

Grahame Aldous KC

Call: 1979 Silk: 2008

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Grahame Aldous KC is recommended as a Leader in the Field for Clinical Negligence, Personal Injury and International Claims in Legal 500 and Chambers & Partners.

His 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 is also 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 has taught advocacy with the General Council of the Bar of South Africa and the Sierra Leone Bar Association. He created the first Advocacy Training programme for the Cypriot Bar Association with the ICCA, and has provided training on the rule of law for the National School of Judges in Ukraine, and with Rule of Law Expertise UK (ROLE UK) for the judiciary and legal profession in Argentina.

Grahame is a former Vice-Chair of the Bar Council Equality and Diversity Committee, edited the Bar Council Equality and Diversity Code, wrote the first Diversity Awareness Training Toolkit for both Deka Chambers and the Bar Council, and has led Diversity training for various chambers, the Bar Council, Inner Temple and the Judicial College. In Grahame's time as Head of Chambers, Chambers won PI and Clinical Negligence Set of the Year and topped the Black Solicitors Network league table for diversity practices and procedures.

Grahame came to the Bar having graduated in Law in 1978. He had previously been at sea on Home Trade ships, sailing traditional working 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 Atlantic on a Square Rigged Sailing Ship in the Norton Rose Sail the World Challenge with a mixed ability crew, including wheelchair users. His work includes specialisations in catastrophic injury claims, maritime accident claims and claims involving multiple jurisdictions. 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 award of naval prize money.

Areas of Expertise

Clinical Negligence & Healthcare

Grahame Aldous KC has regularly been named as a Leading Clinical Negligence Silk in Legal 500 and Chambers and Partners UK.

He has considerable experience of claims involving brain and spinal injuries, including cerebral palsy and cauda equina injuries. He is

often instructed on the most complex, highly technical claims, often involving catastrophic injuries, and multi-million pound awards of damages and periodical payment orders. He is the founding editor of both the APIL Guide to Catastrophic Injury Claims and Clinical Negligence Claims: A Practical Guide.

He is often instructed on claims with difficult issues of expert evidence, and has acted in claims such as EXP v Barker involving the duties of expert witnesses in clinical negligence claims. He is the Editor of the ICCA Guide to Expert Evidence, and contributes the Expert Evidence and other chapters to Kemp & Kemp Personal Injury Law and Practice.

Grahame is a former member of the Executive Committee of the Professional Negligence Bar Association and Chair of their annual Clinical Negligence Conference. He was one of the few counsel nominated by both sides for the NHS Resolve scheme panel.

Notable Clinical Negligence & Healthcare cases

Failles v Oxford University Hospitals NHS Trust [2020] EWHC 3333

QBD, causation of loss due to spinal damage due to failure to communicate recorded observations to surgical team.

Shaw v Stead [2019] EWHC 520

QBD, consideration of oral evidence against medical notes in cauda equina 'red flags' claim against GP.

Lesforis v Toliadis [2019] EWCA Civ. 487

QBD and Court of Appeal, neurosurgeon's failure to justify his 'normal practice' administering anticoagulants post operatively.

EXP v Barker [2017] EWCA Civ. 63

QBD and Court of Appeal, duties of expert witnesses in neuro-radiology clinical negligence claims.

Birch v UCL Hospital NHS Trust [2008] EWHC 2237

QBD, consent to exploratory neuro-radiology diagnostic investigations involving risks.

Personal Injury

Grahame Aldous KC is recommended as Leading Personal Injury Silk in UK Directories of the Bar and has been made a Senior Fellow of the Association of Personal Injury Lawyers for his contributions to advancing personal injury law.

Grahame has considerable experience in dealing with claims involving brain and spinal injuries, and is one of the Spinal Injury Association's Approved Counsel. He is often instructed on the most complex, highly technical claims, often involving catastrophic injuries, and multi-million pound awards of damages and periodical payment orders. He is the founding editor of the APIL Guide to Catastrophic Injury Claims, a contributing editor to Kemp & Kemp Personal Injury Law and Practice and editor of the ICCA Guide to

Expert Evidence.

Grahame is often instructed in cases where capacity to litigate is an issue, and is a former Chair of the Frankel Topping Court of Protection Deputies' Forum.

Grahame has a particular expertise in marine accident claims involving passengers and crew on ships and yachts, and in cases involving international conflicts of law and cross-jurisdictional issues. His specialist publications include Work Accidents at Sea and the shipping chapter in Munkman on Employers' Liability.

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

Grahame is a CEDR accredited mediator and acts as a mediator in serious personal injury claims.

Notable Personal Injury cases

Wood v TUI [2017] EWCA Civ. 11

Court of Appeal, proof of causation in holiday sickness claims.

Braganza v BP Shipping [2015] UKSC 17

UK Supreme Court, implied term of reasonableness in death in service benefit clause.

Simmons v Castle [2012] EWCA Civ. 1288

Court of Appeal, 10% uplift in personal injury damages following the Jackson costs reforms.

Dickens v O2 [2008] EWCA 1144

Court of Appeal, material contribution in causation of injury following stress at work.

Booth v Phillips [2004] EWHC 1437

Admiralty Court, jurisdiction of UK courts for personal injury accidents abroad.

Mediation

Grahame Aldous KC is a CEDR accredited mediator with successful experience of many mediations in practice. Trusted by both Claimant and Defendant firms, he was one of the few counsel nominated by both sides for the NHS Resolve scheme panel.

Grahame is happy to accept instructions through his clerks in chambers to act as a mediator.

Grahame is the author of the Mediation and ADR chapter in Kemp & Kemp Personal Injury Law Practice and Procedure and the APIL Guide to Catastrophic Claims.

Recommended in Legal 500 and Chambers and Partners UK Directory for his negotiating skills, he has been described as 'noted for his negotiating skills as a mediator'.

Education

- LLB
- PhD

Memberships

- PIBA
- PNBA
- APIL
- South Eastern Circuit
- Royal Ocean Racing Club

Appointments

- Recorder (part-time judge)
- Governing Bencher of Inner Temple (one of the four Inns of Court that regulate barristers)
- CEDR accredited Mediator
- Member of the Judicial College Panel of Experts on Equality and Diversity

Awards

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Notable Cases

- Booth v Phillips [2004] EWHC 1437, Admiralty Court, establishing jurisdiction of courts in England and Wales over fatal accident on foreign registered and owned ship abroad.
- Birch v UCL Hospital NHS Trust [2008] EWHC 2237, QBD, consent to exploratory neuro-radiology diagnostic investigations involving risks.
- Simmons v Castle [2012] EWCA Civ. 1288, Court of Appeal, 10% uplift in personal injury damages following the Jackson costs reforms.

- *Braganza v BP Shipping* [2015] UKSC 17, Admiralty Court, Court of Appeal and UK Supreme Court, incorporation of judicial review standards of fairness by implied contractual terms in a merchant navy death in service benefit provision.
- *Wood v TUI Travel Plc* [2017] EWCA Civ. 11, Court of Appeal, proof of causation in gastrointestinal holiday claims.
- *EXP v Barker* [2017] EWCA Civ. 63, QBD and Court of Appeal, duties of expert witnesses in neuro-radiology clinical negligence claims.
- *Lesforis v Tolia* [2019] EWCA Civ. 487, QBD and Court of Appeal, neurosurgeon's failure to justify his 'normal practice' administering anticoagulants post operatively.
- *Shaw v Stead* [2019] EWHC 520, QBD, consideration of oral evidence against medical notes in cauda equina 'red flags' claim against GP
- *Failes v Oxford University Hospitals NHS Trust* [2020] EWHC 3333, QBD, causation of loss due to failure to communicate recorded observations to surgical team.

Accreditation Logos

