

Robert Milligan QC

Year called: 1995
Year of silk: 2009
Email: robert.milligan@compasschambers.com
Qualifications: B.A. (Jurisprudence) (Oxford) (1989)
LI.B (Edinburgh) (1991)
Dip. L.P. (1992)



LEADING BARRISTER



Practice

Specialist areas:reparation (particularly personal injuries and clinical negligence), product liability, professional negligence, Fatal Accident Inquiries and Criminal Injuries Compensation claims. Robert acts for pursuers and defenders equally and is instructed regularly by most leading firms in Scotland. He has a particular interest in occupational stress claims and catastrophic injuries. He has been instructed by Merck & Co and General Motors in relation to product liability group actions. He is currently instructed on behalf of pursuers in the group litigations relating to vaginal mesh implants and metal hips.

Robert speaks and writes regularly on personal injury related matters, particularly in relation to damages. He is also involved in teaching the Personal Injuries Elective to Diploma students at the University of Edinburgh.

Robert appears regularly in the sheriff courts as well as the Court of Session. He has been involved in two mediations in catastrophic injury claims. Robert is also happy to take on conditional fee and direct access work.

He is ranked as a leading silk in personal injuries in Chambers 2013.

Appointments

- Non-executive Director of the Scottish Courts Service Board (2010 to date)
- Member of the Court of Session Rules Council (2012 to date)
- Member of the Faculty of Advocates Council (2013 to date)

- Member of the Personal Injuries User Group chaired by Lady Dorrian (2003 to 2009) and Sheriff Court Personal Injury User Group (2009 to date)
- Member of the Faculty of Advocates Fees and Legal Aid Committee (January 2002 to date)
- Member of the Faculty of Advocates Direct Access Committee
- Former secretary of the Advocates Personal Injury Law Group
- Member of the Advisory Group to the Scottish Law Commission in relation to Prescription and Limitation in Personal Injury

Reported cases

Stark v Ford (No.2) 1996 SLT 1329 (Reclaiming motion following proof or jury trial debate).

Keppie v Marshall Food Group 1997 SLT 305 (Summary decree).

Cowan v Toffollo Jackson 1998 SLT 1000 (Timebar).

Foskett v McClymont 1998 SC 96 (Animals (Scotland) Act 1987).

Alexandra Hotel v Scottish Hydro 1998 SLT 668 (Electricity Supply Regulations).

McKnight v Clydeside Buses Ltd 1999 SLT 1167 (Duties of roads authorities).

Callaghan v Southern General Hospital NHS Trust 2000 SLT 1058 (Manual handling).

Harrison v West of Scotland Kart Club 2001 SC 367 (OH); 2004 SC 615 (IH) (liability of unincorporated association to its members).

Sandison v Begg 2001 SC 821 (human rights and jury trials).

Ellison v Inspirations East 2003 SLT (N) 291 (OH); unreported in the Inner House 12th December 2003 (Package Tour & Package Holiday Regulations 1992).

Gillies v Lynch 2002 SLT 1420 and 2005 Rep LR 9 (loss of society and psychiatric injury).

Hawkes v Wynn 2002 SLT 1227 (back injury).

Taylor v City of Glasgow Council 2002 SC 364 (manual handling).

Green v Argyll & Bute Council Lord Bonomy 28th February 2002 (4 week occupational stress proof).

Mackie v AB 2000 and another 2004 SC 334 (timebar in fatal claim).

Campbell v East Renfrewshire Council 2004 Rep LR 89 (Workplace Regulations).

Watt v Bridges 2004 Rep LR (P) 96 (loss of chance).

Petrie and ors v Milk Marketing Board 2005 SCLR 841 (expenses).

McFarlane v Scottish Borders Council 2005 SLT 359 (OH); 2006 SLT 721 (IH) (Workplace Regulations).

Vetco Gray v Slessor 2006 SC 398 (jury trials and third parties)

Graham v Richard Lawson Autologistics [2006] CSOH 89 (duty to mitigate loss).

King v Neilson [2006] CSOH (duty of care and children).

Taylor v Sands [2006] CSOH 186 (interim damages and residential accommodation).

Robertson v Inspirations East [2007] CSOH 30 (Package Tour & Package Holiday Regulations 1992).

Mary Elizabeth McClelland v Dumfries & Galloway Council, Sheriff Ross, Dumfries Sheriff Court, 9th July 2007 (occupational stress and Protection from Harassment Act 1997).

Fegan v Highland Council 2007 SC 723 (occupier's liability)

Montgomery v Lanarkshire Health Board [2007] CSOH 172 (causation in medical negligence)

McGibbon v McAllister 2008 SLT 459 (human rights and the Damages (Scotland) Act 1976).

Lees v North Lanarkshire Council [2008] CSOH 8 (local authority systems in relation to tripping hazards).

Lisa Smart's Guardian v Lunan [2008] CSOH 55 (interim damages in catastrophic injury claim).

Thomas Ruddy v Monte Marco and anr 2008 SC 667 (liability of agent of undisclosed principal to employee)

Munro v Aberdeen City Council 2009 SLT 964 (Workplace (Health Safety and Welfare) Regulations 1992

McDonald v Sainsburys plc [2010] CSIH 39

Stainsby v Fallon [2010] CSIH 64 (motion for new civil jury trial)

Mykoliw and ors v Botteril and ors [2010] CSOH 84 (title to sue for loss of society)

Davis v Catto and anr [2010] CSOH 93 (apportionment in RTA)

Montgomery v LHB [2010] CSOH 104 (clinical negligence, cerebral palsy)

Thomson v Dennis Thomson (Builders) Ltd (jury award for loss of society, 2/2/11).

McCafferty v Scott's Caravans [2011] CSOH 16

Bellingham v Todd [2011 SLT 1124 (judicial awards for loss of society)

Pratt v Scottish Ministers 2011 SCLR 446 (occupational stress claim by prison officer).

Wallace v Glasgow City Council 2011 Rep LR 96 (successful reclaiming motion in relation to risk assessments and the Workplace (Health, Safety and Welfare) Regulations 1992).

McCarthy v Highland Council [2011] CSIH 51 (psychiatric injury following assault on teacher at special needs school).

McGlinchey v General Motors (UK) Ltd 2012 CSIH 91 (product liability claim relating to allegedly defective handbrake).

Moulds v Reid [2012] CSOH 13 - claim for harassment *Gordon v Clark* [2012] CSOH 35 - hearing on note of objections

Winn-Pope v ES Access Platforms and anr [2012] CSOH 35 – Work at Height Regulations 2005

Murphy v East Ayrshire Council 2012 SLT 1125 – duties on local authorities

Hamilton and anr v Ferguson Transport (Spean Bridge) Ltd and anr 2012 SLT 715 – 5 judge decision on guidance for civil juries

Tortolano v Ogilvie Construction Ltd [2013] CSIH 10 – reclaiming motion in relation to the appropriate discount rate for future multipliers

Pratt v Scottish Ministers [2013] CSIH 17 – role of appellate court in reviewing expert medical evidence

Young v McVean 2014 SLT 934 (OH) and 2015 SLT 729 (IH) – fatal claim and secondary victims

Stanger v Flaws (June 2016 – fatal claim before a jury)

Dewar v Graham's Dairies [2016] CSOH 151 – exacerbation of pre-existing back condition

J v C 2017 [CSIH] 8 – timebar in clinical negligence claim

Bowes v Highland Council 2017 SLT 749 – duties of roads authorities

Warner v Scapa Flow Charters 2017 SLT 239 – limitation and the Athens Convention (currently under appeal to Supreme Court)

Brits v Kilcoyne & Co [2017] CSIH 47 – waiver of timebar plea *Kennedy and ors v MacKenzie* [2017] CSOH 118 – inference of negligence in fatal RTA.

Robert has also been involved in mediations in relation to high value personal injuries claims.

Publications

Editor of the Delict Section of the Scottish Human Rights Practice Looseleaf

Approaching Future Wage Loss 1995 SLT (News) 173

Multipliers for Future Wage Loss 1998 SLT (News) 291

Admissibility of Video Evidence Civil Practice Bulletin Issue 58

Damages Update Greens Reparation Bulletin Issue 32 (March 2000)

Damages Update Greens Reparation Bulletin Issue 33 (May 2000)

Damages Update Greens Reparation Bulletin Issue 34 (June 2000)

Damages Update Greens Reparation Bulletin Issue 35 (September 2000)

Fatal Claims Greens Reparation Bulletin Issue 36 (November 2000)

Damages Update Greens Reparation Bulletin Issue 37 (January 2001)

Catastrophic Claims and Jury Awards Greens Reparation Bulletin Issue 38 (March 2001)

Services Claims Greens Reparation Bulletin Issue 39 (May 2001)

Discount Rate Greens Reparation Bulletin Issue 40 (June 2001)

Damages for breaches of the European Convention on Human Rights Greens Reparation Bulletin Issue 41 (September 2001)

Appealing against CRU Certificates Greens Reparation Bulletin Issue 42 (November 2001)

Provisional Damages Greens Reparation Bulletin Issue 44 (March 2002)

Civil Juries and the European Convention on Human Rights Greens Reparation Bulletin Issue 45 (May 2002)

Fairchild v Glenhaven Funeral Services Greens Reparation Bulletin Issue 46 (July 2002)

End of Year Review Greens Reparation Bulletin Issue 49 (January 2003)

Interim Damages Greens Reparation Bulletin Issue 52 (July 2003)

Statements of Valuation of Claim Greens Reparation Bulletin Issue 53 (September 2003)

Occupational Stress Claims and Employment Tribunals Greens Reparation Bulletin Issue 54 (December 2003)

Mitigation of Loss and the Penniless Pursuer Greens Reparation Bulletin Issue 55 (January 2004)

Future Care Costs Greens Reparation Bulletin Issue 56 (March 2004)

Human Rights Issues Greens Reparation Bulletin Issue 57 (June 2004)

Loss of Society/Jury Awards Greens Reparation Bulletin Issue 58 (August 2004)

Pleural Plaques Greens Reparation Bulletin Issue 59 (October 2004)

Who Pays for Residential Accommodation? Greens Reparation Bulletin Issue 60 (November 2004)

PHI Payments – Earnings or Contractual Benefit? Greens Reparation Bulletin Issue 61 (January 2005)

Who Pays for Residential Accommodation: an update Greens Reparation Bulletin Issue 62 (March 2005)

Future Care Costs – Sowden v Lodge and Crookdake v Drury Greens Reparation Bulletin Issue 63 (May 2005)

The Costs of Residential Accommodation: an update Greens Reparation Bulletin Issue 65 (September 2005)

Scotland: a Better Place to Die [2005] Journal of Personal Injury Law 260

Future Wage Loss Greens Reparation Bulletin Issue 66 (November 2005)

Fatal Claims: Review of recent developments Greens Reparation Bulletin Issue 67 (January 2006)

Pleural Plaques in the Court of Appeal/New Claims for Siblings and Civil Partners Greens Reparation Bulletin Issue 68 (March 2006)

Applications for Compensation for Miscarriages of Justice Greens Reparation Bulletin Issue 70 (July 2006)

The Compensation Act 2006 Greens Reparation Bulletin Issue 72 (November 2006)

Crofton: The Legal Implications Greens Reparation Bulletin Issue 74 (February 2007)

Crofton: The Practical Implications Greens Reparation Bulletin Issue 75 (April 2007)

The 6th Edition of the Ogden Tables Greens Reparation Bulletin Issue 76 (June 2007)

A Minor Pain in the Neck for Insurers Greens Reparation Bulletin Issue 79 (November 2007)

The Lost Years Greens Reparation Bulletin Issue 80 (February 2008)

Interim Damages Greens Reparation Bulletin Issue 83 (August 2008)

JM v Fife Council [2008] CSIH 63 Greens Reparation Bulletin Issue 87 (February 2009)

Suing an Uninsured and Insolvent Employer Greens Reparation Bulletin Issue 88 (May 2009)

The Damages (Scotland) Bill 2009 Greens Reparation Bulletin Issue 90 (September 2009)

Quantifying fatal claims Greens Reparation Bulletin Issue 92 (January 2010)

The value of pleural plaques under the Damages (Asbestos-related Conditions) (Scotland) Act 2009 Greens Reparation

Bulletin Issue 93 (March 2009)

Reform in relation to damages for wrongful death Greens Reparation Bulletin Issue 95 (August 2010)

Damages for delayed and/or unexpected consequences of an accident Greens Reparation Bulletin Issue 96 (October 2010)

Recent jury awards in fatal claims Green Reparation Bulletin Issue 97 (December 2010)

The boys are back in town: duties on nightclub owners Green Reparation Bulletin Issue 98 (February 2011)

Ogden Table Update Green Reparation Bulletin Issue 101 (August 2011)

All for one and one for all: the effect of appealing one jury award of several Greens Reparation Bulletin Issue 103 (December 2011)

Damages for breach of Article 2 of the ECHR Greens Reparation Bulletin Issue 105 (April 2012)

Guidance for civil juries Greens Reparation Bulletin Issue 107 (August 2012)

The discount rate Greens Reparation Bulletin Issue 109 (December 2012)

Lectures and Seminars

Robert has spoken at numerous seminars and conferences, including:

- Schuman Seminar on Personal Injury 2000
- CLT Personal Injury Conference September 2000
- Faculty of Advocates Conference on Human Rights September 2000
- Scottish Young Lawyers Association Civil Law Day Conference October 2000
- Ledingham Chalmers Reparation Conference November 2000
- CLT Personal Injury Conference November 2001
- CLT Personal Injury Conference May 2003
- Industrial Disease Conference October 2003
- APIL Personal Injury Update Conference September 2004
- Australian Bar Association Conference in Dublin July 2005
- LSA Seminar on Quantification of Damages August 2005

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- Law Society of Scotland Personal Injury Conference September 2005
- APIL Advanced Asbestos Course in London February 2006
- CLT Personal Injury Conference May 2006
- Asbestos and the Law Conference in Liverpool June 2006
- APIL Seminar on Personal Injuries Trusts October 2007
- Iusful Events Update on Liability and Quantum February 2008
- Law Society Conference on Employers' Liability July 2008
- APIL Personal Injury Update Conference, September 2008
- APIL Personal Injury Update Conference, November 2010
- Compass Chambers Annual Conference, November 2011
- CLT Personal Injury Conference February 2012
- WS Society Personal Injury Seminar November 2012
- CLT Personal Injury Conference February 2013

Robert also gave evidence to the Justice Committee in relation to the Damages (Scotland) Bill 2010 in September 2010