

## Barrister: Grahame Aldous QC

### Overview:

Grahame Aldous QC is recommended for both Clinical Negligence and Personal Injury in Legal 500 and Chambers & Partners, who have described him as: "One of the most approachable barristers and really understands what being a modern silk is all about. Attentive to the needs of both solicitor and client, he understands client care whilst also being a pedigreed performer in court".

Grahame was called to the Bar in 1979 and took Silk (becoming a Queen's Counsel, or QC) in 2008. He has been a Recorder (Part-Time Judge) since 2000 and is a Governing Master of the Bench at the Inner Temple, one of the four Inns of Court that regulate barristers, as well as a former Vice-Chair of the Bar Council Equality and Diversity Committee. He is a CEDR mediator.

In Grahame's time as Head of Chambers at 9 Gough Chambers Chambers won PI & Clinical Negligence Set of the Year and topped the Black Solicitors Network league table for diversity practices and procedures. Grahame wrote the first Diversity Awareness Training Toolkit for both 9 Gough Chambers and the Bar Council and has led Diversity Awareness sessions for various chambers, the Bar Council, Inner Temple and the Judicial College. He is a member of the Judicial College Panel of Experts on Diversity and Equality.

He came to the Bar having graduated in Law, LLB Hons (Exon), in 1978. He was previously at sea on Home Trade ships, sailing traditional sailing craft and teaching sailing at the National Sailing Centre in Cowes. He has kept up his connection with the sea as a MCA/RYA Yachtmaster and with regular trips at sea, including racing round Cape Horn in the Whitbread Round the World Yacht Race and crossing the South Atlantic on a Square Rigged ship in the Norton Rose Round the World Challenge, sailing the world with a crew made up of able bodied and disabled sailors. His work includes a speciality in both maritime claims and claims involving other jurisdictions.

He is an Inns of Court College of Advocacy (ICCA) Advanced Advocacy Trainer, and Advocacy Teacher-Trainer, a Faculty member of the South Eastern Circuit International Advanced Advocacy Course, at Keble College Oxford, and created the first advocacy training programme for the Cypriot Bar Association with the Inns of Court College of Advocacy.

He has also provided training on the Rule of Law for the National School of Judges in Ukraine.

In 2020 Grahame was awarded a doctorate by King's College London for his research into the relationship between international law and the Admiralty Court, and the role of the rule of law in the distribution of naval prize money.

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### Clinical Negligence

#### Clinical Negligence:

Grahame Aldous QC has regularly been named as a Leading Clinical Negligence Silk in UK Directories of the Bar.

In Chambers and Partners UK Directory he has been recommended as:

*A Silk that is "very knowledgeable, strategically astute and stands out for his sympathetic manner with clients." "He is a vastly experienced and masterful advocate."*

And of his expertise it has said:

*"He is what you expect a silk to be - he smooths the water, by being very personable and user-friendly. He is not stuffy or standoffish, and is happy to discuss the issues frankly".*

In Legal 500 he has been noted as " a very quick thinker, brilliant at putting clients at ease" and "an exceptional all-rounder".

He is a former member of the Executive Committee of the Professional Negligence Bar Association and Chairman of their annual Clinical Negligence Conference. He was also one of the Counsel nominated by both Claimant and Defendant solicitors under the "NHS Resolve" scheme.

Grahame was the founding General Editor of Clinical Negligence Claims: A Practical Guide. He has particular expertise in dealing with complex issues of expert evidence and has contributed to and edited the Guidance on the Preparation, Admission and Examination of Expert Evidence published by the Inns of Court College of Advocacy as well as the Expert Evidence chapter of Kemp & Kemp.

Grahame's cross-examination technique has been described in the High Court as 'a quiet bombshell', and by an expert witness in the High Court as 'thorough, effective, but better than that beautiful'.



**Call: 1979**

**Silk: 2008**

#### Appointments:

Master of the Bench, Inner Temple; Recorder (2000)

#### Education:

LLB Hons (Exon) (1978) PhD (KCL) 2020

#### Practice areas

- Clinical Negligence
- Commercial and Property
- Court of Protection
- Mediation
- Personal Injury
- Professional Negligence

#### Recent News

- New ICCA Expert Evidence Guide – The Lockdown Edition
- Remote Hearings the Future?
- 9 Gough Chambers helps support the Rule of Law in Cyprus
- Trying to Settle a Catastrophic Injury Claim?
- Is a ship a 'She'?
- Grahame Aldous QC achieves the highest level of accreditation available from APIL
- Grahame Aldous QC is speaking at a panel session at the APIL annual advanced brain and spinal cord injury conference 2019
- Court of Appeal rejects Defendants bid to change Bolam Test
- QBD approves settlement despite evidence of Capacity to Litigate
- 'No Red Flags' Cauda Equina trial win for Laura Begley and Grahame Aldous QC
- High Court approves £22 million settlement of Cerebral Palsy Claim
- Linda Nelson and Grahame Aldous QC win 'unwinnable' clinical negligence claim in High Court
- Court of Appeal uphold CICA Damages Act Discount Rate
- Court of Appeal Reserve Judgment on CICA Discount Rate
- Grahame Aldous QC to chair Fieldfisher Conference on 13th July
- MOJ Discount Rate Consultation - Grahame Aldous QC Response
- Tainted Expert Evidence No Answer to Bolam Claim Says Court of Appeal
- Court of Appeal upholds liability of holiday companies for hotel food to be of 'satisfactory quality'
- Queen's Bench Prevents Defendant Ambush of Expert Witness
- Court of Appeal grants permission to appeal CICA Discount Rate
- CPR Resuscitates ENE
- Grahame Aldous QC secures £2.3 million damages for a single leg amputee
- Grahame Aldous QC & Stuart McKechnie succeed in High Court clinical negligence trial
- High Court makes key ruling in relation to CICA awards under the 1990 Scheme
- Supreme Court move towards merger of judicial review and contractual tests

## Personal Injury

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### Personal Injury:

Grahame is recommended as a Leading Personal Injury Silk in UK Directories of the Bar.

In Legal 500 he is noted as "*detailed, focussed and gets under the skin of the case.*"

In Chambers UK he has been said to have a "*name synonymous with brilliance*", "*one of the most approachable barristers and really understands what being a modern silk is all about*" and "*Attentive to the needs of both solicitor and client, he understands client care whilst also being a 'pedigree performer in court who is known for his fearsome cross-examinations*".

*Grahame's cross-examination technique has been described in the High Court as 'a quiet bombshell', and by an expert witness in the High Court as 'thorough, effective, but better than that beautiful'.*

He has particular experience in dealing with catastrophic injury claims, including brain injuries, psychological and stress injuries, severe spinal injuries, amputations and severe non-united fractures and fatal accident claims, the subject of one of the chapters he contributes as an editor of Kemp & Kemp: Personal Injury Law, Practice and Procedure. Grahame is a Senior Fellow of APIL (the Association of Personal Injury Lawyers), is one of the few counsel accredited by them in the field of personal injury and was the founding General Editor of the APIL Guide to Catastrophic Injury Claims. Grahame is a former Chair of the Frenkel Topping Court of Protection Deputies' Forum. He is also one of the SIA (Spinal Injury Association Approved Counsel. His cases include achieving record breaking awards and:

- A total award valued at over £24 million for a catastrophic brain injury claim following an accident abroad,
- Life-changing awards for spinal injuries, including awards to help fuel Paralympic careers,
- Awards for single leg amputees of £1.9 million and £ 2.3 million, including life time provision for Otto Bock microprocessor controlled powered Genium knee joints with an additional 'spare', future psychiatric care and ongoing accommodation needs,
- An annual periodical payments order for care starting at £400,000 per annum for life, index linked for earnings inflation,
- Establishing the jurisdiction of the UK Admiralty Court for accidents abroad outside the EU Brussels jurisdiction,
- Obtaining compensation for pelvic stress fractures suffered by female recruits to the RAF subjected to inappropriate physical training,
- Obtaining secure periodical payments from foreign based insurers,
- Resolving arguments about insurance cover and policy limits,
- Litigating foreign laws and limitation periods in the UK courts,
- Obtaining judgment for a substantial sum in Euros for a paraplegic Dutch resident following a spinal cord injury,
- Establishing product liability in negligence at trial against a Japanese tyre manufacturer for a defective tyre that caused death and injury on the M4.
- Robust and successful defence of a shipping company's accident investigation system in the Court of Appeal.
- Appearing in the Supreme Court in a case about death in service benefits in a seafarer's contract of employment, and the test for implied terms as to the reasonableness of decisions made by one party to a contract under a contractual discretion.
- Providing advice for claims abroad in other jurisdictions.
- Dealing with issues of capacity to litigate and/or conduct financial affairs involving the Court of Protection and court of approval of settlements.
- Complex neurological claims involving damage to the Cauda Equina nerves in the spine.

Grahame has particular expertise in marine accident cases involving passengers and crew on ships or yachts, and cases involving international conflicts of law. This work makes use of his experience in the Merchant Navy before coming to the Bar, his qualification as a Yachtmaster and his skills in competitive yacht racing, including racing round Cape Horn in the 1989/90 Whitbread Round the World Yacht Race. He is the author of Work Accidents at Sea and the Shipping chapter of Munkman on Employers' Liability.

His work has taken him outside our own jurisdiction including to the Supreme Court and Court of Appeal of Gibraltar, for which he was admitted to the Gibraltar Bar, and the Privy Council.

His work has included disaster and multi-party litigation such as the PIP product Liability Litigation, Marchioness Disaster, including the Marchioness Steering Committee Costs Litigation, the Princess Margaret Hovercraft disaster, and the Achille Lauro and Sun Vista cruise liner fire disasters.

## Mediation

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### Mediation:

Grahame is a CEDR accredited mediator with successful experience of a number of mediations in practice. He was one of the Counsel nominated by both Claimant and Defendant solicitors under the "NHS Resolve" scheme. He is happy to accept joint instructions to act as mediator in order to try and facilitate a settlement between parties. Grahame is the author of the Mediation & ADR chapters of Kemp & Kemp Personal Injury Law, Practice & Procedure and of the APIL Guide to Catastrophic Injury Claims. He is a member of the CEDR Solve Lead Mediators Panel and of the Advisory Council of Trust Mediation. Recommended in Chambers & Partners and Legal 500 for his negotiating skills, he has been described in Chambers & Partners directory in particular as "*noted for his negotiating skills as a mediator*". He is able to bring to bear his considerable background in commercial law and varied commercial disputes, as well as judicial review and public law and professional negligence disputes.

His successful mediations include:

- **Re E:** A claim resulting from a serious injury with potential proceedings in the US and the Isle of Man, successfully mediated in England.
- **Re B:** A stress at work claim brought by a union official against his union amidst great hostility and emotion.
- **Re B:** An accident at work causing serious injury where contributory negligence and quantum were at issue.
- **Re Mr & Mrs T:** Quantum following a head on collision causing serious injury to multiple claimants.
- **Re H:** Accountancy negligence claim arising from tax advice.
- **Re C:** Stress at work claim by prison officer.
- **Re D:** Stress at work claim, mediated at an early stage. Mediation efforts continued after the one day mediation until a resolution was reached at great saving of cost and management time.
- **Re T:** Accident at work where parties far apart on paper but settled at short form mediation to the surprise of both parties.
- **Re S:** Stress and harassment at work claim involving allegations of discrimination in Queen's Bench and Employment Tribunal proceedings.

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## Recommendations



For more information please call our clerks on **020 7832 0500**

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