

Iain Ferguson QC

Year of Call: 1987 Year of Silk: 2000

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Professional Career to date

Devil Masters: The Hon. Lord Brodie, Gordon Jackson QC.

2000: Silk

1998 - 2000: Standing Junior Counsel to the Scottish Development Department (Planning Matters)

1991 - 1998: Standing Junior Counsel to the MOD (Army Department)

1987: Admitted to the Faculty of Advocates

1984 - 1986: Trainee solicitor with W & J Burness WS

Education & Professional Qualifications

Advocate (1987)

Solicitor (1986)

Dundee University LLB (Hons) (1983), Dip LP (1984)

Firrhill High School, Edinburgh

Areas of Expertise

- Professional Liability
- Planning
- Commercial Property
- Commercial Contracts
- Clinical Liability

Professional Experience

Iain is a highly experienced practitioner in a wide range of civil and commercial litigation. He has a particular interest in professional liability (including acting in claims involving medical professionals, solicitors, engineers, accountants, insurance intermediaries, architects and surveyors); property and commercial property. He also has experience of professional disciplinary work both as counsel for the professionals being disciplined and in hearing complaints made against them.

Recent Cases

McMahon v Grant Thornton UK LLP [2020] CSOH 50 (Lord Doherty); professional liability of accountants

LT v Lothian NHS Health Board [2019] CSIH 20 (Second Division); [2018] CSOH 29; Lady Wolffe: clinical negligence

Shanley v Lorimer & Stewart [2019] CSIH 15 (First Division); [2018] CSOH 101 (Lord Doherty): taxation of expenses

Huntaven Properties Ltd v Hunter Construction (Aberdeen) L td and others [2017] CSOH 57 (Lord Doherty): preliminary proof on prescription

Barrett and others v Smith (as trustee on the sequestrated estates of the firm of Ross Harper); July 2015 (unreported): solicitors negligence

Glancy v The Southern General Hospital NHS Trust [2013] CSOH 35 (Lord Boyd of Duncansby): clinical negligence

C v Chief Constable, Strathclyde Police 2013 SLT 699: police discipline

M v Law Society of Scotland 2013 SLT 462: professional discipline

MC v Borders Health Board [2012] CSIH 49 (Second Division); [2011] CSOH 73 (Lord Menzies): clinical negligence.

Gillespie Investments Ltd. v T. Graham Gillespie and John ("Scott") Gillespie [2012] CSIH 41 and 42; [2011] CSOH 109 and 108; [2010] CSOH 113 and 114 (Lord Hodge): breach of fiduciary duty by company directors.

Kirkton Investments Ltd. v VMH LLP [2012] PNLR 11; [2011] CSOH 200 (Lord Doherty): solicitors negligence.

Tods Murray v Arakin Ltd 2011 SCLR 37; [2010] CSOH 90 (Lord Woolman): professional liability.

Aitken v Scottish Ambulance Service 2011 SLT 822: duty of care on the ambulance service

Phipps v Royal College of Surgeons of Edinburgh [2010] CSOH 58 (Lord Bonomy).

Flosshaul Ltd v Inverclyde Council; Gillen v Inverclyde Council [2010] CSOH 19 (Lord Woolman): public procurement.

Mrs KT or K v Lothian NHS Board [2009] CSOH 132 (Lady Clark of Calton): clinical negligence.

Tor Corporate v Sinopec Group Star Petroleum Corporation Ltd and others 2008 SC 303 (IH); 2008 SLT 97: petition procedure in the Court of Session.

Clyde Windfarm Public Local Inquiry, 21 July 2008: planning.

Dineley v Lothian Health Board [2007] CSOH 154 (Lord Hodge): clinical negligence.

Learmont v Dr. Vernon [2007] CSOH 204 (Lord Uist): clinical negligence

Maris v Banchory Squash Racquets Club 2007 SC 501 (IH); 2007 SLT 447: commercial property.

Tiffney v Flynn 2007 SLT 929: commercial contracts.

Karling v Purdue 2004 SLT 1067: professional liability of expert witness.

Sturgeon v Gallagher 2003 SLT 67.

South Lanarkshire Council v Lord Advocate 2002 SC 88 (IH): planning/compulsory purchase.

McDonald's Trustee v Aberdeen City Council 2000 SC 185: tenants' "right to buy".

Bank of Scotland v Brunswick Developments (1987) Ltd 1999 SC (HL) 53: rectification.

Aubrey Investments Ltd v DSC Realisations Ltd (in receivership) 1999 SC 21: commercial property.

Strathclyde Regional Council v W. A. Fairhurst & Partners 1997 SLT 658: professional liability.

Costain Building & Civil Engineering Ltd v Scottish Rugby Union PLC 1993 SC 650: recall of

arrestments.

Palmer v Beck 1993 SLT 485: professional liability.

Beard v Beveridge, Herd & Sandilands 1990 SLT 609: professional liability.

Advocates Courts & Tribunals

House of Lords (as junior counsel); Court of Session (including a Full bench appeal); Sheriff Court (including appeals to the Sheriff Principal); Lands Tribunal; Industrial Tribunal (now the Employment Tribunal); Employment Appeals Tribunal; Fatal Accident Inquiries (medical cases); Planning Inquiries (public local inquiries; local plan inquiries; and an inquiry under the Electricity Act 1989); High Court of Justiciary.

Advocates Appointments & Memberships

2007: Director of Faculty Services Ltd

2005 (to date): Member of the Faculty of Advocates Complaints Committee

1998 - 2000: Standing Junior Counsel to the Scottish Development Department (Planning Matters)

1991 - 1998: Standing Junior Counsel to the MOD (Army Department)

2015 (to date) Deputy Chairman of the Appeals Tribunal of the Institute and Faculty of Actuaries

Publications

Expert Witness Immunity - Green's Reparation Bulletin, Issue 82, June 2008.

Directories

Recommended for clinical and professional negligence in Chambers UK and Legal 500 for many years.

- "An extremely experienced practitioner, he handles both general professional negligence. Sources say he is very analytical..."
- "His attention to detail and commitment to cases he is instructed in is exceptional. He is someone I would trust with the most complicated of cases in the knowledge that no stone would be left unturned."
- "Very experienced and knowledgeable, with an impressive reputation."
- "One of the best, if not the best, in his specialist field of clinical negligence defence."
- He has ferocious attention to detail, which he combines with robust and firm advocacy."
- "...exceedingly thorough with great attention to detail. His cross examination is second to none."
- "...a master in questioning witnesses in a clinical yet courteous manner."