

OUR PEOPLE

Graeme McPherson KC

CALL 1993

SILK 2008

LEGAL 500

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



✉ g.mcpherson@4newsquare.com

☎ +442078222007

Graeme McPherson KC's practice is split primarily between domestic and international commercial litigation and arbitration, insurance litigation and arbitration, professional liability claims, and sports work. Graeme is nominated for Sport Silk of the Year in the Legal 500 Bar Awards 2022.

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 likable...'; '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'.

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 Sellafeld 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 Havlin* – 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 KC.

Expertise

Professional Liability

“A silk with a commanding presence. He is great on his feet.” – *Legal 500, 2022*

“Graeme is exceptionally bright and is adept at identifying the key issues in a dispute very quickly. He is easy to work with and has a very calm and measured approach. He is excellent with clients and his advice is always clear and pragmatic.” – *Legal 500, 2021*

“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

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

- 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.

Sports Law / Sports Arbitration

“He has vast experience and understanding in horse racing and is also extremely hands-on.” – *Legal 500, 2022*

“He is really on top of the detail and a very good tactician.” – *Chambers & Partners, 2022*

“Very knowledgeable, and good to work with at a senior level.” – *Legal 500, 2020*

“His advocacy is supreme and he can always be relied upon for a high standard of written work. He has a complete understanding of sports matters and the ability to advise in a practical manner. As a trainer himself, he has unparalleled understanding of horse racing at the Bar.” – *Chambers & Partners, 2020*

“A genius in all things equestrian.” – *Legal 500, 2019*

“Excellent advocate.” “Also a licensed trainer and has a deep knowledge of the horse racing industry.” “The best option if you can get him.” – *Chambers & Partners, 2019*

Graeme is considered to be one of the top silks practicing in the field of sports law. He is regularly instructed by governing bodies and competitors alike in domestic and international disciplinary matters across a huge variety of sports, as well as in connection with commercial disputes arising in a sporting context. He appears regularly before a wide range of domestic and international Tribunals.

Graeme is a Sports Legal Arbitrator member of Sport Resolutions’ Panel of Arbitrators and is regularly nominated by Sport Resolutions and parties to sit in that capacity (including as a Rule K Arbitrator in football disputes). He has (as Chair or sole Arbitrator) conducted numerous arbitrations in recent years across an array of sports – football, rugby, cricket, athletics, motor sport, horse racing and other equestrian activities, swimming and other aquatic sports, shooting and numerous Summer and Winter Olympic and other sports. Recent appointments include the resolution of issues arising out of the cancellation and postponement of sporting events due to the worldwide COVID-19 outbreak.

Graeme is a member of the Judicial and Appellate Committees of various sporting bodies and has been sat in that capacity to determine a wide array of disputes and charges. He has been a Chairman’s Panel Member of the FA Judicial Panel since 2018, a Panel Member of the Premier League Judicial Panel since its inception and Chair of the Board of Appeal of Table Tennis England since 2019. He has sat on the Rules and Regulatory Committees of a number of sports governing bodies.

Graeme is widely recognised as the leading Silk for equine sporting matters. He acts for and against trainers, jockeys, owners and bloodstock agents in litigation and is instructed by the British Horseracing Authority, the National Trainers Federation and the Professional Jockeys Association, as well as their overseas equivalents, to advise and to appear at Inquiries, Disciplinary hearings and Appeal hearings around the world. He has also been instructed to represent professional riders from other equine disciplines at hearings before the FEI, CAS and the BOA.

As well as equine sporting work, Graeme is recognised in the Directories as a Tier 1 Silk in the wider sporting field, and has been instructed in recent years in connection with national and international disputes and disciplinary matters across an extensive range of sports including football (Premier League & FA), rugby union (RFU & World Rugby), athletics (IAAF), cricket, swimming, boxing, motor racing (including F1) and numerous other sports. He acts for sporting governing bodies, players, athletes, clubs and other entities in the full range of sports-related matters, including in relation to misconduct and other disciplinary issues, betting, selection, doping, funding, governance, media concerns, sponsorship contracts, broadcasting deals and other commercial matters. As well as acting as advocate and adviser in contentious disputes and disciplinary matters, he also accepts instructions in non-contentious matters, such as constitutional or transactional advice and drafting. He has appeared before domestic and international tribunals at all levels, including CAS.

Graeme was appointed to the specialist Advocates Panel for the 2012 Olympics and 2014 Commonwealth Games Legal Advice and Representation services, and represented competitors and governing bodies before the ad hoc CAS at each Games.

High profile and interesting sports cases in which Graeme has acted include

- *Mullins v. The Jockey Club* – a challenge in the courts to the decision of the Appeal Board of the Jockey Club to disqualify the winner of a Class 1 race. The case is now one of the leading authorities on the amenability of sporting bodies to judicial challenge
- *FEI v Whittaker* – successful defence of international showjumper accused of doping
- *BHA v Turner & Behan Re: CASELA PARK* – the successful prosecution of a trainer and jockey accused of ‘stopping’ a horse (i.e. deliberately and corruptly restraining a horse to prevent it from winning a race that it would have won), the first such successful prosecution in the United Kingdom for more than 20 years
- *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 Howard Johnson* – the successful prosecution of a leading National Hunt racehorse trainer on welfare charges and charges arising out of the administration of anabolic steroids, the first of its kind in the United Kingdom
- *Burton v British Shooting* – acting for a clay pigeon shooter in the successful challenge of the decision of her national body not to select her for the Olympic Games
- *BHA v Al Zarooni; BHA v Butler* – prosecutions for misuse of anabolic steroids in racehorses
- *BHA v Hughes; BHA v Dwyer; BHA v Cosgrave* – applications that substantial suspensions imposed by overseas jurisdictions should not be reciprocated in England as being in breach of natural justice
- *Banks v BHA* – litigation over the scope of the duty of care owed by the BHA to ‘financial participants’ in horseracing
- *SIMPLE VERSE* – acting for the Qatari royal family on their successful appeal against the demotion of SIMPLE VERSE as winner of the St Leger
- *RFU v Wilmott* – defending a rugby player accused of attempting to traffic GHG
- *Sports Mantra v Force India* – acting in connection with a Formula 1 sponsorship dispute
- *BHA v Best & John* – charges arising from the ‘stopping’ of 2 horses by a jockey on the instruction of the trainer
- *Pelosi v West Bromwich Albion FC* – litigation over the scope of the FA’s Rule K arbitration provisions

Commercial Dispute Resolution

Graeme has long undertaken a wide range of commercial and commercial chancery work, including complex commercial fraud litigation. He has also extensive experience of claims for losses from business interruption due to a wide variety of causes. He is well-recognised for his cross-examination and advocacy skills in such cases.

Recent and ongoing reported/substantial cases and arbitrations include

- *Thomas & Others v Capita Group plc & other* (Comm) – group litigation brought by investors in an offshore film-finance tax scheme
- *Premier Profiles Ltd v. Kronos Inc* (Comm) – protection of confidential trade information in the chemical industry in a product liability claim
- *Platform Funding v Persimmon Homes* (Ch) – fraud claim arising out of a substantial property development
- *Sunderland Mutual Marine v Wiseman* (Comm) – conflict of laws dispute as to the correct forum for a claim arising out of an alleged insurance fraud
- *Webster v Sandersons* (QB & CA) – recoverability of reflective loss
- *Spreadex v Barnes & DAC* (Ch) – dispute over the entitlement of a spread-betting company to recover substantial losses sustained by an individual in financial trades
- *Baxter v Howrey LLP* (Comm) – claims arising out of mishandled international arbitration
- *Newgate Stud Company v. Penfold* (Ch) – equitable recovery claim arising from the malpractice/fraud of a former director of a world-renowned bloodstock company
- *Marrache v Baker Tilly* (Gibraltar) – multi-party litigation in Gibraltar arising out of the collapse of a substantial law firm
- *Connaught & others v Capita* (Comm) – group litigation arising out of the collapse a significant bridging lender (Tiuta plc)
- *Harlequin v Wilkins Kennedy* (TCC) – litigation arising out of the failure of a Caribbean property venture

- *Ackerman v Thornhill* (Ch) – fraud/conspiracy claim arising out of the ‘carve up’ of a vast multi-jurisdictional property & business empire
- *Bank of Scotland v Dundas & Wilson & Others* (Comm) – claims arising out of an alleged conspiracy to defraud
- *Re Duff & Phelps* (Scotland/Comm) – conspiracy and fraud claims arising out of the liquidation and administration of Rangers FC
- *Re X* (Comm/Italy) – litigation arising out of the enforcement of a substantial international arbitration award concerning the construction of a mega-yacht
- *Re HEC & Deep Purple* (Ch) – worldwide litigation involving the alleged theft of royalties from members of a 1970s band
- *IMP v Bushy Park* (Arb) – european arbitration arising out of the cancellation of the Motor Race of Champions in Barbados
- *Pelosi v West Bromwich Albion FC* (Comm/Arb) – litigation over the scope of the FA’s Rule K arbitration provisions
- Acting in connection with the recovery of assets diverted from a Czech bank account to the Far East in an internet scam
- Acting for a disappointed beneficiary in litigation arising out of a forged will
- Acting in litigation arising out of the sale of an extremely valuable Impressionist masterpiece in New York & Switzerland
- Defending arbitral claims arising from delays and failures in the construction of the Airbus A400 military aircraft
- Acting in litigation following the de-regulation of the mobile telecommunications market in the Baltic states

International Arbitration

Graeme has wide experience as both advocate and arbitrator in arbitrations conducted under a wide variety of institutional and procedural rules. He has dealt as both arbitrator and counsel with cases involving a range of national laws.

As arbitrator, Graeme has served as chair and as sole arbitrator, as well as a party-nominated arbitrator.

Disciplinary

“Graeme is a true fighter who is never afraid to roll up his sleeves. He is an extremely focused barrister and is terrifyingly intelligent.” – *Legal 500, 2022*

“A fierce litigator who is very outspoken and forthright. He is extremely hard-working and very effective.” – *Chambers & Partners, 2022*

“He has encyclopaedic knowledge of the papers and a sharp focus on the key issues of a case.” – *Legal 500, 2020*

“Very knowledgeable and great at devising case strategy. He gets to grips with the papers and issues quickly and is responsive to requests for urgent advice or the preparation of urgent pleadings.” – *Chambers & Partners, 2020*

“A stickler for detail and prepares for every hearing exceptionally thoroughly.” – *Legal 500, 2019*

“Great attention to detail and extremely thorough preparation.” “He’s incredibly bright and can translate that across various different regulatory tribunals.” – *Chambers & Partners, 2019*

Graeme has a long track record in the field of Disciplinary Work. This element of his practice is split between Professional Disciplinary work (where he is principally instructed on behalf of barristers, solicitors, accountants, auditors, financial professionals and vets) and Sports Disciplinary work (where he is instructed by governing bodies and competitors alike). Graeme accepts instructions to appear in domestic and international regulatory hearings.

Due to the sensitive and confidential nature of regulatory hearings, a list of reported and significant hearings is not included. A full CV is however available on request.

Financial Services Regulation

Having authored the chapters in *Jackson and Powell on Professional Liability* concerning financial regulation and financial practitioners for many years, Graeme is regularly instructed in a wide variety of FCA- and FSMA-related matters.

Recent and ongoing cases include

- Acting for an offshore Government seeking to recover in excess of \$100 million on behalf of defrauded investors
- Acting in a substantial fund mis-management claim
- Advising various public bodies in connection with the recovery of funds trapped in Iceland
- Representing a US attorney in connection with a multi-jurisdictional FSA investigation
- Representing a Brazilian bank pursuing litigation in the BVI and the Bahamas
- Offshore litigation involving the mis-selling of wine futures
- *Standard Life v Collins & others* (Comm) – litigation arising out of the collapse of Cattles plc
- *Connaught v Capita* (Comm) – group litigation arising out of the collapse a significant bridging lender (Tiuta plc)
- *Wey Bridging v Ernst & Young and Hacker Young* (Comm) – claims arising out of widespread frauds committed within a financial services company

Insurance & Reinsurance

“An extremely focused barrister and terrifyingly intelligent.” – *Legal 500, 2022*

“He has a good handle on a number of different areas, which gives him a significant depth of knowledge.” “He cuts through to the heart of the case.” – *Chambers & Partners, 2022*

“He is a brilliant advocate with a fantastic eye for detail.” – *Legal 500, 2020*

“Very impressive.” “A competent pleader.” – *Chambers & Partners, 2020*

“First rate, very user friendly and a great strategist.” – *Legal 500, 2019*

Graeme is regularly involved in complex and high-value insurance litigation and arbitrations. He has extensive experience of litigating and arbitrating claims arising under various business interruption wordings. He has extensive experience of a wide variety of market and bespoke policy wordings. He is regularly appointed as Arbitrator to resolve coverage disputes.

Recent and ongoing reported/substantial cases and arbitrations include

- *Zurich Professional Limited v Brown & Barnes* (Ch) – scope of Solicitors’ Minimum Terms and Conditions
- *Shawton Engineering Ltd v DGP Design Ltd* (TCC & CA) – dispute over whether construction work at Sellafeld fell within the scope of a PII policy
- *Kidsons v Various Underwriters* (Comm & CA) – dispute over the effectiveness of claims arising from the mis-selling of exotic tax avoidance products
- *Keydata litigation* (Comm) – fraud claims arising of film schemes
- litigation arising out of the arbitration of a Hong Kong construction dispute
- an arbitration arising out of the collapse of a Guernsey-based financial services provider
- Acting for a leading UK actuarial firm in connection with a notification dispute with its PI insurers
- Acting on behalf of various layers in a number of significant aggregation arbitrations
- Acting on behalf of insurers challenging the adequacy of notification of claims in pension & bond mis-selling claims
- Acting on behalf of non-executive directors in an AIM-listed investment company in a coverage dispute with D&O insurers arising from Russian litigation
- *Re X* (Scotland/Comm) – an insurance dispute concerning conspiracy and fraud claims arising out of the liquidation and administration of Rangers FC

Banking & Financial Services

Having authored the chapters in *Jackson and Powell on Professional Liability* concerning financial regulation and financial practitioners for many years, Graeme is regularly instructed in a wide variety of FCA- and FSMA-related matters.

Recent and ongoing cases include

- Acting for an offshore Government seeking to recover in excess of \$100 million on behalf of defrauded investors
- Acting in a substantial fund mis-management claim
- Advising various public bodies in connection with the recovery of funds trapped in Iceland
- Representing a US attorney in connection with a multi-jurisdictional FSA investigation
- Representing a Brazilian bank pursuing litigation in the BVI and the Bahamas
- Offshore litigation involving the mis-selling of wine futures
- *Standard Life v Collins & others* (Comm) – litigation arising out of the collapse of Cattles plc
- *Connaught v Capita* (Comm) – group litigation arising out of the collapse a significant bridging lender (Tiuta plc)
- *Wey Bridging v Ernst & Young and Hacker Young* (Comm) – claims arising out of widespread frauds committed within a financial services company

Offshore

“His input into strategy demonstrates a robust and adaptable command of the tribunal process.” – *Legal 500, 2020*

Graeme has in recent years represented clients in a number of offshore jurisdictions, including Gibraltar, the Caribbean and the Channel Islands. In addition, he is regularly instructed to appear overseas in arbitrations and regulatory hearings.

A full CV and list of jurisdictions where Graeme has rights of audience are available on request.

Property Damage

Graeme regularly acts for companies, individuals and their respective insurers in relation to claims arising out of damage to property caused by fire, flood, explosion, storm, impact, subsidence, heave or water penetration. He is instructed by insurers in subrogated recovery claims, and for defendants (and their insurers) in defending claims and/or passing liability on to other parties.

Graeme has experience in the issues of negligence, nuisance, Rylands v Fletcher, ignis suus and vicarious liability which typically need to be considered and applied in property damage claims. His experience in other fields – insurance, professional liability and construction – enables him to take a holistic approach to property damage claims and bring expertise in all fields to bear.

A full CV is available on request.

Civil Fraud

Graeme has represented clients in a number of significant, complex civil fraud cases in recent years. He is renowned for the quality of his advocacy and the strength of his cross-examination.

Due to the sensitivity of disputes in this area, cases are not listed. However, a CV is available on request.

Mediation

Graeme is an experienced mediator who has enjoyed great success in the field. He undertakes a wide array of commercial mediations and has a reputation as being particularly effective in mediations involving sporting disputes.

Awards



Qualifications

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

Education

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