

Note for Solicitor Advocates Wishing To Apply to Join The Panel of Standing Junior Counsel to the Advocate General for Scotland

1. Notwithstanding the terminology used in the information for applicants to join the panel of Standing Junior Counsel to the Advocate General for Scotland, we confirm that Solicitor Advocates (other than those acting as Standing Juniors to the Scottish Government and Advocates Depute) are eligible to apply on the same basis as members of the junior Scottish Bar.
2. Applications should be made by Solicitor Advocates in exactly the same way, using the application forms published on the website of the Office of the Advocate General [Office of the Advocate General for Scotland - GOV.UK](https://www.oag.gov.uk) with one referee required for the post of Standing Junior and Second Standing Junior, although the same referee can be used for each post (again, using the forms for each post published on the OAG website). On the application form for appointment as a Standing Junior, rather than “Year of call”, Solicitor Advocate applicants should provide their year of admittance as a Solicitor Advocate. Otherwise, the information required is the same whether the applicant is an Advocate or a Solicitor Advocate.
3. The key terms of appointment are set out in the information for applicants that may be downloaded from the OAG website. Applicants should, of course, satisfy themselves that they will be able to comply with the terms of appointment before applying. In this regard, we would draw the attention of Solicitor Advocates to two particular terms of appointment which may impact on their general practice as a solicitor, namely:
 - Appointment as a Standing Junior will prevent the Standing Junior from accepting instructions to act against the Department to which an appointment is held without the prior agreement of the OAG; and
 - Standing juniors will be expected to give priority to instructions from United Kingdom Departments and Agencies.
4. Notwithstanding that we cannot offer guarantees about the volume of work that a Standing Junior will obtain, we anticipate based on past experience that the panel that is currently being appointed is very much a working appointment, and will require Standing Juniors to be available to us for use on a regular basis and periodically at short notice. We accordingly expect our work to be appropriately prioritised. Put briefly, it is of no practical benefit to OAG to have a panel of counsel that are never available to do its work.
5. Further, to avoid even the appearance of a conflict of interest, we have adopted the approach that those appointed will have no involvement whatsoever with any point that is, or may become, a point of dispute between any other client and the UK Government. In this regard, we consider that the best approach will be that the firm of which a Solicitor Advocate is a member will not engage in litigation against the UK government, and will require a very persuasive case for arrangements falling short of that. We should stress that we are prepared to consider cases as and when they arise and have in the past agreed to Counsel

acting against the UK government in cases which have no involvement with any work that Counsel has done for us in the past – and we anticipate that this will continue to happen. However, the starting point is that such work is prohibited.

6. It would be of benefit to any Solicitor Advocate's application if some reassurance on these points – and we would be happy to consider any innovative approaches or solutions to the issue of concern raised - could be provided, either in the body of the application form or in the covering email to which their application is attached.
7. Any requests for clarification or further information should be directed to businesssupport@advocategeneral.gov.uk marked for the attention of Hannah Robinson (07708 493006) and Lauren Smith (07708 493002).