



Year of Call

2002

Devil Masters

Eric Robertson

Sheriff John Beckett QC

Graham Primrose QC



Practice Profile

Gordon has developed an extensive practice across several different areas of law. In each, he demonstrates his ability to adapt his forensic skills to any type of case. His substantial experience in property damage and personal injury cases includes numerous complex claims of high value.

Regular instructions are received in professional negligence actions including construction disputes (both litigation and adjudication), claims against solicitors and surveyors, and medical negligence cases. Gordon is skilled in the field of reparation, particularly in the quantification of damages. His several seminars on the application of the Ogden Tables have been well received.

A particular area of expertise is actions involving the European Convention on Human Rights. On several occasions, Gordon has been instructed by the Crown in cases raising devolution issues. Appearances as junior counsel in both the Privy Council and the Supreme Court extend to leading cases such as *Cadder v HMA*, *McInnes v HMA* and *McDonald v HMA*.

Gordon has acted in contractual disputes and property disputes (including commercial leasing). Another interest is regulatory crime. Gordon has acted in high profile cases including *Balmer v HMA* and *HMA v Transco plc*, both of which involved multiple fatalities.

Education & Professional Career to Date

Assistant, McGrigor Donald (1999-2001)

Trainee Solicitor, Dundas & Wilson (1997-99)

BA (Hons) Law, 2:1 (Pembroke College, Cambridge, 1994); LLB (Ordinary, with Distinction) (Edinburgh, 1996); Diploma in Legal Practice (1997); MA (1998)

Appointments

- Standing Junior to the Ministry of Defence
- Standing Junior to the Scottish Government (2008)
- Standing Junior to the Scottish Government (2011)
- Ad hoc Advocate Depute (2012–2017)

Selected Cases

- **Whyte and Mackay Ltd v Blyth & Blyth Consulting Engineers Ltd [2012] SLT 1073**
Junior counsel for defender and counterclaimant in complex construction dispute involving enforcement of adjudicator's award
- **Hamilton v Ferguson Transport (Spean Bridge) Limited [2012] CSIH 52**
Counsel for the Scottish Ministers in full bench case concerning the Convention compatibility of civil jury trial procedure
- **Ambrose v Harris [2011] 1 WLR 2435**
Junior counsel for the Crown in Supreme Court case concerning the implications of the Cadder decision in circumstances other than following formal detention
- **Odeon Cinemas Limited v GF Holding (Contractors) Limited and Others**
Junior counsel for the first defender in a construction dispute in which the pursuer sought approximately 10M. Successfully resisted motion for caution and diligence on the dependence. Claim resolved at mediation
- **HMA v Hutchison and Others**
Junior counsel for the first accused in (i) prosecution for regulatory offences concerning fishing in excess of quotas; and (ii) proceeds of crime action in which the Crown initially sought over 3M. Successfully advanced a number of technical arguments in the proceeds of crime action
- **Greenlees v Allianz Insurance plc [2011] CSOH 173**
Counsel for the defender in Court of Session case concerning recovery of credit hire charges. Case was determined following a proof. The pursuer was awarded a sum significantly less than that claimed
- **Fraser v HM Advocate [2011] SC (UKSC) 113**
Junior counsel for the Crown in Supreme Court case concerning the Convention compatibility of proceedings in which certain material had not been disclosed to an accused person
- **Cadder v HM Advocate [2011] SC (UKSC) 13**
Junior counsel for the Crown in Supreme Court case considering the Convention compatibility of Scottish procedure for detention and questioning of suspects without access to legal advice
- **McInnes v HM Advocate [2010] SC (UKSC) 28**
Junior counsel for the Crown in Supreme Court case determining the appropriate approach to be taken by the Court in cases involving non-disclosure of information by the Crown to the defence
- **Allison v HM Advocate [2010] SC (UKSC) 19**
Junior counsel for the Crown in Supreme Court case considering approach to non-disclosure of previous convictions and outstanding charges of witnesses
- **HM Advocate v Murtagh [2011] 1 AC 731**
Junior counsel for the Crown in Privy Council case regarding the Crown's duties of disclosure in

relation to previous convictions of witnesses

- **McDonald v HM Advocate [2010] SC (PC) 1**

Junior counsel for the Crown in Privy Council case considering whether the Lord Advocate's system for disclosing information to the defence in criminal cases was Convention compliant

- **Balmer v HM Advocate [2008] SLT 799**

Counsel for one of the accused in repeated attempts by the Crown to prosecute the proprietors of Rosepark Nursing Home concerning a fire in which 14 residents died. Each indictment was dismissed as incompetent or irrelevant

Areas of Practice

- Clinical and Professional Negligence
- Commercial
- Personal Injury
- Property

Publications & Seminars

'Ogden 7 - So where are we now?' (September-November 2011)

Directories

Recommended in The Legal 500 in 2015 & 2016

Recommended in Chambers & Partners UK Bar Guide 2016 & 2017

Band 2 for Personal Injury

Additional Information

Instructor, Faculty of Advocates Devils Training Course