

Location & Date

Date: 17th September 2019

Time: 09:15 - 17:15

Location:

Law Society of Scotland
Atria One, 144 Morrison Street
Edinburgh
EH3 8EX

CPD Hours: 5hours 30minutes

5.5 hours verifiable CPD

What could you learn now that will develop and expand your commercial dispute resolution practice?

With the pace of civil procedure reform increasing and the International Council for Commercial Arbitration taking place in Scotland in 2020, now is a timely opportunity for all commercial litigators in Scotland to learn about the latest developments in the courts and future court reforms and to explore alternative dispute resolution. We will welcome the Lord President to give the opening keynote covering an overview of the current Scottish commercial dispute landscape.

We will bring together a wide variety of litigation practitioners to cover many areas in commercial dispute resolution. Book now to join peers and colleagues to gain the latest update for 2019 and beyond.

Learning outcomes

Join us for a fantastic day in Edinburgh where we will discuss the future of commercial dispute resolution and will aim to address the following questions:

How is practice in the civil courts changing and what does the future hold for civil litigation in Scotland?

The Scottish Civil Justice Council and its Committees have been working hard on court reform.

How can your practice benefit now by adopting expertise and exploring the opportunities ICCA 2020 will bring?

We will explore the solicitor's duty to understand and advise the best ways to resolve disputes, which must include latest knowledge and appraisal of different forms. We will explore alternative resolution forums and models; and the long-term commercial dispute innovations and practice development opportunities to be gained.

How is technology going to impact upon commercial dispute resolution practice?

We will examine how technology is going to change the way disputes are resolved, including a look at artificial intelligence solutions and other aids to the dispute and settlement processes.

By attending you will gain:

- Understanding of the latest developments, rules and procedure in the Scottish arena
- Knowledge of current civil procedure and reform workstreams
- Guidance on current trends in funding
- Insight on how to innovate and enhance your commercial dispute resolution practice
- Exploring the utilisation and practice of alternative forms of dispute resolution including practical guidance for those looking to expand their practice covering emerging forms of dispute resolution: update on Mediation, Expert

Determination, Arbitration, Med-Arb, Arb-Med, RICS Conflict Avoidance Process

- Guidance on how your practice could benefit from the ICCA Congress coming to Scotland in 2020

Confirmed speakers

- **Brandon Malone** (Chair), Solicitor Advocate and Chairman, The Scottish Arbitration Centre
- **The Right Hon Lord Carloway**, Lord President of the Court of Session
- **John Mulholland**, President, Law Society of Scotland
- **Roddy Flinn**, Legal Secretary to the Lord President
- **Rachel M Grant**, Regional Associate Director, Manolete Partners PLC
- **Dharshini Prasad**, Senior Associate, WilmerHale LLP, Singapore International Arbitration Centre (YSIAC) Committee Member
- **Lindy Patterson QC**, 39 Essex Chambers
- **Colin Hutton**, Partner, CMS
- **Naomi Pryde**, Partner, Head of Commercial Litigation (Scotland), DWF LLP
- **Tom McEntegart**, Partner, TLT LLP
- **Fiona Chute**, Associate, Brodies
- **Alun Thomas**, Partner, Anderson Strathern
- **Iain Rutherford**, Partner, Brodies
- **Kenneth Campbell QC**, FCIArb, Advocate
- **Jacqueline Harris**, Partner, Pinsent Masons LLP
- **Alan McMillan**, Partner, Burness Paull LLP
- **Iain G. Mitchell QC**, Arnot Manderson Advocates
- **James Jobling**, Legal Expenses Insurance Development Manager, AmTrust Law

Programme Details

09:15 - 09:45 Registration and refreshments

09:45 - 10:00 Welcome and introduction

Speaker

Brandon Malone, Solicitor Advocate and Chairman, The Scottish Arbitration Centre Board



Mr Malone is a solicitor advocate with over 25 years' experience in dispute resolution. He is accredited by the Law Society of Scotland as a specialist in Construction Law and as a specialist in Arbitration Law, and convenes the Society's Arbitration Accreditation Committee.

He is a Fellow of the Chartered Institute of Arbitrators, and an Honorary Lecturer at the Centre for Energy, Petroleum and Mineral Law and Policy at the University of Dundee.

Mr Malone is Chairman of the Scottish Arbitration Centre's Board and is also Co-Director of the International Centre for Energy Arbitration.

He is regularly appointed as an arbitrator in domestic and international cases and he is a member of the panel of arbitrators of the ICDR, CIETAC, SIAC, DIAC, AIAC, and BCDR-AAA.

Session one Enhancing civil procedure: The latest developments, rules and procedure

10:00 - 10:30 Opening keynote: Overview of the Scottish commercial dispute landscape

Speaker

The Right Hon Lord Carloway, Lord President of the Court of Session



Lord Carloway was appointed as Lord President of the Court of Session in December 2015 and was installed as the new head of Scotland's judiciary in January 2016. He has been a Senator since February 2000 and was appointed to the Second Division of the Inner House in August 2008, before becoming Lord Justice Clerk in August 2012.

He is a graduate of Edinburgh University (LLB Hons) and was admitted to the Faculty of Advocates in 1977. He served as an Advocate Depute from 1986 to 1989 and was appointed Queen's Counsel in 1990. From 1994 until his appointment as a Judge he was Treasurer of the Faculty of Advocates.

He is an assistant editor of "Green's Litigation Styles" and contributed the chapters on "Court of Session Practice" to the Stair Memorial Encyclopaedia and "Expenses" in Court of Session Practice.

Lord Carloway was the joint editor of "Parliament House Portraits: the Art Collection of the Faculty of Advocates" and is a former president of the Scottish Arts Club.

More recently, he led a review of the law and practice in light of the United Kingdom Supreme Court's decision in the case of *Cadder v HM Advocate*. His report into criminal law and practice was published in November 2011.

10:30 - 11:30

Developments in civil procedure - Work of the Scottish Civil Justice Council

- An update on the current SCJC reform workstreams

Speakers

Roddy Flinn, Legal Secretary to the Lord Secretary

Roddy became Secretary to the Scottish Civil Justice Council in September 2013 when he was appointed as Legal Secretary to the Lord President.

As Secretary to the Council, Roddy oversees the work of the Council and provides an important link between the Council and the Court of Session in relation to the preparation of draft rules

Kenneth J Campbell QC, FCI Arb, Advocate

Jacqueline Harris, Partner, Pinsent Masons LLP

Alan McMillan, Partner, Burness Paull LLP

11:30 - 12:00

Networking and refreshments

Session two

How can commercial disputes be funded?

12:00 - 13:00

Funding commercial dispute resolution

- Overview of current trends and proposed reforms
- Taylor Review
- Third Party Funding
- Practical guidance for those new to different forms of alternative dispute resolution.

Speakers

Rachel M Grant, Regional Associate Director, Manolete Partners PLC

Rachel Grant is Manolete's Regional Associate Director leading operations in Scotland.

Rachel has over 25 years of experience in insolvency law and joined Manolete from Brodies LLP. Rachel has a top tier ranking and has been inducted into the Legal 500 Hall of Fame.

Rachel is a member of the R3 General Technical Committee and Scottish Technical Committee (which she chaired for over ten years). She is a member and former chair of the Law Society Insolvency Accreditation Panel. She was a member of the Law Society of Scotland's Corporate, Banking and Insolvency Committee for over 20 years and represented the Law Society on the Joint Insolvency Committee.

Naomi Pryde, Partner, Head of Commercial Litigation (Scotland), DWF LLP



James Jobling, Legal Expenses Development Manager, AmTrust Law

Iain Rutherford, Partner, Brodies

Iain is a partner in Brodies' litigation team and advises clients in relation to a broad range of UK and international commercial disputes with an emphasis on IT & telecoms, energy & corporate disputes and banking and financial services litigation.

He has an LLM in IT & Telecommunications Law and has represented clients in relation to various IT related disputes including outsourcing, domain name, online defamation and IT supplier disputes. Iain has acted for banks and financial services institutions in relation to high profile and high value professional negligence, misrepresentation, contractual and pensions disputes and has acted in a wide variety of corporate litigation including warranty claims, unfair prejudice petitions and related shareholder disputes.

Iain is a solicitor-advocate and his practice is primarily in the UK Courts. He is, however, an enthusiastic proponent of alternative dispute resolution, with recent experience of mediation, arbitration (including energy arbitration) and expert determination (both financial and technical). His clients value his friendly and approachable manner coupled with his realistic commercial approach to the issues facing them.

13:00 - 13:45

Lunch and networking

Session three

How do you innovate, select and enhance alternative dispute resolution practice?

13:45 - 14:00

Welcome to the afternoon session: The opportunities for solicitors

Speaker

John Mulholland, President, Law Society of Scotland



John Mulholland is a criminal law consultant at Falkirk-based Marshall Wilson Law Group and joined the Law Society of Scotland council in 2012, representing constituents in Alloa, Falkirk, Linlithgow and Stirling.

John is Chair of the Board and sits on the Appeals and Reviews Subcommittee. He is the former convener of both the Nominations committee and the Finance Committee and is the former Treasurer.

14:00 - 15:00

Opportunities and innovation in ADR in practice

- An introduction and review for litigation lawyers covering the utilisation and practice of alternative forms of dispute resolution including practical guidance for those looking to expand their practice.
- Opportunities in ADR
- Emerging forms of dispute resolution: update on Mediation, Expert Determination, Arbitration, Arb-Med, RICS, Conflict Avoidance Process
- How can my practice benefit from the ICCA Congress coming to Scotland in 2020?

Speakers

Tom McEntegart, Partner, TLT LLP (Chair)

Dharshini Prasad, Singapore International Arbitration Centre (YSIAC) Committee Member

Lindy Patterson QC, 39 Essex Chambers

Lindy Patterson QC specialises in international arbitration, adjudication and other forms of ADR. She operates in the construction, energy and natural resources and general commercial sectors.

She acts regularly as arbitrator and adjudicator and has extensive experience as counsel and as tribunal member/chair. She operates in many jurisdictions, both civil and common law, and with a variety of governing laws.

She has chaired a number of dispute boards, both ad hoc and standing, across the world and plays an active role in promoting dispute avoidance by these means. She is currently President of DRBF (Region 2).

She is also qualified in Scots law and having practiced there for many years is well versed in civil as well as common law systems.

Lindy Patterson QC was a partner/solicitor advocate with CMS Cameron McKenna until April 2017 heading up a team of dispute lawyers.

Colin Hutton, Partner, CMS

Colin Hutton has over 20 years' experience in dispute avoidance and resolution. He has acted for a wide range of clients and has significant experience working with financial services and energy sector clients. He also advises on shareholder disputes and disputes relating to corporate transactions.

Colin specialises in the project management of the dispute resolution process and he advises clients on fraud issues and Bribery Act investigations. He is a keen advocate of alternative dispute resolution and regularly uses mediation to effectively resolve disputes.

Alun Thomas, Partner, Anderson Strathern



Alun leads Anderson Strathern's top-rated employment unit and also heads its education group. He is lead partner for a number of the firm's public sector and education clients. As well as representing clients in the Employment Tribunal, Alun is a practising mediator and is often asked to assist parties in conflict to reach mediated solutions to the issues they face.

He is currently the Chair of Scottish Mediation and co-chaired their recent report "Bringing Mediation into the Mainstream" with John Sturrock QC.

Using the experience gained over 30 years as a solicitor (during the last 20 of which he has been accredited as a specialist in Employment Law) Alun seeks to help his clients find ways to resolve their conflicts. He is especially aware of the challenges that public sector clients face and their need to manage organisations under intense public scrutiny whilst balancing reputational risk in a context of ever restricted public expenditure. Alun is able to address the issues that confront organisations dealing with change and believes in the importance of

engaging and consulting collectively.

15:00 - 15:15 Networking and refreshments

Session four A dive into the future

15:15 - 16:15 **A dive into the future: Technology and Dispute Resolution session**

- Existing technologies
- Integration of tech and the court rules
- Parallel Online Blind Bidding
- Cybersecurity threats
- Emerging and FutureTech
- Tech Suppliers

Speakers

Fiona Chute, Associate, Brodies



Iain G. Mitchell QC, Arnot Manderson Advocates

16:15 - 16:30 Closing remarks on learning points from the day and looking forward to ICCA Congress 2020

Prices

prices exclude VAT

Member:	£210.42
New member:	£175.00
Accredited Paralegal:	£175.00
Trainee:	£175.00
Unemployed member:	£162.50
Non-member:	£222.92