Compass Chambers

Graeme Middleton KC

Year called:	2003
Year of silk:	2021
Email:	graeme.middleton@compasschambers.com
Qualifications:	LL.B (Hons) – University of Aberdeen (1992) Dip.LP – University of Aberdeen (1993)

Practice

Graeme has a busy general reparation practice, acting for Pursuers and Defenders alike - especially in a broad range of industrial and road accident, disease and professional negligence claims. He is ranked in both the Legal 500 and Chambers UK.

Graeme's principal fields of practice have historically included personal injury, professional and clinical negligence and insurance litigation and he has developed a practice in marine/fishing boat accidents and consumer protection. Prior to taking Silk in 2021, he was Junior Counsel for the Pursuers in the first ever set of Group Proceedings in Scotland, concerning vehicle nitrogen oxide emissions, and is now Senior Counsel in further similar ongoing group actions. He also acts in health and safety and road traffic prosecutions.

Graeme is an Instructor on the Faculty of Advocates Foundation Course and an Assessor for the Faculty of Advocates Quality Assurance programme.

Representative cases

Various Nitrogen Oxide Diesel Emissions Group Proceedings [Ongoing]
Acting for 10,000's of Pursuers in Group Proceedings, against various vehicle diesel manufacturers, who claim to have purchased or leased cars containing so-called "defeat devices" which are said to have enabled the cars to pass emissions tests, while emitting harmful nitrogen oxides during on road driving.

C & S v Norman Shaw & Live Active Leisure 2023 CSOH 11 & [2023] CSIH 36
Acting for two brother Pursuers in historic sexual abuse cases against the perpetrator and his employers. The claim failed

at Proof and before the Inner House on Stage 2 of the "close connection" test.

Dr Margaret Kirkwood v Thelem Assurances [2022] CSOH 53 and [2023] CSIH 30
Successfully resisting a Note of Objections by the Pursuer against a Report by the Auditor, who disallowed and taxed off the fees of English solicitors acting as principal Agents for the Pursuer.

Karla Hodgson v Castlehill Housing Association Ltd 2023 SC EDIN 5
Successfully pursuing an occupiers liability case at Proof in respect of a lady who had fallen down an unlit set of stairs in housing association property.

M & D's (Leisure) Ltd v Craig Boswell & Ors
Pursuing claims for damages for property damage, business interruption and recovery of personal injuries damages paid as a result of the derailment of the "Tsunami" fairground ride.

A v XY Ltd [2021] CSOH 21
Acting on behalf of the Pursuer in the first reported Court of Session decision on the application of the Limitation (Child Abuse) (Scotland) Act 2017, where the Pursuer is said to have been raped by a school teahcer in the 1980's and where the Lord Ordinary allowed a Diet of Proof on the basis that the Pursuer's interest in proceeding with the action outweighed the Defenders' prejudice in having to defend the claim.

Woodhouse v Lochs and Glens (Transport) Ltd [2019] CSOH 105 & [2020] CSIH 67
Defending a multi-Pursuer road traffic coach crash case, where a bus operated by the Defenders overturned on a road in the Scottish Highlands, almost rolling into a loch and injuring many of the 52 passengers – the bus having been blown over by a freak and exceptionally powerful gust of wind. The case raised a number of complex issues and investigations, including road traffic, engineering, meteorological and topographical expertise.

Olufemi Adekomaya v Heriot Watt Univeristy (Edinburgh Sh Ct, 15.1.20)
Achieving dismissal of a claim for damages by a dissatisfied university student under the Consumer Rights Act 2015.

AB v Inverurie Skip Hire Ltd [2019] CSOH 47
A complex motion concerning the award of expenses in the context of a historic Minute of Tender, accepted years after lodging after the production of damaging surveillance evidence.

Helen Watt v Thomas Mullen (Aberdeen Sh Ct, 8.6.18)
Successfully resisting the Defender's motion for dismissal at Debate regarding the sufficiency of averments regarding the existence of an implied contract of agency, in the context of solicitor and client.

Mulsanne Insurance Ltd v McLuckie (Airdrie Sh Ct, 24.7.17)
Acting for the Pursuers to avoid a policy of motor insurance on the ground of deliberate misrepresentation on the part of the insured at inception and under the Consumer Insurance (Disclosure and Representations) Act 2012.

John Kerr & Ors v Inverlussa Shellfish Co Ltd – [2019]
Defending claims brought by the relatives of a fishing boat skipper, who was killed when a newly-installed crane

collapsed and crushed him.

Ronald Richards & Ors v Pharmacia Ltd [2017] CSOH 77 & [2018] CSIH 31
Acting for Pfizer Inc on behalf of the Defenders, to defend multiple personal injuries/product liability cases, where the ingestion of a pharmaceutical called Celebrex, which was taken as a non-steroidal anti-inflammatory, is said to have caused heart attacks and strokes.

Lectures and seminars

Graeme regularly provides talks and seminars for professional bodies, instructing solicitors and at Compass Chambers' Conferences.

What the Directories Say

Chambers UK 2024 - Ranked for Personal Injury - "He is a complete advocate who is personable, and excellent with clients. He comes with a high level of expertise in personal injury matters." "His thoroughly consistent quality advice is given on all matters." "Graeme gets to the nub of any case quickly. He is a strong negotiator and clients like his straightforward manner."

Legal 500 UK 2024 - Ranked for Personal Injury and Clinical Negligence - "Graeme is an excellent negotiator, who always gives pragmatic advice based on a thorough understanding of the issues."