



Susanne Tanner KC (Scot)



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"Susanne is a highly skilled litigator both at first instance and in appellate matters, who is comfortable in front of a jury, is always thoroughly prepared and has a keen eye for detail."

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Susanne is an experienced Scottish silk with a wide practice encompassing civil and criminal work. She is a highly skilled litigator both at first instance and in appellate matters. She called to the Scottish Bar in 2000 and took silk in 2016. She was called to the English Bar in 2019.

She is the Stable Director (Head of Chambers) of her Scottish set, Ampersand Advocates, a common law set of 57 Counsel (28 King's Counsel and 29 junior Counsel), a leading top-ranked set in Chambers and Partners and The Legal 500.

She has a wide civil practice focussed on personal injury and clinical negligence work, for both claimants and defendants, with a specialism in claims for health and safety matters, sexual abuse, occupational stress and fatal claims. She is instructed in civil appellate work in the Inner House of the Court of Session.

She holds a public appointment as an Advocate Depute (High Court prosecutor) to the Lord Advocate, Scotland's senior law officer and has conducted numerous high profile and complex criminal jury trials in the High Court of Justiciary. She specialises in the prosecution of serious sexual offences. She has been instructed in criminal appellate work in the Supreme Court and in the High Court of Justiciary Appeal Court in Scotland.

She appears in fatal accident inquiries (inquests) for the Crown and individuals and was appointed as a junior Counsel on the Scottish Child Abuse Inquiry.

She sits as a part-time tribunal judge in the First-tier Tribunal, Housing and Property, and Health and Education, chambers.

She is a Fellow of the Chartered Institute of Arbitrators and accepts instructions to act as arbitrator or as Counsel in domestic and international arbitrations.

She holds an academic appointment with the University of Edinburgh where she lectures on the LL.M. on Sexual Offending and the Law, and in Criminal Law, Delict (Tort) and Evidence on the LL.B.

She is focussed on increasing diversity and inclusion at the Bar and the wider legal profession and is involved in a number of networks providing support and promoting the sharing of good practice.



Arbitration and International Arbitration

Susanne obtained the qualification of Fellow of the Chartered Institute of Arbitrators in 2019.

She is an international Ambassador for the Scottish Arbitration Centre, which is hosting the ICCA 2020 Congress in May 2020.

She holds an appointment on the CIArb DAS panel of Arbitrators for commercial disputes and the Faculty of Advocates Dispute Resolution Service panel for arbitrators.

Susanne is an arbitrator for MIB cases for untraced and uninsured drivers.

Susanne is an experienced tribunal judge in housing, property and education matters and can arbitrate dispute in any of these areas as well as her principal practice areas as counsel, including personal injury cases.

Arbitrator for MIB cases for untraced and uninsured drivers

Susanne will accept instructions to act as an arbitrator or as counsel in an arbitration.

Clinical Negligence

Susanne is regularly instructed in clinical negligence claims, both by individual pursuers (claimants) and by the Central Legal Office of the NHS in Scotland in relation to clinical negligence cases, including fatal cases.

Her healthcare practice includes advocacy and advisory work. Her wider practice includes a large number of complex and high value personal injury cases. She is able to handle large volumes of documents and she is skilled at dealing with expert medical evidence.

She sits as a part-time tribunal judge in the First-tier Tribunal (Health and Education) Chamber.

She is a part-time lecturer at the University of Edinburgh in the law of delict (tort).

Selected Cases

- *MacFarlane v Lothian Health Board (2019-ongoing)* – for the pursuer (claimant), in a Court of Session civil claim for damages for injuries caused at birth.
 - *Coventry v Tayside Health Board (2017)* – for the CLO of the NHS (defendant) in a Court of Session civil claim for damages for injuries sustained during an operation to the patient's foot. Advice on valuation of claim.
 - *Marshall v Forth Health Board (2016)* – for the CLO of the NHS (defendant) in a Court of Session civil claim for damages by the wife and executrix of the deceased in a fatal case.
 - *Sanderson v Lanarkshire Health Board (2016)* – for the CLO of the NHS (defendant) in a Court of Session civil claim brought by the relatives of the deceased in a fatal case.
 - *Waller v Forth Valley Health Board (2015)* – for the CLO of the NHS (defendant) in a Court of Session civil claim brought by the wife of the deceased in a fatal case.
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- *Macfarlane v Lothian HB (2019-)* – Senior Counsel for Pursuer in ongoing clinical negligence action relating to injuries sustained by a child at birth. Ongoing with proof to be fixed.

Criminal Regulatory & Environmental

Susanne is an experienced criminal litigator, holding an appointment as an Advocate Depute (High Court prosecutor) to the Lord Advocate, Scotland's senior Law Officer. In that role, she has prosecuted numerous high profile and complex High Court trials for murder, fraud, conspiracy, death by dangerous driving, serious and organised crime, rape and other serious sexual offences. She is a specialised sexual offences prosecutor.

She has also acted as defence counsel in High Court trials for murder, attempted murder, conspiracy and serious sexual offences.

She is adept at dealing with vulnerable witnesses in court.

In appellate work, she has appeared for the Crown in the Supreme Court and the High Court of Justiciary Appeal Court (Scotland) for both the Crown and defence.

She was instructed in the only modern Bill of Criminal Letters to the High Court of Justiciary Appeal Court seeking authority to bring a private prosecution on behalf of the families of two young ladies who were killed by a driver who passed out at the wheel of his car and collided with them.

She has been appointed as a Legally Qualified Chair by the Scottish Social Services Council (SSSC). In this role, she will chair panels with social service and lay members to decide whether social service workers' fitness to practise is impaired. Her appointment has increased the work that she undertakes in the regulatory field.

She is a part-time lecturer at the University of Edinburgh in criminal law and the law of evidence.

Selected Cases

Appellate

- *O'Neill v HM Adv 2013 S.C. (U.K.S.C.) 266* – Supreme Court. Instructed for the Crown. The court determined the date two appellants had been charged with murder, for the purpose of their right to a trial within a reasonable time under the [European Convention on Human Rights 1950 art.6\(1\)](#); and the compatibility with their art.6(1) right to a trial before an independent and impartial tribunal of a decision to proceed with the trial following adverse comments made by the trial judge regarding their character.
- *Stewart v Payne 2017 J.C. 155* – represented the families of Ms Convy and Ms Stewart in their "Bill of Criminal Letters" application to the High Court of Justiciary Appeal Court to bring a private prosecution against the driver who killed them after becoming unconscious at the wheel of his vehicle and colliding with them.

First instance

- *HMA v Baxter, Kirton and Cameron (2017)*. High Court trial. Senior Counsel (Advocate Depute) for the Crown. Multiple charges including armed robbery, and Road Traffic Act offences.
- *Cemetery client (2015)*. Civil health and safety advisory work (leader) for board of directors of cemetery in relation to potential liability for accidents on the premises.

Health & Safety

Susanne is uniquely well placed as a result of her extensive criminal and civil experience to accept instructions in relation to all legal issues arising out of health and safety matters: advisory, civil claims, criminal cases, inquests and inquiries.

She has appeared for Crown and defence in High Court criminal jury trials in relation to murder, culpable homicide (manslaughter), and statutory offences including road traffic, drugs and firearms charges. She has appeared for the Crown in the Supreme Court in an appeal arising from a murder trial.

She is regularly instructed in complex and high value civil claims in the Court of Session Outer House (Scotland) for health and safety matters.

Selected Cases

Appellate:

- *Stewart v Payne 2017 J.C. 155* – represented the families of Ms Convy and Ms Stewart in their “Bill of Criminal Letters” application to the High Court of Justiciary Appeal Court to bring a private prosecution against the driver who killed them after becoming unconscious at the wheel of his vehicle and colliding with them.
- *O’Neill v HM Adv 2013 S.C. (U.K.S.C.) 266* – Supreme Court. Instructed for the Crown. The court determined the date two appellants had been charged with murder, for the purpose of their right to a trial within a reasonable time under the [European Convention on Human Rights 1950 art.6\(1\)](#); and the compatibility with their art.6(1) right to a trial before an independent and impartial tribunal of a decision to proceed with the trial following adverse comments made by the trial judge regarding their character.

First instance:

- *McMillan and others v Kennedy and others; Baillie and others v Kennedy and others; Morrison and others v Kennedy and others (2019-)* – instructed by the mother of the deceased skipper of the Louisa in a claim for damages arising out of the sinking of “The Louisa” fishing vessel. Complex actions involving multiple defenders and third parties.
- *Thomson v Ingleton (2019-)* Senior Counsel for Pursuer in claim for damages for injuries sustained while working at height for the defender. Ongoing with proof to be fixed.
- *RT v Midlothian Council (2018/19)*. Senior Counsel for Pursuer in claim for damages for historical sexual abuse suffered while Pursuer was a child in holiday care with the defenders. Case settled without a substantive hearing.
- *HMA v Baxter, Kirton and Cameron (2017)*. High Court trial. Senior Counsel (Advocate Depute) for the Crown. Multiple charges including armed robbery, and Road Traffic Act offences.
- *Wells v Scotia Gas and others (2015)*. For the Pursuer. Court of Session personal injuries action



arising out of an accident causing an electric shock. Common law and occupiers' liability. Settled prior to proof.

- *Cemetery client (2015)*. Civil health and safety advisory work (leader) for board of directors of cemetery in relation to potential liability for accidents on the premises.

Inquests & Public Inquiries

Inquests

Susanne has represented the Crown and individuals in Scottish fatal accident inquiries (inquests) into sudden deaths.

She has also appeared for both prosecution and defence in many murder and culpable homicide (manslaughter) trials and is extremely comfortable dealing with pathology evidence and presenting complex cases in front of juries.

Public Inquiries

Susanne held an appointment as Counsel on the Scottish Child Abuse Inquiry, prior to taking silk.

Susanne is appointed as Independent Chair of an independent inquiry into the circumstances surrounding the death of a City of Edinburgh Council employee and a wider whistleblowing and organisational culture review, 2020.

Selected Cases

Inquests

- *McMillan and others (2019-ongoing)* – instructed in a civil action for damages by the mother of the deceased skipper of “The Louisa” fishing vessel – awaiting Crown decision on whether to hold a Fatal Accident Inquiry (inquest)
- *Convy and Stewart (2014)* – Represented the families of Ms Convy and Ms Stewart, who were killed by a driver who lost consciousness at the wheel of his vehicle, who sought expenses against the Crown (*2014 FAIGLA*); later obtained special legal aid for and represented the families in their application to the High Court of Justiciary Appeal Court for a Bill of Criminal Letters to bring a private prosecution against the driver (*Stewart v Payne 2017 J.C. 155*)
- *Colin Marr Fatal Accident Enquiry (2011 FAI 20; 2011 G.W.D.14-318)*, instructed by the Crown (with Ronnie Clancy QC). Issue – whether or not the death of Colin Marr had been caused accidentally or by a named individual.

Public Inquiries

- As a junior Counsel on the *Scottish Child Abuse Inquiry*, Susanne was responsible for taking
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evidence from survivors who suffered abuse while in care in Scotland.

Personal Injury

Over the last twenty years in practice, as Senior Counsel since 2016, Susanne has been instructed in numerous personal injury cases. It is one of the principal practice areas of her Scottish set.

As a result of her criminal law practice, in which she specialises in the prosecution of serious sexual offences, Susanne now specialises in various niche areas of personal injury work, including claims for rape and sexual abuse. In her criminal practice she has prosecuted numerous trials for charges of rape and other serious sexual offences.

She has been instructed in a number of claims for occupational stress.

She acts for both pursuers (claimants) and defenders (defendants).

Selected Cases

- *McMillan and ors v Kennedy and ors; Baillie and ors v Kennedy and ors; Morrison v Ors v Kennedy and ors (2019-)* – Senior Counsel for Pursuer (claimant) and 3rd third party in three connected actions for damages by relatives of three deceased men, arising out of the sinking of “The Louisa” fishing vessel off Stornoway. Complex cases with defenders and three third parties. Ongoing with proofs / jury trials to be fixed.
- *Fotheringham v Glasgow City Council (2019-)* – Senior Counsel for Pursuer in claim for damages for historical sexual abuse suffered whilst the Pursuer was in residential care with the defenders. Ongoing with upcoming proof.
- *Thomson v Ingleton (2019)* – Senior Counsel for Pursuer in claim for damages for injuries sustained while working at height for the defender. Ongoing with proof to be fixed.
- *RT v Midlothian Council (2018/19)*. Senior Counsel for Pursuer in claim for damages for historical sexual abuse suffered while Pursuer was a child in holiday care with the defenders. Case settled without a substantive hearing.
- *Wells v Scotia Gas and others (2015)*. For the Pursuer. Court of Session personal injuries action arising out an accident causing an electric shock. Common law and occupiers’ liability. Settled prior to proof.
- *McMillan v Falkirk Council (2015-16)*. For the Pursuer. Court of Session damages claim for psychiatric injury caused by occupational stress. Case settled prior to Proof.
- *Sanderson and ors v Lanarkshire Health Board (2016)*. For the defender (with Geoff Mitchell QC). Fatal claims by relatives. Case settled pre-proof.
- *Marshall v Forth Valley Health Board (2015-16)*. For the defender (leader). Fatal claims by relatives. Case settled pre-proof.
- *Cemetery client (2015)*. Advisory work (leader) for board of directors of cemetery in relation to potential liability for accidents on the premises.
- *Waller and anr v Forth Valley Health Board (2015-16)*. For the defender (leader). Fatal claims by relatives. Case settled pre-proof.



Qualifications

- LLB (Hons) First Class Hons, University of Edinburgh (1996)
- Dip LP, University of Edinburgh (1997)
- Lord Reid Scholarship, Faculty of Advocates (2000)
- Fellow of the Chartered Institute of Arbitrators (2019)
- Diploma in Advanced Trial Skills, National Institute of Trial Advocacy, 2011
- Advocate Depute (High Court Prosecutor), Crown Office, Scotland – 2011-ongoing
- First-tier Tribunal chair (legal member) – Housing and Property Chamber (2016-)
- First-tier Tribunal chair (legal member) – Health and Education Chamber (2018-)
- Lecturer, LLM in Sexual Offending and the Law, University of Edinburgh
- Lecturer, Criminal Law, Delict (Tort) and the Law of Evidence, LLB, University of Edinburgh
- Stable Director (Head of Chambers), Ampersand Advocates, Scotland, 2019-
- Board Member, Faculty Services Limited, 2019-
- Executive Editor of Green's Scottish Education Manual, Thomson Reuters, 2014-

Memberships

- Fellow of Chartered Institute of Arbitrators
- Global Ambassador for the Scottish Arbitration Centre
- Member of the Faculty of Advocates' Dispute Resolution Service (Arbitration)
- Association of Regulatory and Disciplinary Lawyers
- Member of Women in Law Scotland
- Member of Women in the Law UK
- Member of 'Spaces for Voices' (a network for gender equality in law)