



THORNTONS
— solicitors —

Construction Law Services

Business Review ■ Operations Advice
Dispute Resolution ■ Other Business Services

Business Review

There are three cumulative levels of service that Thorntons can provide in this area -

Contract Review

This ranges from examining existing contracts and advising on any changes that may be necessary or desirable, right through to creating a bespoke set of contract documents.

Procedure Review

This builds on the Contract Review by examining the procedures by which you work and integrating those procedures into a bespoke set of contract documents. If necessary or desirable, this would involve structuring your procedures to fit the legal requirements. The Procedure Review requires a decision from your management team to invest the time and effort in a full review of procedures and the implementation of change, if necessary. Having said that, the intention would be to try and keep your existing procedures in place as much as possible with a view to making the contractual framework fit them, rather than the other way around.

Review Implementation

This involves a range of services designed to implement the results of the earlier reviews. It involves seminars explaining how the system works to

those who will have to implement it. This would not only be to your staff, but also to your sub-contractors, in order to keep them informed and reduce the risk of them reacting negatively. It could also include an "after sales" service

dealing with queries on how to actually operate the documents on a day-to-day basis.

Operations Advice

This service is the provision of advice on an *ad hoc* basis, dealing with matters that arise during your normal business operations. It would include advice on your legal position in a particular set of circumstances, but could include any particular matter you might wish to raise.

More specifically, it would include dealing with the full range of contractual documentation which you have to deal with from your client: letters of intent; building contracts/sub-contracts; collateral warranties; performance bonds and parent company guarantees; novation agreements; and the like (including consultant appointments).

Dispute Resolution

To a certain extent, initial advice on disputes would be dealt with as Operations Advice, but at a certain point, the matter would be more

appropriately dealt with as a Dispute Resolution.

There are four basic forms of Dispute Resolution available: -

- informal dispute resolution
- adjudication
- Sheriff Court litigation
- Court of Session litigation.

With regard to Adjudication and Sheriff Court Litigation, Thorntons would provide the full range of legal services required in order to deal with the dispute and would be your lead litigators in the matter.

In the case of Court of Session litigation, like all solicitors, our role would be much more that of a manager in the dispute process. With our office in Edinburgh we are well placed to provide this service. The litigator would be the Advocate and he or she would advise on progressing the matter through the Court; the legal arguments to be made; and represent you in Court. Thorntons role would include the examination and collation of information; and liaising - or if you prefer, translating - between you and the Advocate, so you fully understand the Advocate's advice and

the Advocate fully understands your position.

Informal dispute resolution covers a number activities, including shaking hands on a deal. Moving beyond that sphere, however, the most common form of informal dispute resolution is mediation and there Thorntons can be a facilitator. It is normal for solicitors not to attend the mediation process, as the intention is to try and do a deal and not let a strict legal position get in the way. Nevertheless, we can arrange the mediation itself and we can fully brief you as to your legal position, so you are in a position to negotiate knowing the facts.

Other Business Services

This is really a catch-all term for all the other services Thorntons can provide. It involves the full range of our commercial services, but in the context of advice to your firm, would include advice on employment matters; health and safety issues; copyright and intellectual property; training seminars outwith the area of the Business Review process and the like.

The Thorntons Team

Graham Jackson leads the Construction Law Team at Thorntons. He is assisted by Robbie Francis and Ian Davidson. The team is, however, supported by colleagues as and when required, including in respect of such issues as Employment Law, Copyright and IP.



Graham Jackson, Associate
gjackson@thorntons-law.co.uk



Robbie Francis, Solicitor
rfrancis@thorntons-law.co.uk



Ian Davidson, Solicitor
idavidson@thorntons-law.co.uk

Whitehall House, 33 Yeaman Shore, Dundee DD1 4BJ
Tel 01382 229111 Fax 01382 202288
www.thorntons-law.co.uk

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