Compass Chambers



Elaine Smith

Year called:	2022
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Qualifications:	Bachelor of Law (Hons) - University of Glasgow - 2007/2008 Diploma in Legal Practice - Glasgow Graduate School of Law - 2008/2009

Profile

Elaine has a busy and varied practice covering reparation, regulatory crime (including health and safety prosecutions) and inquiries.

Elaine represents Pursuers and Defenders 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 various parties in civil claims for damages arising from fatal accidents, Elaine is regularly instructed in fatal accident inquiries having experience of representing families and corporate bodies participating in the proceedings. 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 companies in health & safety prosecutions. Elaine was appointed as Standing Junior Counsel to the Scottish Government in 2024.

Representative Cases

Darren Esposito v Panmure Forestry Partnership
Instructed for defenders to defend an occupiers liability claim raised against the occupiers of a country estate. Within the estate, there was a folly which was a historical ruin. Within the folly there were stairs. The pursuer climbed the stairs and subsequently fell to his injury. Case dismissed following a motion for Summary Decree.

HMA v Central Scotland Healthcare (St Andrews) Limited
Elaine was instructed to represent Central Scotland Healthcare (St Andrews) Ltd in relation to a case concerning a choking at a care home.

FAI into the death of Graham Anderson
Elaine was instructed to represent the interests of a company who had called for assistance of the ambulance service following the collapse of one of their employees. The sheriff was persuaded not to adopt the criticisms of the company's system of working advocated for by the Crown.

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.

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 make of the system of work and training.

Angela Kelly v Dundee City Council
Elaine was instructed for the successful pursuer in action for damaged following an accident at work. Liability was denied throughout the case with a live dispute as to the extent of an employer's duty of reasonable care at common law. Court accepted the submission made for the pursuer that an employer will conduct a risk assessment so that suitable precautions can be taken to avoid an injury to its employees.

JT v Police Service of Scotland
Junior Counsel to Simon Di Rollo K.C. to act for an injured police officer in a claim against Police Scotland. JT sustained life changing injuries in the course of his service with the police. Settled prior to proof.

Mother for Child v AN Other Health Board
Instructed by a health board to defend a claim raised by a mother for her child. Argued that the child has suffered profound damage as a result of a brain injury sustained by the negligence of the health board. Case ongoing.