

Andrew McLaughlin

Call: 1993

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AREAS OF EXPERTISE

Personal Injury, Industrial Disease, Clinical Negligence,
Insurance, Property, Property Damage



Andrew is a leading senior junior in the fields of personal injury and industrial disease recommended in Chambers UK and the Legal 500 for over 20 years. Andrew continues to practise from St John's Chambers in Bristol but is instructed nationwide by Defendants. He is known above all for being a formidable trial lawyer. He is ranked as a band 1 practitioner in personal injury and is listed as a disease expert in Chambers UK Spotlight table. He has been a member of the Government panel ('Treasury Counsel') since 2012. In 2018 he was appointed to the 'A' panel which is reserved for counsel expected to conduct work on the Government's behalf involving millions of pounds against KCs.

Andrew is instructed by all the national firms nearly always on behalf of defendants and their insurers, especially in cases involving fundamental dishonesty, catastrophic injuries, amputations, fatal accidents, chronic pain disorders, serious psychiatric injuries as well as asbestos-related disease, HAVS, occupational stress, sexual abuse and WRULDs. He has been involved in numerous reported or high profile cases in recent years. He opened the appeal on behalf of the successful defendants in *Denton v TH White*. He appeared for the Defendant in *Williams v Betsi Cadwaladr Local Health Board* [2022] EWHC 455 (clinical negligence), *Walkden v Drayton Manor Park* [2021] EWHC 2056 (fundamental dishonesty), *Arshdeep v Buttar Construction* [2021] EWCA Civ 1408 (interim payment tetraplegia), *ATX v CRS and DPS* (2019) *Kemp Quantum* (severe child brain injury and tetraplegia), *Smith v Secretary of State for Transport* [2020] EWHC 1954 (asbestosis), *Stewart v Lewisham & Greenwich NHS Trust* [2017], EWCA Civ 2091 (manual handling), *Dyson v Heart Of England NHS Trust* [2017] EWHC 1910 (clinical negligence), *Smith v Secretary of State for Transport* [2020] EWHC 1954 (asbestos). This year he comprehensively defeated a well known KC in a £1.6m fundamental dishonesty claim to widespread national acclaim.

Andrew acts primarily for defendants in complex clinical negligence cases.

In addition, he defends public authorities against claims for misuse of private information, breach of confidence and breach of Data Protection legislation.

Personal Injury

Andrew's key fields of expertise lie in fundamental dishonesty, brain and spinal injury and alleged chronic pain, employers' liability for accidents at work and industrial disease, road traffic accidents, bullying and stress at work, sexual abuse, occupier's and public liability.

Andrew is instructed by nearly all major insurance companies as well as private individuals and companies. He is instructed by the Government Legal Service on behalf of various departments of state. He also undertakes work on behalf of NHS Trusts and Local Authorities.

Andrew has extensive experience of dealing with multi-track claims at all levels, mainly in the High Court and Court of Appeal. He led a junior in *Stewart V Lewisham & Greenwich NHS Trust* cited above to defeat a KC who was appealing the loss of a substantial manual handling claim. This year he has scored several major wins for insurers in claims involving fundamental dishonesty. The most notable of these was the resounding defeat of Satinder Hunjan KC in *Walkden v Drayton Manor Park* in which a former managing director claimed almost £1.6m but lost on the basis he had been fundamentally dishonest. Since then he has also defended a tyre company at a liability trial in which the claimant was crushed underneath a bus and shattered his pelvis, again on the grounds he had been dishonest in the presentation of his case on liability. He has dealt with numerous lower leg amputations and interestingly a double hand amputation which went to an approval hearing this year.

In 2019 Andrew acted for the 2nd Defendant in the largest PPO case in history in this country *ATX v CRS and DPS* [2019] EWHC 6/6/19 (lawtel) in which the court approved a PPO of £950,000 per annum to a child who had suffered tetraplegia and severe brain injury. He opened the appeals in *Denton v TH White* on behalf of the successful lead defendants, TH White.

He has a detailed knowledge of the legal and medical issues arising in claims for damages arising from bullying or stress at work, exposure to asbestos, noise-induced deafness, hand/arm vibration syndrome, exposure to hazardous substances, including bacteria, work-related upper limb disorders.

Andrew is respected by clients and opponents alike for his formidable courtroom skills, especially cross-examination.

Andrew is known amongst clients for his approachable style, flexibility and turnaround time.

Industrial Disease

Andrew is a leading industrial disease barrister whose work takes him all over the country but especially in the South West and Wales. He is one of a handful of specialists nationwide recommended in Chambers UK spotlight table for disease work as well as the Legal 500. He is the only barrister in Bristol who has retained his place in the Chambers & Partners spotlight table for disease work over the past 5 years.

He has been involved in a number of reported cases involving asbestos/respiratory disease (mesothelioma, asbestosis, lung cancer, occupational asthma), occupational stress and harassment/bullying, noise, work related upper limb disorders, hand/arm vibration syndrome, sexual abuse, bacterial exposure (*C. difficile*, MRSA, campylobacter). He is also a Panel A member of the TSOL panel. He represented the Secretary of State for Transport in *Smith v Secretary of State for Transport* [2020] EWHC 1954 (asbestosis). He successfully defended nearly 20 claims for alleged symptoms arising from exposure to ammonia gas and aluminium salts at a chemical plant in Shropshire which were discontinued after defences were filed. Presently he is instructed in several very substantial mesothelioma claims including the defence of one pleaded at in excess of £3m.

Andrew successfully represented the defendant in the Court of Appeal in the case of *Coventry University v Mian* [2014] EWCA Civ 1275, an appeal against a decision of HHJ Barrie that the university was liable to Dr Mian, a senior lecturer, for work-related stress. In 2013, Andrew defeated a huge claim for stress at work involving an 8-day High Court trial, the defence of a substantial claim for exposure to *C. difficile* causing permanent bowel problems, defending a claim for acoustic shock and recovering damages for claimants in various complicated mesothelioma claims. He acted on behalf of the Bank of New York Mellon in connection with a claim for in excess of £1 million by a former Head of Executive Office for stress at work, which was reported in the national press.

Clinical Negligence

Andrew undertakes complex clinical negligence work involving difficult issues surrounding breach of duty and causation primarily on behalf of NHS Trusts in England and Local Health Boards in Wales.

He had notable success in the latter part of 2019, including the successful defence at trial of a claim against a Professor of Colorectal Surgery who was accused of negligent execution of a laparoscopic colon resection in which it was alleged that there had been a negligent perforation of a ureter. Hitherto he defended a claim for inappropriate treatment of a suspected pulmonary embolism causing a fatal cerebral infarction which was tried by Sir Robert Francis KC. Presently he is involved in defending claims for alleged negligent spinal surgery and another claim for an alleged failure to treat Charcot arthropathy.

Andrew is able to provide detailed, high quality defences and other paperwork within a rapid time-frame and has seen this aspect of his caseload grow substantially this year.

Property Damage & Insurance Disputes

Andrew is a leading junior in the field of property insurance disputes. He undertakes civil fraud and insurance-related work which includes dishonest claims for fire and other property damage, false claims for theft or loss of property, fraudulent critical illness and life insurance claims, LVI/phantom passenger claims, and issues arising in relation to dates of inception, disclosure of facts/information, cooperation; he also advises and prosecutes in relation to contempt proceedings.

Insurance

Andrew represents and advises several major insurers involved in employers' liability, public liability, motor, and life insurance disputes. He deals with policy construction, coverage issues, fair presentation of the risk and remedies for not doing so, fraud, breach of policy terms and remedies, waiver and estoppel. He is most often asked to advise insurers on indemnity in the context of personal injury in EL, PL and motor cases but has also acted on numerous occasions for the 'life' branch of a large insurer in defending substantial claims for income protection, critical illness payments etc where issues frequently arise as to whether or not the insured's 'illness' or state of health meets the policy definition for a pay-out. He has a detailed knowledge of the Insurance Act 2015 and the Consumer Insurance (Disclosure and Representations) Act 2012.' He is also well familiar with disputes involving the MIB and the statutory framework underpinning it.

Qualifications

- BA (Hons) York

Appointments and Memberships

- A Panel of GLD counsel, dealing with the most complex work on behalf of government
- Attorney General's List of Panel Counsel 2012 – 2023

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- Member of the Personal Injury Bar Association Scholarships Benefactor's and Blackstone scholarships from Middle Temple

Cases

- Williams v Betsi Cadwaladr Local Health Board [2022] EWHC 455 (QB)

- Walkden v Drayton Manor Park Ltd [2021] EWHC 2056 (QB)
- Alexander v Wheeler
- Gilbert v Payne
- Paul Brady v Hare and Hounds
- Howells v Cwm Taf University Local Health Board
- Nicola Ward v Ministry of Defence
- Coventry University v Mian [2014] EWCA Civ 1275
- R v Tremorfa Group Ltd (1) John Glenn Installations (2)
- Denton & Ors v TH White [2014] EWCA Civ 906
- Denton v TH White [2014] EWCA Civ 906
- HSE v Pickford Move Management Ltd
- Susanne Goode v Abertawe Bro Morgannwg University Health Board
- Stephen Rees v Abertawe Bro Morgannwg University NHS Trust
- Hoey v Sir Robert Lloyd Construction [2011] EWCA Civ 1060
- Hinchliffe v Corus UK Ltd [2010] EWHC 1573
- Harding v Costain Ltd [2009] EWHC 1348
- C Jones v Angler's Paradise [2008] LTL
- Cooper v Carillion [2003] EWCA Civ 1811
- Lock v Cardiff Railways Board [1998] IRLR 358

Directories

Andrew has a fantastic attention to detail coupled with a very commercial and straightforward manner in dealing with things, taking the appropriate points. – Legal 500, 2025

"A forceful advocate. He has a brilliant manner and is sensible and down to earth. A shining star." – Chambers & Partners, 2022

"Very hard-working, he never misses a deadline and his work is very detailed. He is absolutely first-rate and one of the most robust leaders in this space." – Chambers & Partners, 2022

"A brave advocate who will stand his corner in front of a difficult judge. Clients love him as he speaks their language and provides very sensible and commercial advice. 'He's excellent with clients, has a keen eye for detail and is a powerful and persuasive advocate.'" – Chambers & Partners, 2021

"Superb advocate, very good in Court. Also provides clear and concise advice which gets to the heart of a case without dwelling on peripheral issues. Very good manner with clients, relatable and engaging." – Legal 500, 2021

"Leading personal injury barrister in the Western Circuit, adept at handling a variety of issues including stress, RTA and industrial disease claims. 'He's thorough, analytical and provides very commercially pragmatic advice.' 'Technically superb and extremely forensic, yet still able to adopt a pragmatic approach to claims.' 'Very effective in court.'" – Chambers & Partners, 2020

"Primarily acts in the defence of clients in significant industrial disease and personal injury cases. He has an impressively deep understanding of areas stretching beyond asbestos diseases, offering enviable expertise in cases involving noise-induced hearing loss (NIHL) and hand-arm vibration syndrome. 'He's particularly strong on procedure and good on his feet. He's easy to deal with and turns around papers very quickly.'" – Chambers & Partners, 2020

"An exceptionally good trial advocate, who is also incisive and pragmatic with his advice." – Legal 500, 2020

"Formidable on his feet; he takes no prisoners." – Legal 500, 2019

"Leading personal injury barrister in the Western Circuit, adept at handling a variety of issues including stress, RTA and

industrial disease claims. His cases concern serious injuries sustained in accidents at work. 'He has a very good understanding of the case law and is an authority on asbestos claims.' 'He is knowledgeable, incisive, pays attention to the detail and is extremely efficient with his paperwork. He provides practical and thorough advice.' – Chambers & Partners, 2019