

Graeme McPherson QC

Call: 1993

Silk: 2008

DD: +442078222007 g.mcpherson@4newsquare.com

M: +447815887360

Clerk: Lizzy Stewart

l.stewart@4newsquare.com

+442078222032

+447912405153



His ability to absorb vast amounts of information and recall it is legendary.

- Legal 500

Graeme McPherson QC's practice is split primarily between domestic and international commercial litigation and arbitration, insurance litigation and arbitration, professional liability claims, and sports work.

Outside of the United Kingdom, Graeme works in the Channel Islands, the Caribbean and Gibraltar.

He is regularly appointed as an Arbitrator, including as a Rule K Arbitrator in football disputes. In April 2020 Graeme was appointed to the Premier League's new Judicial Panel, one of 4 silks so appointed. He is also frequently appointed to chair disciplinary and appellate committees of various sporting regulators. In 2012 Graeme was appointed as one of the specialist Advocates selected to argue cases before the *ad hoc* Court of Arbitration for Sport (CAS) during the London Olympic Games. In 2014 he performed the same role at the Glasgow Commonwealth Games.

Prior to taking Silk in 2008 Graeme appeared for a number of years in the top tiers of leading juniors in the Chambers and Partners Guide to the Legal Profession and Legal 500 in a number of different fields. In 2005 he was short-listed for Junior of the Year at the Chambers and Partners awards.

In 2008 Graeme became the youngest member of the Bar that year to be appointed to Silk. He is now ranked in the directories as a leading silk in a wide variety of different fields across the range of his practice. In 2015 Graeme was awarded Professional Negligence Silk of the Year by Chambers and Partners. he is particularly recognized for the quality and effectiveness of his advocacy.

Quotes from the Directories include:

'The best thing since sliced bread'; 'A highly effective advocate'; 'Exceptionally talented'; 'A real star ... he is just fantastic and can turn his mind to anything'; 'His judgment is first-rate and he works like a Trojan'; 'A fantastic courtroom presence ...'; 'An intelligent advocate and a formidable opponent ... top drawer ... solid, reliable and likeable ...'; 'A fearless advocate with a real instinct for running cases'; '... Outstanding [in professional negligence] ... an invaluable and credible weapon'; 'Has incredible judgment ... a silk who looks to do things with imagination'; 'One of the most proficient barristers I have ever worked with'; 'Embarrassingly talented ...'; 'Fantastic on his feet ... superb in front of a tribunal'; "... Robust, quick-thinking and thoroughly analytical' ... Appropriately aggressive when he needs to be... assured and unambiguous ... a dream with clients ...'; 'Superb, a very good advocate ... A fantastic barrister who can be ruthless when necessary ... Excellent analysis and a straight forward, common sense approach ... His ability to absorb vast amounts of information and recall it is legendary... expertly handles complex commercial litigation ... a smooth and assured style of advocacy'.



NEW SQUARE

A full CV is available on request.

Selected major reported & significant cases

- *Marrache v Baker Tilly* (Gibraltar) – multi-party litigation in Gibraltar arising out of the collapse of a substantial law firm
- *Ackerman v Ackerman & Thornhill* (Ch) – fraud/conspiracy claim arising out of the ‘carve up’ of a vast multi-jurisdictional property & business empire
- *Zurich Professional Limited v Brown & Barnes* (Ch) – scope of Solicitors’ Minimum Terms and Conditions
- *Kidsons v Various Underwriters* (Comm Ct & CA) – dispute over the effectiveness of claims arising from the mis-selling of exotic tax avoidance products
- *Standard Life v Collins & others* (Comm Ct) - litigation arising out of the collapse of Cattles plc
- *Connaught v Capita* (Comm Ct) - group litigation arising out of the collapse a significant bridging lender (Tiuta plc)
- *Keydon Estates Ltd v. Eversheds* (Ch) – correct measure of loss in ‘loss of profit’ cases
- *Webster v Sandersons* (QB & CA) - recoverability of reflective loss
- *Shawton Engineering Ltd v DGP Design Ltd* (TCC & CA) – dispute over whether construction work at Sellafield fell within the scope of a PII policy
- *AIB v Mark Redler & Co* (Ch, CA & SC) – appropriate remedies for breach of a bare trust
- *Hedrich v. Standard Bank Ltd* (QB & CA) – solicitor’s liability for wasted costs arising from breach of disclosure obligations
- *Fulham Holdings Limited v. Nicholson Graham Jones* (Ch & CA) – correct measure of loss in claim against solicitors arising from the takeover of Fulham FC
- *Mengiste v EFFORT* (Ch & CA) – litigation arising out of an attempt to secure English jurisdiction over an Ethiopian dispute
- *Gill v Humanware Europe plc* (EAT & CA) – consideration of the wasted costs jurisdiction in Employment Tribunals and the EAT
- *Redstone Mortgages v B Legal Ltd* (Ch) - test cases on solicitors obligations towards mortgagee client
- *MEX v Hindle Campbell* (Ch) – group litigation against solicitors said to have been involved in a significant conspiracy to conduct mortgage fraud
- *Dewey & Lebeouf v Kerself Spa* (Comm) – litigation arising out of a failed Italian bond issue
- *University of Keele v PWC* (Ch & CA) – liability for PRP advice
- *Wey Bridging v Ernst & Young and Hacker Young* (Comm Ct) – claims arising out of widespread frauds committed within a financial services company
- *BHA v Al Zarooni; BHA v Butler* - prosecutions for misuse of anabolic steroids in racehorses
- *SIMPLE VERSE* - acting for the Qatari royal family in their successful appeal to overturn the demotion of SIMPLE VERSE as winner of the St Leger

- *Arachi v Fallon* – a successful attempt by the owner of a racehorse to obtain a last-minute injunction to prevent a retained jockey from riding a rival horse in the English Derby
- *BHA v Hughes; BHA v Swyer; BHA v Cosgrave; BHA v Haylin* - applications that substantial suspensions imposed by overseas sporting regulators should not be reciprocated in England as being in breach of natural justice
- Various high-profile Rule K Arbitrations
- Various national and international selection disputes
- Numerous disciplinary hearings before the Bar Standards Board, the FCA, the SRA, the FRC, the RCVS and other regulatory bodies

Privacy Policy

Click here for a [Privacy Policy](#) for Graeme McPherson QC.

Areas of Expertise

Professional Liability

“Very user-friendly.” – *Legal 500, 2020*

“A very good advocate whose pleadings are very clear. He is very forthright, gives really clear advice and is very popular with clients.” “His advice on coverage is very thorough and also helpfully commercial.” – *Chambers & Partners, 2020*

Graeme has extensive experience in most fields of professional negligence practice.

He was Chambers & Partners’ Professional Negligence Silk of the Year in 2015/2016.

A full CV is available on request.

Accountants, Auditors & Actuaries

Graeme regularly acts in claims relating to audit responsibilities, transaction-structuring, the preparation of accounts, the provision of tax and estate-planning advice and the provision of business and financial advice. He has been involved in claims arising from domestic and international corporate collapses. He has litigated a number of fund mismanagement claims.

Reported and significant cases include *Coulthard v. Neville Russell* (Ch & CA) – scope of auditors’ duty of care to directors; *IAICL v. Cook* (QB & CA) – scope of auditors’ duty of care to third party lender; *University of Keele v. PWC* (Ch & CA) – liability for PRP advice; the *Alta Gas* collapse (Comm) – claims against auditor arising out of the collapse of the gas provider; *Kidsons v. Millers* (Comm & CA) – mis-selling of innovative tax avoidance products; *Nahum v Citibank* (Comm) – obligations of a bank performing ‘best execution’; *De Camaret & ABCD Trust v Ernst & Young LLP* (Ch) – claims arising out of negligent tax advice; *Marrill Group v Fox Evans* (Ch) – claims against auditors arising out of the collapse of the car-parts group; *Marrache v Baker Tilly* (Gibraltar) – multi-party litigation in Gibraltar arising out of the collapse of a substantial law firm; *Wey Bridging v Ernst & Young and Hacker Young* (Comm) – claims arising out of widespread frauds committed within a financial services company

Recent and ongoing cases include

- Defending the auditors of former (now insolvent) plc
- Defending claims arising from the mis-selling of split cap investments



NEW SQUARE

- Acting for a high net-worth individual in a claim arising from poor tax planning
- Defending a member of the Bar accused of under-settling complex banking litigation
- Advising in connection with the recovery of funds trapped in Iceland
- Acting for offshore liquidators to recover losses arising from the sale of 'wine futures'

Lawyers

Graeme is extensively instructed by solicitors' insurers and the BMIF. He has appeared in many of the leading cases in the field in recent years. Particular areas of specialisation include wasted costs litigation and claims arising from commercial transactions (including commercial property transactions).

Reported and significant cases include *Tucker v. Allen & Co* (QB) – scope of solicitor's duty to advise former client to seek independent advice; *De Cort v. Hargreaves* (QB) – setting aside negligently-entered judgment in default; *OPM Limited v. Venner* (QB) – extent of solicitor's authority to bind client; *Keydon Estates Ltd v. Eversheds* (Ch) – correct measure of loss in 'loss of profit' cases; *Hickman v. Blake Laphorn & Fisher* (QB) – apportionment of liability between legal representatives for under-settlement of litigation; (QB) – costs consequences of a party's refusal to mediate; *Reader v. Molesworth* (QB & CA) – effect of discontinuance of proceedings on an unpleaded claim under the Fatal Accidents Act; *Hedrich v. Standard Bank Ltd* (QB & CA) – solicitor's liability for wasted costs arising from breach of disclosure obligations; *Fulham Holdings Limited v. Nicholson Graham Jones* (Ch & CA) – correct measure of loss in claim against solicitors arising from the takeover of Fulham FC; *Webster v. Sandersons* (QB & CA) – recovery of damages for reflective loss from solicitors; *Gill v Humanware Europe plc* (EAT & CA) – consideration of the wasted costs jurisdiction in Employment Tribunals and the EAT; *Fonexco Ltd v Manches* (QB) – obligations of a solicitor acting on behalf of a client in a race to secure the jurisdiction of the English courts; *AIB v Mark Redler & Co* (Ch, CA & SC) – appropriate remedies for breach of a bare trust; *Mengiste v EFFORT* (Ch & CA) – recusal by the Judge in wasted costs cases; *Baxter Healthcare Corporation v Howreys LLP* (Comm) – claim arising from mishandled litigation; *Redstone Mortgages v B Legal Ltd* (Ch) – test cases on solicitors obligations towards mortgagee client; *MEX v Hindle Campbell* (Ch) – group litigation against solicitors said to have been involved in a significant conspiracy to conduct mortgage fraud; *Dewey & Lebeouf v Kerself Spa* (Comm) – litigation arising out of a failed Italian bond issue.

Recent and ongoing cases include;

- defending claims arising out of a failed Arbitration over the construction of a mega-yacht;
- defending a claim arising out of the sale of a significant Impressionist masterpiece
- defending claims relating to planning advice for substantial commercial developments in the midlands and north west
- defending claims arising from advice given during M&A transactions
- defending a City firm said to have provided inadequate tax advice in relation to the restructuring of a property portfolio
- defending a City firm accused of mishandling lengthy and complex international trust and fraud litigation
- defending a solicitor accused of having been complicit in producing a forged will
- defending group litigation arising out of an alleged Spanish property fraud
- defending a city firm accused of mishandling international employment negotiations for senior individual within the Indian Premier League
- defending a claim brought by a Premier League footballer against his former solicitors for mishandling substantial litigation on his behalf
- defending a claim against a solicitor who produced a will for a client alleged to have lacked testamentary capacity

Construction Professionals

Graeme is frequently involved in claims relating to design, advice, inspection, investigation, supervision and valuation.

Reported cases include *Barex Brokers Ltd -v- Morris Dean* (QB & CA) – scope of duty of care owed by a valuer to a lender to whom the benefit of a loan was assigned; *Flannery -v- Halifax Estate Agency Ltd* (QB & CA) – need for judge to give reasons when preferring the expert evidence of one party over another; *Earls Terrace Properties Ltd v. Nilsson Design Ltd* (TCC) – liability for waterproofing design.

Financial Services Professionals



Graeme has been involved in a wide variety of claims relating to the mis-selling of pensions, onshore and offshore investment products, film-schemes and other tax-mitigation products and arising from fund mismanagement.

Insurance Brokers

Graeme has been involved in a wide variety of claims relating to the obligations of insurance brokers, including placing, advising, notification and handling claims. He acted for *Miller* in *Kidsons v Various Underwriters* (Comm Ct & CA), the leading case on notification.

A full CV is available on request.

Qualifications & Memberships

Graeme is a member of COMBAR, the ChBA, the PNBA, the ADRL and BASL.

Education

M.A. (Cantab.) (Law, First Class)

Insights

Jackson & Powell on Professional Liability

1 December 2016

Graeme authored the chapters concerning financial services regulation and financial practitioners for many years.