Compass Chambers

Amber Galbraith KC



Year called: 2005
Year of silk: 2020
Email: amber.galbraith@compasschambers.com
Qualifications: LLB (Hons) 2:1 *Edinburgh University 1995*
Diploma in Legal Practice *Edinburgh University 1996*
Diploma Forensic Medicine *Glasgow University 2001*
Languages: French

Practice

Amber qualified as a solicitor in 1996 and called to the Bar in June 2005. Her principal fields of practice include personal injury, clinical and professional negligence, fatal accident inquiries and public inquiries. She has been instructed in a wide range of litigation for both pursuer and defender and has presented cases in the Outer House and Inner House of the Court of Session, the Sheriff Appeal Court, the All Scotland Personal Injury Court and other Sheriff Courts, the Criminal Injuries Compensation First-Tier Tribunal and the First-Tier Tribunal (Immigration and Asylum Chamber). She has been involved in litigation involving public bodies, Government Departments, Health Boards, Local Authorities and large insurance companies. She has considerable experience in large-scale litigation, including public inquiries and catastrophic injury cases.

Memberships

Representative of the Junior Bar on the Civil Justice Committee, Personal Injury Sub-Committee

Representative of the Junior Bar on the Personal Injury User Group, chaired by Lord Armstrong

Chair of the Compulsory Disease Pre-action Protocol Reference Group

Appointments

Junior Junior Counsel to the Office of the Advocate General [August 2016 to December 2017]

Ad Hoc Advocate Depute

Training

Lead Tutor on Personal Injury Elective for the Diploma in Legal Practice, Edinburgh University, 2017-2019

Tutor on Personal Injury Elective for the Diploma in Legal Practice, Edinburgh University, 2014-2017

Trainer for the Faculty of Advocates Devils course

Amber speaks regularly at training events organised by Faculty, Compass Chambers and outside organisations

Representative reported cases

Andrew Wright v National Galleries of Scotland [2020] SAC (Civ) 6
Amber represented the pursuer at proof on liability in ASPIC, and thereafter in the Sheriff Appeal Court. The pursuer's appeal was successful. A milkman had been injured when he fell down an unlit step within the National Gallery in Edinburgh, and the legal dispute related to the nature and extent of the duty of an occupier to those entering premises to deliver goods.

Norma Shannon FAI, Edinburgh Sheriff Court, February 2020
Amber represented the family of a young lady who committed suicide at the Royal Edinburgh Hospital in April 2014. The Sheriff's determination was critical of the actions of the Health Board, and concluded that the deceased was not given the requisite level of care.

Sharon Gilmour v Linea Directa Aseguradora SA Compaia Se Seguros Y Reaseguros [2017] SC EDIN 81
Amber represented the defenders in a proof on liability in ASPIC. The evidence and legal argument involved issues of private international law, and required complex evidence to be lead in Spanish with interpreters and video link.

Marc Kershaw & others v Connel Community Council [2018] CSOH 111
Amber represented the second defenders, at a debate relating to the legal status and responsibility of a Community Council. The first defenders were succesful in their argument, and the case subsequently resolved.

Diane Raybould v T & N Gilmartin (Contractors) Limited. [2018] SAC (CIV) 31
Amber represented the pursuer at proof on liability in ASPIC, and then in the Sheriff Appeal Court. The pursuer's appeal was successful. The Sheriff had innovated a defence that had not been pled or argued, and the case involved a relatively novel argument in relation to volenti non fit injuria. Further, the Sheriff had provided inadequate reasons for decision, which was critisised by the SAC.

Jerry Taylor & others v Dailly Health Centre [2018] CSOH 91
Amber represented two children of a lady who died after suffering a heart attack at home in a clinical negligence proof. The action was directed against the GP who had attended her earlier in the day, and the four-day proof was restricted to liability.

A v C and B v C [2018] CSOH 65
Amber represented two girls who had suffered sexual abuse at the hands of the defender. She had been successful in obtaining summary decree in the case, and the proof proceeded on the question of quantum. A substantial award was made in favour of A, which is higher than any prior award for historical sexual abuse in Scotland.

Heather Bruce & Others v Tayside Health Board [2017] CSOH 123
Amber represented the family of a man who died, as a result of profound fluid loss, in Ninewells Hospital. Liability was admitted for a failure to timeously administer fluids and treatment for hyperkalaemia, and the proof was ultimately limited to the issue of causation. She, and opposing counsel, received particular commendation for the conduct of the proof, in focusing issues and limiting evidence.

Sharon Gilmour v Linea Directa Aseguradora SA Compaia Se Seguros Y Reaseguros [2017] SC EDIN 81
Amber represented the defenders in a proof on liability, in respect of a road traffic accident in Tenerife. The evidence and legal argument involved issues of private international law, and required evidence to be lead in Spanish, with interpreters and via video link.

Alan Cairns v Dundee City Council [2017] CSOH 86
Amber represented the pursuer as Junior Counsel in a proof on liability. The case related to a slip on ice in a public car park. Parties were able to considerably focus the issues in the case, such that the evidence was heard within two days and an ex tempore decision was given.

Thomas Sheridan v Newsgroup Newspapers Limited [2016] CSIH 67
Amber represented the pursuer as Junior Counsel in the Inner House, in relation to the defenders' application to refer the case to the Supreme Court. The initial application was refused, ex tempore, and Amber thereafter drafted the opposition to their application direct to the Supreme Court, which was also refused.

Lynda Brabender, representing Kaiden Ward v Fife Health Board [2016] CSOH 168
Amber represented the defenders in a four-week medical negligence proof during June 2016. The case was brought by the representative of a young child, who lost both eyes due a tumour which developed during his first year. The pursuer's case was that the family's health visitor was negligent in her care, and failed to refer the child for medical assistance.

Adam Wagner v Thomas Grant and Arla Foods UK Plc [2016] CSIH 34
Amber again represented the defenders in this case, which was an appeal by the defenders in relation to the finding of primary liability the Lord Ordinary (see below). After a two day hearing, the Inner House upheld the decision on liability, but substituted a finding of contributory negligence of 60%.

James & Julia McAllister and Henry & Christine McKenna v Robert & Maureen O'Hare, Airdrie Sheriff Court, 1st March 2016
Amber represented the defenders in a proof on liability, which related to the contamination of land by a spillage of oil. The case is presently proceeding to a proof on quantum.

Adam Wagner v Thomas Grant and Arla Foods UK Plc [2015] CSOH 51
This case proceeded to proof on issues of liability and appropriate prosthetic costs. Amber was junior counsel for the defenders. The pursuer lost his leg in a road traffic accident in 2009, when his motorcycle struck a lorry that was reversing into a farm, during the hours of darkness. After proof, the Lord Ordinary found the defenders to have been at fault, with a finding of 40% contributory negligence by the pursuer. The Lord Ordinary accepted the defenders' position in relation to prosthetic costs.

Elizabeth Gilchrist v Asda Stores Ltd [2015] CSOH 77
Amber represented the pursuer in a proof on liability, which was the first case to consider the impact of the Enterprise and Regulatory Reform Act 2013 on the application of 'six pack' regulations in relation to an accident at work. This case is thus far the only one to give judicial consideration to ERRA, and is regularly referenced in practice.

Lois Pack or Clark v West Dunbartonshire Council, Sheriff Peter Grant-Hutchison, May 2013, unreported
Amber represented the defenders in a preliminary proof on time-bar.

Anne Mackinnon v Thomas Hadfield t/a Ben Nevis Inn [2014] CSOH 15
Amber represented the pursuer in a proof restricted to quantum, which was held over six days. The pursuer suffered a serious injury to her back when she fell down stairs at work. There was conflicting medical evidence, however the pursuer was awarded £89,302 after proof.

James Farmer v FTV Proclad (UK) Limited [CSOH] 2013 165
Amber represented the pursuer in this case, which proceeded to proof before Lord Kinclaven in February 2013. Quantum was agreed at £22,000, and proof focused on liability. The pursuer slipped on a grassy bank while at work, and his claim was based on both common law and the Workplace Regulations 1992. The pursuer succeeded in the case, with only one third reduced in respect of contributory negligence.

John Cowan v The Hopetoun House Preservation Trust & others [2013] CSOH 9
Amber appeared on behalf of the defenders in a proof on liability. The pursuer fell off a 'ha ha' wall, which the defenders contended was an obvious hazard, and they had taken all reasonable steps to ensure his safety at the premises.

Alan Massie v Callum McCaig & SNP [2013] CSIH 14
Defamation action, where Amber represented the pursuer along with senior counsel. An interim interdict was obtained in December 2012 to prevent the publication of alleged defamatory comments by a local councillor and the SNP. Interdict was granted, but the decision was appealed and called for an early hearing in January. Unusually, there were 4 speeches in the case.

Fiona Dickie v Mohammadreza Khandani [2012] CSOH
Amber represented the pursuer in a proof on quantum, where the pursuer stated she had continuing back problems that restricted her ability to wear high heels and so had an impact on her modelling career. Pursuer's medical evidence was preferred to that of the defender, and damages of £18,281 awarded. An important aspect of the decision related to the Court's observations on the expert evidence of the defenders' expert.

Zanna Marczenko v Freshlink Foods, Lady Clark of Calton, unreported. 2012
Amber represented the pursuer in a proof on liability, relating to an accident in the workplace. The pursuer had tripped over a loose wire in a food factory. Lady Clark delivered an ex tempore judgement, and found in favour of the pursuer.

Ann Moulds v Alexander Reid [2011] CSOH 13
Instructed as junior counsel for the pursuer in the first civil case for reparation arising from stalking, which was raised under the Protection from Harassment Act 1997. The defender had plead guilty to criminal charges arising from his course of conduct towards the pursuer during 2006, however defended the civil action. The case proceeded to a preliminary proof on time-bar, and the pursuer was successful. Melissa

Bruce v Alistair Brown and others [2011] CSOH 165
Instructed by the first defenders, who moved for a debate on the basis of a failure to plead a relevant case against the first defender.

David Brown v Scottish Water Dunfermline Sheriff Court, 27th January 2011, unreported
Instructed by the pursuer was injured in a road traffic accident on 18th July 2005. He was knocked from his bicycle, and sustained injuries to his neck, right shoulder, hip, knee and cuts and bruises. Liability was admitted, and the proof was restricted to quantum. The award of damages was £28,005.

Melanie Logan v William Logan and GHI Insurance Services UK Limited [2010] CSOH 123
Instructed by the pursuer in relation to injuries sustained in road traffic accident. Award of damages after proof: £65,848. The defender reclaimed and the reclaiming motion was heard by the first Division on 21st December, and was refused.

James Robertson v BAE Systems Marine Limited, Lord Bannatyne, unreported. 2010
Instructed by the pursuer. Case proceeded to proof on contributory negligence and quantum in the Court of Session on 28th September 2010, with ex tempore judgment given on 6th October 2010. The award of damages was £15,231.

Roslyn Mykoliw and others v Arthur Botterill & another [2010] CSOH 84
Amber was instructed by the defenders in a procedure roll debate in relation to the application of the Damages (Scotland) Act 1976 to 'step' relations.

Thomas Turnbull v MNT Transport and another [2010] CSOH 163
Instructed as junior counsel for the first third party. The pursuer rode his bicycle into a trailer that had been parked in his street, causing a violent collision. The defenders were the HGV driver and his employers. They brought in two insurance companies as third parties, as road traffic and public liabilty insurers. This was a preliminary proof relating to the terms of insurance policies - the dispute being as to the appropriate interpretation. Lord Emslie held that both policies were engaged.

James MacDonald v Wood Group Engineering (North Sea) Limited [2010] CSOH 165
Instructed by the defenders in case involving accident at work on an oil rig. Both liability and quantum in dispute.

Fatal Accident Inquiry in relation to the death of Mildred Rosenshine – instructed by Central Legal Office, on behalf of Greater Glasgow Health Board.

HMA v Mitie Engineering Services (Scotland) Limited and others, October 2008
Instructed by managing director of company in relation to a fatal accident at work. The case against him was withdrawn after a successful 'no case to answer' submission.

Public Inquiries

Billy Wright Inquiry - instructed by the Northern Ireland Office from 2006 to 2008.
Amber carried out research, precognition, drafting and investigation work, working closely with Lead Counsel. The Inquiry had to consider a wide range of issues and the investigation was sub-divided into distinct chapters: Amber was involved with the chapters relating to intelligence and political issues. She attained 'Direct Vetting' status to allow her to consider the necessary documentation, and in the course of the investigation met with individuals from the Security Services, Army, PSNI and the Northern Ireland Prison Service.

The Fingerprint Inquiry – instructed by core participants Iain and Shirley McKie and David Asbury.
Amber was mainly involved during the hearing and submission stage. She carried out extensive research and investigation work, including travelling to Amsterdam to consult with an expert witness. Amber took evidence from a number of witnesses, drafted lines of inquiry for each witness, which were submitted to Lead Counsel to the Inquiry and drafted submissions.

What the Directories Say

Legal 500 2025 - Rankes as a Leading Silk for Personal Injury and Clinical Negligence - Amber is a pleasure to work with. She is sensible, pragmatic and always well prepared.'

Chambers UK 2021 - Ranked as a New Silk for Personal Injury - "Highly experienced." "Very efficient and user-friendly."

Chambers UK 2021 - Ranked as a New Silk for Clinical Negligence - "Very thorough and prepared to fight her client's corner in a firm and professional manner."

Chambers UK 2020 - Ranked as a Leading Junior for Personal Injury - "Approachable and very good with clients." "She's hugely knowledgeable and always focused on achieving the best outcome for the client."

Chambers UK 2020 - Ranked as a Leading Junior for Clinical Negligence - "A very capable junior with good clinical negligence experience and an excellent ability to put clients at their ease." "Her technical knowledge is very good and she is very personable and good with vulnerable clients."

Legal 500 2020 - Ranked as a Leading Junior for Personal Injury and Clinical Negligence - "Highly knowledgeable and excellent with clients."

Chambers UK 2019 - Ranked as a Leading Junior for Personal Injury - "Robust and commercially aware. She is an excellent advocate." "Very thorough, has a detailed knowledge of the law and gives sensible advice."

Chambers UK 2019 - Ranked as a Leading Junior for Clinical Negligence - "A very capable junior with good clinical negligence experience and an excellent ability to put clients at their ease."

Chambers UK 2018 - Ranked as a Leading Junior for Personal Injury - "Hugely talented and admired by all who use her." "Hard working and an exceptional advocate who has the clients' interests at heart."

Chambers UK 2018 - Ranked as a Leading Junior for Clinical Negligence - "She is extremely diligent and well prepared and knows the cases inside out." "She is calm and unflappable and nearly always gets results even in the worst cases."

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