

Graham R. Middleton

Personal information

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Clerking information

Clerk: Kiera Johnston

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Employment History

September 2005- September 2013 - Dundas & Wilson CS LLP. Edinburgh

Associate, Commercial Litigation (Sept 2011 — Sept 2013)

Qualified Assistant, Commercial Litigation (Sept2007— Sept 2011)

Trainee Solicitor (Sept 2005 —Sept 2007)

- Acted for financial institutions, companies and public authorities in a wide range of disputes both in the Court of Session and sheriff courts.
- Advised clients in relation to disputes involving contract, insolvency, property, public procurement, tax, financial regulation, fraud, pensions, human rights, judicial review, education, employment and intellectual property.
- Acted as instructing solicitor in the Court of Session (Commercial Court, Outer House and Inner House) and appeared on behalf of clients at tribunals and in the sheriff court (ordinary actions, summary causes and small claims).

Selected Reported Cases

- ***City of Edinburgh Council v Scottish Council for Research in Education and the University of Glasgow*** .2011 SLT 587; 2013 SC357;

- ***Lithgows Limited Pension Scheme Trustees v Board of the Pension Protection Fund*** 2011 SC 426.
Commercial Experience

- Acted for a large commodity trader in defending a breach of contract claim for c£1.5m in the Court of Session;

- Acted for a bank in bringing proceedings in the Court of Session to recover c£1.4m advanced by the bank to a property development business. The case also involved potential professional negligence claims against the bank's former solicitors and its former surveyors;
- Acted for a multi-national oil services company in bringing proceedings in the Court of Session to secure performance of a restrictive covenant by a former senior employee;
- Acted for a statutory body in recovering funds fraudulently misappropriated by a former employee;
- Acted for a multi-national oil services company in conducting a "dawn raid" against one of its former employees under s1 of the Administration of Justice (Scotland) Act 1972;
- Advised a bank on defending a claim based upon alleged mis-selling of derivatives;
- Advised the administrators of a property development company in relation to proceedings against the company's former directors;
- Advised clients in many corporate and insolvency matters including:
 - o Winding up administration and bankruptcy petitions
 - o Applications on behalf of administrators including:
 - For distribution or disapplication of the prescribed part
 - For extension of the administration,
 - For orders under s236(3) of the Insolvency Act 1986;
 - For orders converting an administration to a liquidation;
 - o Challenges to gratuitous alienations and unfair preferences;
 - o Applications to approve liquidators' fees;
 - o Petitions to restore companies to the Companies Register;
 - Acted for an engineering firm in defending a breach of contract claim brought against it in Aberdeen Sheriff Court's commercial court;
 - Acted for various financial institutions in defending claims brought against them by customers in the sheriff court;
 - Acted for a Scottish University in defending a claim brought against it by its former tax advisers in Glasgow Sheriff Court;
 - Advised various financial institutions, public authorities and companies on debt recovery matters and diligence; and
 - Acted for a major Scottish football club in representing it before a Scottish Football Association tribunal.

Public Law Experience

- Acted for a pharmaceutical company in bringing a petition for judicial review of a decision of the National Appeal Panel to refuse the petitioner's appeal against a decision of the Pharmacy Practices Committee of a local health board;
- Acted for a public body in resisting a procurement challenge brought by way of judicial review;
- Acted for a property development company in challenging, by way of judicial review, a decision of the Scottish Information Commissioner;

- Advised leading Scottish universities in relation to various student disciplinary hearings; and
- Advised a local authority on defending an appeal in the Inner House of the Court of Session against a Sexual Offences Prevention Order imposed under the Sexual Offences Act 2003.

June 2001 - October 2002

HSBC Specialist Investments (HSBCSI). London

Fund Surveyor - HSBCSI (part of HSBC Investment Bank) created and managed specialist property and project equity funds for institutional clients.

November 1997-June 2001

LaSalle Investment Management (LIM). London

Asset Manager (Apr 2000 — June 2001)

Trainee Surveyor (Nov 1997— Apr 2000)

LIM is the investment management arm of Jones Lang LaSalle. As asset manager my duties involved acquisitions, disposals and professional work (such as preparing valuations and negotiating rent reviews) as well as general property management duties.

Education

October 2002 - September 2005 Edinburgh University — LLB (2 year degree) (with distinction)

October 1996 - October 1997 Aberdeen University — Master of Land Economy

October 1991 - October 1995 Aberdeen University — MA in Geography (2:1)

Professional Qualifications

Member of Law Society of Scotland (2006—2013)

Member of the Royal Institution of Chartered Surveyors (2000 — 2002)

Investment Management Certificate (IMC) (1998)

The IMC was the benchmark qualification for fund managers provided by the Investment Management Regulatory Organisation (whose former functions are now carried out by the FCA).