



WELCOME TO YOUR SCOTS COUNSEL.

Bite-sized view from Scotland

Welcome to the first "Morton Fraser - Your Scots Counsel" quarterly bulletin!

Our cross-border referrals have grown by nearly 40% over the last year and so we want to say a huge thank-you for giving us the opportunity to work with you.

If we haven't yet had the chance to work together then we'd also like to answer the question "Why Morton Fraser?".

First and foremost, **pressure**. We understand the pressures you're under as lead counsel on a cross-border transaction or dispute. Our various teams comprise lawyers who have worked at City law firms and so we "get it". We get the job done - on time and on budget.

Secondly, we understand the importance of **trust** in building any long-term relationship. We're here to help you to deliver for your client and nothing else. We don't have offices in England or in any jurisdiction other than Scotland. We can engage either with you as agent for your client or with your client directly - whatever works best for you.

Thirdly, and put simply, **quality**. Our advice will be technically flawless and delivered without fuss or fanfare, and with clarity at its core. We won't sit on the fence and try to avoid giving a clear view. We don't pretend to be the biggest independent law firm in Scotland, but in terms of the quality and technical excellence of our legal advice and services, we certainly do consider ourselves to be the best bar none.

We want to build a mutually beneficial relationship with you and your firm. We hope that this bulletin, and those which follow, help to provide you with a flavour for Morton Fraser and inspire confidence in our Your Scots Counsel services.

All the very best,

Chris Harte
Chief Executive

Ross Caldwell
Your Scots Counsel - Lead Partner

Pension sharing - the price of certainty

The recent case of T v T in which the sharing of a pension was determined has led us to examine what may have happened if the case was heard under Scottish matrimonial law.

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INSIGHT

All its cracked up to be?

Limited liability is one of the fundamental protections in our understanding of company law but what happens when it starts to be deliberately abused?

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GUIDE

Time to adjust contracts

We have seen considerable debate in the construction industry on the impact of Covid-19 on contracts.

As we adapt to the new normal, it's time to look at the contracts that we are now drafting to ensure that we adapt them to meet the needs of the evolving challenges.

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What is jurisdictional challenge?

The adjudicator's jurisdiction is critical to establish at the outset. If the adjudicator does not have jurisdiction to determine the dispute, their decision will be null and invalid, and a court will not enforce it.

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Judges and Commercial Common Sense

The principles applicable to the interpretation of contracts are well-settled. Over the last 10 years or so, there have been a number of authoritative statements (possibly too many) on the proper approach.

[READ THE FULL ARTICLE](#) →

Tier one rated Family Law

Fiona Sasan introduces Your Scottish **Family law** Counsel.

Morton Fraser has a long standing reputation as one of the leading Family Law teams in Scotland. Although based in both Glasgow and Edinburgh, we represent clients from Orkney to the Borders and beyond. We have a particular niche in representing high net worth individuals, entrepreneurs, landed estate owners, public figures with high profile, Expats (particularly in the Middle East) and individuals with cross border issues.

We have English qualified members in our team as well as a full complement of Alternative dispute qualified team members (CALM mediation, Collaborative Law and Flags arbitration). Two of our partners are members of the International Academy of Family lawyers (IAFL) So who are we? We are your Scottish experts.



Commercial Common Sense

Scottish judges appear to be less wary than their English cousins about relying on commercial common sense as a means of interpreting commercial contracts – but is this at the expense of certainty?

[READ THE FULL ARTICLE](#) →



From IBORs to RFRs

The move to RFRs is without doubt the most seismic event to affect debt markets since the financial crisis and possibly beyond that. In our latest podcast, we discuss the transition from IBORs to RFRs in debt markets and what this means for both lenders and borrowers.

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