

OUR PEOPLE

Graham Chapman KC

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LEGAL 500

"Graham is tremendously clever, lightning fast on his feet, well liked by judges and clients, a brilliant legal mind and thoroughly commercial – in short, the complete package."



✉ g.chapman@4newsquare.com

☎ +442078222120

Graham Chapman KC 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: Commercial Litigation). "He is impressive, analytical, competitive and strategic." "A very good barrister who is very user-friendly." (Chambers & Partners: 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: Professional Negligence). "He provides enormous confidence that no stones have been left unturned." (Legal 500: Professional Negligence). "Excellent intellect and very user friendly." (Legal 500: Commercial Litigation). "An intellectual heavyweight with first-rate advocacy skills." (Legal 500: 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: 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: 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: Offshore). "Charming with clients and utterly dedicated to winning. He cuts through cases and picks out the right strategy every time" (Chambers & Partners: Professional Negligence). "Incredibly bright and very easy to work with" (Legal 500: Professional Negligence). "Absolutely brilliant. He puts in the hard work and is also a really nice bloke. Authoritative and clever" (Chambers & Partners: 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: 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: Offshore). "A tough and no-nonsense operator, and extremely user friendly and supportive" (Legal 500: Commercial Litigation). "Technically excellent

and very client-friendly” (Legal 500: 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: Professional Negligence). “A ferociously hard worker who will rapidly rise through the ranks” (Legal 500: Commercial Litigation). “Extremely impressive and invaluable in complex high-value litigation” (Legal 500: 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

“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

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

Click here for a [Privacy Policy](#) for Graham Chapman KC.

Expertise

Commercial Dispute Resolution

“Graham is highly intelligent and yet still incredibly user friendly. He garners the confidence of clients quickly and provides well thought out and measured advice.” “A very level-headed, sensible and effective advocate.” – Chambers & Partners, 2024

“Graham offers excellent and practical advice. He is a great advocate and judges the court very well.” “He is an incredibly clever and very impressive silk, who is also thoroughly pleasant to deal with.” “Graham is fiercely smart and a compelling advocate.” – Chambers & Partners

“A rarity in that he is excellent on paper, great with clients and brilliant on his feet. Graham is the all-round package.” –

Chambers & Partners

“Graham contributes intellectual rigour and thoroughness in preparation. He is particularly user friendly and an excellent advocate.” – Legal 500

“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

“Excellent intellect and very user friendly.” – Legal 500

“Graham Chapman QC is a fine cross-examiner with great judgement, who is dedicated and tough.” “He’s a gentleman with solicitors and clients, and a tactful yet robust advocate in the courtroom.” – Chambers & Partners

“A first-class silk – incredibly user friendly and very down to earth, he has a wonderful brain.” – Legal 500

Graham has acted in a wide range of commercial disputes including those arising from international M&A transactions, sale of goods, claims against directors for breach of fiduciary duty and misappropriation of company funds, partnership disputes and a variety of contractual claims. He has experience of acting as counsel in arbitral proceedings including ICC Arbitrations. Often his work has an international element to it and he has experience of acting in forum disputes/challenges and dealing with expert evidence on foreign law and procedure.

Graham has undertaken a number of cases involving the automotive industry and has himself a keen interest in performance cars and motorsport. These have included a large, multi-million pound contractual dispute (including obtaining injunctive relief) in relation to attempts to terminate arrangements concerning the design and construction of GT motor racing versions of roadgoing sports cars (*CRS v. McLaren*), a contractual dispute concerning a multi-million pound roadside recovery contract on behalf of a regional police force, a claim concerning the provenance of a vintage Lancia rally car and dispute concerning the ownership and acquisition of a valuable McLaren racing car.

Featured Commercial Dispute Resolution cases

- Acting for a defendant company and individual alleged to have been engaged in a dishonest conspiracy to misappropriate an interest in a substantial European media company.
- Acting for both claimants and defendants in a series of breach of warranty cases arising from M&A transactions.
- Acting for a defendant outsourcing service provider in a dispute with a major financial institution including applications for injunctive relief.
- Acting for a defendant director in a substantial claim brought against him for breach of fiduciary duty relating to inter-company transactions within a group of companies.
- Acting for a claimant seeking to challenge the misappropriation of a substantial shareholding in a Russian company and to assert ownership over various assets held in offshore trust structures.
- Acting for a defendant professional trust company in a claim concerning the investment of trust property.
- Advising and acting in substantial offshore trust disputes arising out of commercial transactions and structuring.
- Advising a group of investors as to potential claims arising from failed investments in an investment bond.
- Acting for the Claimant investors in a circa £50m dispute arising from failed investments in technology investment schemes: see, for example, *Brown & Oths v. InnovatorOne Plc* [2009] EWHC 1376 (Comm); [2009] WLR (D) 205. He has experience of a wide number of different types of technology, film and charity tax-advantaged investment schemes
- Acting for the Claimant unit trust in a dispute concerning the acquisition of a factory outlet shopping centre.
- Acting for defendant directors who were alleged to have acted in breach of the duties they owed to the company by entering into interest rate Swap contracts on behalf of that company.
- Acting for the Defendant financial services company in a claim concerning margin calls and dealing in contracts for difference.
- Acting for a police force in defence of claims concerning alleged breach of a commercial contract and breach of the rules applicable to public procurement contracts.
- Acting for the defendant in a dispute as to domicile and on an application for permission to serve out: *Cherney v Deripaska* [2007] EWHC 965 (Comm); [2008] EWHC.
- Acting for the successful claimants in a claim arising from an investment in a US\$400m shipping line. The claim included claims for fraudulent and negligent misrepresentation together with contractual claims. See *Abu Dhabi Investment Co. v H Clarkson & Ors* [2007] EWHC 1267 (Comm) (and for related proceedings in which Graham acted for the claimants in successfully resisting an application for a stay for arbitration in the UAE see *Abu Dhabi Investment Co. v H Clarkson & Ors* [2006] 2 Lloyd’s Rep 281).

- Defending former directors of an insurance company against a claim for breach of fiduciary duty.
- Advising in relation to disputes arising from the sale and development of residential property in the Middle East.
- Acting for a claimant import/export company in a claim against a former employee for misappropriation of company funds/unauthorised trading.
- Acting for a former director of a shipping agent in relation to various claims made by and against his former employers.
- Advising in a dispute concerning the supply of electronic equipment in the media industry.
- Acting on behalf of underwriters in arbitral proceedings against brokers.

Commercial Fraud

“He is very user-friendly and a very good advocate.” “Graham is a fantastic all-round silk. His work is brilliant, his advocacy is very good and he is very easy to work with.” – Chambers & Partners 2024

“Graham is scarily bright, excellent on his feet, and commercially savvy. He is one of the true superstars of the Bar.” – Legal 500, 2024

“Graham gives very practical and helpful advice. He is very knowledgeable and user-friendly.” “Graham is thorough, creative, dynamic and client-focused.” “He has a calm and measured style.” – Chambers & Partners

“A very good leader who is a delight to work with. He has a great tactical sense, really good judgement and is utterly reliable.”

“A very assured advocate who’s always very well prepared and has really excellent experience of commercial fraud and injunctions.” “A pleasure to work with, extremely bright, commercial, very practical and gets straight to the heart of an issue.” – Chambers and Partners

“Graham has a razor-sharp legal mind coupled with excellent commercial and strategic nous. Exquisite advocacy, always available and a go-to commercial silk.” – Legal 500

“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

“Incredibly user friendly and very down to earth, approachable and has a wonderful brain.” – Legal 500

Graham has extensive experience of acting in claims concerning allegations of fraud, including substantial claims relating to the alleged dishonest misappropriation of assets. Such claims often engage fiduciary duties, including of directors and other officeholders, agency and trust issues. Graham has experience of related interlocutory applications in aid of such claims including seeking urgent injunctive relief.

Featured Commercial Fraud cases

- The Ingenious litigation. Graham acts for a group of claimant investors who invested in one or more film finance or other tax advantaged investment schemes. The claims include allegations of dishonesty against various entities relating to the promotion and operation of the schemes. Graham previously acted in the Innovator litigation.
- Graham acts for the claimant in proceedings in the Commercial Court against her former partner concerning his alleged misappropriation of very substantial assets in Russia and other jurisdictions including, in particular, a substantial asset in Moscow. The claim gives rise to issue of agency, fiduciary duty, trust (including constructive trust) and potential issues of Russian law.
- *LICT v. VTB Capital Ltd*: Graham is instructed on behalf of the Viva Telecom (Luxembourg) SA and Bulgarian businessman, Spas Roussev, in this claim in which the claimants allege that their interest in a Bulgarian telecommunications group was dishonestly misappropriated by the defendants including VTB. It is alleged that the conspiracy concerns the dishonest enforcement of a pledge over shares and the subsequent sale of those shares through a sham process to Viva Telecom.
- *X v Y*: This is a confidential matter concerning an offshore statutory secret trust. Graham acted in proceedings in an offshore jurisdiction which were concerned with the misappropriation of very substantial assets of a Russian business and the ultimate placing of those assets (or their proceeds) in offshore structures including a statutory secret trust. The misappropriation gave rise to issues of breach of fiduciary duty on the part of the (Russian) directors of the Russian company and associated issues of constructive trust. Graham acted at trial and on appeal.

Construction & Engineering

Graham has wide experience of acting for employers, contractors and sub-contractors in a range of construction disputes. Graham also has wide experience of dealing with claims against or involving a number of different construction professionals including architects, engineers, M&E consultants, project managers, geotechnical consultants and quantity surveyors.

Featured Construction & Engineering cases

- Acting for the claimant housing association in the first ever claim concerned with duties arising out of upgrading public housing stock on a transfer from council ownership to a new public-private housing association: *Community Gateway Housing Association v. BEHA Williams Norman Ltd* [2011] EWHC 2311 (TCC).
- Acting for the defendant contractor in a dispute arising from allegedly defective foundations to a development of houses for a Housing Association.
- Acting for the defendant contractor in piling dispute.
- Acting for defendant consulting engineers in a multi-million pound, multi-party dispute concerning the construction of a large distribution centre.
- Acting for the defendant asbestos contractor (with Emilie Jones as junior) in a six week TCC trial: *Southfield School for Girls v. Briggs & Forrester Electrical Ltd.*
- Acting for defendant engineer in a claim concerning the meaning of the Civil Liability (Contribution) Act 1978: *Baker & Davies plc v Leslie Wilks Associates* [2005] BLR 425; (2005) 3 All ER 603; 101 Con LR 82; (2006) PNLR 3; The Times, August 16, 2005.
- Acting for insured consultant in relation to insurance dispute arising from a £40 million claim construction dispute concerning the design and construction of a waste management facility.
- Acting for insurers in a dispute concerning the installation of a water treatment system in an office block.
- Acting for the defendant main contractor in major litigation concerning the construction of an office block.
- Acting for a claimant supermarket chain in litigation against design & build contractors, architects and others concerning the design and construction of a large superstore: *Tesco Stores Ltd v. Costain Construction Limited* [2003] EWHC 1487 (TCC).
- Acting for a claimant insured contractor in a claim for an indemnity under a contractor's all risks policy arising out of the construction of a hydro-electric power station in the Far East.
- 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.

Disciplinary

Graham is developing a practice in defending professionals before Professional Disciplinary bodies. He has defended a solicitor in proceedings before the Solicitors' Disciplinary Tribunal on charges arising from complex shipping/marine insurance litigation.

Financial Services Regulation

Graham has experience of acting in litigation concerning investments including collective investment schemes, tax-advantaged film finance and QICT schemes and investment trusts. His work here includes advising an offshore client on novel client money issues following the collapse of MF Global UK in the context of the special administration of that company and as to the rights of clients and intermediaries in the special administration process.

He has also undertaken advisory work in relation to regulatory matters in both a financial services and insurance context. His work here includes advising on whether novel products and business structures fall within the regulatory regime and which

regulations might be engaged.

In addition, 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.

Featured Financial Services Regulation cases

- Advising a group of investors as to potential claims arising from failed investments in an investment bond.
- Acting for the Claimant investors in a circa £50m dispute arising from failed investments in technology investment schemes: see, for example, *Brown & Oths v. InnovatorOne Plc* [2009] EWHC 1376 (Comm); [2009] WLR (D) 205.
- Acting for the Claimant unit trust in a dispute concerning the acquisition of a factory outlet shopping centre.
- Advising a purchaser of large retail premises as to whether those premises were held in a structure that constituted a collective investment scheme.
- Advising various clients on novel financial products and structures in the context of the regulatory regime.
- Advising in the context of M&A transactions or business start-ups on the applicability of the FSMA regime.

Insurance & Reinsurance

Graham has experience of acting and advising in a wide range of insurance disputes including coverage disputes. In addition, many of his other cases have an insurance aspect to them.

Featured Insurance & Reinsurance cases

- Advising insurers on indemnity issues, including holding indemnity conferences.
- Providing a binding opinion on coverage issues arising from a construction professional policy.
- Acting for professional insureds in coverage disputes with their insurers concerning alleged late notification, non-notification and non-disclosure.
- Acting for an insurer seeking to avoid cover on the ground of material non-disclosure/fraud.
- Advising on coverage issues and policy wording.
- Acting for the defendants claims handling business in a claim brought by underwriters concerning the management of motor policy claims.
- He has also acted for an insured in relation to a claim under a contractor’s all risks policy covering a construction project in the Far East. The policy was written by the Far Eastern government but 98% was reinsured through Lloyds.
- Acted for claimant Italian contractor in a dispute under a contractor’s all risks insurance policy arising from the collapse of a surge shaft forming part of a new-build US\$200 million hydro-electric power station in the Far East.
- Acting for the producing broker in a claim for contribution against the placing broker: *Fisk v Thornhill* [2007] EWCA Civ 152; [2007] PNLR 21 (CA).

International Arbitration

Graham acts as counsel in domestic and international arbitrations in commercial, insurance and construction and engineering disputes and in related litigation.

Internationally he has been retained in relation to ICC and LCIA arbitrations, including claims concerning breach of warranty arising from M&A transactions and ownership and shareholder disputes in relation to companies located in various jurisdictions. In such claims he brings to bear his experience of offshore litigation and breach of warranty and shareholder disputes.

Domestically, he has acted as counsel in insurance coverage disputes and disputes arising out of commercial contracts, including IT contracts.

Other notable experience includes acting for the successful claimants in resisting an application for a stay for arbitration in the

UAE: *Abu Dhabi Investment Co. v H Clarkson & Ors* [2006] 2 Lloyd's Rep 281.

He also acted on an application seeking third party disclosure in aid of arbitral proceedings: *BNP Paribas v Deloitte & Touche LLP* [2003] EWHC 2874 (Comm); [2004] 1 Lloyd's Rep. 233.

He has also acted for the successful Claimant in proceedings seeking a negative declaration as to liability against a US defendant and for an Italian Claimant in proceedings concerning an insurance claim arising out of the construction of a hydro-electric power plant in the Far East (the insurance policy having also been written in the Far East).

Offshore

"Graham is incredibly user-friendly and excellent with both clients and the judiciary. He has a razor-sharp intellect and is a fantastic advocate." – Legal 500, 2024

"Graham is very user-friendly and a very good advocate. He's a great barrister of this generation." "Graham's such a nice person. He's just so easy to work with and you feel so safe. He's accessible and his submissions are brilliant." "Graham is calm, thoughtful, composed, methodical and insightful." – Chambers & Partners, 2024

"Very much a 21st century silk: he is commercial, responsive, proactive, technically proficient and brilliant on his feet." – Legal 500

"He has a great following and is a very popular silk in the Channel Islands." – Chambers & Partners

"The advice he gives you is amazingly helpful, practical and with strong legal foundations." "He's a very commercial, quick-thinking advocate." – Chambers & Partners

"An intellectual heavyweight with first-rate advocacy skills." – Legal 500

"He is impressive, analytical, competitive and strategic." "A very good barrister who is very user-friendly." – Chambers & Partners

"Very smart, incisive and effective." – Legal 500

"He's excellent to work with and is exceptionally helpful." "He is very smooth at getting to know his tribunal and adapting submissions based on responses." – Chambers & Partners

"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

"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 Global

Graham has a significant offshore practice and has been instructed in cases in BVI, Cayman, DIFC, Guernsey and the Isle of Man. Much of his work is investment or trusts related and his recent experience has included claims considering the duties of directors and trustees, as well as professional advisers.

Featured Offshore cases

- Acting for liquidators of a collapsed investment fund in proceedings against the fund's former directors and investment managers, including as regards related winding up proceedings.
- Acting for a fund manager in the defence of a claim brought by the liquidators of a failed investment fund.
- Acting for defendant auditors in arbitration and litigation arising from the failure of two investment funds said to have been caused by frauds.
- Acting for the claimants in a very substantial claim against their former lawyers concerning breaches of duty (including fiduciary duty) in connection with major multi-jurisdictional disputes (including both criminal and civil claims).
- Acting for a company in proceedings seeking to protect and preserve confidential and privileged material relating to high value litigation.
- Acting for the defendant auditors in a c.US\$500m claim relating to the collapse of an offshore investment fund caused by

fraudulent transactions.

- Acting for claimant investors in claims relating to investment products.
- Acting for a defendant professional trust company in a claim concerning the investment of trust property.
- Advising and acting in substantial offshore trust disputes arising out of commercial transactions and structuring.
- Acting for the defendant auditors in a claim concerning the collapse of linked Closed-End Investment Cells.
- Acting for a defendant financial institution in proceedings concerning the closing out of CFD positions.

Professional Liability

“Graham is tremendously clever, lightning fast on his feet, well-liked by judges and clients, a brilliant legal mind and thoroughly commercial – in short, the complete package.” – Legal 500, 2024

“Graham is a very good advocate and very user-friendly.” “A professional and tenacious opponent.” – Chambers & Partners, 2024

“He is a tremendous silk.” – Legal 500

“He is the complete package: thorough, creative, dynamic and client-focused. One of the best at the Bar for what he does.” – Chambers & Partners

“Accessible, easy to understand and very switched on. He cuts through issues and lengthy technical documents and distils the key points. A first-rate advocate.” – Chambers & Partners

“He provides enormous confidence that no stones have been left unturned.” – Legal 500

“He is ferociously clever.” – Legal 500

“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

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

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.

Featured cases

- 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 (*Weaverling 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] PNL R 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.

Featured cases

- Acting for the defendant valuers in a circa £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.

Awards



Qualifications

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)
