

# Angela Grahame KC (Scot)

**Year of Call:** 1995

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## Clinical Negligence

Angela has built up a well-deserved reputation in this area. The Directories refer 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:

### **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 Orthopaedic 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.

## 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).