

## Graham Chapman QC

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*He consistently provides robust and commercial advice, as well as advocacy of the highest quality.*

- Chambers & Partners

**Graham Chapman QC specialises in commercial litigation and arbitration (domestic and international), with a particular focus on commercial fraud, investment disputes, offshore work, insurance disputes and professional liability claims in a commercial context. Graham took silk in 2014 at the age of 38.**

Recognised as a Leading Silk in the directories for Commercial Litigation, Offshore, Civil Fraud and Professional Negligence, Graham is described as someone who "combines excellent technical abilities with commercially savvy and practical advice." "He is approachable, a pleasure to work with and someone who always sees solutions to problems." (Chambers & Partners, 2021: Commercial Litigation). "He is impressive, analytical, competitive and strategic." "A very good barrister who is very user-friendly." (Chambers & Partners, 2021: Offshore). "Very attentive and user-friendly, and an excellent advocate. He is able to give great advice because he sees the strategic reasons for doing things." "He is helped by his previous experience as a solicitor and as a result, comes up with very practical and commercial solutions." (Chambers & Partners, 2021: Professional Negligence). "He provides enormous confidence that no stones have been left unturned." (Legal 500 2021: Professional Negligence). "Excellent intellect and very user friendly." (Legal 500 2021: Commercial Litigation). "An intellectual heavyweight with first-rate advocacy skills." (Legal 500 2021: Offshore). "Our leading counsel of choice on large value, complex fraud claims; works well as part of a team and has strong advocacy skills." (Legal 500 2021: Civil Fraud). "Graham Chapman QC is held in high esteem by peers thanks to his impressive advocacy in commercial and civil fraud litigation." (Who's Who Legal: Civil Fraud and Professional Negligence).

Previous editions have described Graham as "fiercely bright, a gentleman with instructing solicitors and clients, and a tactful and robust advocate in the courtroom" (Chambers & Partners, 2019: Commercial Litigation). "Exceptionally bright, a great strategist and someone who is fantastically good with clients." "He's hands-on, responsive, and someone with a good eye for detail" (Chambers & Partners, 2019: Offshore). "Charming with clients and utterly dedicated to winning. He cuts through cases and picks out the right strategy every time" (Chambers & Partners, 2019: Professional Negligence). "Incredibly bright and very easy to work with" (Legal 500 2019: Professional Negligence). "Absolutely brilliant. He puts in the hard work and is also a really nice bloke. Authoritative and clever" (Chambers & Partners, 2018: Professional Negligence). "He's energetic, very easy to work with and very experienced in commercial disputes", "always thinks about ways to get the other side's attention"(Chambers & Partners, 2018: Commercial Litigation). "He's a very statesmanlike person, who's great with clients and delivers clear, succinct messages very effectively. Working with him is an enormous pleasure. He's absolutely on the ball the whole time, and he's very practical." (Chambers & Partners, 2018: Offshore). "A tough and no-nonsense operator, and extremely user friendly and supportive" (Legal 500, 2017: Commercial Litigation). "Technically excellent and very client-friendly" (Legal 500, 2017: Professional Negligence). "Utterly brilliant - he has terrific focus and brain power and his communication couldn't be clearer. He is very commercial and sensible and clients just love him"; "he has extraordinary gravitas for someone who's only just ceased to be a junior - when you meet with him you know you're talking to someone who's highly skilled in the advice he gives"(Chambers & Partners, 2016: Professional Negligence). "A ferociously hard worker who will rapidly rise through the ranks" (Legal 500, 2015: Commercial Litigation). "Extremely impressive and invaluable in complex high-value litigation" (Legal 500, 2016: Commercial Litigation).

Before taking silk he was described as "The first choice of junior for many", "thorough, robust and in complete control", "so good that he is doing work far beyond his years of call" and as being "consistently involved in high-profile cases". Graham has a broad commercial practice which falls into three core areas: commercial litigation, professional liability claims in a commercial context and construction and engineering law. Graham has been described as "very able", "quick and hardworking" and "intellectually gifted". He appears in Court and arbitrations and has a growing advisory practice in the field of financial services regulation.

"He's never afraid to make a decision and he's well able to lead a devastating forensic attack on his opponent's case" - Chambers & Partners 2015; "He has a growing presence in high-value claims." - Legal 500 2015

"He gets through voluminous and complex instructions at impressive speed, and consistently provides robust and commercial advice, as well as advocacy of the highest quality." "He is quietly spoken, but his words are powerful and his advice is terrific." - Chambers & Partners 2015

Graham's commercial practice spans the full range of commercial disputes and often his cases have an international dimension to them. His professional liability work includes claims against accountants and auditors, construction professionals, financial service professionals, insurance brokers and agents, lawyers and surveyors and valuers. He also has experience of professional disciplinary matters. His practice includes insurance and reinsurance work and he is regularly instructed in cases concerned with the interpretation of policy-wording and coverage disputes. In the construction field he has acted for and against contractors, architects and engineers in claims concerning projects both in the UK and overseas. He has experience of acting in domestic and international arbitrations both in the commercial and construction fields.

Graham is a contributor to the 6th Edition of Jackson & Powell on Professional Negligence (Sweet & Maxwell 2006) and is the co-author of the chapter on tort in the Construction Law Handbook (Thomas Telford).

Graham has been called to the Bars of the Grand Court of Cayman, of the Eastern Caribbean Supreme Court (BVI) and of the Isle of Man.

## Privacy Policy

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## Areas of Expertise

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### Professional Liability

**"He is a tremendous silk."** – *Legal 500, 2022*

**"He provides enormous confidence that no stones have been left unturned."** – *Legal 500, 2021*

**"Very attentive and user-friendly, and an excellent advocate. He is able to give great advice because he sees the strategic reasons for doing things." "He is helped by his previous experience as a solicitor and as a result, comes up with very practical and commercial solutions."** – *Chambers & Partners, 2021*

**"He is ferociously clever."** – *Legal 500, 2020*

**"He has major expertise in professional negligence claims involving accountants, and he adopts a strategic approach for the swift resolution of matters." "He is an extremely hands-on QC, and works very well with solicitors and clients."** – *Chambers & Partners, 2020*

**"Charming with clients and utterly dedicated to winning. He cuts through cases and picks out the right strategy every time."** – *Chambers & Partners, 2019*



Graham has been consistently ranked as a leading practitioner in the field of professional negligence over several years. He acts for and against professionals in claims arising in a commercial or construction context including accountants and auditors, architects, barristers, financial advisers, insurance brokers, solicitors and surveyors. Graham has particular experience of acting in high-value and complex litigation both as sole counsel and as part of a larger team.

Graham is a contributor to the 6th Edition of Jackson & Powell on Professional Negligence (Sweet & Maxwell 2006) and is the co-author of the chapter on tort in the Construction Law Handbook (Thomas Telford).

## Accountants, Auditors & Actuaries

Graham has experience of acting both for and against auditors and accountants in a wide range of disputes, including some of the most substantial disputes in this area. He is familiar with the audit process and applicable accounting and auditing standards, together with the legal, procedural and practical issues to which these claims give rise.

His experience includes

- Acting for the defendant auditors in a £1.6bn claim relating to the audit of the financial statements of a collapsed listed sub-prime lender (*Cattles v PwC*). The claim focussed on the question of whether impairment of the loan book had been undertaken in accordance with relevant audit standards.
- Acting for the defendant auditors in a c.US\$500m claim relating to the collapse of an offshore investment fund concerning alleged failures on the part of the auditors to identify and report on a fraud perpetrated through the use of illusory related-party transactions to misstate the value of the investments of the fund (*Weaving Macro Fixed Income Fund Ltd v Ernst & Young*).
- Acting in two further cases concerning the collapse of Cayman investment funds, including *Argyle Funds SPC v BDO Cayman* and giving rise to issues relating to jurisdiction, arbitration and sole recourse clauses (as well as the underlying issues of audit negligence).
- Advising on legal issues relating to the scope of an auditor's duty in relation to an appeal on this issue of law in another common law jurisdiction in a claim arising out of the insolvency of an investment fund manager.
- Acting for the defendant auditors in a claim concerning the collapse of linked Closed-End Investment Cells.
- A claim against accountants and auditors concerning the treatment of NICs and income tax in the context of the leisure industry.
- Claims against auditors alleging a negligent failure to detect and report on frauds perpetrated by directors and employees of companies whose financial statements were audited by the defendant auditors.
- Claims against accountants in respect of tax advice and representations made in relation to the film finance tax-advantaged investment schemes, technology schemes and charity tax shells.
- Claims against auditors relating to the preparation and completion of their audits.
- Claims against accountants in relation to tax advice given to individuals and corporate clients in a wide range of factual scenarios.
- Acting for defendant expert accountant in proceedings commenced by a former client in respect of expert accountancy services provided in the context of litigation.

## Construction Professionals

Graham has dealt with claims against or involving a number of different construction professionals including architects, engineers, M&E consultants, project managers, geotechnical consultants and quantity surveyors. He has acted for both claimants and defendants. In particular,

- Claims against architects involving allegations of defective design, over-certification, project management and inspection/supervision arising from construction projects ranging from relatively small domestic projects to large commercial developments.
- Claims against structural engineers relating to the design of foundations for a number of different projects and relating to the design of floor slabs.
- Claims against members of the professional team arising from the design and supervision of the construction of office developments, supermarkets and housing developments.

## Financial Services Professionals

Graham is often instructed in claims involving financial services professionals and/or which require a consideration of the financial services statutory regime. His experience includes acting in claims against financial advisers concerning advice given in relation to “windfall shares”, pension mis-selling, advice on life policies and other investments. He has also acted in claims concerning advice given and representations made in relation to a number of different tax-advantaged investment schemes, including those relating to film and QICT finance together with technology schemes and charity tax shells. He has experience of a wide number of different tax-advantaged schemes and claims in relation to them.

## Insurance Brokers & Agents

Graham has acted in claims brought against brokers by their clients and also in claims concerning the writing of insurance pursuant to binding authorities. The claims in which he has advised have required an analysis of the relationship between insurer, broker and insured and also between placing and retail brokers. As to the latter, see *Fisk v Thornhill* [2007] EWCA Civ 152; [2007] PNLR 21 (CA). Graham regularly acts for brokers in disputes arising from coverage issues.

## Lawyers

Graham has wide experience of acting for claimants and defendants in claims against solicitors and barristers, including claims arising from commercial and property transactions, lost or mishandled litigation including criminal and family litigation and claims involving allegations of breach of fiduciary duty, breach of trust and fraud. He particularly enjoys claims arising from complex commercial transactions and litigation.

By way of example, recent cases include

- Acting for the defendant solicitors in a £40m claim relating to the listing of a company on AIM.
- Acting for the claimants in claims concerning failed tax-advantaged property investment schemes.
- Acting for the claimant in a claim against solicitors concerning the drafting of commercial leases.
- Acting for the Claimant investors in a circa £50m dispute arising from failed investments in technology investment schemes where the claims include claims against the solicitors who acted in relation to the material transactions: see, for example, *Brown & Oths v. InnovatorOne Plc* [2009] EWHC 1376 (Comm); [2009] WLR (D) 205.
- Acting for the defendant solicitors in a multi-million pound claim arising out of the conduct of tax litigation.

## Surveyors & Valuers

Graham has extensive experience of claims concerning the valuation of both commercial and residential property and in circumstances where the property is being purchased for occupation and as an investment. He has acted in cases (for both claimants and defendants) where the value of the property has been very substantial indeed and in cases involving portfolios of properties. He also has experience of defending yacht surveyors.

By way of example, recent cases include:

- Acting for the defendant valuers in a circ £100m claim relating to securitized lending with respect to a portfolio of investment properties.
- Acting for the defendant valuers in multi-million pound claims concerning multi-use commercial investment properties.
- Acting for the successful claimants (at first instance and on appeal) in *Capita v Drivers Jonas*.
- Acting for the claimant unit trust in a claim for circa £50m arising out of advice provided in relation to the acquisition of a shopping centre.
- Acting for the claimant housing association in a very substantial claim concerning the provision of gap funding in relation to the transfer of housing stock.

## Qualifications & Memberships

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Graham has been called to the Bars of the Grand Court of Cayman, of the Eastern Caribbean Supreme Court (BVI) and of the Isle of Man.

B.A. (Oxon.) (First Class)

## Insights

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### **Lessons in Wiful Default after Weaving (Turkish Commercial Law Review, June 2015)**

1 June 2015

An article in the Turkish Commercial Law Review, June 2015 written by Justin Fenwick QC, Graham Chapman QC and Michael Ryan

### **Londongrad calling: Jurisdiction Battles in the English Courts, Dispute Resolution International, 2014, 8(1), 25-36.**

15 May 2014

The authors focus upon applications for permission to serve a claim form outside the jurisdiction and, further, on applications to serve on a defendant who is not domiciled within one of the states of the European Union.

### **"Taking Care of Family Business"**

12 January 2005

A search for consistency following *Wade v. Grimwood*