

# FRANCES MCMENAMIN QC

## YEAR OF CALL/YEAR OF SILK

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1985/1998

## EDUCATION

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- BA, LLB

## PROFESSIONAL EXPERIENCE

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1972-1974: Apprenticeship with Hughes Dowdall & Co;

1976-1984: Procurator Fiscal Service – firstly as a Depute in Paisley until 1979, then Crown Office Policy and Legislation Unit, primarily assisting in the drafting, enactment and implementation of the Criminal Justice (Scotland) Act 1980 and the Bail Etc (Scotland) Act 1980. This was followed by a return to court work in Glasgow in 1982 until resignation in October 1984 in order to commence ‘devilling’ that month. Work as a Depute Fiscal in both Paisley and Glasgow involved prosecuting at both summary and solemn levels in the Sheriff Court and also some District Court work as well as leading evidence in Fatal Accident Inquiries.

1985 to 1997: As Junior Counsel, the main area of practice was criminal defence work, mostly in the High Court but also at Sheriff Court level. Also during that period, I was Junior Counsel for the Crown in the Lockerbie Inquiry (1990-1991) and also appointed as a Temporary Sheriff in 1991, resigning this Commission in 1997 in order to take up the appointment of Advocate Depute at the request of the Lord Advocate.

1997-2000: Advocate Depute, prosecuting in the High Court and representing the Crown in the Appeal Court. The longest and most notable Appeal case was that of Hoekstra & Others v HMA, which consisted of six separate Appeal Hearings throughout 2000 and 2001, including an appearance before the Judicial Committee of the Privy Council.

2000-present: Having been appointed Queen’s Counsel in 1998, on the expiry of the Commission as Advocate Depute, a return to practice at the criminal defence bar has involved acting in trials for murder, rape and other sexual offences, importation of drugs, extortion etc and for clients who have included police officers, doctors, dentists, surveyors, solicitors.

## AREAS OF PRACTICE

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Criminal Law (including Murder, Sexual Offences, Terrorism, Drugs, Firearms); Health & Safety Prosecutions; Road Traffic Prosecutions; Human Rights & Devolution Issues; Fatal Accident Enquiries; Children's Referrals

## COURTS/TRIBUNAL EXPERIENCE

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High Court of Justiciary, Court of Appeal, , Sheriff Court, District Court, Criminal Injuries Compensation Board, Parole Board, professional bodies own disciplinary tribunals (normally relating to accused whose interests are also being represented in the criminal courts)

## SELECTED CASES

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- 1990 – 1991: Junior counsel for the Crown in the Lockerbie Inquiry.
- 1999 – 2002: Advocate Depute in the appeal hearings of Hoekstra and Others v HMA (including appearance before the Judicial Committee of the Privy Council).
- 2002: HMA v Wilson and Others (“Ayrshire Sex Abuse Case”).
- 1996: HMA v Penders (“chargeable suspect” argument- trial resulted in acquittal)
- 2004: HMA v MacKay (Section 275 application to have the evidence of complainer’s teachers admitted refused on appeal but trial resulted in acquittal)
- 2005: HMA v Sean Flynn aka Tiffney (son charge with murdering his mother but no body ever found – Not Proven verdict)
- 2009: HMA v Lisa Brown (“The body in the burn” case – daughter convicted of murdering her mother)
- 2013: HMA v Stefan Millar + 1 (The Stornoway Murder Case) – the first murder on the island for nearly 70 years.

## APPOINTMENTS & MEMBERSHIPS

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- 1991 – 1997: Temporary Sheriff
- 1991 – present: Visiting lecturer at The Scottish Police College

- 1997 – 2000: Advocate Depute.
- 2001 – present: Law School Advisory Panel, University of Strathclyde.
- 2004 – present: Member of Management Committee of the Law Clinic, University of Strathclyde
- 2009: Honorary Doctorate awarded by University of Strathclyde.
- 2010-2018 Member of the Scottish Criminal Cases Review Commission (the first four year appointment renewed in 2014 by the Queen for another 4 years)
- Member of the Faculty of Advocates Professional Standards Committee
- Member of the Faculty of Advocates Direct Access Committee
- Member of the Lord Justice General’s Criminal Court Rules Council
- Member of Lord Bonomy’s Review Group on Post Corroboration Safeguards

#### ADDITIONAL INFORMATION

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- Former Director of Faculty Services Limited
- Television appearance in BBC2 series ‘The Trial’ in 1994, successfully defending the accused in an attempted murder trial.
- Former Vice President of the Faculty’s Criminal Bar Association
- Former Member of the Faculty of Advocates Disciplinary Tribunal
- Regular contributor to conferences & seminars organised by the Law Society of Scotland, the Glasgow and other Bar Associations, Central Law Training Ltd., Scottish Legal Training
- 1998: NITA Diploma in Advocacy Skills.
- Senior woman practicing at the Scottish Bar.