

## James Hastie

**Year called:** 2004  
**Email:** james.hastie@compasschambers.com  
**Qualifications:** LLB (Hons), Aberdeen University.  
Diploma in Legal Practice, Edinburgh University



## Practice

James has a busy reparation practice in which he acts for both pursuers and defenders. James is particularly experienced in accident claims (including Workplace and Occupier's Liability and tripping cases), road traffic claims (including fatal, LVI and Credit Hire cases) and industrial disease claims.

While reparation forms the mainstay of James' practice, he continues to be instructed in other areas including professional negligence claims, clinical negligence claims, fatal accident inquiries and commercial matters. James regularly appears in the Sheriff Court, Sheriff Appeal Court and the Court of Session.

## Representative cases

### Reparation

*Fiona Burnett or Grant v International Insurance Company of Hannover 2019 SC 379 (Inner House), 2018 SLT 472 (Outer House)* - acting as junior for the pursuer in a damages claim following the death of her husband, who was choked to death by a bouncer outside a bar in Aberdeen. The issue was whether the insurers were able to avoid or limit liability under their policy in terms of the Third Party (Rights Against Insurers) Act 2010. The insurers have appealed to the Supreme Court against the decision of the Inner House. The Appeal is due to be heard in February 2021.

*Chisholm v Mehmood 2020 Rep LR 20 (All Scotland Sheriff Personal Injury Court)* - acting for the defender's insurer in a claim arising out of a road traffic accident. The defender was absolved because the pursuer failed to prove he was driving at the time.

*Shade v Young 2019 SAC (Civ) 22* - acting for defender in a case concerned with the interpretation of a personal guarantee.

*Grubb v Findlay 2017 CSOH 81* - acting as junior for the pursuer in a case where the defenders sought to argue fundamental dishonesty on the part of the pursuer such as to negate his proved entitlement to damages.

*Phenrisai v Yukitan 2017 SLT 631* - acting as junior for the pursuer, a former Buddhist monk, who claimed damages following a road traffic accident. He was a passenger in the car in which the 3 other occupants were killed.

*Prescott v St Andrews University 2016 CSOH 3* - acting as junior for the pursuer, a lecturer at St Andrews University, who claimed damages following a diagnosis of mesothelioma alleging exposure to asbestos during the refurbishment of one of the buildings at the University.

*Anderson v Brig Brae 2015 (Jury Trial)* - acting as junior for the pursuers who sought damages following a fatality at work involving a quad bike stored in a garage. The widow and the infant child were awarded the then highest section 4(3) awards by a Scottish court – the widow's award remains the highest such award and the infant child's award was recently approved by Lord Tyre in *McCulloch v Forth Valley Health Boards 2020 CSOH 40*.

*Stevenson v Chief Constable 2015 CSOH 16* - acting for a police officer in her claim for damages against her employer following injury during a restraint training exercise.

*Macdougall v Emtec Limited 2012* –unsuccessfully pursuing claim where a plumber alleged cramped working conditions resulted in the onset of neck pain

*Hodgkinson v East Renfrewshire Council 2011* - acting as junior in unsuccessful claim where the pursuer was injured opening a gate at work.

*Campbell v Downie 2010* - successfully pursuing a claim where the pursuer alleged he was shunted into the car in front by the defender and the defender claimed the pursuer had already ran into the car in front when he came to collide with the pursuer;

*Campbell v Elliot Group 2009* - successfully pursuing a claim for injury at work where the pursuer injured his knee in a fall in his employer's works yard;

*Sinclair v Morrison and another 2009* - successfully defending a claim for an uninsured developer in respect of a claim by a lorry driver for damages when a load being unloaded at a development site fell on him;

*Nugent v Glasgow City Council 2009* - acting as junior in the successful defence of a tripping case against a local authority;

*Hutchison v North Lanarkshire Council 2007* - unsuccessfully pursuing a claim where the pursuer tripped in a car park owned, but not adopted for maintenance purposes, by a local authority;

## Professional Liability

*Halifax plc v DLA Piper* 2009 - as junior, unsuccessfully arguing that a firm of solicitors should be personally liable on a contract where they concluded missives for the purchase of property on behalf of a non-existent client

## Other

*McIntosh v Moncrieff* 2005-2007 - successful defence in this unreported case before the Sheriff and Sheriff Principal in an action for rectification relating to a boundary dispute

*Anderson v Aitchison* 2009 - in another unreported Sheriff Court dispute in relation to an alleged servitude over a dam successfully defending at debate the pursuer's argument that the matter was *res judicata*.

## Professional Memberships

While at the bar James has also acted as an ad hoc legal assessor to the NMC Fitness to Practice Panel.