

## Judicial Recusals 2021

DATE	COURT & TYPE OF ACTION	NAME OF JUDGE	CASE NAME & REF	MOTION BY	REASON
21/12/2021	MHTS	Duncan Cartwright	MHTS/3/21/12/08063/S050	Self-recusal	Conflict - Sensitive.
14/12/2021	Alloa Sheriff Court (Criminal)	Sheriff Craig Harris	AL20001083	Ex Proprio Motu	Sheriff previously heard a civil proof involving the same allegations, accused and complainer. Sheriff deemed it inappropriate as they had been privy to information through the civil case that may not be presented to the court during the criminal trial.
26/11/2021	Kirkwall Sheriff Court (Criminal)	Sheriff Robert McDonald	PF v John Hamilton	Ex Proprio Motu	The Sheriff heard evidence in a trial on 24/11/2021 where the accused in this case John Hamilton was appearing witness. Having heard the nature of evidence from the witness, John Hamilton on 24/11/2021, the Sheriff found it necessary to recuse himself in respect of the trial on 25/11/2021 where John Hamilton is the accused.
18/11/2021	MHTS	Duncan Cartwright	MHTS/2/21/10/06006/S1012b	Member	Conflict.
17/11/2021	MHTS	Tom Russ	MHTS/3/21/11/07008/S063	Ex Proprio Motu	Potential Conflict of Interest, since the Tribunal Member provides emergency cover to the hospital on the out of hours on call rota.
27/10/2021	Wick Sheriff Court (Civil)	Sheriff Andrew Berry	WCK-A16-20	Ex Proprio Motu	Practising solicitor having appeared before the Sheriff - likely to be questioned as a witness during the duration of the proof.
05/10/2021	Wick Sheriff Court (Civil)	Sheriff Andrew Berry	WCK-A11-18	Ex Proprio Motu	The sheriff has recused himself from dealing with the proof given that there may be questions during said proof regarding credibility of solicitors/former solicitors who are in court every other day.
19/09/2021	Forfar Sheriff Court (Civil)	Sheriff Martin-Brown	Allan Simpson v John Clenaghan (FFR-B105-21)	Lay Representative (Refused)	The Sheriff was asked to recuse herself because of previous decisions made in respect of: (i) a criminal matter; and (ii) a civil matter.
19/09/2021	Forfar Sheriff Court (Civil)	Sheriff Martin-Brown	Katie McKenzie v John Clenaghan (FFR-B104-21)	Katie McKenzie (Refused)	The Sheriff was asked to recuse herself because of previous decisions made in respect of: (i) a criminal matter; and (ii) a civil matter.
18/08/2021	Elgin Sheriff Court (Civil)	Sheriff Gordon Fleetwood	W. Beaton v W. Hendry ELG-A29-19	Ex Proprio Motu	The Sheriff has had previous dealings with witnesses of both parties.
15/07/2021	Kilmarnock Sheriff Court (Criminal)	Justice Marella O'Neill	Ewan Paterson (SCS/2020-061786)	Ex Proprio Motu	Reporting Officer and main witness were friends to the Justice of the Peace. Case adjourned to another date before any evidence heard, or witnesses sworn in.
20/06/2021	Glasgow High Court (Criminal)	Lady Stacey	HMA v Scott Reid (IND 2021-1284)	Ex Proprio Motu	Lady Stacey wished to recusal herself in these proceedings due to the accused and his family being known to her and living within close proximity of her home address.
12/04/2021	HPC	Joel Conn	FTS/HPC/EV/21/0355 - FTS/HPC/CV/21/0356	Self-recusal	The Member's private practice represents a company which shares a director and shareholder of Ecosse Estates Ltd. The director was present as an observer at this Case Management Discussion.
06/04/2021	HPC	Elaine Munro	EV/21/0273 - CV/21/0278	Self-recusal	Member has a conflict of interest as she has a relationship with a party.
06/04/2021	HPC	Andrew Cowan	CV/21/0492	Self-recusal	Member is unable to take this case as his firm has previously acted for the Applicant's representative.