

## Lesley Shand QC

**Year called:** 1990  
**Year of silk:** 2005  
**Email:** [lesley.shand@compasschambers.com](mailto: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

## **Publications & Seminars**

Presentation on civil claims under the Protection From Harassment Act 1997, November 2008

Presentation on fatal accident inquiries, 2010

Court Skills Training Course Presentation to Members of the Royal College of Paediatrics on skilled witness evidence and report writing: May 2010

Presentation on fatal accident inquiries, Legal Services Agency Fatal Accident Inquiries Seminar, July 2011

Presentation on Damages and the Ogden Tables: April 2013

Presentation on Ways in Which the Human Rights Act has influenced Domestic Private Law: September 2013

Damages Claims Under the Protection From Harassment Act 1997: Legal Services Agency Seminar , January 2015

Seminar on Preparing for and Conducting a RTA Proof, Legal Services Agency, February 2015