

## Craig Murray KC (Scot.)

**Call: 2017**

**Silk: 2024 (Scotland)**

**murray@12kbw.co.uk**

### **AREAS OF EXPERTISE**

Personal Injury, Product Liability, Industrial Disease, Public Authority Liability, Fraud, Clinical Negligence, Insurance, International & Travel



**Silk: 2024 (Scottish Bar)**

**Call: 2017 - Bar of England and Wales**

**2008 - Scottish Bar**

Craig is a Scottish silk and a barrister in England. He has considerable experience in a full range of personal injury work.

Craig has appeared in the Supreme Court on a novel insurance point (*Campbell v. Peter Gordon Joiners Ltd* [2016] UKSC 38), he conducted a civil jury trial in the Court of Session without a leader (*Bridges v. Alpha Insurance* 2016 SLT 859) and has conducted numerous multi-week trials as sole counsel.

Craig is regularly instructed in high-value RTA claims involving fatalities or catastrophic and brain injury.

Craig has substantial experience in dealing with cross-border issues.

Craig has recently returned to civil practice after a 3-year appointment as Crown Counsel in Scotland. In that capacity, he prosecuted serious crime including murder, drugs trafficking and serious sexual offending.

Craig is available to accept instructions throughout the jurisdiction. He maintains a practice at Compass Chambers in Edinburgh.

In his spare time, Craig is a marathon swimmer.

### **Personal Injury**

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Craig has experience in all aspects of personal injury law, including high value road traffic accidents and employers' liability claims.

- He has acted for defendants and claimants in high value RTA claims involving vehicles, cyclists and pedestrians. He is familiar with preparing and leading evidence on driver perception, conspicuity and accident reconstruction. He regularly leads evidence from motor engineers and forensic collision investigators.
- Craig is regularly instructed in catastrophic injury cases involving neuropsychiatric and neuropsychological evidence. He frequently encounters Professor Carson, an expert in FND, based in Edinburgh. He is also familiar with the range of brain injuries which arise in litigation.
- Craig has a particular interest in maritime claims. He was recently the lead prosecutor for the investigation of the *RV Petrel* which collapsed in a dry dock in March 2023. He has litigated numerous offshore employers' liability

claims and maritime personal injury claims.

- He has experience of a full range of employer liability claims, including: work equipment cases, accidents at height, accidents on construction sites, and fatal diving accidents.
- Craig has successfully defended occupiers' liability claims concerning listed buildings (*Brown v. Lakeland* 2012 Rep LR 140; and *Norgate v. Britannia Hotels* [2018] 8 WLUK 71).
- Craig has acted for claimants and defendants in mesothelioma and other asbestos-related disease cases. He has acted for claimants in noise-induced hearing loss cases, HAVS cases and silicosis claims. He has acted for claimants and defendants in Legionella claims.
- Craig is regularly instructed by Scottish local authorities. He has succeeded in novel arguments concerning the non-justiciability of claims (*Ryder v. Highland Council* [2013] CSOH 95; *Macdonald v. Comhairle Nan Eilean Siar* [2015] CSOH 132).

## Maritime claims

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Craig was recently the lead prosecutor for the investigation of the *RV Petrel* which collapsed in a dry dock in March 2023. The investigation involved questions of state immunity and recovery of evidence. The incident resulted in 33 injuries, including catastrophic injury.

He has litigated numerous offshore employers' liability claims and maritime personal injury claims:

- *Cairns v. Northern Lighthouse Board* 2013 SLT 645: liability of a boat operator for the injury to the employee of another under the 1997 Regulations. Questions of indemnity.
- *KK (ongoing)*: a claim by a saturation diver for negligence in medical treatment whilst under decompression.
- *G v. I (ongoing)* death of a saturation diver due to equipment failure on the seabed.

## Cross-border personal injury claims

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Craig is qualified to give legal advice and litigate in both England and Scotland, so he is ideally placed to conduct cross-border personal injury litigation in both jurisdictions. Craig can advise on the differences in substantive law and practice South and North of the border, with strategic advice on the conduct of litigation.

His recent instructions include:

- A product liability claim concerning a defective bicycle which caused a catastrophic injury.
- A number of fatal and catastrophic RTA claims applying foreign law under Article 4(2) of Rome II.
- The choice of forum in an asbestos injury claim.

## Insurance

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Craig regularly advises UK-wide insurers on indemnity issues arising from motor insurance policies.

He has acted for the Motor Insurer's Bureau in a number of cases:

- *Fitzsimmons v. MIB* 2020 GWD 23-360, a 2-week trial for the Greek equivalent concerning a quad bike accident which caused the claimant a brain injury.
- A claim concerning a police officer struck by an uninsured driver.
- A claim concerning an unregistered digger on a construction site.

## Product Liability

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Craig has been instructed in recent group litigations concerning product liability, including:

Medicines, including Vioxx and Celebrex (*Richards & Jarvie v. Pharmacia* [2017] CSOH 77 (*aff'd* [2018] CSIH 31)).

Surgical mesh products.

PIP implants.

Metal on metal hips (*Hastings v. Finsbury Orthopaedics* [2019] CSOH 96; [2021] CSIH 6).

Craig also has experience of claims arising from motor vehicles and surgical stents.

## Public Authority Liability

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Craig is regularly instructed by local authorities. He has succeeded in novel arguments concerning the non-justiciability of certain claims (*Ryder v. Highland Council* [2013] CSOH 95; *Macdonald v. Comhairle Nan Eilean Siar* [2015] CSOH 132). He appeared in the important appeal of *Bowes v. Highland Council* [2018] CSIH 757.

Craig successfully defended an education authority in a stress at work claim in which he appeared as leader in a 5-week trial (*T v. W* [2022] CSOH 44).

Craig has represented police forces in a number of cases.

## Fraud

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Craig is regularly instructed to represent insurers in personal injury claims arising from road traffic accidents where fraud is suspected. He has run several trials of 4 days' duration or more, concerning contrived, fictitious or phantom passenger accidents.

## Industrial Disease

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Craig regularly acts for claimants and defendants in mesothelioma and other asbestos-related disease cases in Scotland. He is familiar with the aetiology of lung disease and the latency period of asbestos-related disease.

He has acted for claimants in noise-induced hearing loss cases of both cumulative exposure and 'acoustic shock'.

Craig has been involved in HAVS cases and silicosis claims.

He has acted for claimants and defendants in Legionella claims.

## Clinical Negligence

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Craig has a keen interest in clinical negligence and the wider aspects of medical law. He holds a Diploma in Forensic Medical Sciences. He has acted for claimants and defendants in clinical, ophthalmic and dental negligence cases.

Recent cases include:

- A fatal claim concerning a failure to diagnose lung cancer.
- A substantial claim by a young competition dancer for a failure to diagnose a mid-foot fracture, leading to 5 operations, arthrodesis and life-long disability.
- A fatal claim involving alleged delay in cardiac treatment by ECMO.

## Qualifications & Awards

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LLB (Hons), University of Edinburgh

LLM (Dist), Commercial Law, University of Edinburgh

LLM, Human Rights Law, University of Strathclyde

Dip Legal Practice, University of Edinburgh

Dip Forensic Medical Sciences, Worshipful Society of Apothecaries

Member Chartered Institute of Arbitrators

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Faculty of Advocates Scholarship (2007)

## **Appointments & Memberships**

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Personal Injuries Bar Association

Chartered Institute of Arbitrators

## **Directories**

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Chambers and Partners, 2024, Band 2 for Personal Injury.

*"His written work and opinion work is excellent. He gives clear and concise advice, is responsive, and deals with matters on time."*

*"Craig is very reliable and thorough in his preparation."*