



CATHERINE SMITH



Year of Call

2007

Devil Masters

Andrew Young QC

Gary Allan QC

Sheriff Chris Shead

@casadvocate1 on Twitter

LinkedIn Profile

Practice Profile

Catherine's principal areas of work are reparation and public law. She specialises in personal injury, judicial review and clinical negligence cases. Other areas in which she has acquired experience whilst an advocate include commercial contracts and criminal trials and appeals. In her personal injury work, Catherine acts regularly for pursuers and defenders.

She has been Standing Junior Counsel to the Advocate General since 2012 and on the Equality and Human Rights Commission Panel of Counsel since 2015. In 2017 she was appointed as an Ad Hoc Advocate Depute.

Catherine appears regularly in the Court of Session and the High Court, and appeared before the Judicial Committee of the Privy Council (now the Supreme Court) in the cases addressing the issue of Crown disclosure of evidence in 2008.

Catherine has a strong commitment to promoting the rule of law and human rights and has participated in international conferences and worked with foreign legislatures on these issues. Catherine is a founding member and the Deputy Chair of JUSTICE Scotland, the Scottish arm of the London based NGO, and Co-Founder and Chair of the John Smith Centre for Public Service based at the University of Glasgow.

Education & Professional Career to Date

Solicitor, DM MacKinnon, Oban

Trainee Solicitor, Thompsons, Glasgow

Paralegal, Minter Ellison, Sydney

Deputy Director of LINKS, an NGO promoting conflict resolution and state building in the former Soviet Union

Appointments

- Junior Bar's Representative Inner House Users Group (2018–present)
- Ad Hoc Advocate Depute (2017–present)
- Equality and Human Rights Commission Panel of Counsel
- Standing Junior to the Advocate General
- Curator of the Advocates Library
- Member of the Human Rights and Rule of Law Committee
- Deputy Chair and Founding Member, JUSTICE Scotland
- Acting Chair, John Smith Centre for Public Service
- Director of Advocacy, Beyond Borders
- Trustee, John Smith Memorial Trust
- Member of Faculty of Advocates Committees reporting on: Proposals for a Bill of Rights; Victim's Rights (Scotland) Regulations; Human Trafficking (Scotland) Bill; Victims and Witnesses (Scotland) Bill.
- Former Faculty of Advocates Council Elected Representative, for junior counsel less than 7 years called
- Former Member of the Faculty of Advocates Fees and Legal Aid Committee
- Former Management Committee Member of Arnot Manderson Stable

Selected Cases

- **Fatal Accident Enquiry in to the death of Stuart Sandeman 2015 FAI 22**
FAI into a death in police custody
- **Geraldine Allan v Amlin UK Ltd [2013] CSOH 156; 2013 G.W.D. 31-623**
Leading Court of Session authority on the onus of proof in mitigation of loss in credit hire cases
- **MacDonald v HMA [2010] SC (PC) 1**
Leading authority from the Judicial Committee of the Privy Council on the Crown duty of disclosure and the circumstances in which a devolution issue properly arises
- **DB, Petitioner [2012] CSOH 164**
Petition for judicial review regarding an injured police officer's entitlement to a police pension as an injury on duty award
- **Jeremy Milliken v AIB [2012] unreported**
Commercial proof regarding the contractual entitlement of a banker to his bonus, commencing on the day RBS Chief Executive Stephen Hester turned down his 1 million bonus and concluding on the day Sir Fred Goodwin (as was) was stripped of his knighthood
- **Telford v HMA [2012] SLT 911**
Five bench criminal appeal deciding the modern definition of murder
- **Ronald Hill v Norside Ltd [2013] CSIH 44**
Appeal in a negligence case concerning apportionment of contributory negligence after a fall from

a ladder

Areas of Practice

- Clinical and Professional Negligence
- Commercial
- Crime
- Personal Injury
- Public and Fatal Accident Inquiries
- Public Law

Publications & Seminars

Catherine has presented talks on various subjects including Crown disclosure of evidence and contributory negligence in road traffic cases