



SHEPHERD+ WEDDERBURN

The background is a blurred photograph of four business professionals in an office. They are standing in front of large windows, and their figures are silhouetted against the bright light. A dark horizontal bar is overlaid across the middle of the image, containing the text.

COMMERCIAL DISPUTE RESOLUTION AND LITIGATION

We are known for our ability to deal with complex, commercial disputes. Whatever the circumstance, our overarching aim is to achieve the best results for our clients.

Overview

Our talented and experienced team understands the disruption that results from disputes and the business urgency to resolve them. As such, our approach centres on providing pragmatic, quick and commercial legal advice, presented in a clear and understandable way.

Our litigation clients come from a variety of sectors and range from FTSE 100 companies to public bodies and high-profile individuals.

We work closely with our colleagues in the Banking and Finance, Corporate, Pensions, Real Estate and Projects teams to provide a complete service to clients.

Approach

We work with our clients to develop and implement a strategy that not only fits their needs, but also maximises the outcome and minimises cost. This often means thinking beyond traditional litigation.

We are regularly able to secure advantageous settlement terms for our clients, avoiding court proceedings altogether, using our excellent negotiation skills and legal advocacy. Where applicable our team employs alternative dispute resolution methods and we have expertise in adjudication, arbitration, expert determination, and mediation.

When litigation is the most appropriate course of action, we will advocate our client's position rigorously. We have a very active commercial court practice and our litigators are adept at developing and presenting compelling, reasoned arguments which succeed.

Our team

Our team of experts have decades of experience in resolving disputes and running large, complex cases through the Scottish courts.

We assist clients in tackling the full spectrum of disputes, including those in the toughest most intractable of situations and where commercial risk is at its highest.

We have the benefit of sitting within a larger team encompassing regulatory, competition, international arbitration and insolvency specialists, consisting of over 50 lawyers, which provides us with the scale and depth of knowledge to enable us to assemble the best team of advisors in response to client needs.

Our three solicitor advocates are qualified to appear in the higher courts including the Court of Session, the Supreme Court and the European Court of Justice. This capability enables the team to progress dispute resolution to conclusion without having to instruct external counsel. We also maintain excellent relationships with Senior and Junior counsel at the Scottish Bar.

Many of our lawyers are dual-qualified to practice in both Scotland and in England & Wales, and a number are qualified in the US.



Shepherd and Wedderburn is able to give us very fast and business focused advice.

Chambers and Partners



Expertise

We operate across Scotland providing a range of dispute resolution services to a wide variety of companies, financial institutions, public bodies and individuals.

We carry out some of the most high-profile, complex and high-value commercial litigation in the Scottish courts. In addition to handling mainstream commercial litigation, we have wide-ranging specialisms in the areas highlighted below:

- Administrative and public law
- Advocacy
- ADR
- Contract disputes
- Competition law
- Construction and engineering disputes
- Corporate and M&A disputes
- Corporate fraud
- Investigations and regulatory disputes
- Insurance issues
- Intellectual property
- Litigation funding
- Pensions litigation
- Professional negligence
- Procurement challenges
- Property litigation
- Technology disputes

Funding

Disputes can be expensive. In appropriate cases we offer flexible fee structures, sharing risk with our clients, and where relevant we provide advice on third-party funding and after-the-event insurance products, assisting our clients to obtain financial backing in order to progress claims without impacting revenues. We work with our clients to find the best option for them, including working through the financial implications of taking on such funding and attending to potential legal issues such as protecting the confidentiality of communications with funders.



They excel in finding creative answers to thorny problems in high value, complex and significant cases, across both public and private sectors.

Chambers and Partners



Key Contacts



Elaine Brailsford Partner

Elaine is a highly experienced solicitor advising on a wide range of commercial matters. She has vast experience in the Court of Session, Sheriff Courts, Land Court and Lands Tribunal, and works closely with our real estate and banking teams. Elaine has acted in relation to the cross-border enforcement of securities involving Jersey, Guernsey Gibraltar and Irish registered companies; solicitor and surveyor negligence claims; and commercial property disputes, including succeeding in having Scottish Water repay £127,000 of charges wrongly levied on a commercial property. Most recently she has concluded a 14 year running litigation involving a multi-million dollar dispute in relation to the management of an oil rig.

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John MacKenzie Partner

An experienced Solicitor Advocate, John deals with a range of commercial litigation and has particular expertise in intellectual property and IT matters. He has been working on multi-million pound professional negligence matters for Heather Capital; acting for Vattenfall in relation to the Judicial Review by Donald Trump; and appearing as solicitor advocate for NNG in the judicial review by RSPB. John is one of the few solicitor advocates to have appeared before the General Court of the Court of Justice of the European Union, and appeared again in a competition law matter in the telecoms sector.

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