

Christian Marney

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Areas of Practice

Adults with Incapacity (AWI), Alternative Dispute Resolution (ADR), Appeal Court, Arbitration, Asbestos Court, Boundary Disputes, Building & Construction, Building Contract, Clinical Negligence, Commercial Law, Company Law, Employment Law, Fatal Accident Inquiries (FAI), Mediation, Medical Negligence, Mental Health, Multiplepoinding, Personal Injury, Planning, Professional Negligence, Property Law, Reparation, Road Traffic, Roads, Sequestration.

Year of Call: 1998

Devil Masters: Laurence Murphy Q.C.; Marion Caldwell Q.C.; Sheriff Norman Ritchie Q.C.

Qualifications: LLB (Hons) Dip L P

Biography:

Solicitor 1988 - 1997 Civil Litigation

Called 1998. Involved in the resolution of numerous commercial disputes, personal injury claims and employment disputes.

Cases:

Easdon v A Clarke & Co (Smethwick) [2008] CSOH 29; with V Stacey QC. Liability - head on collision truck/motorbike; tetraplegia *McGhee v Diageo plc* [2008] CSOH 74; with J Campbell QC; damages - future loss; application of 6th Edition of Ogden tables; "disability" and multipliers *William Lees v North Lanarkshire Council* [2008] CSOH 8 (Credibility of Pursuer; whether entries in hospital records amounted to prior inconsistent statements; liability of Roads Authority re failure to inspect; quality of inspections) *Francis Wilkie v D B Stuart Ltd and Others* [2008] SLT 917 (Specification of Documents; medical records pre dating accident; no requirement for averments where future loss of earnings claim) *McGhee v Diageo plc* [2007] CSIH 68 Appeal to the Inner House of the Court of Session; Exercise of discretion in refusing late amendment; action of damages for personal injury; approach to be taken by appellate court. *First People Solutions Group Limited v Karen Jack & Orion Engineering Services Limited* 2007 CSOH 80 (27th April 2007) Restrictive Covenant in Contract of Employment - Non Solicitation/competition - confidentiality agreement without limit of time - construction of contract - interdict/interim interdict *Thomas Connelly and Marie Connelly v South Lanarkshire Council*; Lands Tribunal for Scotland 9th March 2007; Reference LTS/TR/2003/14 Landlord and tenant - Right to purchase - Whether house one of a group designed for persons with special needs and provided with or situated near special facilities - Approach under amended legislation - Standard to be applied - Housing (Scotland) Act 1987, section (as amended by Housing (Scotland) Act 2001), section 61(4)(ea)(i) *Easdon v Clarke* [2006] CSOH 12 (Tetraplegia; issues; civil jury trial or proof; status of pleadings/valuation) (with V.E. Stacey Q.C.) *Renfrew Chambers Limited v Savage Judgment of Sheriff Peebles*, after proof. (Glasgow Sheriff Court. March 2006) (Missives; construction of contract; consensus in idem; misrepresentation) *Deans v Newberry Coachbuilders Limited* (Airdrie Sheriff Court, September 2005, 9 day proof) (Hand Arm Vibration Syndrome) *Neil v East Ayrshire Council* [2005] CSOH 13 (Work Equipment Regulations; Sole Fault; Contributory Fault) *Muir v North Ayrshire Council* [2005] SLT 963 (Employers Liability; Occupiers Liability - Procedure Roll) *Gallagher v Kleinwort Benson & Others* [2003] SCLR 384 (Occupiers Liability/Workplace Regulations) *Axiom Business Computers Limited v Kenny* (Court of Session Outer House, Lord

Bracadale, 20th November 2003) (Contract of Employment; Restrictive Covenant; Computer Software; Interdict) *Cheltenham & Gloucester Building Society v Royal & Sun Alliance Insurance Company* 21st May 2002 (Effect of fraud on indemnity) (with Laurence Murphy Q.C.) *Clegg v North Ayrshire Council* 7th May 2002 (Workplace Regulations) *McCallie v North Ayrshire Council* [2002] SCLR 178 (Occupiers Liability - Landlord & Tenant) *Kerr v North Ayrshire Council* [2002] Rep LR 35 (Manual Handling) *Wright v Cotias Investments Inc* [2001] SLT 353 (Reduction of Standard Security and Personal Bond) (with James McNeil Q.C.) *Hillhouse v South Ayrshire Council* 29th September 2000 (Manual Handling) *Bryson v Rollatruck* 9th October 1998 (Employers Liability/Quantum)

Further Information:

Presented lecture "Acting as Commissioner"; Faculty of Advocates Foundation Course - May 2007; May 2008; May 2009

Presented seminar on "Constructive Dismissal"; Royal Faculty of Procurators Library, Glasgow, 27th January 2009; Perth Faculty, 8th June 2009