

Graham Eklund QC

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Absolutely superb and a pleasure to work with - a really, really sharp man.

- Chambers & Partners

Graham Eklund QC has a broad ranging and thriving civil and commercial practice, with a particular focus on insurance and reinsurance claims, where he specialises in defending insurers against fraudulent claims and acting on other claims where there are policy coverage issues.

Graham is shortlisted for the 'Insurance Silk of the Year' (2019) award by Chambers & Partners UK.

He has a substantial practice in product liability and property damage claims. His professional negligence practice focuses on claims relating to insurance brokers and financial advisors. In relation to personal injury claims, he predominantly deals with catastrophic injuries and claims where there is a principle of law in issue as to liability.

He has a friendly client focused approach, but is regarded as a tough operator who is not shy of the detail in a case and as a barrister who will fight his client's corner tenaciously.

Graham has long been recommended as a leading Silk in the legal directories (Chambers UK Bar, Legal 500 and Who's Who Legal: UK Bar). In the 2019 edition of Chambers he is recommended in four categories - insurance, product liability, professional negligence and property damage (see below).

In Chambers 2019 he is praised for being: *"technically astute and always a great choice with clients", "very knowledgeable", "extremely highly regarded", "a very safe pair of hands", "Graham is sharp and drills down into the key issues in cases. He is excellent with clients and has a great legal mind", "an excellent barrister. Very pragmatic and approachable", "his experience is evident in his superb written work and advocacy. He demonstrates excellent attention to detail and technical brilliance at all times."*

Chambers 2018 included:

"a go-to man for the most difficult cases", "extremely professional and very responsive, he's user-friendly even when dealing with the most heavyweight, complex litigation", "determined, relentless and robust", "he is sharp and gets to the key issues very quickly when analysing a case", "extremely professional, very responsive and user-friendly."

Chambers 2017 included:

"someone you want on your side when something gets a bit knotty", "client-friendly and an excellent advocate", "he's absolutely superb and a pleasure to work with - a really, really sharp man", "he sees the heart of the issue immediately and never loses focus",



"he enjoys a tremendous popularity based on his thorough application to his instructions, his courteous style and his great client awareness", "his legal skills are first-rate and he's also calm and unflappable which instills confidence", "clients value his direct, no-nonsense approach and judgement."

Chambers 2016 included:

"a very calm and collected performer, who is unruffled in court. He presents a case in a very measured way and often with success. He is a formidable opponent.", "he's incredibly user-friendly from a solicitor's perspective. He is good at working as part of a team and you receive a cradle to grave service", "he is very bright, able to cut through extraneous detail and very good on his feet."

Chambers 2015 included:

"Fights for the insurer and really looks after their interests", who is "a formidable opponent", whose "direct, no-nonsense approach and judgement is valued", who "is very good at getting to the heart of the issues and not being distracted by a large volume of information" and "who has handled a number of catastrophic fire cases" and has "very good judgement, gives very clear advice and takes a robust approach".

Who's Who Legal: UK Bar 2015 record that he is *"first and foremost a sensational trial advocate"* a *"hard nosed man"* who is a *"go to Silk for insurers"*.

In the 2019 edition of Legal 500 Graham is recommended in three categories - insurance, product liability and professional negligence. The Legal 500 describes him as being *"known for his knowledge of the law, abilities as an advocate and adviser, practical wisdom and interaction with clients"* (2019) *"an excellent communicator and is good with clients", "a clear thinker, who inspires calm confidence in clients"* (2017) *"entirely unflappable"* with *"a courteous but incisive style"* (2016). He is *"The go-to counsel on policy wordings"* and that in respect of product liability he *"Features regularly in insurance-related claims."* For profession negligence claims it records he *"Goes beyond the call of duty for clients"* and he has *"An impressive breadth of knowledge and extremely good client handling skills."*

In his insurance practice, Graham acts for a wide range of major insurers, both in the company market and the Lloyd's market. He has particular experience in representing insurers on coverage issues (policy interpretation, misrepresentation and non-disclosure, breach of condition/warranty and fraud). Many of his cases in this area have been reported.

A particular speciality is fraud. He has been conducting fraud trials for 25 years and is noted for his judgment and ability in this area, having conducted a large number of trials where he has successfully established fraud on the part of the insured. In a recent very unusual case when acting for Aviva, he established that the claimant/insured had submitted a fraudulent claim to an earlier insurer (NIG) and that the fraudulent claim on NIG was a material fact which ought to have been disclosed to Aviva. NIG itself had not alleged or proved fraud when dealing with the claim made to it.

His product liability practice embraces claims in respect of serious damage caused by fires, many of which have been caused by the failure of electrical items or defective electrical installations. Recent claims also include the failure of gaskets in medical products, the failure of silicone breast implants and the use of a fungicide (dimethyl fumarate) as an anti-mould agent in the use of leather furniture. He has experience of claims arising from failed agricultural crops and the use of faulty fertiliser for the growing of crops.

Graham's busy property damage practice involves both recovery actions and defending substantial claims against insureds. Examples include fires in a waste processing centre (£10 million), a paper storage warehouse (£13 million), an industrial estate (c£25 million) and a copper manufacturing plant (£15 million).

He undertakes professional indemnity work, particularly claims involving insurance brokers and financial advisors. His extensive insurance practice and experience makes him ideally placed to act in these fields.

Graham's personal injury practice is focused on catastrophic personal injury claims, especially those arising out of motorsport accidents and other claims where there are issues of principle involved relating to liability.

Privacy Policy

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Areas of Expertise

Property Damage

Graham has represented insurers and private clients for many years in claims relating to damaged property, particularly in respect of claims arising out of fires. These involve considerations of contractual or tortious liability and a wide range of causes of the fires and other damage.

He is recommended in Chambers & Partners as a leading Silk in this field.

“He’s very good on his feet and excellent with clients.” “Determined, relentless and robust.” – *Chambers & Partners 2020*

“An excellent barrister. Very pragmatic and approachable.” “His experience is evident in his superb written work and advocacy. He demonstrates excellent attention to detail and technical brilliance at all times.” – *Chambers & Partners 2019*

“Determined, relentless and robust.” – *Chambers & Partners 2018*

“He sees the heart of the issue immediately and never loses focus.” “He enjoys a tremendous popularity based on his thorough application to his instructions, his courteous style and his great client awareness.” – *Chambers & Partners 2017*

Many of his cases noted in the Insurance and Reinsurance section deal with property damage. Other examples of his current and recent work include the following –

Cases

- **Mueller Europe Limited v Central Roofing (South Wales) Ltd**
£13 million fire damage claim arising out of the failure to isolate heaters properly, when they were in close proximity to temporary scaffolding in a copper product manufacturing plant.
- **Milton Keynes Borough Council v Nulty**
£10 million fire damage claim arising from the careless discarding of cigarette smoking materials or (as was alleged) the prior failure to leave substantial electricity supply cables disconnected from machinery in a safe condition.
- **Georgia Pacific Ltd v Corlett Electrical Engineering (2012-15)**
£12 million fire damage claim (to a warehouse storing paper products) alleged to be due to the negligent investigation of information suggesting an electrical failure which subsequently caused a fire.
- **AJK Wood Flooring v Clipfine Ltd (2012-15)**
Representing the insurers of AJK Wood Flooring seeking a contribution from Clipfine for the failure to deal appropriately with construction waste, which led to a fire causing extensive smoke damage in a new luxury development
- **Various Claimants v Lancashire County Developments Ltd (2013-15)**
Representing a management company in respect of very substantial fire damage (c £25 million) on an industrial estate, with issues of causation (as to the failure of an electrical component), management and supervision
- **Harris Systems Ltd v Vale Interior Contractors Ltd and Hazell Richards Ltd (2014-15)**
c £6 million fire damage claim in a warehouse, alleged to be caused by negligent installation of the incorrect light fittings.
- **AnSCO Arena Ltd v Live Nation (Music) UK Ltd (2011-15)**
Serious fire damage claim at the O2 Arena arising from a fire starting in a coach driven onto site

- **Carvers (Wolverhampton) Ltd v Talbott's Biomass Energy Systems Ltd (2012-2014)**
£14 million fire damage claim in a building merchant's premises arising from the negligent installation of a flue to a wood-burning stove (insufficient and inadequate supports to the flue to resist torsional twisting).
- **Iliffe v Feltham Construction, Affleck Mechanical Services Limited and others (2013-15)**
c £8 million fire damage claim during the construction of a wooden house on Green Island in Poole Harbour, where the fire is alleged to be due to the defective installation of a flue serving a wood-burning stove – including representing Affleck in adjudication proceedings, in contribution proceedings and in related contribution proceedings against sub-sub-contractors.

Qualifications & Memberships

B.A., LLB Hons (Auckland)