

Ross P. Macfarlane

Contact Details:

Tel (Clerk): 0131 260 5697

Fax (Clerk): 0131 220 2654

Email: ross.macfarlane@murraystable.com



Address:

Advocates Library, Parliament House, Edinburgh, EH1 1RF

Areas of Practice

Alternative Dispute Resolution (ADR), Child, Education, Family Law, Human Rights, Mediation.

Year of Call: 1994

Devil Masters: Derek A. Ogg QC; Sheriff Nikola C. Stewart; Alan R. Dewar QC

Qualifications: University of Edinburgh, LL.B. 1990; University of Strathclyde, Diploma in Legal Practice 1991; National Institute of Trial Advocacy (Harvard USA), Diploma in Trial Advocacy 1994 & Diploma in Advocacy Training Skills 2006; Accredited Mediator.

Biography:

Ross Macfarlane is regularly nominated by peer review Legal Directories as one of the top Junior Counsel in his field :

Chambers and Partners: 2006 edition - *"Ross Macfarlane is said to possess the 'gift of the gab' and is particularly skilled in child law, demonstrating a particular niche in adoption and abduction cases."*

Legal 500: 2006 edition - *"Ross Macfarlane at the Murray Stable is a noted expert in child law."*

Cases:

City of Edinburgh Council v W 2002 FamLR 67 - (Sheriff Principal, Edinburgh) Freeing for adoption; only reported successful Scottish challenge to freeing for adoption at appellate level in terms of Articles 6 and 8 of the European Convention on Human Rights.

Clark v Clark 2005 FamLR 28 - (Sheriff Principal, Glasgow) Divorce - Financial Provision - Effect of "trial reconciliation" on Minute of Agreement.

D v Irvine 2005 FamLR 94 - (Sheriff Principal, Edinburgh) Shaken baby - Whether assault despite the absence of mens rea.

MM v North Lanarkshire Council 2005 FamLR 22 - Education - Exclusion of child with special needs - Competency.

Symanski v Symanski 2005 FamLR 6 - Failure to lead evidence - Whether a sheriff can competently allow further evidence ex proprio motu.

Symanski v Symanski (No 2) 2005 FamLR 2 - (Sheriff Principal, Glasgow) Divorce - Where spouse has already ranked as a creditor in her husband's sequestration - Whether she can then seek unequal division at the divorce stage.

City of Edinburgh Council v K and F 2006 FamLR 37 - Freeing for adoption - Where the freeing order itself would

enhance the prospects of adoption - Whether it is permissible to take this into account.

H v H 2006 FamLR 59 - (Outer House and Inner House of the Court of Session) International Child Abduction - Withdrawal of consent to removal.

Publications:

Green's Family Law Reports 1997 to date. Ross was the founding editor of these bi-monthly reports in 1997. Today, he co-edits them with Janys Scott QC and they are routinely cited in all Scottish civil courts including the Inner House of the Court of Session.

Appointments:

Tutor in the Law of Evidence, University of Edinburgh 1996 - 1998 External Examiner in Criminal Law, University of Strathclyde 1998 - 2000 External Examiner in Domestic Relations, University of Strathclyde 1998 - 2000 Convenor of Board of Directors, Scottish Child Law Centre 1998 - 2001 Member of the Scottish Executive Advisory Committee 1999 - 2001 Member of the Council of the Faculty of Advocates 1999 - 2002 Chairman, Faculty of Advocates Sub-Committee, Draft Legislation - 2003 Lothian and Borders Children's Panel Training Committee - 2003 Appointed Faculty of Advocates Media Spokesperson - 2003 Chairman, Stepfamily Scotland - 2004 Trainer in Professional Competence Course, Law Faculty, Edinburgh University - 2004 Faculty of Advocates, Skills Instructor - 2005

Further Information:

Diploma in Trial Advocacy - National Institute of Trial Advocacy (USA/UK) - 1994 Delivered numerous talks/lectures/training on legal topics - 1995 to date Founding Editor, Greens Family Law Reports - 1997 to date Nominated by The Legal 500 as one of the top Junior Counsel in his field - 2003 to date Ranked in Chambers and Partners - 2006 Diploma in Teaching Advocacy Skills - National Institute of Trial Advocacy (USA/Harvard) - 2006 Accredited Mediator, Mediation Forum Ireland - 2006