

## 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.

Recommendations

### 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 Alderson  
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020 7797 8303

“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.

