

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

Personal Injury

Graham has undertaken a substantial amount of personal injury litigation, representing Claimants and Defendants. His practice is wide ranging and extensive, now involving primarily catastrophic injury cases. Over the years, many cases have involved issues of principle as to liability – including the duty of adults when supervising children at a party (bouncy castle party), the duty owed by a holiday provision company to adult clients undertaking risks they could assess for themselves, the duty owed by a nursery school to young children playing under supervision in a woodland area, the duty of a mother to her child to ensure the child is protected in a car by an appropriate car seat and the duty of a motorsports organisation to users of a racing circuit, when approving safety measures for the racing circuit. He has acquired a special practice dealing with cases arising from serious accidents occurring at racing circuits in the United Kingdom.

Examples of his current and recent work include the following cases.

Cases

- **Khan v Motor Sport Vision (2014-15)**
Fatal injuries and other serious injuries arising from allegedly defective warning systems at Oulton Park motor racing circuit.
- **Mitchell and Morley v MCRCB Events Limited and Motor Sport Vision (2012-14)**
Fatal injuries and other serious injuries from the allegedly negligent starting of a motorcycle race at Brands Hatch during rainfall.
- **Peter Corbett v Cumbria Kart Racing Club Ltd and Track Sport Challenge Ltd (2011-14)**
Representing the defendants in respect of serious injuries arising from the placing of an ambulance too close to the racing line at a kart racing circuit
- **Eades v Motor Sports Association, JM Kartsport Ltd and Trent Valley Kart Club (2012-14)**
Representing the defendants in relation to serious injuries sustained by Mr Eades as a result of the positioning and installation of a barrier in front of a marshal post which he was occupying
- **William Colley v Endless Vacation Ltd (2012-14)**
Representing the defendants in a claim by a child for personal injuries arising from allegedly negligent supervision.
- **Linda Clark v Clark Transport Limited (2012-14)**
Representing the defendant in a fatal accidents act claim when the claimant's husband was run over by a reversing lorry.
- **Hughes v Williams**
Involving considerations of the liability of a mother for contributing to the injuries sustained by her daughter when sitting in an inappropriate car seat for a child of her age and size at the time of a serious accident.
- **Harris v Perry & others**
Representing the defendant parents in a claim by a 11-year-old boy arising out of injuries sustained on a bouncy castle, in which it was alleged that the parents were negligent in their supervision of the use of the bouncy castle. Establishing the appropriate standard of care of an adult supervising other children.
- **Evans v Kosmar Villa Holidays**
Representing the defendant holiday company in a claim by a 17-year-old boy who sustained catastrophic injuries causing



paraplegia, when diving into the shallow end of a swimming pool and establishing there was no duty owed to an adult able to appreciate the particular risk himself.

Qualifications & Memberships

B.A., LLB Hons (Auckland)