12
King's Bench Walk

Michael Rawlinson KC



Call: 1991
Silk: 2009

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AREAS OF EXPERTISE

Industrial Disease, Product Liability, Inquests, Personal Injury, Abuse, International & Travel, Arbitration, Aviation, Group Litigation, Military Claims, Sport

Michael's principal areas of practice are claims in which exposure to noxious substances are alleged to have led to long-term adverse health effects. He is instructed by victims, exposers and their insurers.

Since such claims often involve the development of cancer many years after exposure, much of his instruction requires the marshalling and presentation of very large quantities of historical documents evidencing or negativing either the fact of exposure or the guilty knowledge relating to it.

He works extensively with lawyers from other common law jurisdictions. Under this general description fall specific areas of litigation: occupational exposure to asbestos/other carcinogens and exposure to manufactured products made available to the public.

In addition he accepts a significant number of instructions each year on behalf of service personnel (or their survivors) where injury arises from service life. He is often instructed to appear at the initial fact-finding Inquest and thereafter within subsequent civil litigation. He is regularly instructed in respect of air crashes (fixed and rotary wing) and other aspects of aviation health and safety. More generally, Michael is instructed by insurers where a wider strategic interest arises out of specific litigation. He considers to be a core part of his work to regularly give talks seeking to signpost where the law of causation appears to be heading. He accepts instructions from 'both sides' in catastrophic head and spinal injury.

Notwithstanding the advent of 0% CFA/QOCS claims he is not risk averse where legally interesting or otherwise significant issues arise. Recent work has required him to provide advocacy arising from such diverse topics as the nature of the UK's level of control over Sovereign Base Areas in Cyprus, the system of International aviation regulation operating within the UK, the alleged effect of environmental exposure to organophosphates and the historical behaviour of manufacturers of asbestos products within the UK market.

When instructed to lead a team, he always tries to foster a collegiate approach to the litigation because he firmly believes that helps the entire team to provide maximum value to the client.

Industrial Disease

Michael is regularly instructed in litigation aimed at resolving 'generic' issues, the value of which stretches across very large numbers of cases with combined values exceeding beyond £100m (and in the case of Plaques and *Fairchild* running into £Billions).

- *Fairchild v Glenhaven Funeral Services Ltd [2002] 1 WLR 1052 (HL)* (also for academic commentary see (2003) MLR (66(2), 277-284
- *Grieves v FT Everard & Sons Ltd [2008] 1 A.C. 281 (HL) (2009) MLR 72(6)* (The Pleural Plaque test litigation)
- *Rice & Thompson v Sec. State For Trade & Industry [2007] I.C.R. 1469 (CA)* then remitted back to the High Court and further reported at *[2008] EWHC 3216 (QB) (Academic comment (2007) JPI Law 3, C150-152)*
- *Carter v Freeman Group plc [2008] EWHC 3576 (QB) & Bateman & Danks Holdings [2009] EWHC 2082 (QB); Preston v Hurst [2012] EWHC 870 (QB)*
- Series of appeals in respect of mesothelioma. Carter is still cited in the White Book (Part 24)
- *Cox v Transco [2006] EWCA Civ 127*

Product Liability

Michael regularly undertake cases for both victims and insurers. Recent examples include:

- the 'toxic sofa' litigation where he initially advised the importers of sofas from the Far East who were alleged to have caused large numbers of customers to develop a dermatitic reaction arising from the insertion of deliquescent sachets into the frame.
- Various Insurers v Cape International Holdings: Michael acts for a number of insurers claiming contribution from CIH in respect of asbestos insulation boards sold by CIH and their subsidiaries to their insured (and subsequently supplied for use to the insured's employees) in the period 1955-1980
- 'Aerotoxicity' – Michael acts on behalf of a number of airline employees who claim exposure to low and higher levels of organophosphates have occurred in the course of their employment aloft. This has happened owing to the design and operation of 'bleed air' from the engine into the aircraft cabin

Inquests

The majority of Michael's inquests (albeit not all) are deaths where the MOD is another interested party. In all Inquests he is instructed by the victims' respective families. Recent examples have included

- *'The Nimrod Inquest'*
- *This Inquest arose out of the Nimrod crash in Afghanistan in which the Armed Forces sustained the largest loss of life in a single incident since the Falklands conflict. I acted for all but two of the families. (http://news.bbc.co.uk/1/hi/uk/7932791.stm)*
- *'The Snatch Land Rover Inquest'*
- *This Inquest arose from the death of 4 service personnel (including the first female soldier to die on active service) travelling in a Snatch Land Rover in Helmand when it drove over an IED planted by the Taliban. The Coroner's comments were the subject of the (then) Leader of the Opposition's questions at the next day's PMQs (http://www.publications.parliament.uk/pa/cm200910/cmhansrd/cm100310/debtext/100310-0002.htm#10031061000011) and thereafter Indeed in September 2010 the Government announced the replacement of the Snatch with press coverage highlighting the role of the Coroner in this respect – see http://www.bbc.co.uk/news/uk-11388724*
- *'The Lynx' Inquest – The Inquest arose from the death of 5 service personnel in a 'Lynx' helicopter in Afghanistan on 26.04.14. Michael acted for the aircraft commander whom the MOD sought to criticize as being partly to blame for the crash. The subsequent civil litigation is ongoing.*

Personal Injury

Michael is regularly instructed on behalf claimants in traumatic amputations cases, with over 25 years of experience and claims exceeding £5 million. He is very familiar with associated loss arising from limb loss – such as 'phantom pain' or Functional Neurological Disorder ("FND") and the need for a multi-disciplinary approach to meeting those complex needs. Michael is fully conversant with prosthetic provision, physiotherapy claims, neuro-physiotherapy, care,

accommodation, and other claims.

A v MOD – man rendered incapacitated by being struck by negligently discharged Rocket Propelled Grenade. Settled for c£4m

Abuse

Michael accept a small number of instructions each year on behalf of victims and insurers where significant issues arise out of either the scope of the duty of care or causation. Recent instructing parties in cases raising such issues have included local authorities and transport companies.

International & Travel

Michael is regularly instructed by overseas insurers and much of his litigation contains elements of foreign jurisdictional issues.

Aviation

Michael works extensively with lawyers from other common law jurisdictions. Under this general description fall specific areas of litigation, occupational exposure to asbestos/other carcinogens and exposure to manufactured products made available to the public.

He is frequently instructed by overseas insurers and much of his litigation contains elements of foreign jurisdictional issues.

Michael is regularly instructed in respect of air crashes (fixed and rotary wing) and other aspects of aviation health and safety. More generally, Michael is instructed by insurers where a wider strategic interest arises out of specific litigation.

Experience includes;

- Nimrod Inquest/Claim
- Lynx Inquest
- Maydown helicopter crash, inquest/claim
- Crash between two Tornadoes on a training mission in Scotland
- Group action for traumatic injury, caused by rapid decent of an aircraft.
- Aerotoxity claims, arising from exposure to low and higher levels of organophosphates from the engine, into the aircraft cabin.

Qualifications & Awards

University: Manchester LLB (2:1) (Harry Street Tort Prize, Lawson Prize and Dauntsey Scholarship) 1991

Degree: Inner Temple (Major scholarship)

Panels: Junior Counsel to the Crown (Provincial Panel) (2003 – 2007; 2007 – 2009

Appointments & Memberships

Assistant Commissioner for Boundary Commission for England (2011-12)

Northern Circuit Medical Law Association, PIBA, Northern and North Eastern Circuits

Directories

An absolute legend and fountain of knowledge, Michael has the empathy that clients need and yet he deftly and robustly breaks down his opponents. – Chambers & Partners, 2026

Mike Rawlinson KC is an excellent litigator, with a ferocious appetite to succeed in difficult liability cases. He is never afraid to take on novel areas of law. – Chambers & Partners, 2026

A fine advocate, who is brutal in court when necessary. He's a real problem solver and a man to go to if you have a tricky case on your hands. – Chambers & Partners, 2026

He always seems to be two steps ahead of his opponents. – Legal 500, 2026

Michael's greatest strengths are his advocacy and his strategic thinking. A delight to work with. – Legal 500, 2026

Michael Rawlinson displays exceptional patience, skill and accuracy when tackling his impressive caseload.
– Chambers & Partners, 2025

Michael is well known at the Bar for fighting his client's corner hard and often taking on tricky cases that others would not. – Chambers & Partners, 2025

Michael is a suberb KC. down to earth and great with clients with a razor sharp mind. Someone you need in your team.
– Legal 500, 2025

He's got a real gift in sensing the witnesses and ascertaining how to put things before the judge and a phenomenal ability to get to grips with the detail while not getting lost in it. – Chambers & Partners, 2024

He has an encyclopaedic knowledge of case law going to the roots of personal injury law. – Chambers & Partners, 2024

He is a highly experienced silk who is meticulous in his preparation. – Chambers & Partners, 2024

Michael is well known at the Bar for fighting his client's corner hard and often taking on tricky cases that others would not. – Chambers & Partners, 2024

Michael is a phenomenal advocate. Nothing phases him – his advice is concise and to the point, and he is not afraid of trial. – Legal 500, 2024

Michael is an intellectual heavyweight with an encyclopaedic legal mind. He is an adept advocate, able to adapt his style dependent upon the client he is advising. Despite his years of experience, he has also retained his love of the law, which means that he is continually looking to create new law and test present legal thinking. – Legal 500, 2024

A superb advocate. Everyone looks up to him and he instils courage and confidence in the most challenging of circumstances. – Legal 500, 2024

Michael is the nuke button to press to totally demolish opponents. – Legal 500, 2023

A very tenacious barrister who is down to earth and easy to deal with. – Chambers & Partners, 2022

Michael has an amazing ability to get to grips with complex procedural issues within a very short period of time. – Legal 500, 2022

Faultless knowledge of the law in the field of disease litigation. – Legal 500, 2021

He is a very strong advocate. – Legal 500, 2019

He has a quiet confidence which coroners respect and are persuaded by. – Legal 500, 2018

Has the ability to condense significantly complicated material into bite-size and digestible chunks for the lay client. – Legal 500, 2018

A brilliant advocate. – Legal 500, 2018

A very well-prepared and hard-working advocate who gives practical and clear advice to clients. – Chambers & Partners, 2017

He's like a legal encyclopaedia; his knowledge of case law is incredible. – Chambers & Partners, 2017

He provides useful analysis which brings a unique perspective. He's the standout silk for a difficult case against the MOD. – Chambers & Partners, 2017

Beyond everything a client would ever want in a silk. – Legal 500, 2017

He is always ready to fight hard for clients to get the best result. – Legal 500, 2017

He always displays an encyclopaedic knowledge of his subject matter and excellent client care. […] An exceptional legal mind; his advice is always thoroughly thought out. […] On his feet he is a terrier. – Chambers & Partners 2016

No one has a better knowledge of asbestos disease litigation over the last 30 years. […] He is uncompromising, and thrives on difficult cases. – Chambers and Partners, 2015

A leading light in the world of disease litigation. – Legal 500, 2015

Michael Rawlinson KC is very bright and personable, with an enquiring mind. He should be the first phone call when something novel crops up. […] He's excellent – he has lots of experience in the mesothelioma area. He's simply superb. – Chambers & Partners, 2014

He has an instant and encyclopaedic recall for case law. – Legal 500, 2014

Michael Rawlinson KC is a very reliable and effective advocate whose practice is well balanced between claimant and defendant work. His caseload encompasses a broad range of personal injury claims, and he is especially highly regarded for his expertise in spinal injury and brain injury matters. He also has extensive experience of handling industrial disease claims. – Chambers & Partners, 2013

Michael Rawlinson KC is recommended for spinal and brain injury cases. – Legal 500, 2012

The immensely talented, well-prepared and persuasive Michael Rawlinson KC never shies away from tough and complex cases. – Chambers & Partners, 2012

One of the few counsel who is really willing to fight very difficult cases. – Legal 500, 2011

Michael Rawlinson KC has a national reputation on industrial disease matters, especially asbestos-related claims, and also handles a wide variety of other personal injury cases. Instructing solicitors appreciate that he "cuts through all of the issues to get to the main point," is "exceptionally fluent" and "has an encyclopaedic mind as far as case law is concerned. – Chambers & Partners, 2011

Has rapidly established his silk practice in high-value disease and injury claims…a standout practitioner in a strong group. – Legal 500, 2010

Michael Rawlinson KC of Kings Chambers wins plaudits for his specialist knowledge of occupational disease cases, especially those involving exposure to asbestos. Interviewees note that "he is always well prepared, extremely thorough in his analysis and a pleasure to work with." He is widely felt to have a "peerless understanding of his area of specialisation. – Chambers & Partners, 2010

Incredibly good on his feet and intellectually great […] Michael Rawlinson has a strong background in industrial disease and has undertaken work for and against the Ministry of Defence. – Chambers & Partners, 2009

Has been acting for the majority of the airmen's families in the high-profile Nimrod Crash Inquest. – Legal 500, 2008

Michael Rawlinson is acting in the headline Pleural Plaques Test Litigation which has now reached the House of Lords. – Legal 500, 2007

Widely thought of as a "truly brilliant barrister," he is commended for his "client-friendly manner and first-rate advice. – Chambers & Partners, 2007

Publications

General Editor *Asbestos: Law & Litigation,* Sweet & Maxwell, 2019