



More for Lawyers January 2021

Happy New Year! As we enter 2021 with a degree of trepidation, hoping that what awaits us will be a little less dramatic than 2020, we can reflect on the fact that, for better or worse, the pandemic has changed the world and the law that governs us. I read recently that there had been 64 different updates to the covid-19 regulations since March 2019 which makes it very difficult to keep up. In this edition we look forward to 2021 and ask what changes to the law will mean for lawyers in the coming year, look at the current employment law position and consider the other dramatic event of the year, Brexit.

[Richard McMeeken](#)



Brexit: The final phase?



With the Prime Minister now enjoying a substantial majority in the House of Commons, it was always likely that the UK would reach the end of the transition period and leave the single market and the customs union. The days when a second referendum was being suggested, a closer relationship was being sought with the EU and equivalence arrangements were contemplated disappeared with the election of the Johnson Government, if not before. While negotiations have been taking place between the UK and the EU over the last year, obscured by the COVID-19 difficulties, it has long been clear that the only serious options on the table were a "no-deal" and trading on WTO terms, or a free trade agreement (FTA).

Author: Lynda Towers

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Employment law reform timeline

This blog sets out the key legislative changes and case law decisions expected in 2021 and beyond and will be regularly updated.

Author: Innes Clark

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Five trends that might emerge for litigators during 2021



We all know 2020 made an impact – and as we look at the year ahead, there are a few repercussions of the incredible strain placed on businesses that are likely to come into the limelight as a result. While there are some global trends in litigation – like litigation funding and class actions – some Scotland specific trends are also worth highlighting. With that in mind, this article shows the five key things for litigators to watch in the year ahead.

Author: Richard McMeeken

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Optimistic outlook for mediation

As the year comes to a close with Christmas all but cancelled, it is hard to imagine that any good has come from Covid-19. For Morton Fraser partner David Hossack, however, one positive to come out of the coronavirus pandemic is that it has helped to highlight the role mediation can play in the resolution of disputes.

Author: David Hossack

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Litigation Updates for December and January

The following is a summary of some updates for December and January which might be of interest to those working in litigation in Scotland:

- Amendments were made to the table of fees for Messengers-at-Arms and Sheriff Officers to deal with service of documents in Scotland under the Hague Convention by the [Act of Sederunt \(Fees of Messengers-at-Arms and Sheriff Officers\), \(Hague Service Convention\), \(Amendment\) 2020](#).
- Court rules dealing with challenges to the validity of EU law (following the end of the transition period on 31 December) were amended and brought into force by [The Act of Sederunt \(Challenges to Validity of EU Instruments \(EU Exit\)\), \(Amendment\) 2020](#). This Act of Sederunt amends two principal instruments which make provision for the appropriate forms and notice to be given to UK authorities in relation to challenges to the validity of EU instruments arising from the Challenges to Validity of EU instruments (EU Exit) Regulations 2019.
- The Scottish Law Commission published its [Autumn e-bulletin](#) on 3 December. The e-bulletin looks at the Commission's current work, news and implementation. This edition includes reference to the Scottish Government's recent consultation on implementation of the Prescription (Scotland) Act 2018 and the report of Scottish Parliament's Delegated Powers and Law Reform (DPLR) Committee prepared following a review of the Presiding Officer's determinations in relation to Commission Bills that may be referred to the Committee.

Success fee billing arrangements

In light of the changes to success fees which came into force in April 2020 Morton Fraser has introduced a [success fee offering for commercial business](#). If you don't offer such a service but think it could assist one of your clients please get in touch as we would be happy to discuss this with you.

Our success
fee arrangements
allow SMEs to
pursue a dispute
without financial risk

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Updates from Morton Fraser's Family Law Team

In case you have not already seen some of the latest musings from Morton Fraser's family law team on the impact of Brexit and a number of other issues, click [here](#) to read these in their recent newsletter.

More for Lawyers - Our Service

More for Lawyers is for our professional colleagues. Working in partnership with other law firms throughout Scotland we can ensure that our clients and theirs get the best possible service. Our focus is on litigation agency work in the Court of Session, Sheriff Appeal Court and the All Scotland Personal Injury Court. We also offer mediation services. We appreciate that the type of support you need from us may vary from case to case. With that in mind, our service can range from anything from lodging documents on your behalf to being involved in giving detailed advice and the day-to-day running of cases.

Advocacy Service

Our advocacy team is an integral part of More for Lawyers. Led by [Richard McMeeken](#) and [Jenny Dickson](#) we are always available to provide an early opinion on our client's case and cover all areas of civil and commercial litigation in Scotland. Our solicitor advocates are also available to consult with you as required and have both appeared at all levels of the Scottish court system including in appeals to the Inner House of the Court of Session. Our wider team has significant advocacy experience throughout Scotland's sheriff courts including the Sheriff Appeal Court and ASPIC.

Mediation Training - How to Best Represent Your Clients at Mediation

David Hossack and Laura McKenna are going to be running two free training sessions for lawyers who are interested in learning a bit more about mediation. Details of what they are going to cover in these sessions and how you can secure a place if you are interested are below:

- Training Session 1: January 27th at 11:00 (1 hour) - this session will cover the following: what is mediation, why should you consider it, when is the best time to mediate and, look at some of the obstacles to mediation. We will also cover factors to consider when selecting a mediator.
- Training Session 2: February 10th at 11:00 (1 hour) - this session will look at how best to prepare for a mediation, the process of mediation, potential pitfalls during mediation and, virtual mediation.

Secure your place by emailing amber.cameron@morton-fraser.com

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