

## GRAHAME ANDERSON

Call: 2013



Grahame specialises in employment, commercial and sports litigation and arbitration. He has particular expertise in whistleblowing and discrimination law and in questions of territorial jurisdiction and private international law.

With a methodical and user-friendly approach, Grahame boasts regular instructions, led and as sole counsel, in complex matters in Employment Tribunals, the High Court and before domestic and international arbitral jurisdictions and has significant appellate experience. Grahame also sits as an arbitrator.

Grahame holds a degree in English law from the University of Cambridge and a maîtrise in French law from Université Panthéon-Assas (Paris II). He speaks fluent French and intermediate Japanese, having won a Tsuzuki Scholarship at the Japan University of Economics.

He is a lifelong fan of Newcastle United. More rationally, he has played the violin since he was old enough to fit one under his chin. He plays the viola in an amateur orchestra and is a trustee of the Lewisham Youth Theatre.

Follow Grahame's tweets at [@BarGrahame](https://twitter.com/BarGrahame).

### Employment

Grahame has acted in a broad range of Tribunal, County Court and High Court employment cases, and has experience of judicial mediation. He regularly acts for Claimants and Respondents. Recent highlights have included:

Acting, led by Gavin Mansfield QC, in the High Court in a major covenants and confidential information dispute involving leading City insurance brokerages;

- Acting unled for a City law firm in a highly sensitive disability discrimination claim; the case involved significant reputational risk and Grahame was able to secure anonymisation for all parties;
- Being led by David Reade QC in a very high value covenants and confidential information case involving major players in the global fashion industry;
- Success in the EAT in a case concerning the test for implying a term through custom and practice and subsequent victory on remittal before the same Tribunal;
- Successfully representing a foreign doctor, based in London, in a claim against his former employer. The case threw up complicated legal issues about illegality, visa status and the effect of *Patel v Mirza* in the employment context. Grahame's client was reinstated;
- Being led by Edward Kemp in a major international whistleblowing claim currently awaiting judgment from the Court of Appeal; the case involves difficult issues of territorial jurisdiction and of the territorial scope of

whistleblowing protections in the context of the European Convention on Human Rights;

- Acting for the owners of a yacht in a contractual and discrimination claim brought by its former captain, involving thorny issues of territorial jurisdiction;
- Acting for the former Managing Director of a multi-billion dollar IT services firm in a major whistleblowing claim.
- Successfully representing a senior engineer in his constructive dismissal claim against a major luxury car manufacturer;
- Being led by David Reade QC in a matter concerning the employment rights of people trafficked into the UK; the case is now on appeal to the EAT;
- Representing the successful Claimant in a multi-day disability discrimination claim against a Local Authority; the Claimant was unable to attend the hearing to give evidence, but Grahame was nevertheless able to secure victory;
- Being led by Gavin Mansfield QC in the Court of Appeal and Employment Appeal Tribunal in a long-running case that deals with discrimination law pre-Equality Act, statutory grievance procedures important points about issue estoppel in Employment Tribunals.

## Commercial

Grahame has been involved in drafting and advising across a range of commercial cases including:

- Acting, led by Sam Neaman, for a French *liquidateur judiciaire* in a long running international commercial dispute in the High Court, concerning the lifting of a stay imposed by Tomlin Order for breach of the confidential terms appended to it;
- Grahame succeeded in striking out a Claimant in a widely reported Supply of Goods Act claim
- Grahame succeeded in striking out the Defendant, a mortgage advisor and broker, in a complex contract dispute that had involved seven hearings prior to Grahame's instruction
- Appearing as sole counsel for the Respondent in an injunction application. The application was to restrain the bringing of a winding-up petition. Grahame obtained indemnity costs for the successful Respondent
- Representing both claimants and defendants in a number of cases involving breach of contract in the context of employment agencies/executive search firms. Much of this work was focussed on the legal and global financial recruitment markets
- Advising a cosmetics distributor on methods under the Companies Act of effecting the removal of a shareholder/director guilty of misconduct

## Sport

Grahame is Deputy Head of the Littleton Sports Group. He has particular expertise in regulatory and doping matters, and in litigation involving player and agent contracts. Grahame is a member of Sport Resolutions' panel of arbitrators.

Grahame speaks and writes regularly on important sports law topics.

Recent highlights from Grahame's sports practice have included:

- Acting for a premiership and England star in a claim brought by a former agent;
- Acting for a major Cypriot agent in CAS agency-player dispute;
- Acting for a former premiership physio in a claim against his former club;
- Grahame has acted for a number of the major sports agencies in Rule K litigation against players who

have defaulted on contractual obligations in agency mandates;

- Acting for a rugby player accused of a doping violation;
- Advising a national youth sport charity on safeguarding issues and drafting their safeguarding disciplinary policy.
- Grahame acted for a swimmer in a funding selection dispute in the run up to Rio 2016; he was led by Jeremy Lewis.
- During pupillage, he was involved in defending a claim against a former premiership star brought by a major European club.

## Arbitration

Grahame sits regularly as an arbitrator in the sports world, individually (most often appointed by sporting bodies to determine internal disputes) or as part of a panel. In 2018, Grahame was appointed to the Sport Resolutions' panel of arbitrators in a number of specialist sports fields.

As counsel, Grahame welcomes instructions unled or as part of a larger legal team, as well as instructions for the role of arbitral secretary.

A significant proportion of Grahame's sport and commercial practice is devoted to arbitral work.

- Grahame has particular experience of FA rule K arbitration;
- Grahame has acted in and advised on a number of ad hoc sports arbitrations, especially in doping and selection and funding disputes. Many of Grahame's cases have involved complex questions of arbitrability
- Grahame has acted in the role of arbitral secretary in a high value partnership dispute, a CIArb appointment
- International arbitration and private international law were a special focus of study in Grahame's post-graduate degree in Paris.

## Recent and Upcoming Talks

- **Things I wish I knew starting out in the Employment Tribunal:** interactive session for junior employment litigators (with Georgina Leadbetter).
- **Whistleblowing: more or less everything you need to know**, with Martin Fodder.
- **Growing Scope of Worker Protections:** Recent Developments and Developments to Come, with Daniel Tatton-Brown QC.
- **Whistleblowing: Everything you need to know!** An exploration of the many recent developments in whistleblowing law including, in particular, *Chestertons v Nurmohamed* in the Court of Appeal and *Osipov*.
- **Brexiters: team moves in the shadow of Article 50:** a thorough exploration of the law on applicable law, jurisdiction and recognition of judgments in the context of team moves. The talk looks at the law as it is now and how it is likely to change once the UK leaves the EU (with Lucy Bone).
- **Protecting Against Employee Competition:** a practical guide through the legal and practical issues that an employment team might face in seeking relief against unlawful employee competition (with Dale Martin).
- New FIFA Intermediaries Regulations and Future Agents Disputes, (with John Mehrzad).
- **Prophet of Doom?** update on recent developments in the law of injunctions and covenants, (with David

Reade QC and Chris Quinn).

- **Equality and Discrimination Challenges in Sports**, Sports Resolutions seminar on discrimination in sports law (with John Mehrzad).

## Publications

### Books

- 'Sports Law Yearbook 2015/16 - UK, Ireland and EU, author of chapter on Selection Disputes
- Grahame contributed to the new edition of '*Employment Covenants and Confidential Information: Law, Practice and Technique*' (Bloomsbury, 2018) by Selwyn Block QC and Kate Brearley.

### Videos and podcasts

- **IAAF Ban and Neutral Flags: Will Russians Race in Rio** – Podcast episode 1 (with Jamie Susskind)
- **Brexit, Free Movement and Sports Law** – Podcast Episode 2 (with Katherine Apps and Andrew Nixon of Sheridans Sports team)
- **Hyperandrogenism** – Podcast Episode 3 (with Lydia Banerjee)
- **"Sports Funding Disputes"** with Jeremy Lewis

### Articles

- Rule K Jurisdiction Challenges: do you have to be a Participant to be bound by FA Arbitration? 27 February 2018.
- "Penalty Clauses: primariness, secondariness and the categorisation of obligations in a penalties case", Practical Law Dispute Resolution Blog, 1 June 2017
- "Remarkably Unremarkable: the appeal in *Workman v Forrester*", Practical Law Dispute Resolution Blog, 14 March 2017
- "Torpedoes, asymmetric jurisdiction clauses and the Recast Brussels 1 Regulation", Littleton, 22 February 2017
- "Wise Indians, unwise advice and the perils of lengthy litigation: Court of Appeal considers remoteness of damage following failure to advise on jurisdiction clause", Practical Law Dispute Resolution Blog, 12 January 2017
- "Late Early Conciliation: conflicting Tribunal decisions", PLC Employment Law Blog, 26 April 2016
- "Who will the court believe? Lessons on witness credibility from recent cases", PLC Dispute Resolution Blog, 8 March 2016
- "The taxonomy of evidence: experts, facts, opinions and the courts", Practical Law Dispute Resolution Blog, 22 November 2016
- "Truth, the whole truth, and a little sweetener for telling it: contingent payments to witnesses and other litigation impropriety", Practical Law Dispute Resolution Blog, 8 September 2016
- "Who will the court believe? Lessons on witness credibility from recent cases", Practical Law Dispute Resolution Blog, 8 March 2016
- "Indirect instruction: a flight of fancy?", Practical Law Dispute Resolution Blog, 19 November 2015
- "Adducing expert evidence: appeal in *British Airways v Spencer*" Practical Law Dispute Resolution Blog, 10 September 2015
- "Samara sixteen months on: applications for relief from sanction and to set aside default judgment", Practical Law Dispute Resolution Blog, 9 July 2015

- “When is there a right to replay a football match?”, LawInSport.com, 10 June 2015
- “Regulating unruly football fans: the state of English law and proposed improvements” with Lydia Banerjee, LawInSport.com, 7 May 2015
- “Wild West’ or ‘Brave New World’: The new FIFA and FA Intermediaries Regulations”, LawInSport.com, 27 March 2015
- “A Practical View from Tribunal: Extending Time Because of Early Conciliation”, Practical Law Company, 1 April 2014
- “Fortification Fortified: the Court of Appeal’s judgment in *EVP Ltd v Malabu Oil and Gas*”, Littleton, 17 October 2014

## Education

- University of Cambridge, Fitzwilliam College, MA;
- Université Panthéon-Assas (Paris II) Maîtrise en Droit;
- Japan University of Economics, Tsuzuki Scholar;
- University of Northumbria, Bar Professional Training Course, Outstanding.

## Scholarships and Prizes

- Middle Temple, Baron Dr Van Heyden de Lancey Prize for best performance on the Bar course;
- Middle Temple, Queen Mother’s Scholarship;
- Trinity Chambers Prize for best overall performance on Bar course;
- Northumbria University, Dean’s Scholarship;

**Languages:** Grahame speaks fluent French, and intermediate Japanese.