



WOJCIECH JAJDELSKI



Year of Call

2014

Devil Masters

Jonathan Barne KC

Thomas L Ross KC

LinkedIn Profile



Practice Profile

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

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

- 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

- **Public Law**

- **Abundance Investment Ltd v Scottish Ministers [2020] CSOH 12, 2020 SLT 163**

Acted for Scottish Ministers (with senior counsel) in a judicial review, by investors in a grantee company, of a decision not to pay out grant monies due to grant conditions not being met

- **B v Parole Board for Scotland [2020] CSOH 69, 2020 SLT 975**

Acted for Scottish Ministers in a judicial review of a prisoner licence condition requiring notification of friendships/ associations as void for uncertainty and incompatible with Article 8 ECHR

- Acted for a health board (with senior counsel) in a judicial review of a practice of accommodating patients with incapacity, medically fit for discharge, in interim care units in care homes

- Acted for Scottish Ministers in an appeal by a property factor against removal from the register under section 8 of the Property Factors (Scotland) Act 2011

- Acted for Social Security Scotland in an appeal to Upper Tribunal for Scotland relating to determination of non-entitlement to school age grant

- **Application for preliminary reference [2020] SC EDIN 53**

Acted for the Lord Advocate (with senior counsel) in test extradition cases relating to breach of the right to a fair trial, under ECHR and EU Law, against the background of systemic deficiencies in the judicial system of the requesting state

- **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

Areas of Practice

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

Publications & Seminars

'Expenditure argument - a final word?' (Case comment on WPH Developments Ltd v Young & Gault LLP (In Liquidation) [2021] CSIH 39, 2021 SLT 905), Green's Civil Practice Bulletin, 2021, 161, 3-4.

'Expenditure argument exposed', Green's Civil Practice Bulletin 2020, 154, 2-4.

'Awareness of expenditure in reliance on advice and s.11(3)', Green's Civil Practice Bulletin 2019, 147, 2-3.

'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.

Directories

Recommended in the Legal 500 UK Bar Guide:

Administrative and Public Law - Leading Junior 2021, 2022 & 2023

'A very diligent and knowledgeable lawyer, who is held in high regard.'

Additional Information

Fluent in Polish