

# Graeme Sampson



Called to the Bar in 1981 Graeme has gained a wide experience in civil law. With wide experience in all forms of litigation, including historically crime, particularly fraud. He now specialises in construction, property and commercial disputes.

He is a dynamic and effective advocate. Down to earth and practical he has a clear understanding of client needs and the economic realities of litigation. He has conducted numerous serious, complex and lengthy trials. He has very wide experience in all forms of ADR being an experienced mediator (formerly Head of Mediation at 3PB Chambers), a construction adjudicator and has appeared in a number of commercial and construction arbitrations.

He also has considerable experience of advising clients as to non-litigious matters, particular involving the interpretation of regulatory matters for commercial organisations.

He has experience of regulatory issues and has for some years sat as a Legal assessor for the Nursing and Midwifery council (NMC) and has sat as chair of an Appeal Committee relating to university degree approvals for an international health regulator.

Graeme is qualified to undertake public access work and so can represent individuals and companies without the employment of a solicitor. If you are interested in instructing him on this basis please contact the clerks.

Graeme also has experience in dealing with dangerous structure matters.

## Client testimonials:

"I was so impressed by your amazing memory and grasp of the case in such a short time. And your quick understanding of the type of person I have been dealing with all this time. And what affect it has had on my health. I feel so reassured being your client. And know I have the best possible chance with you on my side. I cannot express how much I appreciate your help."

"Graeme Sampson deals with construction and general commercial litigation – laid back but robust in cross examination. He is commercially aware, skilfully handles complex issues and is good at communicating what the strategy or solution should be. An excellent specialist."  
(Instructing solicitor)



**Year of Call: 1981**

Contact Practice Manager

Cliff

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“Strong and positive advice, excellent with clients in conference and as good on his feet as you would expect of a professional with more than 30 years of experience. Inspires confidence.” (Instructing solicitor)

“Graeme is approachable and knowledgeable, with broad experience of built environment disputes. He is commercial and effective in court.” (Instructing solicitor)

‘Highly experienced barrister acting across all types of technically sophisticated construction disputes on behalf of contractors, subcontractors and employers. Regularly advises in adjudication, mediation and arbitration proceedings. Strengths: “Very accommodating, quick, dynamic and extremely good at cutting through any irrelevant material.” “Very down to earth and always offers practical advice.’

### **Chambers UK 2017/Construction**

‘Experienced practitioner who acts for both supplier and purchaser-side clients. He is instructed on the full gamut of construction law matters.

Strengths: “He is good at gathering together many strands and putting together good, unified advice.” “He is commercially aware, skillfully handles complex issues and is good at communicating what the strategy or solution should be.’

### **Chambers UK 2016/Construction**

‘He has expertise in a wide range of building and engineering disputes.’

### **Legal 500 2014/Construction**

## **Further information**

### **Education**

- BA (Hons) Law

### **Professional qualifications & appointments**

- Accredited Mediator
- Adjudicator – Construction Contracts

### **Professional bodies**

- Professional Negligence Bar Association (PNBA)
- Technology & Construction Bar Association (TECBAR)
- The Society of Construction law
- Standing Conference of Mediation Advocates

### **Direct Access**

Graeme Sampson is qualified to and happy to accept instructions directly from members of the public and professional clients under the Direct Public Access scheme.



## Construction

He has extensive experience in construction and engineering disputes. He has acted for employers, contractors, sub-contractors and professional in all types of disputes. These have ranged from highly complex technical factual disputes to claims arising under the standard forms of building contracts.

He has wide expertise of the various practical and technical issues which arise in building and engineering disputes and brings a practical and common sense view to bear on the issues in such cases. Graeme has also advised in and appeared in adjudication and arbitration proceedings.

Graeme served on the SCL Experts Committee under HHJ Kirkham and with Christopher Miers of Probyn Miers drafted the ADR experts declaration.

His experience extends to property development in general acting for developers and contractors in both planning and contractual disputes.

He has long experience of planning issues and has appeared at numerous planning inquiries and in relation to enforcement action (including prosecution), acting for both local authorities and property owners.

He has appeared in and advised upon numerous Party Wall Act matters.

## Recent experience

- Claim against architect in respect of works to listed church.
- Claim against engineers over defective steelworks to railways bridges.
- Claim arising from multiple issues arising out of refurbishment of listed cottage in Wales.
- Claim arising from defective curtain walling to luxury residential property.
- Claim arising from defective drains to crisp factory.
- Claim concerning interpretation of NHBC Buildmark warranty.

## Notable cases:

**Briggs & Forrester Electrical Ltd v Southfield School for Girls & Anor [2007] 3403 EWHC (TCC)** Multimillion pound claim arising from asbestos contamination of a school. Representing architects in 6 week TCC trial. Architect found to have no liability and recovered indemnity costs.

**Bryen & Langley Ltd v Boston [2005] EWCA Civ 973.**  
**Court of Appeal** – formation of contract, does



adjudication under JCT offend against the Consumer Contract Regulations 1999. First instance reported at [2005] BLR 28, [2004] EWHC 2450(TCC)

**Ennstone Building Products Ltd v Stanger Ltd No. 1**  
**[2002] BLR 82. TCC** – forum conveniens, contract created by correspondence.

**Ennstone Building Products Ltd v Stanger Ltd No. 2**  
**[2002] 1 WLR 3059. Court of Appeal** – proper law of contract.

**Fenice Investments Inc v Jerram Falkus Construction Limited [2011] EWHC 1678 (TCC)** whether adjudicators decision as to fees forms part of his award.

**Full Metal Jacket Ltd v Gowlain Building Group Ltd**  
**[2005] All ER ID) 147 (Dec)** Building contract – Construction – Express term – Specifications of roof – Defendant providing drawing of roof to claimant prior to obtaining quote – Claimant not building roof in accordance with drawing – Whether contract requiring claimant to build roof in accordance with contract.

**Hart Investments Ltd v Terence Fidler (t/a Terence Fidler Partnership) [2007] Adj LR 03/30** liability of engineer for recognised defects out with his contractual duties.

**Jensen v Faux [2011] EWCA Civ 423** applicability of Defective Premises Act 1972 to refurbished and/or enlarged residential property .

**Jerram Falkus Ltd v Fenice Investments Inc (No.4)**  
**[2011] EWHC 1935 (TCC)** conclusivity under JCT Design and Build 2005.

**Titanium Polyurethane Seal Company v New Forest District Council [2008] All ER (D) 64 (Aug)** claim arising from alleged defective construction of sports hall floors.

## Commercial

Graeme has wide experience of all forms of commercial work and has acted for numerous commercial clients for whom the commercial aspects of litigation are all important. He brings to bear his in depth knowledge of litigation as well as ADR (he is an experienced mediator and an adjudicator for the Scheme for Construction Contracts). He is recognised as an impressive advocate in all forms of tribunals, including the Court of Appeal, The High Court and in arbitration.

Graeme's commercial practice focuses on:

- Trade disputes
- Corporate and partnership disputes
- Joint ventures



- Insurance
- Professional Liability
- Arbitration, mediation and ADR

Noteworthy and recent cases include:

- Misuse of confidential information within an energy brokerage
- Insurance policy coverage issues relating to 10 blocks of luxury flats in Jersey
- Termination of joint venture for construction of Mayfair flat development
- Dispute between groundworks contractor and professional football club
- Acting for electrical systems supplier for non-payment/performance issues over multiple contracts for Home Office supply
- Advising on claim in arbitration under GAFTA rules
- Advising as to claim in relation to sale and lease of large farm in Cornwall
- Acting on behalf of retirement homes supplier in dispute arising from sale of large number of sites to competitor
- Acting on behalf of property agent involved in multi-million pound dispute as to power of companies to dispose of properties

## **Energy law**

Graeme has developed a practice focusing on energy and in particular renewables. This brings together his commercial, construction and planning expertise.

- Advising protest group in relation to the Barton Moss fracking site
- Advising in relation to biomass boiler located in a far
- Advising major renewables company in relation to as to generic planning issues when developing solar and wind farms
- Advising as to noise nuisance emanating from very large wind turbine
- Advising as to legal implications arising from location of transformer for very large solar farm

## **Professional Negligence**

Graeme has been in practice for 30 years and throughout has maintained a professional negligence practice. Developing a practice which began with an emphasis on medical negligence claims he now acts in respect of a range of professional activities including lawyers, accountants and has a particular focus upon construction professionals. He acts for claimants (both individuals and corporate) and defendants; the professionals and their insurers.



He has wide experience of dealing with the particular issues and disputes which arise under insurance claims, including coverage and policy wording. He has wide experience of the commercial issues which arise for insurers handling claims and is able to advise upon such issues from a commercial and practical outlook.

## Recent experience

- Multi-million pound solicitors negligence claim arising from failure to consider the Athens Convention.
- Solicitors negligence claim arising from failure to advise as to restrictive covenant affecting development land.
- Claim against architect in respect of works to listed church.
- Claim against engineers over defective steelworks to railways bridges.
- Claim against solicitors arising from failure to advise as to effect of business sale agreement.
- Claim against solicitors arising from allegedly negligent conveyance of solar panel farm in Cornwall.

## Notable Cases:

**Bass Taverns Ltd v Carford Catering Ltd [2002] EWCA Civ. Court of Appeal** – abuse of process, striking out.

**Graham v Entec Ltd [2003] 4 All ER 1345, 92 Con LR 35 . Court of Appeal** – extent of loss adj usters ‘ “knowledge”, Limitation Act 1980.

**Mason v Richard Freeman & Co [2010] All ER (DI 241 (Marl, [2010] EWCA Civ 287** – Court of Appeal claim against solicitors following negligent/dishonest conveyancing transaction.

**Six Continents Retail Ltd v Carford Catering Ltd [2003] EWCA Civ 1790.** – Court of Appeal – break in chain of causation where negligence alleged.

**Warner v Penningtons (a firm) and others [2010] All ER (DI 106 (Jul) [2010] EWHC 1753 (QB)** – representing solicitors in seven figure professional negligence claim arising from settlement of personal injury action. Issue as to liability of expert witness

## Mediation

Graeme has been involved in numerous mediations as mediator or party representative, including:

- Building and engineering disputes
- Commercial disputes
- Partnership disputes



- Professional negligence claims
- Boundary disputes

## **Recent Experience**

- Multimillion pound claim arising from asbestos disturbance at a secondary school
- Commercial lending dispute involving premier league football club director
- Negligence claim arising from supply of sports hall floors
- Boundary dispute involving unregistered land
- Dispute arising from property development joint venture
- Solicitors negligence claim
- Fatal accident claim arising from bursting water tank

