

WELCOME TO CLARITY

# LITIGATION AND DISPUTE RESOLUTION.

HIGH QUALITY LEGAL AND STRATEGIC ADVICE



# LITIGATION AND DISPUTE RESOLUTION AT MORTON FRASER

DISPUTES ARE AN UNWELCOME DISTRACTION from your core business but you can rely on us for a wide range of practical and innovative solutions. We work with a diverse range of clients from both the private and public sector, as well as acting for high net worth individuals and entrepreneurs.

We have one of the largest and most experienced litigation teams in Scotland with a team of over 80, including 60 lawyers. In recent years, we have achieved success for our clients in some of the highest profile cases before the Courts and Tribunals.

*“ We have achieved success for our clients in some of the highest profile cases before the Courts and Tribunals. ”*



## OUR APPROACH

### CLARITY IS AT THE HEART OF EVERYTHING WE DO

and we provide high quality, clear, strategic advice to guide our clients through what are often complex legal issues.

From the outset, we will find out what success looks like for you and provide realistic views on prospects of success, along with a cost benefit analysis, ensuring you get not just a first class legal service but also sound commercial advice.

We know that going to court is not always the answer and we will ensure that you know all of the options open to you when a dispute arises including a litigated outcome, a negotiated settlement, mediation or other dispute resolution methods. Each dispute is unique and we will work with you to agree a bespoke strategy but whatever the strategy, we take ownership of your dispute, guard your interests and fight your corner.



*“We take ownership of your dispute, guard your interests and fight your corner.”*

# MORE ABOUT OUR SERVICE

WITH ACKNOWLEDGED AND ACCREDITED EXPERTS THROUGHOUT THE TEAM, we have the skills and experience necessary to resolve your dispute. We are consistently ranked in both Legal 500 and Chambers Guide to the Legal Profession.

Our lawyers very regularly appear throughout the court and tribunal system in Scotland, including arbitrations, and we have specialist teams dealing with:-

- Commercial litigation
- Real estate litigation including planning and construction disputes
- Debt recovery
- Licensing
- Professional negligence
- Inquiries
- Personal injury
- Employment
- Immigration



## OUR CLIENTS

OUR CLIENT BASE INCLUDES leading national businesses, the public sector and high-net worth private individuals and entrepreneurs, as well as a very large number of small to medium-sized enterprises.

**DIAGEO**

**TESCO**



**LLOYDS BANK**

**schuh**

STEWART  
**Milne**  
HOMES



◆ **EDINBURGH** ◆  
THE CITY OF EDINBURGH COUNCIL



Ministry  
of Defence

 **TRANSPORT  
SCOTLAND**  
CÒMHDHAIL ALBA

**Scottish  
Canals**

## OUR APPROACH TO FEES

**WE TAKE A MORE PROACTIVE APPROACH TO COST THAN EVER BEFORE.** In order for you to take informed decisions, it is essential that we are clear on costs.

We recognise that funding a litigation can be a challenge and we offer a variety of options including hourly rates, fixed fees and success fee agreements. We also work with litigation funders in certain cases to provide cover for our clients' costs and insurance cover for adverse costs, providing our clients with the clarity and certainty they need before embarking on litigation.

*“providing clients with the clarity and certainty they need before embarking on litigation”*



## OUR EXPERIENCE

- **SCOTTISH LION INSURANCE** - Instructed by a major US firm in London on behalf of the Scottish Lion Insurance Company Limited to argue a contested solvent scheme of arrangement before the Court of Session.
- **SCOTSMAN HOTEL** - Acting for the liquidator in the multi-million pound litigations arising out of the liquidation of the five star Scotsman Hotel in Edinburgh. This involved contested attempts by the parent company to undo the liquidation, claims of breach of contract, unjustified enrichment and disputed adjudications of creditors' claims, in addition to proceedings which sought to prevent the liquidator selling the hotel.
- **ENVIRONMENT AGENCY** - Acted for the Environment Agency in a dispute with another public body arising out of the administration of the Dawson International Group of companies where the claims ranged between £14million and £100million.
- **PRIVATE CLIENT** - Acted for a high net worth individual who was being sued for £1million relating to a fraud arising from his participation in the running of a small self-administered pension scheme.
- **ADVISING A LIMITED LIABILITY PARTNERSHIP** in relation to an asbestos claim made by an employee in circumstances where it appeared that there was no insurance cover in place when the exposure occurred in the 1970s. After extensive investigations we successfully identified an insurer who settled the damages claim in full.
- **ACTING IN A DISPUTED VALUATION OF 270 PROPERTIES** being acquired at termination of a PFI contract. The dispute was referred to an independent arbitrator whose decision has been challenged in the Court of Session on the basis of legal error.



## OUR EXPERIENCE

- **ACTING IN A DISPUTE ARISING FROM A MULTI-MILLION POUND OFFICE DEVELOPMENT** in Glasgow in which a neighbouring proprietor is claiming that the property is being built partly on land which they co-own. This raises important issues about Scots conveyancing practice and the land registration system. A decision from the Court of Session is awaited.
- **ACTED FOR A LOCAL AUTHORITY** in the defence of a significant claim in relation to solar panels on 78 council properties. A dispute between the parties led to the contract being terminated and the highly penal termination provisions being invoked. We successfully argued, both at first instance and at appeal, that termination notices had not been served properly on our client and therefore no compensation was payable.
- **SUCCESSFUL MEDIATION** on behalf of a government agency relating to an extensive range of construction defects in an office development.
- **ACTED IN A CLAIM** for the enforcement of a performance bond issued against a bank and enforceable upon failure of a contractor to complete a biomass power plant on time causing the funder to lose significant revenue generation as a consequence. The enforceability of the bond is being challenged and the matter is currently in the Court of Session.
- **ACTED FOR A MULTINATIONAL ENGINEERING AND CONSTRUCTION PLC** in respect of a multi-million pound claim arising out of a contract to design and build overhead power lines. Parties attempted unsuccessfully to resolve the matter amicably and the matter was referred to adjudication. This matter involved us advising on complex contract interpretation issues.
- **ACTED ON BEHALF OF A LOCAL AUTHORITY** in respect of a £5million claim against a lead consultant for negligent design of engineering works.
- **INSTRUCTED BY A MAJOR ENGLISH LAW FIRM** on behalf of their client in respect of enforcing an adjudicator's decision in the Court of Session.
- **INSTRUCTED BY A HOTELIER** in respect of the construction of a high profile hotel in Edinburgh to pursue a substantial claim against the developer in respect of delays and defective works.



# MEET OUR LITIGATION PARTNERS

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# ABOUT MORTON FRASER

WE ARE AN INDEPENDENT SCOTTISH LAW FIRM with offices in Edinburgh and Glasgow. Our absolute focus is on the Scottish legal landscape, and our regional cost base allows us to provide our clients with excellent value for money without compromising on the quality of service. We have over 275 people, including 45 partners.

Our commitment is to ensure that our clients are clear about our advice, and clear about our fees.

We were Winners of Business Insider's 2018 SME Award - judged not just on turnover/profitability but also implementation of strategy. We were included in the Sunday Times 100 Best UK Companies to Work For 2019 - the only Scottish law firm on the list. We were short-listed for the Lawyer Awards 2019 in the category Law Firm of the Year: the Independents - Regional.

We are a member of the 30% Club, a global campaign to increase gender diversity at board and senior management levels.



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Named as  
the only  
Scottish  
law firm in  
the Sunday  
Times Top  
100 Best  
Companies  
to Work For  
2019

Morton Fraser is a growing Scottish independent law firm, delivering clear advice to businesses, the public sector, individuals and families.

#### MAKE CONTACT

For any of these services please contact us.



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