



LAURA THOMSON



Year of Call

2014

Devil Masters

Ruth Charteris

Ruth Innes

Morag Ross QC

Thomas L Ross

Practice Profile

Since calling to the Bar, Laura has quickly established a varied civil practice, centering on personal injury claims (including fatal accidents, industrial disease, employers' liability, road traffic accidents and claims under the Protection from Harassment Act 1997), and claims arising from professional negligence (doctors, psychiatrists, solicitors).

Laura also has an interest in professional disciplinary work, and has recently appeared before the disciplinary committees of the Nursing and Midwifery Council and the Architects Registration Board.

From 2009-2012, Laura held the office of Advocate Depute; she is the only practicing member of Faculty to have been appointed by the Lord Advocate to this office before being called to the Bar. In this role, she prosecuted (as lead Counsel) many high-profile, difficult and anxious cases before the High Court of Justiciary. These included murder, culpable homicide, causing death by dangerous driving, rape, and the sexual abuse of children. Laura has extensive experience of preparing and presenting cases which are both factually and legally complex, and in which expert evidence has been led.

Laura's appointment as an Advocate Depute followed a long and successful career in the Crown Office, during which time she held a number of specialised legal posts, including the investigation of sudden, suspicious and unexpected deaths, and the conduct of Fatal Accident Inquiries.

Laura's criminal experience informs her approach to her civil practice, and she brings to her practice considerable advocacy experience, sound judgement, and a meticulous approach to case preparation.

Alongside her civil practice, Laura maintains her interest criminal law - she was recently instructed as lead counsel for one of 5 accused in a 14 week High Court trial arising out of allegations of historical sexual and physical abuse in a residential home for vulnerable children run by the Christian Brothers. She has been instructed for the defence in a number of rape and murder cases. She has a particular interest in cases at the interface between the criminal and civil law, and was recently instructed as

junior counsel to represent a professional footballer in a civil action of damages for rape.

Laura holds appointment as a Standing Junior to the Scottish Government.

Education & Professional Career to Date

Called to the Bar, 2014

Advocate Depute, 2009-2012 (and ad hoc Advocate Depute 2015- present)

Principal Procurator Fiscal Depute, Crown Office, 2007-2009

Admitted as Solicitor-Advocate (Criminal), 2007

Procurator Fiscal Depute, Procurator Fiscal's Office, Edinburgh 2000-2007

Part-time tutor in Criminal Law, Edinburgh University, 2000-2004; 2006

Trainee Solicitor, Simpson & Marwick, Edinburgh 1998-2000

Post-graduate Certificate in Forensic Medicine, Edinburgh University, 2003

Dip LP, Edinburgh University, 1998

LLB (Hons), Edinburgh University, 1997

Appointments

- Standing Junior to the Scottish Government (2017–present)
- Advocate Depute (2009–2012)

Selected Cases

- Selected cases: civil
- **Denise Clair v David Goodwillie & another [2017] CSOH 5**
Junior counsel for the first defender in an action for damages arising out of an allegation that the defenders raped the pursuer when she was incapable of giving consent to sexual intercourse by reason of intoxication.
- **Roger Harris v Advocate General [2016] CSOH 49**
Junior counsel for the pursuer in the first case in Scotland (since the coming into force of the Damages (Asbestos Related Conditions) (Scotland) Act 2009) in which the court has been asked to determine the methodology appropriate to the quantification of damages for pleural plaques on a full and final basis.
- **John McShane v Burnwynd Racing Stables Ltd [2015] CSOH 70**
Junior counsel for the pursuer, a race horse trainer who fell from a horse and sustained life-changing injuries. Complex issues of fact and law.
- Selected cases: criminal
- **HMA v Kelly, Farrell, Egan, Murphy and Don**
Lead counsel for the fifth accused in a 14 week trial arising out of allegations of historical sexual and physical abuse in a residential school for vulnerable children run by the Christian Brothers. Client acquitted of all charges.
-

Selected cases: criminal from Laura's time as an Advocate Depute:

- **HMA v Mohammed Akram, 2012**
Accused convicted of sexual assault of a 4 year old girl, whose evidence was taken on commission by live link.
- **HMA v Ruraidh Docherty, 2011**
Accused convicted of causing death by dangerous driving; both accused and deceased were school boys.
- **HMA v John Nugent, 2011**
Accused convicted of historical sexual abuse of three children.
- **HMA v Kevin Kirkpatrick, 2011**
Rape - one of the first cases to be brought under the Sexual Offences (Scotland) Act 2009.
- **HMA v Robert Clark, 2011**
Accused convicted of historical physical and sexual abuse of two children.
- **HMA v Robert Melvin, 2011**
Murder. Stabbing - circumstantial case.
- **HMA v John Docherty, 2011**
Accused convicted of the attempted murder of his wife of 40 years. Defence of sleepwalking. The only eye witness was the complainer who was supportive of her husband and convinced he was asleep. Complex expert evidence led.
- **HMA v Alan Stewart, 2010**
Accused convicted of causing death by careless driving.
- **HMA v Gary Gallacher, 2010**
Accused convicted of armed robbery.
- **HMA v Robert Black, 2010**
Accused convicted of two charges of assault with intent to rape.
- **HMA v James Whitson, 2010**
Accused convicted of culpable homicide after supplying methadone to a vulnerable teenage girl, in the knowledge that she would use the methadone to overdose to commit suicide.
- **HMA v Gerard Costa, 2010**
Accused convicted of assault with intent to rape.
- Selected cases from Laura's time as a Procurator Fiscal Depute/Principal Depute:
- **HMA v Marek Harcar, 2009**
Laura assisted the then Lord Advocate, Dame Elish Angiolini, in preparing the international aspects of this murder prosecution for trial; this involved traveling to Slovakia to oversee the ingathering of evidence and questioning of witnesses there.
- **HMA v ICL Plastics and ICL Tech, 2007**
This prosecution, brought under health and safety legislation, followed a factory explosion in which a number of people lost their lives. Laura's role was to draft the charges and indict the case for trial. The accused companies pled guilty and significant fines were imposed.
- During her time as a Procurator Fiscal Depute, Laura prosecuted several Sheriff Court cases arising from road traffic fatalities - including the prosecution of a police officer who collided with another vehicle during a police chase. She conducted a number of prosecutions in which evidence was taken from child witnesses. Laura prosecuted two high-profile cases brought under health and safety legislation, following fatal accidents in hotel premises. She conducted a number of Fatal Accident Inquiries, including deaths in custody, deaths in the workplace and a complex medical FAI arising out of a mis-diagnosis.

Areas of Practice

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

Publications & Seminars

"Civil Damages for Rape" - Arnot Manderson Seminar 2017

"Open Justice and Closed Doors - A v BBC [2014] UKSC 43" - Arnot Manderson Seminar 2014

"Case Digest - A v A [2014] AC 1 (Children, Habitual Residence)" - Arnot Manderson Family Law Group Seminar 2014

"Surrogacy - Avoiding the Pitfalls" - Arnot Manderson Family Law Group Seminar 2014

Laura has spoken at numerous Crown Office seminars on a range of subjects including taking evidence from vulnerable witnesses; the investigation of sudden, suspicious and unexpected deaths; supporting victims and next-of-kin from minority backgrounds in the wake of the Chhokar Inquiry; and international co-operation in cross-border criminal investigations.

Laura was interviewed by the BBC for a radio broadcast on the role of the Procurator Fiscal in the investigation of sudden deaths, and contributed to the training of Accident & Emergency doctors by giving seminars on the same subject.

Laura was invited to give a presentation to French Judges on providing support to victims of crime at a seminar in Paris organised by the Judicial Studies Committee.

Additional Information

NITA Certificate in Advanced Trial Advocacy

Proficient written and spoken French

Secretary of the Scottish Branch of the Franco-British Lawyers Association

Faculty Scholar 2013/14

Laura regularly undertakes pro bono work, providing legal advice and representation to individuals, as well as legal training and advice to charities.