



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.

She has a wide range of experience in personal injury cases including road traffic accidents as well as employer's liability, occupier's liability and public liability claims. Elaine also has experience of issues surrounding the recovery of damages, particularly from bankrupt companies and uninsured individuals. While devilling, Elaine also gained experience in industrial disease cases, catastrophic injury actions and historical abuse cases.

In addition to her personal injury work, Elaine has experience of product liability cases, clinical negligence actions, Inquiry work and regulatory cases involving health care professionals.

Representative Cases

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.