



LAURA THOMSON



Year of Call

2014

Devil Masters

Ruth Charteris QC

Ruth Innes QC

Morag Ross QC

Thomas L Ross QC



Practice Profile

Since calling to the Bar, Laura has established and maintained a busy and varied civil practice, centering on personal injury and professional negligence claims. She is regularly instructed in fatal cases and claims arising from catastrophic injuries, and actions which have as their subject matter clinical negligence, sexual abuse, harassment, industrial disease, employers' liability and road traffic accidents. Laura has recently been appointed as Junior Counsel to the Sheku Bayoh Public Inquiry.

Laura is a Standing Junior to the Scottish Government and in that capacity has experience of public law. She has represented the Scottish Ministers in several recent appeals to the Land Court.

Laura also has an interest in professional disciplinary work, and has represented clients 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. 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, armed robbery, 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; precognosing and indicting cases for trial in the High Court; and international co-operation in the investigation and prosecution of crime.

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

Alongside her civil practice, Laura maintains an interest in criminal law - she was 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 rape and murder cases. She has a particular interest in cases at the interface between the criminal and civil law, and was instructed as junior counsel to represent a professional footballer in a civil action of damages for rape, both at proof in the Court of Session and in the subsequent reclaiming motion. Laura has been instructed to pursue civil actions for damages in a number of historical sexual abuse cases since the coming into force of the Limitation (Childhood Abuse)(Scotland) Act 2017.

Education & Professional Career to Date

Called to the Bar, 2014

Advocate Depute, 2009-2012

Principal Depute, Crown Office, 2007-2009

Admitted as Solicitor-Advocate (higher rights of audience in the criminal courts), 2007

Procurator Fiscal Depute, Edinburgh, 2000-2007

Trainee Solicitor, Simpson & Marwick, 1998-2000

Former part-time tutor in Criminal Law, Edinburgh University

LLB (Hons), Edinburgh University

Dip LP, Edinburgh University

Post-graduate Certificate in Forensic Medicine, Edinburgh University

Appointments

- Junior Counsel to the Sheku Bayoh Public Inquiry (2020–present)
- Standing Junior to the Scottish Government (2017–present)
- Advocate Depute (2009–2012)

Selected Cases

- Selected cases: civil
- **Lord Advocate v Mohammed Aslam [2019] CSIH 17**
Successful application for vexatious litigant order on behalf of the Lord Advocate.
- **Ashley Thom v Scottish Ministers SLC 90/17 (20 March 2019)**
Successfully representing the Scottish Ministers in appeal to the Scottish Land Court - common agricultural policy.
- **Douglas Cassells v David Allan and another [2019] CSOH 14**
Junior Counsel for the pursuer (Senior, Andrew Young QC) in an action for damages arising out of a fatal accident where a pedestrian was struck by a bus. The pursuer was successful in establishing fault on the part of the bus driver, and the deceased's employer, at proof.
- **Downie v Scottish Ministers SLC/8/18 (2 November 2018)**
Successfully representing the Scottish Ministers in appeal to the Scottish Land Court - common agricultural policy.
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Anji Mannas v Chief Constable [2018] CSOH 126

Junior Counsel for the pursuer (Senior, Simon di Rollo QC) in an action for damages arising out of a road traffic accident in 2001. Successful opposition to motion for dismissal of action on grounds of inordinate and inexcusable delay.

• **Brian Gracie -v- City of Edinburgh Council [2018] CSOH 37**

Junior Counsel for the pursuer (Senior, Angela Grahame QC) in an action for damages arising out of a road traffic accident in 1965, when the pursuer was a young child. The case was time barred and submissions were made in terms of s19A of the Prescription and Limitation (Scotland) Act 1973.

• **DC v DG & another [2017] CSOH 5**

Junior counsel (Senior, Dorothy Bain QC) for the first defender in this action for civil damages for rape.

• **DC v DG & another [2017] CSIH 72**

Junior counsel (Senior, Dorothy Bain QC) for the reclaimers in the Appeal to the Inner House.

• **Roger Harris v Advocate General [2016] CSOH 49**

Junior counsel (Senior, Simon Di Rollo QC) 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 was 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, (Senior, Angela Grahame QC) 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, with the international aspects of this murder prosecution; 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 misdiagnosis.

Areas of Practice

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

Publications & Seminars

Laura recently collaborated with a crime writer, forensic scientist, pathologist and professional colleagues to stage a reconstruction of a 1930s murder trial at the Bloody Scotland crime writing festival (September 2019). All performances sold out and the production received high acclaim, with articles in several newspapers. The production was filmed by the Modern Studies Association, to be used as part of the school curriculum throughout Scotland. The film was shown as the closing event at the Bloody Scotland 2020 (online) Festival and was followed by a panel discussion, which Laura chaired.

In 2017, Laura chaired an event at Bloody Scotland. She debated the need for accuracy in the way in which courtroom scenes are portrayed in works of fiction with 3 lawyers-turned-crime-writers.

Laura has written about her passion for legal education in both the Herald and the Scotsman. She provides occasional advice to crime writers and television script writers on criminal law and procedure.

Laura is a regular speaker at Stable events (on the themes of personal injury and public law).

During the course of her career, Laura has developed an interest in, and commitment to, helping vulnerable witnesses give their best evidence. In 2018, she gave a presentation on special measures for vulnerable witnesses at a Law Society conference on the abolition of the triennium in historical abuse cases. Laura gave many presentations on this subject whilst in Crown Office, including a talk to members of the French Judiciary in Paris, organised by the Judicial Studies Committee. She contributed to the Faculty response to the draft Vulnerable Witnesses Bill.

Whilst in Crown Office, Laura spoke at numerous seminars on a range of topics, including the investigation of sudden, suspicious and unexpected deaths; supporting victims and next-of-kin from minority backgrounds; and international co-operation in cross-border criminal investigations. She was interviewed by the BBC for a radio broadcast on the role of the Fiscal in the investigation of sudden deaths, and contributed to the training of A&E doctors by giving talks on the same subject.

Laura represented the Faculty as the Scottish delegate of a committee of the conseil des barreaux europ en, tasked with reporting to the European Commission on the implementation of 3 criminal justice directives into national law (2015/16). This project involved research, writing, and attending meetings of the CCBE in Brussels.

Directories

Ranked in Chambers and Partners Bar Guide

2021

"She's fantastic - very clever, easy to deal with, and the insight she offers into cases is spectacular."

"She is a consummate professional who is meticulous in her analysis of cases."

2020

"Her attention to detail is really good and she is always so well prepared."

"She's very approachable and is excellent with clients."

2019

"Clever, hard working, courteous and very determined."

Additional Information

Faculty Scholar 2013/14

NITA Certificate in Advanced Trial Advocacy

Proficient written and spoken French

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

Laura contributes to training devils on the Faculty Foundation Course.