

**ALAN W.D. McLEAN, Q.C., FCIArb**

**(Called to Scottish bar 1993; Silk 2008; FCIArb 2018)**

### **Personal information**

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### **Clerking information**

Clerk Kiera Johnston  
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### **Personal Profile**

Educated at Harrow School, Middlesex, Gonville & Caius College, Cambridge (BA/MA History, 1985/89) and Edinburgh University (LLB 1987, *magna cum laude*, and Diploma in Legal Practice 1988).

Trained as solicitor at Tods Murray, W.S., 1988-1990 (experience of: commercial property; wills, trust and executries; residential conveyancing (including acting for a major residential developer); litigation; and rural estates conveyancing).

Worked for two years at Tods Murray, W.S. as a civil litigation solicitor before coming to the bar.

Devilled to Professor John Sturrock QC (Core Mediation), Hon Lord Tyre and Rt Hon Lord Turnbull, 1992-1993.

Since calling in November 1993, involved in a wide variety of civil litigation and associated legal work.

Took silk November 2008

January 2010-October 2010 – Deputy Director, Hastie Stable, and chair of Training and Education Committee

October 2010 to October 2013 – Stable Director (“Head of Chambers”) of the Hastie Stable

Postgraduate Certificate in International Arbitration (1<sup>st</sup> Class), University of Aberdeen, 2017-2018

### **Appointments, publications, etc.**

Standing Junior Counsel to Whitehall Department of Health, 2000 to 2003

Standing Junior Counsel to the Health and Safety Executive in Scotland, 2003 to 2008

Ad-hoc Advocate Depute 2018

Author, "When stress fractures", Greens Reparation Bulletin, November 1996/January 1997

Author, "Intellectual Property Actions" in Court of Session Practice, ed. Rt Hon Lord Macfadyen (2005)

Has provided seminars for solicitors on a range of civil law topics and on advocacy

**Has appeared in the following tribunals: -**

House of Lords

Judicial Committee of the Privy Council

Court of Session, Outer House and Inner House

Commercial Court

Sheriff Court: Proofs, Debates, Motions, Fatal Accident Inquiry

Sheriff Principal on Appeal

Local Authority Committees

Transport Commissioner

Lands Tribunal

Industrial/Employment Tribunal

Employment Appeal Tribunal

Arbitrations and Adjudications

**Areas of practice:**

Practice mainly in three areas:

**(i) Commercial:**

Work (for pursuers and defenders) includes:

Intellectual Property (Patent, Trade Mark, Copyright, confidential information, passing off)

Contractual disputes

Building and Engineering Contract disputes

Partnership disputes

Company law cases

**(ii) Reparation:**

Work (for pursuers and defenders) includes:

Professional negligence, including medical, surveyors', accountants' and solicitors' negligence

Accidents at work

Claims related to occupational stress (articles, lectures to solicitors in this area)

Road accident claims

Occupier's liability

Claims related to damage to property

Nuisance

Defamation

**(iii) Property:**

Work (for pursuers and defenders) includes:

Commercial leases

Servitudes

Title problems

Prescription

Agricultural leases

Occasional involvement in the following areas, among others:

Trusts

Wills

Sports law

Judicial Review (review of administrative actions)

Planning

Charity law

Tax

Financial services

Social security

Insolvency

Area **not** usually covered:

Family/child law

### **Other experience:**

Has acted as legal adviser to adjudicator in adjudication

Has acted as Commissioner, both in relation to taking evidence and recovering documents.

Has occasionally appeared for the Crown as ad-hoc advocate depute for criminal appeals against sentence; appointed to list of ad hoc Advocates Depute, October 2018

Has assisted in delivering Faculty advocacy training to devils, especially during their expert evidence course

Principal devil master to five intrants: Isla Davie, Roddy McIlvride QC, James McConnell, Joseph Macpherson, John Grady

Founder member and committee member of the former Advocates' Professional Negligence Law Group

Served as Member of the Faculty of Advocates Professional Standards Committee

Member of the Agricultural Law Society

### **Other interests:**

Anti-modern slavery and human trafficking charity fundraising (chair since 2015 of the Faculty's Tumbling Lassie Committee)

The countryside, including sporting pursuits/estate management

History

Christian faith

### **Some cases since 2000:**

Chief Adjudication Officer v Faulds [2000] 1 WLR 1035

Speechworks Ltd v Speechworks International Inc [2000] ETMR 982

European & International Investments v McLaren Building Services 2001 SC 745

Cameron (Scotland) Ltd v Melville Dundas 2001 SCLR 691

Royal & Sun Alliance v Wyman Gordon 2001 SLT 1305

Sellar v Caledonian All Trades 2002 SLT (Sh Ct) 110

Keen v Tayside Contracts 2003 SLT 500

Thomson v Royal Bank of Scotland plc 2003 SCLR 964

Livingstone v Fife Council 2004 SLT 161

Scottish Power v SEPA 2005 SLT 98, 641

Royal Insurance UK v AMEC 2002 GWD 38-1240, 2005 GWD 38-704, 2007 GWD 25-424, 2008 SLT 427 and 825

Marquess of Aberdeen v Turcan Connell [2009] PNLR 18

Boath v Perth & Kinross Council [2009] CSOH 66

EDI Central Limited v National Car Parks Limited [2010] CSOH 141

McGlone v Greater Glasgow Health Board [2011] CSOH 63, [2012] CSOH 190

Bavaird v Sir Robert McAlpine Ltd [2012] CSOH 157, [2013] CSIH 98

LG v Greater Glasgow Health Board [2013] CSOH 145

National House Building Council v Scott Hogarth Homes [2017] CSOH 7

AW v Greater Glasgow Health Board [2015] CSOH 99, [2017] CSIH 58

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