

Lesley Shand KC

Year called: 1990
Year of silk: 2005
Email: lesley.shand@compasschambers.com
Qualifications: Solicitor in private practice
LLB (Hons) and Diploma in Legal Practice
(Edinburgh)



Practice

Principal Areas of Practice include -

- Reparation
- Personal Injury
- Professional Negligence
- Clinical Negligence
- Fatal Accident and Public Inquiries
- Property Damage
- Insurance Law
- Contract and Commercial Litigation

An accomplished civil litigator, Lesley has considerable experience in a range of areas of civil litigation acting for both pursuers and defenders. Her work has taken her most often to the Court of Session (Inner and Outer House) and to Sheriff Courts throughout Scotland, but she has also appeared before a variety of tribunals. A substantial proportion of Lesley's practice consists of personal injury litigation, including medical negligence cases. She has particular expertise in catastrophic injury claims, including brain damage and spinal injury cases, claims in respect of industrial diseases and psychiatric injury and fatal claims.

Lesley is experienced in advising on and litigating property damage reparation claims.

Also well respected for her work in professional negligence disputes, Lesley has acted in claims implicating architects, surveyors, lawyers and social workers.

Lesley has frequently represented parties in fatal accident inquiries, including inquiries into deaths in hospital and prison, and arising from road traffic accidents. Whilst serving as a Senior Advocate Depute in Crown Office she was appointed the dedicated Advocate Depute to the Scottish Fatalities Investigation Unit, a specialist unit incorporating recommendations made by Lord Cullen's 2009 Review of Fatal Accident Inquiry Legislation. The Unit was established to provide expertise and specialist advice for Procurators Fiscal from the early stages of non-criminal deaths investigations.

Lesley was a Senior Advocate Depute in Crown Office from January 2010 to February 2013. During this time she conducted many High Court jury trials and solemn conviction appeals, including trials and appeals in high profile and complex cases. Her workload as Senior Advocate Depute included prosecutions involving contraventions of Health and Safety legislation and Road Traffic Offences.

Lesley has significant public law experience arising from her time as a standing junior to the Department of Transport, when she was also instructed to represent other UK government departments.

Appointments

- Fee-paid judge of the First Tier Tribunal Immigration and Asylum Chamber (2014 – present)
- Fee Paid Judge of the First Tier Tribunal (Social Entitlement) (2014 - present)
- Convenor of the Standing Sub-Committee on Reparation of the Faculty of Advocates' Law Reform Committee (2013–present)
- Senior Advocate Depute (January 2010–February 2013)
- Member of the Court of Session Rules Council (2000–2011)
- Ad hoc Advocate Depute (2004–2009)
- Standing Junior to the Department for Transport (1995–2005)

Selected Cases

Scott Forbes v Wishaw Abattoir Limited: Civil Jury and Lord Stewart, March 2015

Jury trial on quantum of damages. Pursuer sustained serious eye injury. Claims made for solatium, past and future wage loss, loss of employability, services and outlays. Complex medical evidence. Sum sued for £500,000. Acted for defender. Pursuer failed to beat tender.

Scottish Water Business Stream Ltd v Automatic Retailing (Scotland) Ltd & Another [2014] CSOH 57

Property damage; flooding of office premises; liability

Ruddy v Chief Constable & Anr: Sheriff Court, Glasgow A623/05; and [2011] SC 527

Human rights; damages for alleged breach of Article 3 of ECHR - cruel, inhumane and degrading treatment. (see also 2013 SC (UKSC) 126)

Anthony Brookes v First Aberdeen Ltd [2010] CSOH 16

Personal injury. Causation. Pursuer suffering injuries in bicycle accident which he alleged included Complex Regional Pain Syndrome (aka reflex sympathetic dystrophy)

Graham Dickie v Flexcon Glenrothes Ltd A855/03 [2009]

Employers liability. Protection from Harassment Act. Pursuer suing for a six-figure sum and had not worked for many years, which he claimed was due to psychiatric injury caused by the alleged harassment

Sarah Smith v Lorna McNair [2008] CSOH154

Causation. Damages. Personal injury. Claim by pursuer that accident accelerated onset of Parkinson's disease

National Grid Gas plc v Stanley Stores (Strathclyde) Limited [2008] CSOH 94

Property damage. Claim for damages arising from fracture of gas pipe during the course of works on the land

Chinn v Cyclacel Ltd [2007] CSOH142

Personal injury. Pursuer claiming to have suffered process injury due to laboratory work. Substantial damages sought (See also 2010 CSOH 37 and 2013 SLT 287)

Duff v East Dunbartonshire Council and Others [2002] Rep LR 98

Personal Injury. Paraplegia. Occupiers' liability; physical feature of land. Action dismissed but following amendment a reclaiming motion was allowed (The proof did not proceed as the pursuer died shortly before it was due to begin)

Jackson v Hughes Dowdall [2008] CSIH 41, X A50/07

Professional Negligence. Claim against solicitors in respect of alleged negligence in the conduct of the pursuer's divorce. Acted for defenders in Glasgow Sheriff Court, Commercial Court and on appeal to Court of Session

Wright v Paton Farrell and Others [2006] SLT 269

Professional Negligence. Three-week reclaiming motion relating to solicitors' immunity from suit whilst acting in court

Morton & Sons Milton Ltd v Reid Heating [2002] GWD 13-1441

Breach of Contract; negligence; disconnection of domestic fuel pipes from Aga; alleged property damage and personal injury

Thomas Muir Haulage Ltd. v Secretary of State 1999 SC 86

Court of five Judges. Road Traffic: Administrative Law; Goods Vehicles Operators Licences

Patrick Shields v HMA [2013] HCJAC 25

Solemn Conviction Appeal. Murder. Fresh Evidence

Michael Ross v HMA [2012] HCJAC 45

Solemn Conviction Appeal. Accused convicted of murder by shooting a waiter in Orkney when he was 14 years old

McCarron v HMA [2012] HCJAC 16

Solemn Conviction Appeal. Murder. Fresh Evidence. Evidence led before Appeal Court

Lukstins v HMA [2012] HCJAC 146

Court of five Judges. Solemn Conviction Appeal. Cowie v HMA over-ruled (in Cowie it had been held that a blood sample could not be taken from an accused after charge)

Brand v HMA [2011] HCJAC 74

Appeal under Section 74 of Criminal Procedure (Scotland) Act 1995. Whether a confession made by a co-accused which was not admissible at the instance of the prosecutor could be admitted at the instance of an accused in support of a defence of incrimination

William Gage v HMA [2011] HCJAC 40



Solemn Conviction Appeal. Murder. In this, the first part of the appeal, the issue was the admissibility of expert evidence on the psychology and reliability of eyewitness identification

Lectures & Seminars

Lesley regularly gives talks to instructing solicitors, professional bodies and at Compass Chambers' events.

What the Directories Say

Chambers UK 2020 - Ranked Band 1 for Personal Injury - "She has a keen eye for detail and is not afraid to hold her ground." "She is extremely thorough in her preparation and leaves no stone unturned."

Legal 500 UK 2020 - Ranked as a Leading Silk for Personal Injury and Clinical Negligence - "She has a forensic eye for detail and leaves no stone unturned."

Chambers UK 2019 - Ranked Band 1 for Personal Injury - "She is a force of nature and does not take any nonsense. She's straightforward, direct and extremely thorough. She thinks about a case relentlessly and from all different angles. In complex and technical cases she is always well prepared."

Legal 500 UK 2019 - Ranked as a Leading Silk for Personal Injury and Clinical Negligence

Chambers UK 2018 - Ranked Band 1 for Personal Injury - "Lesley is a robust advocate who is renowned for her attention to detail and work ethic. She has an impressive ability to sift through the evidence and pinpoint the strongest arguments in a case". "She has a great eye for detail. She will leave no stone unturned and no question unanswered."

Legal 500 UK 2018 - Ranked as a Leading Silk for Personal Injury and Clinical Negligence

