

Astrid Smart

Year called: 1999
Email: astrid.smart@compasschambers.com
Qualifications: MA (Hons) in Psychology (Edinburgh) (1989)
LLB (Edinburgh) (1993)
Dip.LP (1994)



Practice

Astrid trained as a solicitor with Simpson and Marwick in Edinburgh, and practised there after qualifying. Her principal fields of practice include:-

- Personal Injury
- Clinical Negligence
- Insurance Litigation

Astrid has an extensive civil practice, specialising in clinical negligence, including medical, dental, nursing and midwifery claims, accidents at work, occupational stress, industrial disease and catastrophic injury claims. She has a special interest in local authority public liability and occupiers' liability. She has been involved in several leading cases in relation to the interpretation of the European regulations in relation to employers' liability. She acts on behalf of both pursuers and defenders. Astrid is recommended by the Legal 500 in the field of personal injury and medical negligence and rated band 1 by Chambers and Partners in clinical negligence.

Reparation

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

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

Legal 500 2014 - Ranked in the category of Personal Injury, Medical Negligence and Professional Negligence - *"very strong on legal argument, with a robust negotiation technique."*

Chambers UK 2014 - Ranked as a Star Individual for Clinical Negligence - *"She is astronomically smart and fantastically practical. She has a wonderfully incisive approach." "She is a star. She is very approachable and is very good at putting people at ease."*

Chambers UK 2014 - Ranked Band 2 for Personal Injury - *"She's very on the ball."*

Legal 500 2013 - Ranked in the category of Personal Injury, Medical Negligence and Professional Negligence - *"efficient, responsive and pragmatic"*

Chambers UK 2013 - Ranked as Band 1 for Clinical Negligence - *"her practice takes in a wide variety of claims, including those relating to catastrophic injuries, industrial disease and occupational stress."*

Chambers UK 2013 - Ranked Band 2 for Personal Injury - *"one of the best personal injury juniors at the Scottish Bar."*

Legal 500 2012 - Ranked in the category of Personal Injury, Medical Negligence and Professional Negligence - *"first choice for medical negligence cases"*

Compass Chambers

T: 0131 226 2881

W: www.compasschambers.com

Chambers UK 2012 - Ranked as Band 1 for Clinical Negligence - *'Sources "would not hesitate to recommend" Astrid Smart as a rigorous and sharp advocate for her work on claims involving doctors, dentists, nurses and midwives'*

Chambers UK 2012 - Ranked Band 2 for Personal Injury - *"comprehensive and reliable"*

Legal 500 2012 - Ranked in the category of Personal Injury, Medical Negligence and Professional Negligence - *"highly rated"*