



Kate Bennett

Year called: 2014
Email: kate.bennett@compasschambers.com
Qualifications: 1987 B.Soc.Sc (HONS) Social Anthropology – University of Manchester
1995 LL.B. (ORD) – University of Glasgow
1996 Diploma in Legal Practice (Distinction) – University of Glasgow

Practice

Since calling to the bar in 2014, Kate has built up a busy and varied reparation practice with a particular emphasis on clinical negligence, disease and complex personal injury cases. She is regularly instructed for both pursuers and defenders in all areas of personal injury litigation, including road traffic, employers and public liability as well as product liability cases.

Kate has a particular interest in clinical negligence and catastrophic cases. She regularly appears in the Court of Session and ASPIC. She is also very experienced in conducting Fatal Accident Inquiries.

Kate has been described as "a very able advocate whose years of experience working as a solicitor before going to the bar means that she combines technical ability, competence in court and commercial awareness, all appreciated by clients".

Representative Cases

Cameron v Swan [2020] CSOH 20

Junior counsel for defenders in unusual road traffic case. The first defender ran over pursuer who was lying in the road (at night) and who he had not seen. Proof on liability only. Complex evidence in relation to conspicuity, perception and psychological factors. The defenders were ordained to lead at proof. They were successful. The pursuer has lodged a reclaiming motion and appeal hearing dates are to be assigned in March 2021.

Agnes Mitchell v NHS Borders ASPIC, February 2020 unreported, (Sheriff Liddle)

Acted for defenders in employers liability claim. Nurse claimed damages following assault by patient who suffered from dementia. Defenders were successful at proof.

Lorna McGinlay or McLean & ors v Fairfield Shipbuilding and Anr [2019] CSOH 33

Acted for one of the defenders in fatal claim arising from mesothelioma. Opposed motion for jury trial. Defenders argued that the pursuer's right to jury trial was precluded by section 22(4) of the Prescription and Limitation (Scotland) Act 1973

AH v Greater Glasgow Health Board, SR v Johnson & Johnson Medical Ltd, YT v Spire Healthcare Ltd, EN v Greater Glasgow Health Board 2018 SLT 535

Debate on procedure roll. Acting as one of three junior counsel for pursuers in four lead cases arising out of use of vaginal mesh products.

Kennedy v Mackenzie [2017] CSOH 118

Acted as junior counsel for the defender in fatal claim arising from a road traffic accident. The defender lost control of her car and as a result a passenger in the vehicle, died. The defender failed to establish that her loss of control was caused by something other than her own negligence (the defender's position was that the accident was caused by the condition of the road).

Dewar v Scottish Borders Council [2017] CSOH 68

Acted as junior counsel for pursuer who suffered severe injury following fall from his motorbike after it skidded on a damaged road surface. The roads authority (defenders) were successful, the pursuer failed to prove that the damaged road surface constituted a significant hazard.

FAI Rachel Cassells [2017] FAI 12

Acted for the driver of a coach, which ran over Mrs Cassells in the car park at Trossachs Woollen Mill.