12
King's Bench Walk

Michael Brace



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AREAS OF EXPERTISE

Industrial Disease, Personal Injury, Clinical Negligence, Fraud, Inquests, Mediation

Michael specialises in high value and complex personal injury claims and is recognised as a leading junior: In the current edition of Chambers & Partners he is described as “detail-oriented and client-friendly” and as providing “very clear and detailed advice” whilst the current edition of the Legal 500 notes he “*is able to advise on a range of cases to include more novel cases such as hypersensitivity pneumonitis claims.’*

Michael’s practice focuses on:

- Catastrophic injuries and fatalities
- Brain injuries
- Complex orthopaedic and amputation cases
- Psychiatric conditions

Michael's practice is UK-wide. He acts for both claimants and defendants and receives instructions from leading solicitors and major insurers. He has particular experience in dealing with complex and contested medical and engineering evidence.

Michael was one of the Attorney General’s Junior Counsel to the Crown from 2000 – 2007 and a “Panel Counsel to the Welsh Assembly Government” from 2000-2007.

Industrial Disease

Michael’s expertise in industrial disease litigation is reflected in the fact that he has been ranked nationally in such field by “Chambers UK – A Client’s Guide to the Legal Profession” every year and in the “Legal 500” has been ranked every year since 2016.

Michael regularly appears in claims in the specialist asbestos list dealing with issues of liability, causation, limitation and quantum.

Michael regularly undertakes seminars/presentations on a national basis both for Chambers and clients. Recent examples of his presentations are:

- "Issues arising on death" in the context of asbestos litigation – Chambers Asbestos conference – Manchester /May 2023
- "Asbestos in Schools" – event organised by asbestos victims charity – Liverpool / March 2023

He is a contributor to "*Asbestos: Law & Litigation",* Sweet & Maxwell, 1st and 2nd Edition (Chapter; Practice & procedure) and to *Kemp & Kemp: Personal Injury, Law, Practice & Procedure*, Sweet & Maxwell (Chapter 34 Industrial Diseases).

Whilst Michael's asbestos practice is Claimant based, in relation to other categories of industrial disease claims he is regularly instructed by leading Defence firms.

In relation to non-asbestos related injuries Michael has recently been involved for insurers in claims involving:

- "obliterative bronchiolitis" as a result of exposure to food colouring chemicals;
- Hypersensitivity pneumonits as a result of exposure to mould;
- Work related upper limb disorder as a result of work in a laboratory. Defending linked claims on behalf of 3 separate claimants.

Personal Injury

Michael has a wealth of experience in personal injury work including:

- Road traffic claims, in particular fatal claims and those involving accident reconstruction evidence;
- Employers liability claims (for both claimants and defendants);
- Highways claims.

Recent examples of Michael's personal injury work include the following:

- Currently acting for claimant following death of his partner who was struck by an ambulance whilst waiting at a bus stop
- Acted for child claimant following death of father in RTA. The claimant's father died a month before the claimant was born. Mother was not a dependant. Large claim for services dependency. Claim settled at JSM for £300,000.
- M v L Ltd (High Court / KBD) – acted for insurer in respect of fatal electrocution at work. Claim pleaded at in excess of £800,000. Claims for income and services dependency. Settled at JSM for £525,000.
- H v BTF Ltd (High Court / KBD) – acted for insurer in relation tom claim for development of "obliterative bronchiolitis" as a result of alleged exposure to food colouring chemicals. Complex and contested medical and engineering evidence. Claim pleaded in excess of £400,000 . Settled at JSM for £200,000
- Currently acting for insurer in relation to RTA claim which has allegedly resulted in a "subtle" brain injury. Claim is currently listed for a 5-day trial (KBD/High Court). Claim is pleaded in excess of £1.5 million. Contested evidence in the following fields; orthopaedics, neuropsychiatry, neurology, psychiatry, "pain", accident reconstruction.

Clinical Negligence

Michael has particular experience in obstetric and birth claims and also ophthalmic injuries. His practice encompasses high -value and complex claims in particular those in respect of catastrophic birth injuries and claims where death has resulted.

Recent examples of his clinical negligence work include the following:

- F v NHS Trust (High Court / KBD). Acted for child claimant in relation to severe and permanent shoulder injury suffered at birth. Claim settled at JSM for £500,000. Claim involved contested evidence in the following fields: orthopaedics, physiotherapy and occupational therapy

- Acted for family of child who died as a result of endocarditis (infection of heart valves) following dental treatment and after multiple attendances at his G.P and local hospital over a period of 5 months. Conducted 5-day inquest. Claim settled following the inquest.
- *H v S (High Court/KBD)*– Acted for the child Claimant in relation to hypoxic insult following failure to ensure caesarean section at a sufficiently early stage. Four limb cerebral palsy with developmental delay and epilepsy. Interim payments in excess of £1,000,000 obtained (no QC). Settled at JSM (first involvement of QC) for capitalised sum of £2.5million together with periodical payments of £93,000 rising in stages to £245,500 per annum.
- *H & H v C (County Court)*– Successful Clinical negligence claim on behalf of 2 child Claimant's in relation to failure by the Defendant trust to prevent their mother's fatal heart-attack. Claim for "nervous shock". Issues in relation to what constitutes a single shocking event.
- *M v A (High Court /KBD)*– Acted for the Claimant (a "Protected Party") in relation to clinical negligence claim following a stroke due to air embolism after a nurse incorrectly removed a central line. Claimant suffered severe cognitive and physical disabilities. Settled for capitalised sum of £1.2 million with periodical payments of £440,00 per annum.

Fraud

Michael is regularly instructed by leading Defence firms in relation to potentially fraudulent or exaggerated claims.

Inquests

In view of the high proportion of fatal accidents/injuries comprised within Michael's practice he has particular experience of Inquests. He appears regularly on behalf of the families of victims and also on behalf of Insurers.

Mediation

Michael is an ADR Group Accredited Mediator with experience of mediating in a wide variety of claims.

Qualifications & Awards

King's College, University of London LLB

ADR Group Accredited Mediator

Pupil Supervisor

Appointments & Memberships

Junior Counsel to the Crown (Provincial Panel) [2000 – 2007]

Panel Counsel to the Welsh Assembly Government ([2000-2007]

PIBA

AvMA

Directories

Michael knows his stuff in asbestos-related cases and has a very pragmatic approach. – Chambers & Partners, 2026

Mike has a total understanding of all aspects of asbestos-related disease litigation, huge attention to detail and a very quick turnaround time. – Chambers & Partners, 2026

Michael Brace has great communication skills with clients. – Chambers & Partners, 2026

Michael Brace is a very knowledgeable asbestos disease practitioner. He deals with problems in hearings calmly. He is very pleasant to work with and a solid asbestos counsel. – Chambers & Partners, 2026

Very precise and quick to deal with all matters. He has a robust approach. – Legal 500, 2026

Michael has been recommended in respect of personal injury litigation in the "Legal 500" every year since 2000 and in "Chambers UK – A Client's Guide to the Legal Profession" every year since 2003.

In respect of personal injury and clinical negligence litigation, the legal directories have described him as follows:

In the 2015 Edition of "Chambers UK" Michael was rated in "Band 1" in respect of personal injury which noted his "well-established" practice and that he was "highly regarded" for his representation in industrial disease claims – "His work is always of an extremely high standard. He is very reliable: he never misses a deadline".

In the 2016 edition of "Chambers UK" Michael was again rated in "Band 1" in respect of personal injury – "He is extremely bright and with an excellent client manner".

In relation to clinical negligence Michael was also rated in "Band 1" in the 2015 Edition of "Chambers UK" in which field his particular specialism in obstetric and birth problems was noted – "He cuts through the argument to present complex points succinctly – he is an excellent advocate".

His "Band 1 " rating was repeated in 2016 when he was noted to be "empathetic and diligent" and a "good, safe pair of hands".

In respect of industrial disease work, Michael has been ranked nationally by "Chambers UK" appearing in its "Spotlight table" every year whilst in the "Legal 500" he has been ranked "Tier 1" – "London Bar -Industrial Disease" every year since 2016. In relation to industrial disease claims the directories have commented :

He has unbelievable attention to detail, and his advice is clear and succinct. – Chambers & Partners, 2021

He is very good in court: tenacious, quick on his feet and robust when dealing with defendants who overstep. – Chambers & Partners, 2021

Happy to undertake more difficult claims and skilled in dealing with them. He is robust and always contributes to a fair outcome for his clients. – Legal 500, 2021

He is a very good cross-examiner and is impressive in pleadings. – Chambers & Partners, 2022

He is very experienced in the technical aspects of asbestos disease work and can cut through evidence to get to the nub of a case quickly. – Legal 500, 2022

Michael is simply outstanding. He has huge technical knowledge of this field and great attention to detail. – Legal 500, 2024

Michael is an effective, precise advocate. – Chambers & Partners, 2024

Michael delivers very complex advice very quickly and clearly. He is also very good to work with. – Chambers & Partners, 2024

He is tenacious and meticulous. – Chambers & Partners, 2025

Mike is simply brilliant in the field of asbestos cases and brings into each case a wealth of experience in both liability and quantum. – Chambers & Partners, 2025

Michael is a patient and skilled advocate at interlocutory applications, able to guide all parties through complex legal arguments. – Legal 500, 2025

Cases

H v S (High Court/QBD) – Acted for the child Claimant in relation to hypoxic insult following failure to ensure caesarean section at a sufficiently early stage. Four limb cerebral palsy with developmental delay and epilepsy. Interim payments in excess of £1,000,000 obtained (no QC). Settled at JSM (first involvement of QC) for capitalised sum of £2.5million together with periodical payments of £93,000 rising in stages to £245,500 per annum.

H & H v C (County Court) – Successful Clinical negligence claim on behalf of 2 child Claimant's in relation to failure by the Defendant trust to prevent their mother's fatal heart-attack. Claim for "nervous shock". Issues in relation to what constitutes a single shocking event.

N v C (County Court) – Clinical negligence claim acted for the Defendant. Alleged negligent insertion of intrathecal catheter and pump. Claim pleaded in excess of £1,000,000.

M v A (High Court /QBD) – Acted for the Claimant (a "Protected Party") in relation to clinical negligence claim following a stroke due to air embolism after a nurse incorrectly removed a central line. Claimant suffered severe cognitive and physical disabilities. Settled for capitalised sum of £1.2 million with periodical payments of £440,00 per annum.

Ministry of Defence v Blythe [2013] EWHC 1422 – Acted for the Claimant. Provisional damages award in 1990 in respect of asymptomatic pleural plaques. Order provided that ability to return for further award of damages was limited to a period of 20 years. The Claimant had not developed a "trigger" condition but failed to apply to extend the 20-year period before it expired. The Defendant disputed the ability of the Court to extend the 20-year period after expiration. Appeared before the Master who held that under CPR 3.1 and 41.3 the Court had power to extend the period retrospectively. Successful defence of appeal undertaken.

B v A (High Court / Q.B.D) – Acted for the Claimant in relation to the death of her husband from mesothelioma. Matter settled for £310,000 3 days before trial.

J v E (High Court / Q.B.D.) – Acted for the Claimant in relation to the death of her husband from mesothelioma suffered as a result of asbestos exposure in the course of his employment. Claim complicated by the failure of solicitors previously conducting the claim to take an adequate statement from the deceased. Exposure took place in 1947-1958. Issues in relation to foreseeability/breach of duty. Novel argument in relation to the application of Factories Act 1937 s.47 to the construction of power stations based on the effect of Factories Act 1937 s.107. Claim settled by Defendant a week before trial (led by QC)

R v E (County Court) – Acted for the Claimant in a fatal road traffic accident claim. Issues in relation to contributory negligence (seat-belt not being worn – had belt been worn a different potentially fatal injury would have been sustained) and quantum. Claim settled at joint settlement meeting for £260,000

B v M (High Court / Q.B.D.) – Acted for the Claimant in living mesothelioma claim. Claim settled for £190,000.

C v P (High Court / QBD) – Acted for Claimant – living mesothelioma claim. Listed for 2-day quantum trial. Settled on the evening before trial for £350,000.

G v R (County Court) – Acted for the Claimant, a serving police constable, who suffered injury as a volunteer crewman with the R.N.L.I. Issues in relation to loss of earnings and loss of pension based on the likely effect of the "Winsor Review of Police Officers and Staff Remuneration and Conditions". Claim settled for £240,000 at joint settlement

meeting.

P v K (High Court / Q.B.D) – Acted for the Claimant who suffered severe multiple injuries in a motorcycle accident. Claim settled at JSM (led by QC) for £1,400,000.

M v (1) S (2) C (County Court) – Acted for the Defendant highway authority in 5-day trial in relation to a fatal road traffic accident. Claim based on flooding of the highway – issues in relation to responsibility of the highway authority in relation to drainage of the highway and responsibility of adjacent landowner in respect of water running-off their land and onto the highway.

R v C (County Court) – Acted for Defendant. Issues in relation to breach of duty, causation and quantum. Claim pleaded in excess of £150,000. 2-day trial. Oral evidence by medical experts for both parties. The court concluded that the Claimant had not suffered any accident at work and further that as a result of cross-examination the Claimant's medical expert had been wholly undermined.

Q v P (County Court) – Acted for Defendant. Issues in relation to contributory negligence, causation and quantum with allegation that claim was exaggerated. Claim pleaded in excess of £150,000. At the conclusion of a 2-day trial the claim was successfully limited to £45,000 which was below the Defendant's pre-issue Part 36 Offer.

B v P (High Court /QBD) – Employer's liability claim, acted for Defendant. Claim pleaded in excess of £250,000. Issues in relation to fraud/exaggeration. Robust counter-schedule and detailed Part 35 Questions to the Claimant's 4 medical experts resulted in the Claimant settling the claim for £40,000.

Publications

Contributor *Asbestos: Law & Litigation,* Sweet & Maxwell, 1st and 2nd Edition (Chapter; Practice & procedure)