

## Angela Grahame QC

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



## Practice

Angela Thomson Grahame QC is the Vice Dean of the Faculty of Advocates. She is the second woman to hold this position in the history of the Faculty.

Angela has extensive experience in many challenging and high profile cases.

Angela was the lead counsel in the Vale of Leven Public Inquiry for Greater Glasgow Health Board. This inquiry investigated 131 patients who contracted C Difficile, of whom 34 died as a result.

She was lead counsel representing the Lord Advocate in the Fingerprint Inquiry into the Shirley McKie trial. This Inquiry fundamentally changed the procedures for Fingerprint investigations in all criminal cases across Scotland.

In the last eighteen months, Angela has conducted the following proofs in the Court of Session:

- The first mesothelioma proof of its kind in Scotland;
- A complex medical negligence proof involving the death of a patient in hospital
- A proof consequent upon a fatal road traffic collision
- An accident involving a horse trainer injured at work

Angela was also lead counsel and helped negotiate settlement in many claims, including a catastrophic brain injury case involving 24 hour care and valued at over £12 million.

Angela spent four years in court as 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.

In addition to the above, Angela has also conducted judicial review. She has also argued to extend the law of liability for sexual abuse cases; harassment cases and Article 2 claims under ECHR. She was instructed for the International Oil Pollution Compensation Fund in the Braer actions. She has also acted in commercial actions, contractual disputes, variation of trust petitions in the Inner House and Outer House.

Angela Thomson Grahame QC is highly regarded by instructing agents and her colleagues in the Faculty of Advocates for her negotiation and advocacy skills.

## Representative Cases

### Public Inquiries

Angela 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 (2010 – 2011)

Angela represented the Lord Advocate at 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. (2008 – 2009)

### Criminal Cases (Supreme Court (JCPC) & High Court criminal trials)

Robertson v Higson; O'Dalaigh v Higson; Ruddy v McLeod 2006 PC 22 (Human Rights; Devolution issue; Acquiescence; Temporary Sheriffs)

MacDonald v McGowan 2010 JC 219 (plea in bar of trial; "acceptable plea" letters)

Fleming v HMA 2007 JC 44 (full bench) (extension to timebar; interpretation of transitional provisions)

Holland v HMA 2005 1 SC (PC) 3; (Human Rights; Devolution Issue; Disclosure; Evidence)

Sinclair v HMA 2005 1 SC (PC) 28; (Human Rights; Devolution Issue; Disclosure; Procedure)

Smart v HMA [2006] HCJAC 12 (Civic Government (Scotland) Act 1982 section 52(1)(a))

HMA v Gunn (Road Traffic Act section 1: death by dangerous driving) February 2005

HMA v Sharp (RTA section 1- death by dangerous driving; extensive evidence from road traffic reconstruction experts) July 2004

HMA v Simpson (Murder; diminished responsibility; psychiatric evidence) April 2004

## **Professional Negligence & Breach of Contract**

Brits v Kilcoyne & Co [2017] CSOH 24; This was a professional negligence claim against solicitors who failed to raise an action before the expiry of the triennium. This was a procedure roll debate for the pursuer before Lady Stacey. The pursuer argued that the defenders' pleadings in relation to waiver were irrelevant and should not be admitted to probation. The defenders sought a PBA. 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.

Reid v Forth Valley Health Board [2016]; This medical negligence claim was dealt with under Chapter 42A and involved a lengthy proof in March 2016. It related to the death of a husband and father due to the alleged negligence of a nurse and a junior doctor who made repeated attempts to reposition a displaced tracheostomy. They did not succeed. 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) due to the sight of the deceased in the immediate aftermath.

Davidson v Clydesdale Bank plc 2002 SLT 1088 (Heritable property; Standard security; Default; Sale by heritable creditor; Duty to obtain best price; Value of mineral deposits situated on subjects; Marketing strategy failing to take account of mineral deposits; Whether sale at undervalue.

Blackfriars (Scotland) Ltd v Laurie 2001 SLT 315; Contract; Citation; Service of summons with unsigned citation; Whether signature of citation mandatory; Whether competent to grant relief; Whether certificate of service reducible without patent error, fraud or falsehood; Citation Act 1592 (c 59)

Flaws v IOPCF 2002 SLT 270 (Inner House) (contract; formation; offer and acceptance; time for acceptance; whether within reasonable time)

Flaws v IOPCF 2001 SLT 897 (Procedure Roll; Action of Declarator; Contract; Offer and acceptance; Time for acceptance; whether within reasonable time)

Robert Morton & Sons (Milton) Ltd & Ors v Reid Heating 2002 GWD 13-44 (breach of contract; negligence; disconnection of domestic fuel pipes; damage to property & personal injury)

## **Damage to Property & Personal Injury Claims**

Gracie v City of Edinburgh Council [2018] CSOH 37; 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 where he failed to aver exceptional circumstances justifying the exercise of the court's discretion under the Prescription and Limitation (Scotland) Act 1973 s. 19A and 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 and PhD student 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. It is very unusual for a mesothelioma case to proceed to proof and my agents were not aware of another in the recent past. All issues (apart from diagnosis and quantum) were in dispute during the course of the proof (exposure; negligent exposure; causation). We heard evidence from Dr Moore Gillon, the defenders expert who is an internationally renowned expert.

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.

Talbot v Babcock International Ltd & Anr [2014] CSOH 160: An industrial disease claim. The defenders lodged a Minute of Tender for provisional damages in the usual terms, which was accepted. When the matter came before the court the defenders attempted to impose further restrictions on the return conditions, not contained within the Tender. This case may have implications for agents drafting Tendere in the future, where they offer provisional damages or they wish the Tender to be conditional in some way.

Shields v Crossroads (Orkney) Ltd (2013): Procedure Roll debate before Lord Pentland in relation to whether a duty of care was owed to a woman with a history of mental health problems, where she and the defenders' employee (a social worker) had had a sexual relationship; whether the defenders were vicariously liable for the actions of their employee

Angela was instructed by the International Oil Pollution Compensation Authority in over 200 cases of different types. The litigations arising out of the Braer grounding were varied and ongoing for many years. Some examples are as follows:

Fowlie (1 of 6 conjoined actions; Merchant Shipping (Oil Pollution) Act 1971 for compensation for damage to asbestos cement roofing materials; unreported per Lord Gill;)

Anderson v Griffiths unreported 1 December 2004

Shetland Sea Farms v Skuld & Ors, unreported 28 May 2003;

Anderson & Ors unreported 8 March 2001 per Lord Gill

Anderson & Ors v Skuld unreported 14 February 2001

## **Police Federation (Personal Injury Claims)**

Franklin v Chief Constable of Grampian 2001 Rep LR (Negligence; Duty of care; Police officer injured during training exercise when injuries inflicted to his wrist by handcuffs; whether safe system of working (instructed by the Police Federation))

Grant v Chief Constable of Grampian 2001 Rep LR (Negligence; Duty of care; Police officer injured during training exercise when struck with baton on his arm; whether safe system of working (instructed by the Police Federation))

## **Appointments**

## Faculty Appointments

Curator of the Library (1999 to 2001); Member of Disciplinary Rules: Investigating Committee (1999 – 2001); Faculty Representative on Employer Liaison Committee at Aberdeen University (2001 - 2003); Member of Response Review Group (2001 – 2003; 2007 to 2010); Member of the Board of Assessors (2007 to date); Member of the Faculty Response Committee on the Criminal Justice (Scotland) Bill (2013); Member of the Complaints Committee (2015 to date)

## Public Appointments

Appointed Advocate Depute April 2003; Appointed Senior Advocate Depute July 2005; Appointed to the Police Appeals Tribunal as a Legal Member (April 2013) Appointed Ad Hoc Advocate Depute 2017

## Advocacy Skills

From 2000 to date, involved in delivering advocacy skills training on the devils' Foundation Course; Diploma in Teaching Advocacy Skills (NITA) (April 2001); instructed on courses delivered to solicitors' firms and to expert witnesses (2007 to date); Angela has lectured and tutored at the University of Edinburgh in relation to criminal and civil advocacy and civil procedure;

## Publications

Former contributor to Juridical Review, Greens Reparation Bulletin; Greens Civil Practice Bulletin and the Scottish Law Gazette

## Lectures and Seminars

As well as her experience in teaching advocacy skills (above) Angela has tutored in delict at the University of Edinburgh and has spoken to Solicitors on Claims under the Protection from Harassment Act 1997 (2012) Calculating Future Wage Loss using the Ogden Tables (2013) and Damages under Article 2 (ECHR) (2013)

## What the Directories Say

Legal 500 2014 - Ranked in the category of Personal Injury, Medical Negligence and Professional Negligence - "Calm, detailed and well prepared in court, with excellent negotiation skills."

Legal 500 2016 - Ranked in the category of Personal Injury, Medical Negligence and Professional Negligence - "Trustworthy, reliable and quick-witted"

Chambers UK Bar 2015 - Ranked in the category of Personal Injury - "There are not many counsel as expert in the industrial disease area as her." "She'll fight your corner and your client's corner."

Chambers UK Bar 2016 - Ranked in the category of Personal Injury - "Angela Grahame QC 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." "She has a broad breadth of knowledge and is very good on her feet" "She's very thorough and measured"

Chambers UK Bar 2017 - Ranked in the category of Personal Injury - "Angela Grahame QC has a varied practice spanning road traffic accident, employers' liability, catastrophic injury and industrial disease claims. 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"