Compass Chambers

Catherine Smith KC



Year called:	2007
Year of silk:	2021
Email:	clerks@compasschambers.com
Qualifications:	MA (Hons) History and LLB (Glasgow, 1996) Diploma in Legal Practice (Strathclyde)

The Legal 500 United Kingdom Leading Silk 2022

Profile

Catherine's principal areas of work are reparation and public law. She specialises in personal injury, clinical negligence and judicial review cases.

Catherine has a busy practice in reparation work, acting for pursuers and defenders. She also acts in product liability cases; and has prior experience of criminal trials and appeals.

Catherine sits as a part time Sheriff and is an advocate member of the Scottish Civil Justice Council.

She has years of experience in judicial review matters, acting for petitioners and governments. She is currently instructed in the Scottish Covid-19 Inquiry and conducts Fatal Accident Inquiries.

Catherine undertakes a wide variety of advisory work for organisations including the Scottish Legal Complaints Commission; MDDUS (Medical and Dental Defence Union Scotland); Criminal Injuries Compensation Authority; the Ministry of Defence and the Equality and Human Rights Commission.

She is one of only two Counsel in Scotland to have acted as Counsel to the Investigatory Powers Tribunal, and was Standing Junior Counsel to the Advocate General between 2012 - 2021. She has been on the Equality and Human Rights Commission Panel of Counsel since 2015.

Catherine is a founding member and former Deputy Chair of JUSTICE Scotland. She is co-founder and Chair of the John Smith Centre at the University of Glasgow. As a trustee of the John Smith Trust she travels to eastern Europe to support rule of law and human rights projects, visiting Kyiv and Warsaw in October 2023.

Compass Chambers

Representative Cases

Scottish Covid-19 Inquiry (on-going)
Acting for COSLA, representing the interests of COSLA and the 32 local authorities in Scotland.

FAI: Lanarkshire baby deaths of Leo Lamont, Mirabelle Bosch and Ellie McCormick (on-going)
Fatal Accident Inquiry into the deaths of three babies in the Lanarkshire area taking place in January and February 2024 in Glasgow Sheriff Court (Sheriff Principal Anwar).

Wilson v Police Scotland 2022 UKTrib 5 (Investigatory Powers Tribunal)
Landmark judgement on Article 10 infringement of a journalist's rights in the protection of their sources. It establishes for the first time that simply an attempt to reveal a journalist's source can be an infringement, even though the journalist was not in fact asked to reveal the identity.

Simpson v Pret a Manger (Europe) Ltd [2021] SC EDIN 33
Personal Injury Proof (workplace accident) conducted via Webex

Rodas & Others v Edinburgh Trams Limited
Fatal case involving a pedestrian collision with a tram in Edinburgh.

Mary Morris v Stryker UK Ltd 2019 (unreported)
Product liability case involving a fractured hip.

Petition to the Nobile Officium by Worcester City Council 2021 (unreported)
Petition concerning a statutory lacuna in the arrangements for the cross-border placement of children in secure accommodation.

Hernandez v Secretary of State for the Home Department [2019] CSIH 21
Appeal to the Inner House. Unusual immigration matter concerning a US Citizen seeking leave to remain in the UK.

A v C [2019] GWD 5-60
Successful application to remit from Sheriff Court to Court of Session: acted for the defender and provided the opinion forming the basis of the argument to remit. Civil rape claim. Went on to argue a relevancy point about whether domestic abuse could form a course of conduct that could provide a link in time to the alleged rape.

MA Pakistan v Secretary of State for the Home Department [2017] CSOH 109
Leading decision on the correct interpretation of the test for fresh claims in immigration cases, having raised and sought to argue this point in other cases to get a decision.

Ashif v HMA [2015] J.C. 7
Acted for the Faculty of Advocates as Intervener in this 7 bench criminal appeal.

The Faculty of Advocates
Parliament House
Edinburgh
EH1 1RF

T: 0131 226 2881
F: 0131 225 3642

E: info@compasschambers.com
W: www.compasschambers.com

Faculty Services Limited Registered No: 48261

Compass Chambers

Fatal Accident Enquiry in to the death of Stuart Sandeman 2015 FAI 22
FAI into a death in police custody.

Z (China) v Secretary of State for the Home Department [2014] CSOH 111
Rare second hearing under old judicial review procedure: novel damages claim for breach of the ECHR as result of visa refusal from Hong Kong, also involving complex historic website evidence.

Geraldine Allan v Amlin UK Ltd [2013] CSOH 156; 2013 G.W.D. 31-623
Leading Court of Session authority on the onus of proof in mitigation of loss in credit hire cases.

Ronald Hill v Norside Ltd [2013] CSIH 44
Appeal in a negligence case concerning apportionment of contributory negligence after a fall from a ladder.

Jeremy Milliken v AIB [2012] unreported
Commercial proof regarding the contractual entitlement of a banker to his bonus, commencing on the day RBS Chief Executive Stephen Hester turned down his £1 million bonus and concluding on the day Sir Fred Goodwin (as was) was stripped of his knighthood.

Appointments

- Advocate Member of the Scottish Civil Justice Committee (2020 – present)
- Equality and Human Rights Commission Panel of Counsel (2014 – present)
- Standing Junior to the Advocate General (2012 – 2021)
- Ad Hoc Advocate Depute (2017–present)
- Junior Bar's Representative Inner House Users Group (2018 – 2021)
- Faculty International Committee (2019–present)
- Faculty Human Rights and Rule of Law Committee (2018 – present)
- Faculty Legal Aid Committee (2020 – 2023)
- Curator of the Advocates Library (2013–2018)
- Member of Faculty of Advocates Fees Committee (2013 – 2015)
- Faculty of Advocates Council Representative for junior counsel less than 7 years called (2009 – 2012)

Catherine has served on numerous Faculty Committees reporting on government proposals:

- Consultation on a Scottish Bill of Rights
- Review of the Human Rights Act
- Victims' Rights (Scotland) Regulations
- Victims and Witnesses (Scotland) Bill
- Simplifying Immigration Rules
- Sheriff Court Fees Order 2018 (accessibility of self-litigation for disabled)
- Human Trafficking (Scotland) Bill
- Bill of Rights

Other Interests

Deputy Chair and Founding Member of JUSTICE Scotland

This is the Scottish branch of the London NGO working to advance access to justice and human rights. Since its inception in Scotland in 2012 Catherine has as a board member facilitated and participated in numerous highly successful events; published research; contributed to the work of the Justice Committee in the Scottish Parliament and briefed MSPs.

Member, JUSTICE Council

By invitation, Catherine sits on the Council for JUSTICE in London alongside many eminent and prominent members of the legal profession, overseeing the work of the organisation.

Chair and Co-Founder of the John Smith Centre for Public Service at Glasgow University

Catherine has been instrumental in establishing this Centre in 2014 and defining its mission. She has raised significant funds to secure its continuing existence following a core grant from the Scottish Government and grown it to a now established part of the UK thought leadership on politics and public service.

The Centre will deliver the Scottish Government's flagship Minority Ethnic Emerging Leadership Scheme for youth potential to be fulfilled during 2021 and 2022. It runs the only paid internship programme at the Scottish Parliament.

Trustee of the John Smith Trust

Catherine is an active trustee for this charity which runs Fellowship Programmes for mid-career leaders in emerging democracies. Programmes include bringing Fellows from the Middle East to the UK to work on the Rule of Law.