**Angela Grahame QC, FCIArb**

**Vice Dean of the Faculty of Advocates**

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**Professional 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 been in practice since 1995 and 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, the largest Health Board in Scotland. This Inquiry was tasked with investigating how 131 patients had contracted the Hospital Acquired Infection, C Difficile and the cause of death of 34 of those patients.

She was lead counsel representing the Lord Advocate, the chief legal officer of the Scottish Government and the Crown in Scotland, in the Fingerprint Inquiry following the Shirley McKie trial. This Inquiry changed fundamentally the procedures for Fingerprint investigations in all criminal cases across Scotland.

Angela is regularly in court and has conducted many proofs, debates and hearings in the Court of Session in relation to personal injury and clinical negligence claims. Examples are given below in the representative cases section.

Angela was instructed as lead counsel and has negotiated settlements in many multi-million pound claims. These have included catastrophic brain injury cases which involve 24 hour care and reduced life expectancy.

Angela spent four years as a full time Advocate Depute and thereafter 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 2013 Angela was appointed as Chair and Legal Member of the Police Appeals Tribunal.

In addition to the above, Angela has been pivotal as counsel arguing cases which have sought to extend the law of liability for sexual abuse. She has been instructed in complex harassment cases. She has also been lead counsel in claims which sought to develop the law in relation to Article 2 claims under ECHR. She was instructed for the International Oil Pollution Compensation Fund in the well-known Braer actions. Additionally, she has experience in commercial actions, contractual disputes, and 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 astute tactical awareness, highly effective negotiation skills and advocacy ability.

**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 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. (2008 – 2009)

Angela 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

**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 & Clinical Negligence**

*Anderson v Lothian Health Board* [2018]: This clinical negligence claim was finally resolved after many years, shortly prior to commencement of the hearing. 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 failed to raise an action before the expiry of the triennium. This was a debate for 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. Angela was instructed to represent the interests of the Faculty of Advocates who were granted permission to intervene, before the Inner House. 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, the work of counsel regarding 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 attempts to reposition a displaced tracheostomy which was unsuccessful. 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.

**Breach of Contract**

*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)

*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.

*The Fowlie Claims* (1 of 6 conjoined actions under the 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

**Claims for Personal Injuries, including Industrial Disease & Fatal 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 as he 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. It is very unusual for a mesothelioma case to proceed to proof and the solicitors were not aware of any other case in the recent past. All issues (apart from diagnosis and quantum) were in dispute during the course of the proof (exposure; negligent exposure; causation). The Court heard evidence from Dr Moore Gillon, the defenders expert, 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 has had consequences for agents drafting Tenders 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 seeking to extend the law of Scotland. This claim was 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.

**Police Federation Claims**

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

*Stevenson v Chief Constable* 2014 (negligence; breach of duty of care; police officer injured during training exercise; whether safe system of work)

*Rankin v Chief Constable* 2013 (proof before Lady Rae in relation to negligence during a training exercise; breach of duty of care)

*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))

**Arbitration**

Angela is one of fewer than 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 progressed to the Fellowship in 2018, having passed the Fellowship Examination in Arbitral Practice and Procedure and Award Writing along with the peer interview. She is now studying to become an accredited Mediator.

She has extensive knowledge of domestic and international arbitration law. She is a Fellow of Chartered Institute of Arbitrators (FCIArb) and the Scottish Arbitration Centre (SAC.) She is a member of the London Court of International Arbitration (LCIA), The International Chamber of Commerce (ICC UK) and ArbitralWomen. She is a member of the Faculty Dispute Resolution Service (FDRS) and is qualified to act as Specialist Counsel and to be appointed as an Arbitrator.

Angela has been instructed to act as counsel in an International Arbitration involving a Spanish timeshare contract with declaratory and executory orders and compensation. She also advised in relation to enforcement proceedings in relation to a previously obtained arbitral award.

In her role as Vice Dean, she instituted, and has been instrumental in promoting Arbitration as a method of resolving disputes. Angela has given many lectures, talks and presentations at Arbitration events. She was invited to lecture at the Aberdeen University International Arbitration Summer School in June 2018.

She has organised and participated in the following arbitration events:

Compass Chambers Annual Conference 2016

She gave a presentation on Personal Injury Arbitration to Solicitors

Edinburgh, November 2016

MBL Conference on PI Arbitration

She presented a seminar & workshop on Personal Injury Arbitration with Professor Dr David Parratt, QC Barrister, Advocate, Chartered Arbitrator (FCIArb)

Glasgow, March 2017

Lecture to the Northern Chapter of CIArb (Scotland)

She was invited to deliver a lecture on Online Dispute Resolution in Arbitrations at Robert Gordon's University (RGU)

Aberdeen, April 2017

Dr David Brynmor Thomas, Barrister & International Arbitrator

She organised and chaired a talk by David Brynmor Thomas on International Arbitration

Faculty of Advocates, Edinburgh, May 2017

ICC 17th Online Dispute Resolution Conference

She was invited to attend this Conference as a delegate in Paris, June 2017

Sir Geoffrey Vos, Chancellor of the High Court

Lecture delivered by Sir Geoffrey Vos, Chancellor of the High Court

She organised and attended the event on Dispute Resolution, including Arbitration:

Faculty of Advocates, Edinburgh, June 2017

Rashda Rana SC, Barrister & International Arbitrator & co-founder & President of Arbitral Women

She organised and chaired the event on “The Rise of International Arbitration & Impact on Scotland”

Faculty of Advocates, Edinburgh, June 2017

Gillian Carmichael Lemaire, Solicitor & International Arbitrator

She organised and attended the Arbitration lecture by Gillian Carmichael Lemaire

Faculty of Advocates, Edinburgh, September 2017

Faculty of Advocates Inaugural Arbitration Conference

She organised and spoke at this Inaugural Conference where Faculty of Advocates Arbitration launched its new Personal Injury Arbitration Scheme

Edinburgh, September 2017

Chartered Institute of Arbitrators (CIArb) Annual Conference (Scottish Branch)

She was invited to deliver a presentation at their Annual Conference on New Areas for Arbitration (Personal Injury)

Edinburgh, October 2017

ICC UK Annual Conference

She was invited to speak at the ICC UK Annual Conference which focused on Developing Areas in Arbitration

Herbert Smith, London, December 2017

Digby Brown, Solicitors

She was invited to speak to their Catastrophic Claims Department to discuss the use of Personal Injury Arbitration in catastrophic claims

Glasgow, January 2018

University of Aberdeen

International Arbitration (Summer School)

She was invited to lecture on Challenges and Enforcement of Arbitral Awards at the Summer School; 8 June 2018 and has been invited to return in 2019

Angela has an application pending for Honorary Lecturer in International Arbitration at the School of Law in the University of Aberdeen.

Publications & Interviews

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

Angela has had an Article published in the Scotsman on Personal Injury Arbitration in December 2016 and in June 2017 was interviewed by the Journal of the Law Society of Scotland (JLSS), alongside the then Convenor of the Faculty’s Dispute Resolution Service, about Arbitration

Angela was invited to contribute to the inaugural publication of ‘The Journal of Enforcement of Arbitration Awards’ 2018, and her article “Recognition & Enforcement of Arbitral Awards in the United Kingdom” was published in October 2018, Volume 1, No: 1, page 41.

She has contributed an Article to ‘Women Pioneers in Dispute Resolution’ book, 2nd Edition, published by Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, on behalf of the German Federal Ministry for Economic Cooperation and Development (BMZ), with the cooperation of ArbitralWomen; which is due to be published on 8 November 2018.

Angela co-authored the National Report Scotland for the prestigious World Arbitration Reporter (with Professor David R Parratt QC) (scheduled for publication late November 2018)

Angela has been invited to co-author of The Scottish Arbitration Handbook (2nd edition) [with Professor David R Parratt QC & Peter Foreman] (forthcoming)

**Lectures and Seminars**

As well as the detailed list above, Angela has extensive experience and expertise in the instruction of advocacy skills in both the court room and in arbitration tribunals. She is sought after for her skill in teaching practitioners the art of cross examination, particularly of skilled (expert) witnesses.

She has lectured at Universities including the the University of Aberdeen, University of Edinburgh and RGU, Aberdeen and to Solicitors and Advocates.

**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);
* Co-Director of Compass Chambers (2015 -2016);
* Member and now Convener *ex officio* of the Complaints Committee (2015 to date)
* Vice Dean of the Faculty of Advocates (2016-date).

**Public Appointments**

* Appointed Advocate Depute (April 2003 – July 2005);
* Appointed Senior Advocate Depute (July 2005 – April 2007);
* Appointed to the Police Appeals Tribunal as a Legal Member & Chair (April 2013 – date);
* Appointed *ad hoc* Advocate Depute (2017 – date);
* 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)

Angela is the Secretary and Treasurer of the International Bar Association (IBA) Forum for Barristers and Advocates (2017 to date)

Angela has been appointed by the University of Edinburgh as a Coach for the Willem C Vis International Commercial Arbitration Moot, Vienna (2018)

**Academic Qualifications**

LLB (Hons) University of Aberdeen

DipLP University of Aberdeen

PG Cert ICArb University of Aberdeen (Chartered Institute of Arbitrators); Angela is currently studying for an LLM in Dispute Resolution through the University

**Advocacy Skills**

From 2000 to date, Angela was involved in delivering 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 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.

**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”

**Legal 500 2017 –** Ranked in the category of Personal Injury, Medical Negligence – “She has a thorough and analytical approach to cases.”

**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”

**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 an 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.