

## Chris Paterson

**Year of Call:** 2010

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### Professional Career to date

Devil Masters: Alastair Duncan QC, Lord Weir, Matt Jackson QC

2010: Year of call

September 2000 - 2009: Solicitor and subsequently Senior Associate, Dundas & Wilson

September 1998 - 2000: Trainee, Shepherd & Wedderburn

### Education & Professional Qualifications

CEDR Accredited Mediator (2007)

Diploma in Legal Practice, University of Edinburgh (1998)

LLB (Hons) University of Edinburgh (1997)

### Areas of Expertise

- Public Law, Judicial Review and Human Rights
- Alternative Dispute Resolution
- Commercial Contracts
- Commercial Property
- Professional Liability
- Product Liability
- Clinical Liability
- Company, Corporate Finance and Tax

### Professional Experience

Chris has a broad commercial practice with a particular expertise in professional liability litigation. He is ranked by Chambers as a leading junior in commercial dispute resolution and professional liability.

In the professional liability sphere he has extensive experience in acting for solicitors, advocates, surveyors, accountants, construction professionals, dentists and clinicians. He represents healthcare professionals at fatal accident inquiries.

Chris also advises in relation to professional disciplinary proceedings, and has a keen interest in public law with experience of judicial reviews, administrative law, and disciplinary and regulatory issues.

Additionally Chris has extensive experience in contract, company and property litigations.

In February 2015 Chris was appointed a standing junior counsel to the Scottish Government. He is also a CEDR Accredited Mediator.

### Recent Cases

*BJ v SC* [2016] CSOH 79

Chris appeared for the defender, a surgeon. The pursuer's claim is time barred and the pursuer sought to invoke section 19A of the Prescription and Limitation (Scotland) Act 1973. Chris successfully argued at debate that the pursuer's averments regarding section 19A were irrelevant and the action was dismissed. The pursuer has reclaimed.

*Dolby Medical Home Respiratory Care Ltd v Mortara Dolby UK* [2016] CSOH 74

Chris appeared for the defender at a debate at which parties' argued over the correct construction of a "licence" granted to the defender by the pursuer in respect of premises which formed part of larger subjects let by the pursuer in terms of a head lease. The interaction between the terms of the head lease and the licence in respect of the defender's repairing obligations were at the heart of the dispute.

*NRAM v Steel* 2016 SLT 285

Chris appeared as junior counsel for the defenders who were successful at proof. The pursuers maintained that they relied upon a representation made by the defenders with the consequence that a standard security was erroneously discharged. The court determined that the defenders did not owe a duty of care to the pursuers. The Inner House subsequently allowed the pursuer's reclaiming motion, and the defenders have sought leave to appeal to the Supreme Court.

*Desmond Dinnell v Scottish Ministers* 2015 SC 429

Chris appeared for the petitioner in this judicial review. He successfully argued, at first instance, that the Scottish Ministers' decision to refuse the petitioner compensation for his wrongful conviction was irrational, and should be reduced. The Scottish Ministers reclaimed, and Chris appeared as junior counsel at the reclaiming motion. The reclaiming motion was refused, and the Scottish Ministers' decision reduced.

*Frank Houlgate Investment Company Ltd v Biggart Baillie LLP* [2014] SLT 1001

Chris appeared as junior counsel for the defenders in the reclaiming motion. The defenders acted for a Mr Cameron in the constitution of a security in favour of the pursuers. However, Mr Cameron had committed fraud: the security subjects were not owned by him. Mr Cameron then confessed to the defenders. The Inner House determined by a majority that the defenders were liable as accessories to the fraud committed by their client.

*Mirza v Salim & Mellicks* 2014 SLT 875

Chris appeared as counsel for the third party solicitors from whom the defender seeks relief in the event that she is found liable to the pursuer in damages for wrongful interdict. Chris appeared for the third party in the pursuer's reclaiming motion relative to the interpretation of the legislative provisions for rectification of documents, and the extent to which they had retrospective effect.

*Comhairle nan Eilean Siar v The Scottish Ministers* [2013] CSIH 6

Chris acted as junior counsel for the petitioners, Comhairle nan Eilean Siar, in this reclaiming motion. The Comhairle decided to implement school "closure proposals" as defined by the Schools (Consultation) (Scotland) Act 2010. The respondents, the Scottish Ministers, issued call-in notices in respect of the proposals and thereafter determined to refuse their consent to the proposals. The Comhairle raised judicial review proceedings for reduction of the call-in notices and decisions. The Inner House agreed with the Lord Ordinary that the respondents were obliged to determine the closure proposals on their merits following call-in. However, the Court agreed with the Scottish Ministers that their failure to appreciate their powers and duties post call-in did not vitiate the call-in notices themselves. The Scottish Ministers' additional challenges to the Lord Ordinary's determination that the call-in notices should be reduced are yet to be determined by the Inner House.

*McCrinkle Group Limited v The Law Society of Scotland*[2012] CSOH 165

Chris acted as junior counsel for the respondents, The Law Society of Scotland. The petitioners brought judicial review proceedings seeking reduction of a decision of the Law Society rejecting the petitioner's complaint as time-barred. The Law Society's decision was challenged on the basis of ultra vires and error in law, failure to have regard to material considerations, irrationality and failure to follow proper procedures. The Lord Ordinary, Lord Drummond Young, agreed with the respondents' submissions that the documentation produced by the petitioner demonstrated the requisite knowledge of the matter about which the petitioner wished to complain such that the Law Society correctly determined that the petitioner's complaint was time-barred, and the petition was refused.

*David Kipling v Dunbar Bank plc*[2012] CSOH 40

Chris acted for the petitioner. The respondent sought recall of interim suspension and interdict relative to a charge for payment served on the petitioner relative to a personal guarantee granted in favour of the respondent. The respondent argued that adjustments made for the petitioner demonstrated that he had failed to make a full and frank disclosure of his position at the interim orders stage. It further argued that the petitioner's pleadings, as adjusted, did not make out a prima facie case. The Lord Ordinary, Lord Drummond Young, agreed with the petitioner's submission that the motion should be refused having regard to the fact that a proof in the action was to be heard imminently, and the consequences meantime for the petitioner if the motion was granted.

*Fatal Accident Inquiry into the death of Fraser O'Donnell*

Chris acted for the Scottish Ambulance Service in this FAI which was heard over two weeks in Paisley Sheriff Court. The case was particularly sensitive as it concerned the suicide of a young man who had been conveyed to hospital by the Ambulance Service. The Sheriff accepted that no criticism fell to be levied against the Ambulance Service.

*Fatal Accident Inquiry in relation to the deaths of Joanne Winsborough and William Anderson*

Chris acted for an accident and emergency doctor and a GP at these conjoined FAIs which were heard over a period of two weeks in Dunfermline Sheriff Court. The Sheriff determined that both doctors acted entirely appropriately, and neither fell to be criticised in relation to any aspect of their care.

*Strathclyde Business Park Management v BAE Pension Funds Trustees Limited*2010 G.W.D. 39-791

Chris acted for the defenders and appellants. The Sheriff Principal determined that, in terms of the Title Conditions (Scotland) Act 2003 and the Abolition of Feudal Tenure Reform Scotland Act 2004, the pursuers, who were managers of a business park, and were not owners, were not entitled to enforce a real burden (requiring the pursuers' consent to erect signage) against a tenant of the park.

## **Advocates Appointments & Memberships**

2015 - Appointed Standing Junior Counsel to the Scottish Government

### **Directories**

Legal 500 2015

*"A first choice junior for professional negligence matters".*

Legal 500 2016

*"A critical thinker and a great negotiator"*

Chambers 2015

*"He is obviously a person going places; he conducts negotiation fantastically; he is very clear with clients and explains difficult issues clearly."*

*"He is very thorough and very good on the technical side of things."*