Compass Chambers

Adam Black



Year called:	2020
Email:	adam.black@compasschambers.com
Qualifications:	LLB (Hons) - University of Strathclyde PG Dip. Legal Practice - University of Strathclyde

2027 Chambers Top Ranked UK Bar

Profile

Adam has a busy and deliberately wide-ranging practice, dealing with broadly reparation, commercial litigation, and public law.

Adam has significant group litigation experience having been instructed to act and advise in a variety of claims including those relating to medical products, diesel emissions, data privacy, and working conditions. Previous instructions include: Vaginal Mesh Litigation. Current instructions include: The James Finlay (Kenya) Ltd Group Proceedings, The Celtic PLC Group Proceedings, The BMW NOx Emissions Group Proceedings, The Mercedes NOx Emissions Group Proceedings, The Vauxhall NOx Emissions Group Proceedings, and anticipated group proceedings against a number of other diesel vehicle manufacturers.

In his reparation practice, Adam is regularly instructed in personal injury and clinical negligence matters for both pursuers and defenders including individuals, health boards, local authorities and insurers.

In commercial litigation, Adam has acted in cases concerning contractual disputes, professional negligence, insurance, and public liability.

Adam's public law practice has principally related to cases involving issues of mental health law and capacity. He has been instructed to appear before the Mental Health Tribunal for Scotland and has regularly been appointed as a curator ad litem. He has acted in several appeals relating to decisions of the Mental Health Tribunal for Scotland, in proceedings under the Adults with Incapacity (Scotland) Act 2000, and in related judicial reviews. He has also acted in cases relating to children's hearings/referrals, prison law; and human rights.

Representative Cases

Reclaiming Motion by Jaguar Land Rover 2025 CSIH16

Adam was instructed as junior counsel to Andrew Smith KC, Robert Milligan KC and Graeme Middleton KC for the respondent in this reclaiming motion arising from the Lord Ordinary's decision to grant permission for a representative party to bring group proceedings. The court refused the reclaiming motion, allowing the group proceedings to commence.

Reclaiming Motion by Renault Nissan 2025 CSIH 14

Adam was instructed as junior counsel to Robert Milligan KC, Graeme Middleton KC, and Andrew Smith KC for the respondent in this reclaiming motion arising from the Lord Ordinary's decision to grant permission for a representatiave party to bring group proceedings. The court refused the reclaiming motion, allowing group proceedings to commence. This important judgment clarifies the significance of the underlying policy objectives of ensuring access to justice in group proceedings in Scotland.

Fatal Accident Inquiry into the death of Joanne Gallagher [2025] FAI 23

Adam appeared as counsel for Lanarkshire Health Board in this fatal accident inquiry. The inquiry largely focused on care and treatment provided by Lanarkshire Health Board employees to Mr James Kennedy, who was prosecuted and convicted for the culpable homicide of Joanne Gallacher (on the basis of diminished responsibility due to mental disorder). No recommendations were made by the presiding Sheriff.

Celtic Group Proceedings

Adam was instructed as junior counsel to Ian Mackay KC in the widely reported group proceedings against Celtic Football Club arising from the historic sexual abuse of former players at Celtic Boys Club. The majority of the cases have now settled.

Peugeot Citroen Group Proceedings [2025] CSOH 30

Led by Robert Milligan KC, Adam appeared for the representative party in this successful application for recovery of documents.

Jonathan Martin Gough and Lee Montague Trenchard v Cannons Law Practice [2025] CSOH 28

In this commercial action for professional negligence, Adam was instructed as junior counsel to Andrew Smith KC along with Cameron Smith, representing the pursuers. Liability was admitted however causation and quantum were in dispute. The claim related to the pursuers having lost the chance to present claims against their former employers arising from their alleged exposure as pilots to toxic substances in cabin air, which they alleged caused them to develop Aerotoxic

Syndrome, rendering them unfit to work as pilots. Having assessed the pursuer's chance of success in the underlying action at 40%, the commercial judge awarded Mr Gough £25,000 and Mr Trenchard £1.15m. Mr Gough has since reclaimed the decision in his case, and the defender has reclaimed the decision in Mr Trenchard's case.

Ackrim v UK Insurance Limited [2024] SC EDIN 53

In this case Adam successfully represented a Glasgow motorist who was struck from behind at a junction. The pursuer was awarded sum of £3,144 in damages after finding that she had suffered neck pain for four months following the accident.

Tracy Thompson v Iceland Foods Limited [2024] SAC (Civ) 50

In this matter Adam juniored to Andrew Smith KC in the Sheriff Appeal Court having represented ithe pursuer at first instance in the National Personal Injury Court. The case involves an unusual application of the maxim *res ipsa loquitur*. The defender's appeal was refused. Thereafter, permission to appeal was refused by the Sheriff Appeal Court and from the Court of Session, bringing matters to an end.

Tecjet Limited v Kier Construction Limited 2024 SSOH 60
Adam was instructed as junior counsel to Andrew Smith KC in this action relating to loss suffered by the pursuer following the second fire at the Glasgow School of Art. The pursuer was the leaseholder of an adjacent property and claimed for its loss of property and loss of profit. The case proceeded to a Debate at which the Defender submitted that the Pursuer's claim was bound to fail. The court held, dismissing elements of the pursuer's claim which were assigned, that the pursuer's averments based on res ipsa loquitur was sufficient for proof.

East Renfrewshire Council v William Wright 2024 CSOH 70
In this matter Adam represented Thompsons Solicitors as the Haver of documents in relation to an opposed specification of documents. The Pursuer brought an action against the Defender to reimburse them for the damages they had paid to the Haver's former client in settlement of an action for historic abuse on the basis of vicarious liability for the acts of the Defender. The Defender sought recovery of the documents on which the claim had been valued by the Haver's former client. It was successfully argued for the Haver that the motion should be refused in hoc statu to enable the motion to be intimated on the Haver's former client, in accordance with her rights under Article 8 ECHR.

AB v Mental Health Tribunal for Scotland 2024 CSIH 21
Adam acted as junior counsel for the appellant to Kay Springham KC in this appeal against a decision of the Mental Health Tribunal for Scotland relating to the revocation of a Transfer for Treatment Directive. The Inner House held that the Tribunal had given inadequate reasons in respect of its decision to revoke the direction, having failed to fully address the question of how the appellant's mental health would be managed in the absence of compulsory treatment.

The Scottish Legal Complaints Commission v Jane Elizabeth Robison & Another [2024] CSIH 10
In this matter Adam appeared for the SLCC in relation to a solicitor's failure to timeously comply with a court order for production of their files. Whilst finding no contempt, the court marked its disapproval of the solicitor's conduct by awarding agent and client, client paying expenses to the SLCC.

Application to Bring Group Proceedings by Lee Bridgehouse v BMW & Others [2024] CSOH 16
Adam appeared with Robert Milligan KC for the representative party and successfully opposed BMW's application for

permission to reclaim the decision of the Lord Ordinary in 2024 CSOH 2. The judgment helpfully summarises the relevant considerations in an application or permission to reclaim in group proceedings.

Application to Bring Group Proceedings by Lee Bridgehouse v BMW & Others [2024] CSOH 2
Adam Black appeared with Robert Milligan KC for the successful applicant to become the representative party and secured permission for the BMW diesel emissions cases to proceed. In this significant judgment the court has clarified the distinct nature of Scottish group proceedings, emphasising the access to justice considerations which underly the process.

SL v RL 2023 CSOH 91
Adam appeared for the Defender in a debate on a question of contractual construction concerning whether a minute of agreement in divorce proceedings contractually barred the pursuer from bringing an action in terms of section 8 of the Protection from Harassment Act 1997.

Mr Z v Ms X 2023 CSIH 40
In this matter Adam represented the reclaimer along with Andrew Smith KC. The case concerned financial provision for private school fees following a divorce. The court agreed with the reclaimer's submission that the Lord Ordinary had erred in their application of section 4(1)(a) read together with 27(1) of the Family Law (Scotland) Act 1985 however, reconsidering the matter for itself, declined to interfere with the substance of Lord Ordinary's decision. The case clarifies that it is appropriate for the court to have regard to both net free income and realisable capital in reaching alimentary decisions.

James Findlay (Kenya) Limited Tea Estate Workers Group Proceedings – 2023 CSIH 39
Adam was instructed for the respondent along with Cameron Smith and Andrew Smith KC in a reclaiming motion brought by the Defender. The action is now sisted to enable the group members to attempt to bring their claims in Kenya.

Margaret Kirkwood v Thelem Assurances 2023 CSIH 30
This case concerned the recoverability of fees of a foreign agent in a Scottish litigation.

LM v Renfrewshire Council and KG SAC/2023/PAI-AW77-21
Adam was instructed for KG in an appeal brought by LM against the decision of the Sheriff in an application for nearest relative status in an Application for Welfare Guardianship brought by the local authority (see here). The appeal was successfully resisted.

Grier v The Chief Constable & The Lord Advocate
Adam was instructed as junior counsel to Andrew Smith QC for the pursuer in this commercial action alleging malicious prosecution of Mr Grier by The Chief Constable and The Lord Advocate in the Outer and Inner House.

HMA v LB, JI & JT 2022 HCJAC 48
In this case Adam appeared for LB as junior counsel to Donald Findlay KC in a crown appeal against sentence in which the crown invited the court to provide a guideline judgment on sentencing in rape cases.

Pelvic Mesh Group Litigation
Adam acted as junior counsel for the pursuers in the pelvic mesh group litigation, achieving settlement in advance of proof in 2022.

JM v Mental Health Tribunal for Scotland B1379/20 (Glasgow Sheriff Court)
This successful appeal to the Sheriff Principal against a decision of the Mental Health Tribunal for Scotland considered the fairness and compatibility of MHTS being unable to grant an adjournment to an application for a Compulsory Treatment Order, in the case of a patient who had been subject to a Transfer for Treatment Direction before the application.

Appointments

Treasurer of the Scottish Junior Bar Association (2024 -)

Member of the Scottish Junior Bar Association Committee (2023 - 2024)

Member of the Faculty of Advocates Free Legal Services Unit Committee (2021 - 2022)

Curator ad litem for the Mental Health Tribunal for Scotland (2021 -)

Ad hoc Reporter to the Professional Conduct Sub-Committee of the Law Society of Scotland (2020-2021)

Publications

Discount or Windfall? The Cost of Future Accomodation, Journal of the Law Society of Scotland, November 2020