

## Elaine Smith

**Year called:** 2022  
**Email:** elaine.smith@compasschambers.com  
**Qualifications:** Bachelor of Law (Hons) - University of Glasgow - 2007/2008  
Diploma in Legal Practice - Glasgow Graduate School of Law - 2008/2009



## Profile

Elaine called to the Bar in 2022 having spent 11 years with a leading personal injury firm.

Since calling to the Bar, Elaine has been instructed in a variety of personal injury cases stemming from road traffic accidents, accidents at work, occupier's liability, and public liability claims. In addition, Elaine's practice encompasses actions brought as a result of historic abuse, medical negligence and product liability.

Elaine has a particular interest in fatal accidents. As well as representing both pursuers and defenders in civil claims for damages arising from fatal accidents, Elaine has a burgeoning practice in fatal accident inquiries. Notably, Elaine was instructed as Crown Junior in the M9 fatal accident inquiry which examined Police Scotland's failure to action a call which resulted in the death of an occupant of a car which had left the motorway.

Elaine also has experience of representing professionals during regulatory proceedings.

## Representative Cases

### As Counsel

#### **M9 Fatal Accident Inquiry**

Junior to Gavin Anderson KC for the Crown in the fatal accident inquiry into the deaths of Lamara Bell and John Yuill. Involved extensively in preparation in advance of inquiry which included drafting various court orders dealing with how documents and statements should be treated by the inquiry, contempt of court orders and the drafting of five joint minutes.

## **Fatal Accident Inquiry into the deaths of Katie Allan and William Brown**

Lead by Mark Stewart KC, Elaine was instructed as junior counsel to represent the interests of William Brown's father. William tragically died while on remand at HMP YOI Polmont. Case remains ongoing.

## **FAI into the death of Kenneth Heron**

Elaine was instructed to represent the widow of the late Kenneth Heron at the Fatal Accident Inquiry looking at the circumstances of his death at work. The Court accepted various criticisms could be made of the system of work and training.

## **As Solicitor / Instructing Agent**

### **Derren Moffat v TW Bradley Contracts Limited, Unreported, ASPIC, August 2021**

Instructing agent for the pursuer in a case which proceeded to a diet of proof. Action concerned a workplace accident. Liability disputed. Pursuer succeeded in establishing that he had tripped over a cable and the cable had been left strewn on the ground negligently.

### **Courtney Sloan v Keira Wilson, Unreported, Sh A Cubie, Glasgow Sheriff Court, May 2021**

Appeared as Solicitor for the pursuer in a contentious opposed motion regarding certification of a Consultant Psychologist. Defender's position was that certification should not be granted as the pursuer's psychological symptoms were fabricated. Successfully resisted the opposition.

### **Hannaway v Discount Trade Windows Limited and Others [2020] SAC (Civ) 8**

Instructing agent for the applicant and appellant in a Summary Application seeking to recover an employer's liability insurance policy from a company in administration. Question before the Sheriff Appeal Court was whether the Sheriff had erred in concluding that it could not be said an action was likely to be brought under the Third Parties (Rights against Insurers) Act 2010 where the company was not yet a relevant person in terms of the 2010 Act.