Compass Chambers

Angela Grahame KC



Year called:	1995
Year of silk:	2009
Email:	angela.grahame@compasschambers.com
Qualifications:	University of Aberdeen LL.B (Hons) Dip. LP (Aberdeen) FCIArb

Professional Practice

Angela Thomson Grahame KC became an Advocate in 1995 and took silk in 2009. She undertakes a wide range of civil litigation. Her principal areas of practice have been in cases relating to personal injury and clinical negligence, frequently in large value and complex claims. She has acquired a specialism in public inquiries, all of which have had a high profile.

In addition, her many practice areas over 25 years in practice have included cases involving complex harassment cases, judicial review, civil liberties, human rights, contract and commercial cases, conveyancing disputes and trusts. Arbitration is also a specialist skill, Angela having acquired Fellowship status with the Chartered Institute of Arbitrators. She has been retained as counsel and appointed as an Arbitrator in international arbitrations. She is also an Accredited Mediator (2019).

Angela was Vice Dean of the Faculty of Advocates, the second female incumbent ever to hold this position in the Faculty, from 2016 – 2020.

Between 2003 - 2007 Angela was a full time Advocate Depute and Senior Advocate Depute for the Crown, conducting complex and serious High Court criminal trials, Criminal Appeal Court cases and appeals in the Judicial Committee of the Privy Council. Angela was appointed as an ad hoc Advocate Depute in 2017.

Angela has been instructed in cases at all levels, including the Sheriff Court, Court of Session (Inner & Outer House), Court of Criminal Appeal, High Court of Justiciary, United Kingdom Supreme Court (Privy Council) and in Public Inquiries and Arbitral Tribunals. Angela is also a serving Chair of the Police Appeals Tribunal, Scotland.

She is ranked by both the leading legal directories. Chambers and Partners has commented: *"She has a fearsome intellect, is very good with clients and is very compassionate"* and *"She has an excellent matter and command of negotiations. You can be confident that she has things in hand"*

, whilst the Legal 500 UK says *"She has a thorough and analytical approach to cases."*

Angela was Commended in the Category of Silk of the Year 2018 at the Law Awards of Scotland 2018.

Representative Cases

Public Inquiries

Angela has built up a well-deserved reputation as counsel in Public Inquiries.

- She has been appointed as Senior Counsel to the Sheku Bayoh Public Inquiry chaired by Lord Bracadale (2020 to date)
- She is currently instructed by one of the oldest and most prominent private schools in Scotland in relation to the high profile Scottish Child Abuse Inquiry currently being chaired by the Right Honourable Lady Smith (2018 - date)
- She acted for Greater Glasgow Health Board in the Vale of Leven Public Inquiry into the circumstances of the occurrence of C. Difficile infection and deaths arising at the Vale of Leven Hospital from January 2007; chaired by the Right Honourable Lord MacLean (2010 – 2011)
- She represented the Lord Advocate in the Fingerprint Inquiry considering the steps taken to identify and verify the fingerprints associated with and leading up to the case of HM Advocate v McKie in 1999; chaired by Sir Anthony Campbell PC (2008 – 2009)

Professional & Clinical Negligence

Angela has built up a well-deserved reputation in these areas. The Directories have referred to her being "calm, detailed and well prepared in court, with excellent negotiation skills" as well as "trustworthy, reliable and quick-witted."

Some of her cases are:

- *HMA v Salmond* unreported 6 February 2020
  The issue of legal professional privilege and litigation privilege was addressed before Sheriff Weir QC (now Lord Weir) and related to a warrant for recovery of documentation.
- *Anderson v Lothian Health Board* [2018]: This clinical negligence claim was finally resolved after many years. It was a claim against a world-renowned Consultant Orthopeadic Surgeon, involving delay in surgery; negligence during the procedure itself; and failure to adequately review post-surgery. After a number of years, the treatment to resolve ongoing issues resulted in the client having a stroke. There were significant issues around negligence; causation and quantum. This was a high value claim, including claims for future wage loss and future care.
- *Brits v Kilcoyne & Co* [2017] CSOH 24; & see [2017] CSIH 47: This was a professional negligence claim against solicitors who had failed to raise an action before the expiry of the *triennium*. This was a debate at the instance of the pursuer before Lady Stacey. The pursuer argued that the defenders' pleadings in relation to waiver were irrelevant. The defenders sought an evidential hearing. The defenders' pleadings did not offer to prove that a statement by the employer's insurer in the early stages of litigation that the employer would not take a plea of

time bar amounted to a unilateral promise or a waiver of the employer's right to later take that plea, and its averments relating to waiver were deleted from probation.

- *McLean v Argyll & Clyde Acute Hospitals NHS Trust* [2017]: The account for this clinical negligence claim proceeded to the Auditor of the Court of Session in relation to the fees charged by counsel which was challenged in the Inner House. Angela was instructed to represent the interests of the Faculty of Advocates who were granted permission to intervene. This reclaiming motion involved novel and important questions of the role of the Auditor, breaches of natural justice, the balance between the duties of counsel in relation to the cab rank rule, what the Court expects of counsel in respect of the preparation to examine expert witnesses and the recovery of judicial expenses.
- *Reid v Forth Valley Health Board* [2016]: This medical negligence claim proceeded under Chapter 42A procedure and involved a lengthy proof in March 2016. The case was about the death of a husband and father due to the alleged negligence of a nurse and a junior A&E doctor who made repeated unsuccessful attempts to reposition a displaced tracheostomy. As a result, the deceased went into cardiac arrest and died. There were separate claims against the nurse and the doctor in relation to their responsibilities and actions and experts on both sides. The family (the widow and son) claimed for loss of society/loss of support/services etc. and also a secondary victim claim for psychiatric injury (nervous shock) as a result of witnessing the deceased in the immediate aftermath.

Claims for Personal Injuries, including Industrial Disease & Fatal Claims

Angela's expertise in this areas is consistently recognised in the leading legal Directories, Chambers UK and the Legal 500. Comments have included: "She has expertise in a wide array of personal injury matters including road traffic accident claims, employers' liability and catastrophic injuries. She is also experienced in cases concerning industrial diseases and property damage" and "She has a broad breadth of knowledge and is very good on her feet"; "She's very thorough and measured"; "Sources appreciate her approachable nature and experience in personal injury matters"; "She is incredibly detailed and excellent in Court. No matter what happens in Court, she always handles it superbly."

The following are some of her reported cases in this area:

- *SA v PA* [2020] CSIH 24
  Reclaiming Motion in an action of harassment for intentional infliction of harm and under the Protection from Harassment Act 1997 for an alleged abusive marriage over a period of 30 years, including rape and assault. The defender reclaimed the allowance of a PBA on the grounds of legal error.
- *Gracie v City of Edinburgh Council* [2018] CSOH 37; This was an action of damages raised by a former pupil against a local education authority for injuries sustained in an accident in 1965, the pursuer's motion to allow a Minute of Amendment was refused as he had failed to aver "exceptional circumstances" justifying the exercise of the court's discretion under s. 19A of the Prescription and Limitation (Scotland) Act 1973. The Court determined that it would not be equitable to allow the action to proceed.
- *Phensrisai v Yutikan* 2017 SLT 631: A proof on quantum in a fatal road traffic collision where a former Buddhist monk studying for a PhD sustained spine and chest fractures and sought damages for past and future losses and miscellaneous costs.
- *Dr Prescott v University of St Andrews* [2016] CSOH 3: The pursuer alleged he contracted mesothelioma as a result of exposure to asbestos during his employment with the University when he entered the Old Library building when construction works were ongoing. No Scottish cases have gone to proof in relation to similar circumstances. This is almost the only time a mesothelioma case has proceeded to proof in Scotland. All issues (apart from diagnosis and quantum) were in dispute – the key issues for the Court were those of exposure; negligent exposure; and causation). The Court heard evidence from Dr Moore Gillon, the defenders expert, an internationally renowned expert. The pursuer in the event did not manage to discharge the issues of exposure and causation.

- *McShane v Burnwynd Racing Stables* [2015] CSOH 70; 2015 Rep LR 107: The pursuer was a horse trainer. He was training a horse on a gallop when the horse fell on him and he sustained a serious shoulder injury which rendered him incapable of working. The pursuer alleged that this was due to the poor state of the gallop. Arguments were made in terms of the Workplace (Health, Safety & Welfare) Regulations 1992 and also in relation to the Work at Height Regulations 2005, in respect of which there were no reported cases. This was a very complicated case due to last minute issues which arose, which required changes to the pleadings and further investigations and expert evidence. The Court held that the gallop had not been defective.

Police Federation Personal Injury Claims

- *Law v Chief Constable* [2015] (negligence during a training exercise; police officer injured during training)

Contractual Cases

Angela has significant experience in contractual dispute cases.

She has acted in many contractual claims brought under the *Package Travel, Package Holidays and Package Tours Regulations 1992/3288* and the 2018 Regulations.

The Braer Claims: The MV Braer was an oil tanker which ran aground during a storm off Shetland, Scotland, in January 1993, and a week later broke up causing catastrophic pollution. For over 10 years, Angela was instructed by the International Oil Pollution Compensation Authority in 200+ claims for damages for breach of contract/delict, arising out of the Braer grounding.

Criminal Cases

Between 2003 – 2004 Angela held appointment as an Advocate Depute (High Court Prosecutor) with the Crown Office. Between 2005 - 2007 she held the position of Senior Advocate Depute. She conducted many High Court trials. In addition she was frequently retained to represent the interests of the Crown in important appeals before the Appeal Court.

She appeared before the Judicial Committee of the Privy Council in:

- *Holland v HMA* [2005] UKPC D 1; 2005 1 S.C. (P.C.) 3; 2005 S.L.T. 563; (Human Rights; Devolution Issue; Disclosure; Evidence)
- *Sinclair (Alvin Lee) v HMA* [2005] UKPC D 2; 2005 1 S.C. (P.C.) 28; 2005 S.L.T. 553; (Human Rights; Devolution Issue; Disclosure; Procedure)
- *Robertson v Higson; O'Dalaigh v Higson; Ruddy v McLeod* (reported as *Robertson v Frame*) [2006] UKPC D 2; 2006 S.C. (P.C.) 22; 2006 S.L.T. 478 (Human Rights; Devolution issue; Acquiescence; Temporary Sheriffs)

She appeared for the Crown in the important Full Bench (5 judge) decision in:

- *Fleming v HMA* [2006] HCJAC 64; 2007 J.C. 44; 2006 S.C.C.R. 594 (full bench) (extension to timebar; interpretation of transitional provisions)

Arbitration Qualifications

Angela is one of around 20 Senior Counsel at the Scottish Bar with high level arbitration qualifications. In 2017 she attained Membership level of the Chartered Institute of Arbitrators and was fast-tracked to the Fellowship Course in 2018, passing the Fellowship Examination in Arbitral Practice and Procedure and Award Writing with one of the highest marks in Scotland. She attained Fellowship following the requisite oral interview.

Angela is an Accredited Mediator (2019) and as well as appointments as a Mediator, has also been instructed to act as counsel in mediations where issues have been ringfenced in ongoing litigations in order to achieve resolution.

In 2018, she was appointed as Honorary Lecturer with a specialism in International Arbitration in the School of Law, University of Aberdeen. She lectures annually at the Summer School (2017 – date).

Angela has been instructed both as counsel representing the parties to an arbitration (e.g. involving a contract for an international time share) and as an Arbitrator (e.g. disputes relating to commercial lease & commercial contracts).

Arbitration Experience

- Contractual dispute for a luxury holiday - US & English company (English seat) Counsel (2020)
- Commercial Lease Dispute on Interpretaton of Contractual Terms & Quantum (Scottish Seat) Arbitrator (2019)
- Commercial Contract Dispute; Financial/Investment Contract; Online Platform; Hong Kong & English company (English seat) Arbitrator (2019)
- Tribunal Secretary in Personal Injury Arbitration (Maltese seat) (2019)
- Spanish contract dispute with declaratory and executory orders and compensation. (Second arbitration following on from previous Final Award), Counsel (2018)

Panel Memberships

She is a member of international and domestic Panels & Rosters of Arbitrators:

- The JURIS Roster of International Arbitrators: https://arbitrationlaw.com/profile/angela-t-grahame (US)
- GCC Commercial Arbitration Centre (Bahrain)
- DIFC-LCIA Arbitration Centre (Dubai) (List)
- Faculty of Advocates (FDRS)
- Hunt ADR
- Squaring Circles
- Representative member on ICDAT Arbitration Tribunal
- Energy Disputes Arbitration Centre (EDAC) (Turkey)

She is member of ArbitralWomen.

She is frequently called upon to give lectures on Arbitration. As examples Angela has lectured in the University of Aberdeen and RGU (Robert Gordon University), at Arbitration Conferences (including the Faculty of Advocates and the ICC UK) and to the Scottish Branch of the Chartered Institute of Arbitrators.

Arbitration Publications

She has also published extensively on the subject, including:

Parratt, D.R., Foreman, P., & Grahame, A., The Scottish Arbitration Handbook (2nd ed.) (2021)

Grahame, A., & MacLeod, M., "Confusion Builds in the Construction Sector" The Scotsman national newspaper, 27 April 2020

Grahame, A., & Parratt, D.R., The Recognition and Enforcement of International Arbitral Awards: Is there a "Pro-Enforcement Bias" in the English Courts?: The Journal of Enforcement of Arbitration Awards, (2019), Vol. 2

Grahame, A., Recognition & Enforcement of Arbitral Awards in the United Kingdom , The Journal of Enforcement of Arbitration Awards, (2018), Vol. 1, No: 1, page 41.

Parratt, D.R., and Grahame, A., 'Scotland': (eds: Mistelis, Shore, Ribeiro), World Arbitration Reporter, 2nd Ed., (Juris Publishing, 2018)

Grahame, A., Chapter Contribution to: 'Women Pioneers in Dispute Resolution', 2nd Edition, Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH (2018).

Angela was invited to give evidence before the Justice Committee, Scottish Parliament (2018). Their report of 1 October 2018 references her contribution to the discussion on Dispute Resolution methods, including arbitration: https://digitalpublications.parliament.scot/Committees/Report/J/2018/10/1/I-won-t-see-you-in-court--alternative-dispute-resolution-in-Scotland#Introduction

Appointments

Faculty Appointments

- Vice Dean of the Faculty of Advocates (2016-2020)
- Scottish Collaboration Dispute Resolution Group member (2019)
- Member and Convener ex officio of the Complaints Committee (2015 to 2020)
- Co-Director of Compass Chambers (2015 -2016);
- Member of the Faculty Response Committee on the Criminal Justice (Scotland) Bill (2013);
- Member of the Board of Assessors (2007 to date);
- Member of Response Review Group (2001 – 2003; 2007 to 2010);
- Faculty Representative on Employer Liaison Committee at Aberdeen University (2001 - 2003);
- Member of Disciplinary Rules: Investigating Committee (1999 – 2001);
- Curator of the Library (1999 to 2001);

Public Appointments

- Appointed by the Lord President as Arbitrator under the Untraced Drivers' Agreement between DfT and the Motor Insurers' Bureau (2021 to date)

- Appointed as Senior Counsel to the Sheku Bayoh Public Inquiry by the Right Honourable Lord Bracadale (2020 to date)
- Appointed to Edinburgh Sheriff Court Mediation Service (2020 to date)
- Appointed to the Stair Advisory Board of 'The Laws of Scotland: Stair Memorial Encyclopaedia' (September 2019 to date) (launched January 2020)
- Appointed as Honourary Lecturer at the University of Aberdeen, School of Law (2018 to date)
- Appointed as Panel Member on a FFO Tribunal by the First Minister (2018)
- Appointed by Scottish Mediation Network, to membership of the group undertaking a research project into the use of mediation in the context of civil justice. Group funded and supported by the Scottish Government (2018-2019).
- Appointed a Member of the Victims Task Force co-chaired by the Justice Secretary, Humza Yousaf and the Lord Advocate, James Wolffe QC in December (2018).
- Appointed as a Member of the Task & Finish Group set up by Dame Clare Marx and now chaired by Leslie Thomson, in the Independent Review into Gross Negligence Manslaughter (and Culpable Homicide in Scotland) in the medical profession (2018)
- Appointed by the University of Edinburgh as a Coach for the Willem C Vis International Commercial Arbitration Moot, Vienna (2018); and has acted as an Arbitrator at the Pre-Vis Moots in Edinburgh (2019 and 2020)
- Appointed the Secretary and Treasurer of the International Bar Association (IBA) Forum for Barristers and Advocates (2017 to 2020)
- Appointed ad hoc Advocate Depute (2017 – date);
- Appointed to the Police Appeals Tribunal as Legal Member & Chair (April 2013 – date)
- Queens Counsel (2009 to date)
- Appointed Senior Advocate Depute (July 2005 – April 2007);
- Appointed Advocate Depute (April 2003 – July 2005);

Academic Qualifications

LLB (Hons)	University of Aberdeen
DipLP	University of Aberdeen
LLM	Degree of Master of Laws in Dispute Resolution (with Distinction)

University of Aberdeen

Advocacy Skills

From 2000 to date, Angela has assisted in the delivery of advocacy skills training to intrants on the Devils' Foundation Course; She has a Diploma in Teaching Advocacy Skills (NITA) (April 2001); and has been instructed to lead courses delivered to solicitors' firms, expert witnesses and students (2007 to date);

Angela has lectured and tutored at the University of Edinburgh in relation to criminal and civil advocacy and civil procedure; and RGU Aberdeen.

What the Directories Say

Chambers UK Bar 2021 - Ranked in the category of Personal Injury - "She is highly respected and always good to deal with." "An absolutely superb advocate who provides the highest-quality work yet always has a down-to-earth manner that clients really warm to."

Chambers UK Bar 2020 - Ranked in the category of Personal Injury - "She does a superb job and is very easy to get along with. She is very impressive in the way she deals with very difficult clients."

Legal 500 2020 - Ranked in the category of Personal Injury, Medical Negligence and Professional Negligence - "Prepared, approachable, and great at communicating complex issues to lay clients."

Chambers UK Bar 2019 - Ranked in the category of Personal Injury - "Angela is very good, very thorough and very approachable. She takes time to speak with you if there are any issues and she is very meticulous." "She keeps a col head and provides excellent advice in high-value and complex cases."

Chambers UK Bar 2018 – Ranked in the category of Personal Injury – “She has a fearsome intellect, is very good with clients and is very compassionate”. “She has an excellent matter and command of negotiatons. You can be confident that she has things in hand.”

Angela was Commended in the Category of Silk of the Year 2018 at the Law Awards of Scotland 2018.