the day-to-day court stuff. But it's dealing with the changes and reforms that's the real problem. No-one knows where the leadership or direction can come from."

The proposed reforms to the judiciary come hot on the heels of a series of other changes, including the so-called Bonyon Reforms. They have shaken up procedure in the High Courts in order to streamline cases and lead to fewer court hearings which did little other than decide to defer proceedings until a further date.

While the reforms have been widely hailed as a success by ministers, judges, and the legal profession alike, other changes have been more controversial. Advocates who act in criminal cases have been in revolt over plans to cut legal aid payments for most cases, claiming that it is no longer worth their while to act in many instances.

Many in the legal profession would see any more sweeping changes as too much too soon amid a background of reforms which are cutting the incomes of top lawyers and leading them to question whether there is enough money in court work to make the job worthwhile.

Kenny MacAskill, the SNP justice spokesman, said: "We all wish Lord Hamilton well and hope he has a speedy recovery. What is needed is some clarity on when we can hope to see him back in order to deal with the major issues in Scots law."

Hamilton was appointed as a judge in 1995. The graduate of Oxford and Edinburgh Universities became an advocate in 1968 and also served as a Judge of the Courts of Appeal of Jersey and Guernsey.

Since it was opened in October 2003, the £1m Glasgow Priory Hospital has treated a number of high-profile patients for conditions such as stress and alcohol or drug addiction. They include soccer star Paul Gascoigne and Scottish television presenter Gail Porter.