Compass Chambers

Astrid Smart KC



Year called:	1999
Year of silk:	2019
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Qualifications:	MA (Hons) in Psychology (Edinburgh) (1989) LLB (Edinburgh) (1993) Dip.LP (1994)

Practice

Astrid is a specialist in reparation, who is ranked by both Chambers UK and the Legal 500 for Personal Injury and Clinical Negligence. She has a special interest in clinical negligence, acting for both pursuers and defenders, together with expertise in medical product litigation. She has wide experience across the spectrum of complex personal injury cases, including occupational stress, catastrophic injury, industrial disease and public liability actions.

Practice

Reparation

K v Chief Constable, Police Scotland [2020] CSIH 18; [2019] CSOH 9
For the defenders, in a case where a former undercover police officer alleged psychiatric harm foreseeably arose from alleged "unfair treatment" at work. The defenders successfully reclaimed the decision after Proof, and an appeal to the Supreme Court has been lodged.

AH v Greater Glasgow Health Board and Johnson and Johnson Medical Limited; SR v Johnson and Johnson Medical Limited and Lothian Health Board; GR v Greater Glasgow Health Board and Johnson and Johnson Medical Limited [2018] CSOH 57
As first junior on behalf of a major mesh manufacturer, in several hundred related claims. These were three allied cases, in relation to liability for medical products, two plead under the Consumer Protection Act 1987 and one at common law. The Court considered test for "defect" in a medical product in terms of the statute, and the common law test for

product liability.

Grubb v Finlay 2018 SLT 463
The role of fundamental dishonesty in a personal injury claim, and a contra-award of expenses where no tender lodged.

Brown and others v Craig Nevis Surgery [2018] CSOH 84
Clinical negligence Proof, acting for the pursuers, where liability was established in relation to a GP's failure to refer a patient suffering from chest pain to hospital.

AB v Dr Palanimurugan & others, Dumfries and Galloway HB [2015] CSOH 26
A Proof on negligence and causation, in a GP and nursing negligence case, where the pursuer relied on a novel "material contribution" argument (*Bailey v Ministry of Defence)*.

Little v Glen and Tradex Insurance [2014] CSIH 99 [2013] CSOH 153
The role of the Appeal Court in a fact-sensitive case, the analysis of expert evidence and the role of the expert. The Proof arose from a road traffic accident which resulted in catastrophic head injuries. The defenders were assoilzied after Proof, which was reaffirmed by the Inner House.

Murray v NHS Lanarkshire [2012] CSOH 123 – clinical negligence action in relation to choice of treatment and consent.

Mair v DSG 28/8/12 Hamilton Sh Ct – the relevancy of an occupational stress/ vicarious liability claim.

Flood v University Court of University of Glasgow [2008] CSOH 98 – the relevancy of an occupational stress claim by a lecturer.

Love v North Lanarkshire Council Lord MacEwan, [2007] CSOH 10 - interpretation of Workplace regulations in an accident at work.

Baird v Cowie [2006] CSOH 168 - allowance of Issues in a personal injury action, where the damages were valued in excess of £1 million.

Gilmour v East Renfrewshire Council 2004 Rep LR 40 - interpretation of Workplace regulations, in context of a widely reported case about a teacher falling while in school.

Butler v Grampian University Hospitals NHS Trust 2002 SLT 985 - interpretation of Workplace regulations in a case of a nursing assistant who injured her back lifting.

Taplin v Fife Council 2003 SLT 653 – an occupational stress claim by a teacher held irrelevant.

Syme v Scottish Borders Council 2003 SLT 601 - local authority liability for winter maintenance. No statutory duty to grit roads in Scotland; content of common law duty discussed.

McLaughlin v East and Midlothian NHS Trust 2001 SLT 387- res ipsa loquitor and Workplace regulations, in an unexplained accident.

Professional Liability

Campbell T/A Campbell Associates v Ferguson, Macsween & Stewart And Others Lord Clarke, 24 April 2003 - solicitor's negligence action; failure to waive suspensive conditions in missives.

Contract and commercial litigation

Centenary 6 v Liquidators of Centenary Holdings 2018 SLT 423 -
The status of ATE insurance policy as equivalent to caution.

Bass Brewers Ltd v Independent Insurance Co Ltd 2002 SC 67 - interpretation of conditions precedent to liability in contract for insurance.

Other

Mckie And Others v Macrae And Others 2006 SLT 43 - application of Human Rights act to procedural matters; dismissal of action for want of prosecution.

Professional Memberships

Clerk to the Faculty of Advocates Scholarship Committee

Advocates Personal Injury Law Group

Advocates Professional Negligence Law Group

Publications

Scottish cases editor of Redgrave's Health and Safety

What the Directories Say

Chambers UK 2020

Ranked as New Silk for Personal Injury - "A very talented and highly rated advocate." "She is excellent with clients and very strong in negotiations."

Ranked as New Silk for Clinical Negligence – "She has incredible knowledge of medical matters, is very quick at picking things up and commands a lot of respect." "She is phenomenal. She always has an insight on a case and offers a fresh approach. She's extremely articulate, intelligent and has the loveliest way with clients."

Ranked as New Silk for Product Liability - "She's excellent, extremely bright and very dedicated."

Legal 500 UK 2020

Ranked Band 1 for Personal Injury and Clinical Negligence – "A stand-out clinical negligence junior who does not give up on a fight easily."

Chambers UK 2019

Ranked Band 1 for Personal Injury – "Astrid is excellent. She can deal with cases at highly complex levels and can work without a senior." "She is excellent in any complex matter and is always working on your case to make sure that everything is covered and properly prepared."

Ranked as Star Individual for Clinical Negligence – "She has a wealth of experience in this area." "Fantastic at getting to grips with complex medical issues quickly." "One of the best clinical negligence advocates at the Scottish Bar."

Chambers UK 2018

Ranked Band 1 for Personal Injury – "She's very straightforward and very good at distilling down complex issues in a way that clients can understand." "Fantastic senior junior with a great track record in medical claims and defence"

Ranked as Star Individual for Clinical Negligence – "Her technical knowledge is absolutely superb – you think she is a doctor when she talks to doctors!" "She is extremely well organised, has a fantastic manner and is a very strong negotiator." "I don't think you can get any junior counsel that's more highly regarded in a medical negligence situation" "Fantastic ability to analyse material and offer clear, concise advice."