

Brian McCluggage

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AREAS OF EXPERTISE

Personal Injury, Insurance, Fraud, Clinical Negligence, Property, Property Damage

JUDICIAL APPOINTMENTS

Fee-paid Employment Judge (2010 to date); Bar Disciplinary Tribunal (2017- 2024)

Brian McCluggage is a leading practitioner in high-value insurance litigation with thirty years' experience at the Bar. He acts principally for insurers and defendant solicitors in catastrophic personal injury claims, complex liability disputes, and substantial property damage and indemnity work.

He is regularly instructed as sole counsel in claims valued up to £15 million. His practice is characterised by meticulous evidential preparation, command of technical and scientific material, and a direct, strategically focused approach to case management. He is recognised for his courtroom advocacy, particularly his cross-examination of expert witnesses and his willingness to take difficult points at trial.

Brian's early years at the Bar saw him develop a broad civil and regulatory practice. He was junior counsel to the Crown for twenty years and gained experience across professional negligence, contractual disputes, indirect taxation, and injunctive relief. This grounding informs his current more specialised practice.

He is also a tenant at Nine St John Street Chambers in Manchester.

Insurance and Fraud

Brian has extensive experience of insurance fraud litigation and was involved in several leading cases, including *Axa v. Financial Claims Solutions* [2018] EWCA Civ 1330, the first Court of Appeal authority on exemplary damages in the insurance fraud context.

His fraud practice now centres on allegations of malingering and fundamental dishonesty in high-value personal injury claims, and on first-party disputes in *Axa v. Financial Claims Solutions* [2018] EWCA Civ 1330: Leading case on exemplary damages in insurance fraud involving exaggerated loss, fraudulent devices, or misrepresentation. He is experienced in the tactical deployment of surveillance evidence and the cross-examination of claimants where dishonesty is in issue.

Brian continues to accept instructions in cases with a wider strategic or reputational dimension, including claims in deceit, applications for exemplary damages, post-settlement proceedings under *Hayward v. Zurich*, committal for contempt, and third-party costs applications.

Qualifications

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King's Bench Walk

MA (Cantab)

LL.M. (Toronto)

Middle Temple Harold G Fox Scholar