

Amber Galbraith

Year called: 2005
Email: amber.galbraith@compasschambers.com
Qualifications: LL.B (Hons)(Edinburgh) (1995)
Dip.LP (Edinburgh) (1996)
Diploma in Forensic Medicine (Glasgow)
(2001)
Speaks French



LEADING BARRISTER



Practice

Amber qualified as a solicitor in 1996. Her principal fields of practice include:-

- Personal Injury
- Health and Safety
- Clinical and professional negligence
- Fatal accident, and public, inquiries
- Media Law

Since coming to the bar Amber has been instructed in a wide range of litigation for both pursuer and defender. Specialising in personal injury and health and safety litigation, she has presented cases in the Outer House and Inner House of the Court of Session, the High Court of Justiciary, Court of Appeal and many Sheriff Courts throughout Scotland. She has considerable experience in large-scale litigation, including public inquiries and catastrophic injury cases.

She initially trained with Dundas & Wilson C.S., and thereafter became a prosecutor with the Crown office and Procurator Fiscal Service. During this time she formed part of the Lockerbie bombing trial team, and went on to lead the Operational Policy team within Policy Group at Crown Office. She has a good knowledge of the workings of both the Scottish and Westminster administrations.

Representative cases

Reparation

James MacDonald v Wood Group Engineering (North Sea) Limited – instructed by the defenders in case involving accident at work on an oil rig. Both liability and quantum in dispute. Decision awaited.

Melanie Logan v William Logan and GHI Insurance Services UK Limited – instructed by the pursuer in relation to injuries sustained in road traffic accident. Award of damages after proof: £65,848. The defender reclaimed and the reclaiming motion was heard by the first Division on 21st December, and was refused.

<http://www.scotcourts.gov.uk/opinions/2010CSOH123.html>

James Robertson v BAE Systems Marine Limited – instructed by the pursuer. Case proceeded to proof in the Court of Session on 28th September 2010, with ex tempore judgement given on 6th October 2010. The award of damages was £15,231.

David Brown v Scottish Water Dunfermline Sheriff Court, 27th January 2011 The pursuer was injured in a road traffic accident on 18th July 2005. He was knocked from his bicycle, and sustained injuries to his neck, right shoulder, hip, knee and cuts and bruises. Liability was admitted, and the proof was restricted to quantum. Before the accident the pursuer had been a particularly fit and active individual, engaging regularly in cycling, jogging and walking. His main difficulty after the accident was in relation to his neck, which gave him constant pain and would be permanent. The main issue between parties was whether the neck problems were caused by the accident, or whether he had merely suffered an acceleration of a pre-existing condition by around 5 years. The Sheriff preferred the evidence of the expert for the pursuer and found that the pursuer's neck condition was due to the accident. He awarded solatium of £22,000, with the total award being £28,005.

Melissa Bruce v Alistair Brown and others [2011] CSOH 165 The defenders moved for the case to be sent to debate, on the basis of a failure to plead a relevant case against the first defender. The pursuer avers she skidded on fuel, which leaked from the defenders' vehicle. The defender argued that the mere fact of a leak does not of itself raise an inference of negligence. Lord Steward allowed a proof, finding that in principle subject to limited exception, in accordance with the spirit of RCS Chapter 43, the facts should be established before judgements on liability are made. Amber represented the first defender.

<http://www.scotcourts.gov.uk/opinions/2011CSOH165.html>

Thomas Turnbull v MNT Transport and another [2010] CSOH The pursuer rode his bicycle into a trailer that had been parked in his street, causing a violent collision. The defenders were the HGV driver and his employers. They brought in two insurance companies as third parties, as road traffic and public liability insurers. This was a preliminary proof relating to the terms of insurance

policies - the dispute being as to the appropriate interpretation. Lord Emslie held that both policies were engaged. Amber was junior counsel for the first third party.

<http://www.scotcourts.gov.uk/opinions/2010CSOH163.html>

Professional Liability

Norma Gordon v Harper and Dowine – instructed by the pursuer in dental negligence proof in Edinburgh Sheriff Court.

FAI/PI

Billy Wright Inquiry - instructed by the Northern Ireland Office.

The Fingerprint Inquiry – instructed by core participants Iain and Shirley McKie and David Asbury.

Fatal Accident Inquiry in relation to the death of Mildred Rosenshine – instructed by Central Legal Office, on behalf of Greater Glasgow Health Board.

<http://www.scotcourts.gov.uk/opinions/2010FAI31.html>

HMA v Mitie Engineering Services (Scotland) Limited and others – instructed by managing director of company in relation to fatal accident at work. The case against him was withdrawn after a successful ‘no case to answer’ submission.

Professional Memberships

Representative of Junior Bar on the Court of Session Personal Injuries User Group

Member of the Faculty of Advocates Professional Negligence Law Group

Lectures and seminars

Trainer for Health and Safety Executive legal course, run by Warwick University

What the directories say

Legal 500 2014 - Recommended in the category of Personal Injury, Medical Negligence and Professional Negligence. Amber Galbraith is described as "Efficient, client focused and a step ahead of the pack in reparation and clinical negligence cases."

Legal 500 2010 - "Among younger juniors, Amber Galbraith provides 'pragmatic, efficient and quick responses' on personal injury matters."

<http://www.legal500.com/firms/9398/offices/9726>

Personal/MISC

Speak French