

# Angela Grahame KC (Scot)

**Year of Call:** 1995
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## Personal Injury

Angela's expertise in this area 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:

**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.

**Talbot v Babcock International Ltd & Anr [2014] CSOH 160; 2014 S.L.T. 1077**
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] CSOH 144; 2014 S.L.T. 190; 2013 S.C.L.R. 730**
This was a Procedure Roll debate before Lord Pentland. The action was brought by a carer against the employer of a social worker assigned to her case in respect of serious injury to her mental health and certain financial losses, following a brief love affair between herself and the social worker. The case is important as it sought to expand the scope and extent of the common law by examining whether the employer had to take reasonable care for the carer's safety and to protect her against the employee's conduct. The Court held ultimately that there was no basis upon which it would be fair, just and reasonable for the common law to impose a duty on the social worker not to enter into a relationship with her. The case is an authority in this respect.

## Police Federation Personal Injury 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)

Angela was also instructed in the first two reported cases in Scotland arising out of personal injury claims against the Police for injuries during training exercises.

- Franklin v Chief Constable of Grampian [2001 Rep LR; 2001 G.W.D. 19-752] (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; 2001 G.W.D. 15-583] (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))

**Judicial Review / Criminal Injuries Compensation**

Angela has also acted in other proceedings, relating to criminal injuries. For example, she has acted in a Judicial Review in relation to a claimant refused Criminal Injuries Compensation where contributory negligence was deducted.

**AS, Petitioner [2013] CSOH 83; 2013 G.W.D. 22-422**
Decisions by the First Tier Tribunal, Criminal Injuries Compensation, reducing an award of compensation by 40 per cent after having considered the applicant's conduct before, during or after the relevant incident, would be reduced and remitted to a differently constituted tribunal where the tribunal's approach was deficient.

## Judicial Review (Criminal Injuries Compensation Claim)

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Angela also undertakes **travel claims** including many contractual claims brought under the Package Travel, Package Holidays and Package Tours Regulations 1992/3288.

# Recommendations

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

**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 negotiations. You can be confident that she has things in hand."

**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 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"

**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."

**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."

# Academic qualifications

- LLM (ongoing, 2020)) - University of Aberdeen
- PGCertICArb - University of Aberdeen
- DipLP - University of Aberdeen
- LLB (Hons) - University of Aberdeen

# Professional qualifications & appointments

**Appointments at the Scottish Bar (Faculty of Advocates)**

- Appointed Advocate Depute (April 2003 – July 2005)
- Appointed Senior Advocate Depute (July 2005 – April 2007)
- Appointed to the Police Appeals Tribunal as Chair and Legal Member (April 2013 – date)
- Appointed ad hoc Advocate Depute (2017 – date)
- 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)
- 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 as 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 by Scottish Mediation Network, with support from the Scottish Government, to become a member of the group undertaking a research project into the use of mediation in the context of civil justice (2018).
- Appointed as Honorary Lecturer at the University of Aberdeen, School of Law (2018)

## Professional bodies

- Member of the Chartered Institute of Arbitrators (2017 – 2018)
- Fellow of the Chartered Institute of Arbitrators (2018 -)
- 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)
- She is member of ArbitralWomen
- Legal Member and now Chair of the Police Appeals Tribunal (2013-)

She is frequently called upon to give lectures on Arbitration. (List available on demand). As examples Angela has lectured in the University of Aberdeen and Robert Gordon University, at the Faculty's Arbitration Conferences and to the Scottish Branch of the Chartered Institute of Arbitrators.

· 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).