

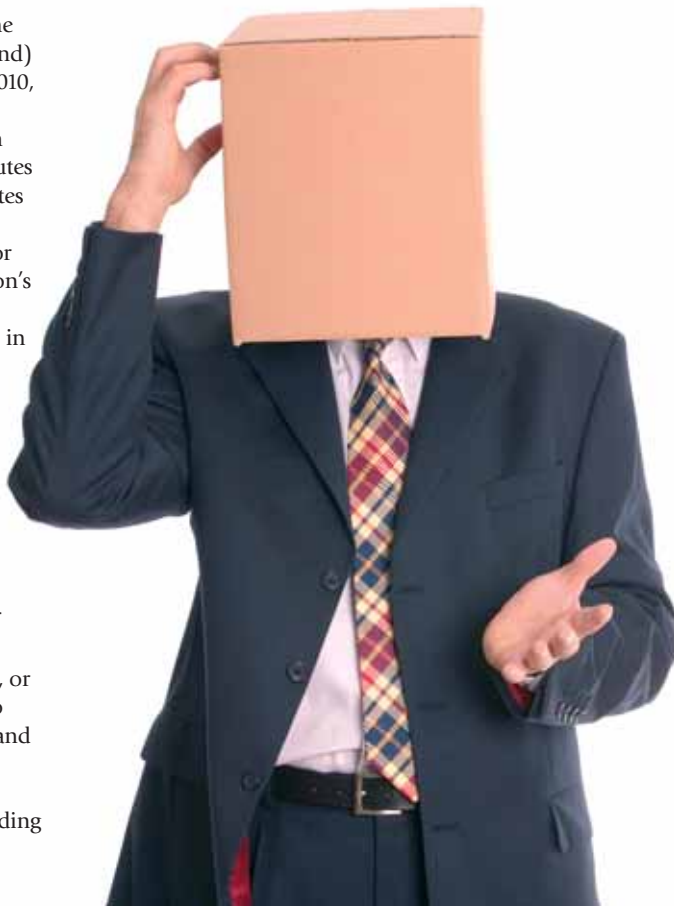
Two arbitration experts call on Scots lawyers to “think big”, ahead of a forthcoming conference

Outside the box

Much of the publicity so far on the passing of the Arbitration (Scotland) Act 2010 (e.g. *Journal*, February 2010, 8 and 24) has related to the renaissance of arbitration work in Scotland, both for domestic disputes and to attract international disputes here, but there has been little discussion of the opportunities for Scottish lawyers beyond our nation’s boundaries.

The opportunities for solicitors in particular arise from the fact that we have traditionally had direct contact with our clients and their businesses, and are familiar with what they wish to achieve (or may realistically be able to achieve, dependent on prevailing market conditions). Being in that position to influence our clients, solicitors are key to the success of the Act by:

- introducing arbitration clauses, or multi-tier arbitration clauses, into contracts during the negotiation and drafting stages (particularly of commercial contracts);
- providing positive advice regarding arbitration as a preferred form of



dispute resolution, and maintaining control by choice of arbitrators;

- appointments as arbitrators;
- conducting the advocacy in arbitrations.

As one of the very few Scottish solicitors experienced in the practice and conduct of international arbitrations in the UK and abroad (e.g. under ICC (International Chamber of Commerce) and LCIA (London Court of International Arbitration) procedures), I can also say that, if Scottish solicitors are prepared to “think big”, there are real opportunities to prepare, advise, and conduct international arbitrations in other jurisdictions.

● *Iain K Clark is a solicitor advocate with Young & Partners LLP, Glasgow, and Visiting Lecturer in International Commercial Arbitration at the University of Edinburgh and the Centre for Energy, Petroleum, Mineral Law and Policy (CEPMLP), University of Dundee.*

Scottish lawyers can easily become international lawyers. Even if the governing law or the law of the place of the arbitration is not Scottish, there are numerous opportunities for Scottish lawyers to seize this international business. Frequently Scottish lawyers become involved in a dispute because they already represent a Scottish party to the dispute, but there is no reason why Scottish lawyers could not conduct arbitrations (at home or, more interestingly, abroad) for parties who

Ask Ash

How can I switch off from the highly emotional situations in which some clients find themselves?

Dear Ash,

I started a job last year in an area of law that I really enjoy: it involves helping people with predominantly family law issues. However, my work frequently involves having to advise clients who have had to cope with some harrowing situations of abuse. I always try to maintain a professional demeanour at work

but I often find I am bursting into tears when I return home and I am finding it difficult to relax and switch off from work. How can I try not to let work affect me so much?

ASH replies:

Human nature is such that sometimes we cannot but help feeling emotional after hearing

about tragic circumstances. I don't think you should punish yourself for feeling emotional in such circumstances as it would to some extent seem odd if you did not feel anything after listening to such details.

You have to learn to adapt in order to cope with stressful situations. One way you could do this is by talking things through with colleagues who are also going through similar situations. You may not be the only one experiencing stress at work, as your colleagues may be just as good at hiding their emotions in the workplace as you seemingly are. Colleagues may also have more experience of learning to cope with stressful situations and may be able to pass on helpful advice.

Another good way of learning to switch off from stressful situations is to take up some form of exercise or sporting activity, as this should provide you with an avenue for relieving any stress or anxiety. Your chosen activity does not need to be too energetic: it could be quite gentle exercise like yoga or Pilates.

Alternatively, if you do not feel able to approach colleagues at work you could contact LawCare, which is an independent advisory and support service to help lawyers. It is funded by the Law Society and is intended to help lawyers, their staff and their immediate families to deal with health problems such as stress, depression and addiction, and related emotional difficulties. There is a free, confidential

have no link to Scotland at all (as does in fact happen already). Expert reports on the applicable laws can be obtained from lawyers qualified in the relevant jurisdictions, much in the same way as reports are obtained from expert engineers or health and safety experts etc. The international arbitration community is familiar with such arrangements.

There are clear lessons to be learned from other traditional arbitration jurisdictions such as London, Sweden or Switzerland (including questions as to whether or not it would be appropriate for Scotland to have its own Centre for International Arbitration, as an ambassadorial platform to support and secure arbitration business for Scotland and Scottish lawyers).

Scottish lawyers have a tremendous competitive edge, given that we can produce high quality work at comparatively modest cost, when compared to those of other jurisdictions. If we "think big" we can take a significant slice of the

international arbitration pie. ■

● *Steven P Walker is an advocate and member of Terra Firma Chambers, Edinburgh, a barrister and member of Tanfield Chambers, London; and an Honorary Fellow and Course Director of the LLM in International Arbitration at the University of Edinburgh. He is also a member of the global academic faculty of the Centre for Energy, Petroleum, Mineral Law and Policy (CEPMLP), University of Dundee.*

● All of these interesting issues (and more) will be discussed in detail at the international conference: "The Arbitration (Scotland) Act 2010: A New Beginning", being held in Edinburgh on 23 June 2010 through the joint cooperation of the University of Edinburgh, the Chartered Institute of Arbitrators, the Faculty of Advocates and the Law Society of Scotland, in association with the Royal Institution of Chartered Surveyors; and presented by some of the leading practitioners in Scotland and worldwide. If you are interested in attending, please contact Update at: Update@lawscot.org.uk (t: 0131 226 7411).

Even if the governing law or the law of the place of the arbitration is not Scottish, there are numerous opportunities

helpline (0800 279 6869).

You do need to be able to switch off after a difficult day at work as otherwise you could end up in a spiral of depression. Frequent stressful situations can sometimes lead to a person suffering from clinical depression unless they are able to identify and deal with issues appropriately. Recent research has also identified the legal profession as being particularly plagued by a culture of long hours and stress, which are driving numbers of lawyers to drink and drugs.

You need to learn to put yourself first when it comes to looking out for your mental wellbeing, otherwise you will be in no fit state to assist others. Keep in mind a wise saying: "One

has to find a balance between what people need from you and what you need for yourself." ■

● "Ash" is a solicitor who is willing to answer work-related queries from solicitors and trainees, which can be put to her via the editor: peter@connectcommunications.co.uk, or mail to Studio 2001, Mile End, Paisley PA1 1JS. Confidence will be respected and any advice published will be anonymised.

● Please note that letters to Ash are not received at the Law Society of Scotland. The Society offers a support service for trainees through its Registrar's Department. For one-to-one advice contact Katie Meanley, Manager in the Registrar's Department on 0131 476 8105/8200, or KatieMeanley@lawscot.org.uk

Sponsored column



Ringling in the changes to call handling

The Law Society of Scotland has recently endorsed outsourced reception provider Money Penny's award-winning service as a means of not only reducing a firm's overheads but also helping maintain high service levels.

Money Penny's service has already helped law firms of all sizes across the UK, each seeking support for their inbound calls. The offer not only improves customer service but enables front of house staff to devote their full attention to visitors while ensuring other valuable team members are not pulled from important duties when in-bound call traffic is high.

A bright, capable and well trained Money Penny receptionist is chosen, along with their supporting team, to answer calls as if based within clients' offices. Not only are service levels improved but fixed overheads are reduced and traditional HR headaches such as managing poorly motivated and unfamiliar temps become a thing of the past.

Glenn Jackson, managing director at Money Penny, comments: "Our receptionists have been specifically chosen for their can-do attitude and are experienced in handling calls for the legal sector. In addition, they quickly get to know a firm, its callers, key clients, and greet them all accordingly which means callers believe they are dealing with another professional and impressive member of the firm's team". The service is beneficial to all firms regardless of size, and members of the Law Society of Scotland are eligible to trial Money Penny for a fixed price of just £250 for a month, based on unlimited calls. ■

If you would like to explore in more detail how Money Penny could be supporting your law firm, contact us on 08000 199 944 or email lawsociety@moneypenny.co.uk

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Experience the benefits of using Money Penny firsthand

Money Penny's one month trial will help you establish the times and days your firm needs telephone support and there's absolutely no obligation to commit further. Service schemes start from just £199 per month.