

## Grahame Anderson

Call: 2013

### Barrister

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Grahame is an expert employment and sports litigator with particular expertise in whistleblowing and discrimination law and High Court business protection disputes. He has appeared for individuals, companies and trade unions in some of the most important recent authorities.

Grahame was named one of the Legal 500's Tier 1 Rising Stars in both employment law and sports law (the only member of the Bar to receive that accolade in both fields). He is described as:

- *'Approachable, unflappable and always available, with commercial advice and very effective advocacy.'*
- *'Forensic'*

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

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

### AREAS OF LAW

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#### High Court Employment and Business Protection

Grahame regularly appears, led and unled, in High Court business protection cases. Recent highlights include:

- ***Alesco Risk Management Services Ltd and ors v Bishopsgate Insurance Brokers Ltd and ors [2019] EWHC 2839***: acting for the Claimants, led by Gavin Mansfield QC, in this blockbuster High Court team move and confidential information litigation involving leading City insurance brokerages;
- ***Visage Limited and anor v Mehan and ors [2017] EWHC 2734 (QB)***: acting for one of the Defendants led by David Reade QC in a very high value covenants and confidential information case involving major players in the global fashion industry;

- Acting for the Defendants, led by Gavin Mansfield QC, in a confidentiality and team moves dispute in the insurance brokerage sector.

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## Statutory Employment

Grahame has acted in a broad range of Tribunal, County Court and High Court employment cases and regularly acts for Claimants, Respondents and unions, including in major authorities. Recent highlights and reported cases have included:

- ***CESC v Gould*: (Employment Appeal Tribunal: judgment pending)**: Grahame recently appeared unled before Mr. Justice Choudhury in this important appeal on territorial reach. He acts for the former captain of a superyacht in a claim against his former employers, which he seeks to bring before the UK employment tribunal. Grahame was successful at first instance. The dispute has been reported in the national media.
- ***Okedina v Chikale* [2019] EWCA Civ 1393 (Court of Appeal)**: led by David Reade QC in this important authority on the effect of illegality on employment contracts. David and Grahame acted for the successful Respondent to the appeal; her former employer had argued that because her continued employment breached immigration rules, it was unenforceable. Grahame edited the Practical Law UK entry on Illegality in Employment Contracts. The entry is reproduced from Practical Law with the permission of the publishers. For further information visit [practicallaw.com](http://practicallaw.com).
- ***British Council v Jeffrey; Green v SIG plc* [2019] ICR 929 (Court of Appeal)**; acting for the appellant, Mr Green, in an important appeal, and now leading authority, on the Employment Tribunal's territorial jurisdiction. Grahame has developed a particular specialism in cases involving thorny questions of territorial jurisdiction, in particular in the maritime context: Grahame acted successfully in ***Martirano v Peras Limited*** and ***Gould v Crew Employment Services Camelot***, both cases involving the captains of superyachts and their right to bring claims before the UK tribunal.
- ***Bryan v College of Northwest London* [2018] UKEAT 0067/18**: Grahame acted for the Respondent, having earlier successfully defended the Respondent in a 7-day discrimination claim; the EAT decided that, although the Employment Tribunal had made an error of law, there could only have been one outcome and so the Claimant's claims against Grahame's client were dismissed anew.
- ***ST v XY Law Firm***: acting unled for a leading solicitors' firm in a highly sensitive disability discrimination claim; the case involved significant reputational risk and Grahame was able to secure anonymisation for all parties;
- ***Ghiglieri v Systech* [2017] UKEAT 0310/16/BA**: 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;
- ***Kojima v Japan Green Medical Centre Limited***: successfully representing a Japanese doctor, based in London, in a claim against his former employer. The case threw up complicated legal issues about illegality,
- ***Wraith v Driving Standards Agency* [2015] UKEAT 0210/13/JOJ**: 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.

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## 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 the former Head Coach of an England Olympic squad in an appeal against the findings of an independent investigation;
- 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.

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## 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.

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## Publications

### Books

- Grahame edited the Practical Law UK entry on Illegality in Employment Contracts. The entry is reproduced from Practical Law with the permission of the publishers. For further information visit [practicallaw.com](http://practicallaw.com).
- Grahame contributed to the new edition of '*Employment Covenants and Confidential Information: Law, Practice and Technique*' (Bloomsbury, 2018) by Selwyn Bloch QC and Kate Brearley.
- Sports Law Yearbook 2015/16 - UK, Ireland and EU, author of chapter on Selection Disputes
- Cited, with John Mehrzad, in an [EU Report on Football funding for FIFA](#).

### Videos and podcasts

- [Equality And Diversity In Sport: Current Issues](#) - (with Libby Payne of Withers LLP)
- [IAAF Ban and Neutral Flags: Will Russians Race in Rio](#) - Podcast episode 1 (with Jamie Susskind)
- [Brexit, Free Movement and Sports Law](#) - Podcast with Katherine Apps and Andrew Nixon of Sheridans Sports team)
- [Hyperandrogynism](#) - with Lydia Banerjee
- ["Sports Funding Disputes"](#) with Jeremy Lewis

### Articles

- [RULE K ARBITRATIONS: LITTLETON'S STEP-BY-STEP GUIDE](#)
- 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
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## 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.
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## Languages and Background

- Grahame speaks fluent French and intermediate Japanese, having won a Tsuzuki Scholarship at the Japan University of Economics.
  - Grahame 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 volunteer at the North East Law Centre. He chairs the Employment Group of the Society of Labour Lawyers.
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## Scholarships and Prizes

- Legal 500 – Rising Star (Employment and Sport) 2021;
  - 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.
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