



## WOJCIECH JAJDELSKI



### Year of Call

2014

### Devil Masters

Jonathan Barne

Thomas L Ross

[LinkedIn Profile](#)

## Practice Profile

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Since calling in 2014, Wojciech (pronounced voi-check yai-del-ski) has been instructed in a number of practice areas, with particular emphasis on professional liability and regulation (including clinical negligence), commercial litigation and public law (including equality cases). He has appeared in the Sheriff Court, the Sheriff Appeal, the Court of Session (Outer House and Inner House), and the Employment Tribunals. In court, he has dealt with contested applications, legal debates, evidential hearings and appeals. Out of court, he has provided numerous opinions, including on interpretation of contracts, wills and statutory materials, and conducted successful settlement negotiations.

Wojciech has a special interest in the law of fraud (civil and criminal), scholarly misconduct (plagiarism and academic discipline) and clinical treatment of adults with incapacity and at the end of life. He writes on legal developments, mainly on prescription for practitioners and sits on the Faculty's Law Reform Committee. In early 2017, he was appointed standing junior counsel to the Scottish Government.

Before calling, Wojciech trained with Dundas & Wilson CS LLP (now CMS) and then worked there for 4 years as a litigation solicitor, specialising mainly in professional liability claims against lawyers, valuers and engineers. He advised insurers, banks, commercial clients and insured professionals, and worked regularly as part of a team including clients, counsel and experts.

## Education & Professional Career to Date

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Advocate (since 2014)

Solicitor (Litigation), Dundas & Wilson CS LLP (2009-2013)

Trainee Solicitor, Dundas & Wilson CS LLP (2007-2009)

(Seats: Financial Services, Corporate, Construction & Engineering, Commercial Litigation)

Diploma in Legal Practice (University of Edinburgh, 2007)

LLB Ordinary (with distinction) (University of Edinburgh, 2006)

DPhil (University of Oxford, 2005)

MA (University of Wroclaw, 2000)

BA (University of Wroclaw, 2000)

## Appointments

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- Standing Junior Counsel to the Scottish Government (2017–present)
- Member, Law Reform Committee, Faculty of Advocates (2015–present)
- Tutor in Civil Law (Ordinary), School of Law, University of Edinburgh (2011–present)
- Member, Edinburgh Centre for Commercial Law, School of Law, University of Edinburgh (2010–present)

## Selected Cases

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- **General (including commercial and construction)**

- Advised a local authority on a claim against contractors in an infrastructure project
- Advised on the completion account mechanism and enforceability of personal guarantees in the context of the sale of a business
- Acted for defenders in applications to sist court proceedings for arbitration (including issues of res judicata, personal bar, jurisdiction and incorporation of arbitration clause)
- Represented a public authority at a public inquiry relating to a major urban infrastructure project
- Advised on interim interdict in respect of actual and threatened breaches of restrictive covenants and use of customer information by former employees
- Acted for defenders in applications for caution for expenses sought both at first instance and in appeal proceedings
- Acted for the Crown in a prosecution for fraud and unlawful financial assistance in the context of acquisition of a public company
- Acted for a defender in a financial dispute following break-up of relationship
- Acted for pursuers in a claim for repayment of an informal loan
- Advised contractors on the correct identity of contracting parties in a building dispute

- **Professional liability and regulation**

- Advised insurers on various claims against solicitors and architects
- Advised a pursuer on prescription in a claim against solicitors arising from sale of forest land
- Acted for the pursuer in a case against claim managers for failure to include loss of earnings in a Criminal Injuries Compensation application
- Advised a pursuer on a claim against surveyor in respect of a Home Report
- Acted for applicant in a leave to appeal application in relation to a decision of the Scottish Legal Complaints Commission

- **Clinical negligence and medical treatment**

- Acted for a health board in a breach of statutory duty claim arising from non-provision of clinically assisted nutrition and hydration (CANH)

- Acted for a health board in an urgent application under the Adults with Incapacity (Scotland) Act 2000 in a dispute between the adult's guardian and the health board over proposed cancer treatment
- Acted for a health board in a "failure to treat" claim involving death due to respiratory failure
- Acted for a GP in a complex "failure to refer" claim involving meningitis and comprehensive sensory deficits
- Acted for a physician in "inadequate treatment" and "consent" claim arising from urological surgery
- **Public law**
- Acted for a public authority relating to a complex case relating to disability discrimination and Convention rights
- Acted for the Lord Advocate in relation to public interest objections to recovery and use of documents in civil litigation

## Areas of Practice

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- Clinical and Professional Negligence
- Commercial
- Employment, Discrimination and Harassment
- Media Law, Privacy and Defamation
- Property
- Public Law

## Publications & Seminars

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'Expenditure and awareness of loss under s.11(3)', Greens Civil Practice Bulletin 2018, 139, 2-5.

'Section 11(3) postponement: materiality and causation of loss', Greens Civil Practice Bulletin 2016, 130, 2-6.

'Reasonable diligence under s.11(3) and professional advice', Greens Civil Practice Bulletin 2015, 122, 2-6.

## Additional Information

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Fluent in Polish