

Niall Maclean

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AREAS OF EXPERTISE

Personal Injury, Industrial Disease, Clinical Negligence, Fraud, Professional Negligence, Costs & Litigation Funding, Credit Hire, Insurance, Abuse, Product Liability, Inquests, Property, Property Damage



Niall is recognised as a leading junior in the current edition of Chambers & Partners where he is described as ***“a highly regarded personal injury junior”*** with ***“experience handling catastrophic and fatal injury claims on behalf of both defendants and claimants”***, and in the current edition of the Legal 500 which notes that he has ***“a real eye for detail”***. He is also ranked as a leading junior in Industrial Disease in the current editions of both directories.

Niall specialises in high value and complex personal injury, industrial disease and clinical negligence work, acting for claimants and defendants. He generally acts in cases valued in excess of £1 million, usually unled, and frequently against silks. He has a large and loyal client base, and receives instructions from leading solicitors, major insurers, the MIB, central government and local authorities.

His practice focuses on:

- catastrophic injuries and fatalities;
- serious spinal damage, including tetraplegia;
- brain injuries, including those characterised as subtle in nature;
- functional neurological disorders;
- all forms of pain syndromes, including chronic pain, complex regional pain syndrome, fibromyalgia and somatoform disorders (SSD);
- complex orthopaedic cases, including all forms of amputation;
- serious psychiatric conditions; and
- intentional torts including historic abuse.

Niall has an excellent track record at trials, joint settlement meetings and mediations.

He also has considerable appellate experience. He appeared in the Supreme Court (led) for the successful appellant in **Knauer v Ministry of Justice** [2016] UKSC 9, an important case on the quantification of future losses in fatal claims. He appeared in the Court of Appeal (unled) for the successful respondent in **Scott v Gavigan** [2016] All ER (D) 35 (Jun), a case concerning issues of foreseeability and legal causation in road traffic accidents.

Niall was one of the Attorney General's Junior Counsel to the Crown from 2015 to 2020.

Niall usually acts unled, but he is also comfortable acting as part of a litigation team and is frequently led by prominent silks. While adopting a thorough and rigorous approach to cases, Niall prides himself on being practical and approachable.

Personal Injury

Niall has considerable experience and is highly skilled in all areas of personal injury work, including:

- road traffic cases, including those involving accident reconstruction and CCTV / dashcam evidence, and those involving insurance issues under RTA 1988 and the MIB's Articles of Association;
- the liabilities of employers and occupiers;
- highways claims;
- public liability;
- product liability; and
- historic abuse cases, acting for defendant organisations alleged to be vicariously liable.

Niall usually acts unled in high value (generally £1 million plus) and complex matters.

He is well-versed in the complex evidential and strategic issues that arise in claims involving serious spinal injuries, traumatic brain injuries (including subtle TBI), amputations, functional neurological disorders and all forms of pain disorders.

He regularly conducts conferences with multiple experts, medical and non-medical.

Niall has considerable experience in cases involving allegations of exaggeration and malingering. He is knowledgeable in issues surrounding the use of surveillance and social media evidence, and in the tactical considerations that arise in these cases. He has secured findings of fundamental dishonesty at trial.

Niall's philosophy is to prepare cases with the utmost thoroughness. He prides himself on providing an objective appraisal of the strengths and weaknesses of any case at the earliest possible opportunity. Where settlement is appropriate, he is a skilful negotiator comfortable in joint settlement meetings and formal mediations. When matters go to trial, he is valued by instructing solicitors for his incisive cross-examinations and persuasive advocacy.

Recent examples of Niall's personal injury work include the following (in all cases he acts or acted unled, unless otherwise indicated):

- Acted for the defendant in a brain injury case pleaded in excess of £7 million, which settled for a small fraction of that sum at a JSM.
- Currently acting for defendants in a number of very high value cases involving issues of seatbelt usage and knowledge of drivers' intoxication.
- Acted for the claimant (led by Paul Russell QC) in a claim involving catastrophic injuries to a talented sportswoman. The claim settled favourably for a sum that included provisional damages.
- Currently acting for defendants in a number of very high value brain injury cases where quantum is considerably

complicated by aspects of the claimants' pre-accident lives (e.g. health problems, educational difficulties, criminality, etc.), and/or by iatrogenic factors.

- Acted for the defendant in a high value claim that was discontinued after service of incriminating surveillance evidence.
- Acted for a claimant with serious psychiatric injuries and a complex loss of earnings claim based on the impact of his injuries on the performance of his large jointly owned company. The claim settled favourably at a JSM.
- Acted for the successful defendant in a brain injury claim which failed on liability at trial after cross-examination of road traffic reconstruction experts.
- Acted for the defendant in a catastrophic spinal injury case considerably complicated by intervening negligent medical treatment.
- Acted for the claimant (led by Frank Burton QC) in a brain injury case giving rise to complex liability and causation disputes. The claim settled at a JSM for a seven-figure sum.
- Acted for the defendant occupier in a fatal case where the deceased fell through the roof of the defendant's warehouse. Niall drafted a detailed defence which led to the prompt discontinuance of the claim.
- Acted for the defendant main contractor in a construction site accident causing catastrophic injuries to the claimant, which settled favourably at a formal mediation.
- Acted for a claimant with serious shoulder injuries impacting on his previously successful building business. The claim settled favourably at a JSM.
- Currently acting for the defendant in a case where it is alleged a single traumatic brain injury caused the development of dementia.
- Acted for defendants in a number of cases involving functional neurological disorders, including one pleaded in excess of £6 million in which Niall was led by Steven Snowden QC.
- Acted for the defendant (led by Stephen Worthington QC) in a catastrophic brain injury case pleaded in excess of £20 million, which settled at a JSM for a lump sum considerably lower than that figure.
- Acted for the defendant (led by Stephen Worthington QC) in an amputation case pleaded in excess of £6 million.
- Acted for the defendant in a high value fatal case that gave rise to a difficult and novel legal issue about whether the claimant's dependency claim could take into account the fact the deceased was pregnant when she died. The claim settled favourably at a JSM.
- Acted for the defendant in a brain injury case with complex issues surrounding the quantification of a young academic's future loss of earnings. The claim settled at a JSM for a small fraction of its pleaded value.
- Acted for the defendant in a complex regional pain syndrome case defended on the basis that an unrelated post-accident spinal injury was the true cause of any pain. Settled at a JSM for less than 20% of the claim's pleaded value.
- Acted for the defendant in a chronic pain case where the claimant's complicated pre-accident psychological history suggested an exacerbation of pre-existing somatoform disorder. The claim settled favourably at a JSM for a small fraction of its pleaded value.
- Acted for the defendant (led by Paul Russell QC) in a very high value tetraplegia case with complicated life expectancy issues which settled favourably at a JSM.

Industrial Disease

Niall is ranked as a leading junior in Industrial Disease in the current edition of Chambers and Partners which describes him as *"a real heavyweight intellectual who is very practical"* and *"delightful to work with"*, and in the current edition of the Legal 500 where he is described as *"one of the most impressive barristers in asbestos claims, with a real eye for detail"*. He regularly acts unled against silks.

On behalf of claimants, Niall has fought and won numerous asbestos exposure cases giving rise to difficult questions of liability (including allegations of "low exposure"), causation, limitation and quantum. He is a recognised authority in the field, and is in demand as a speaker and author on these topics. He is a contributor to Sweet and Maxwell's *Asbestos: Law and Litigation*, a leading textbook.

Recent examples of Niall's asbestos work include the following (in all cases he acts or acted unled, unless otherwise indicated):

• Acted for successful claimants in a number of cases where judgment was obtained at show cause hearings, notwithstanding defendants' reliance on engineering evidence.

- Acted for successful claimants in a number of cases where exposure was to very small amounts of asbestos in unusual circumstances, e.g. in a laboratory, a school, a silversmith's premises, a shopping centre, and a world famous private members club (in the latter case led by Simon Kilvington QC).
- Acted for successful claimants in a number of cases involving the interpretation of important aspects of the Factories Acts of 1937 and 1961, and the Asbestos Industry Regulations 1931.
- Acted for a successful claimant exposed to asbestos in Scotland while washing her husband's overalls. The case gave rise to interesting issues of applicable law.
- Acted for the successful claimant (led by Steven Snowden QC) in a fatal mesothelioma case involving exposure to very small amounts of asbestos when the deceased played with her asbestos worker father as a child. The case also gave rise to complex quantum issues involving the valuation of care to a disabled relative. The claim settled for just under £1 million.
- Acted for the successful claimant in a lung cancer case giving rise to complex causation and contributory negligence issues.
- Acted for claimants in a number of cases where the cost of immunotherapy treatment was successfully recovered, including cases that gave rise to interesting legal and ethical issues.
- Acted for the successful claimant in a fatal mesothelioma case involving an extension of the principles set out by the Supreme Court in **McDonald v Dept. for Communities and Local Government** [2014] UKSC 53.
- Acted for a claimant diagnosed with well-differentiated papillary mesothelioma, an extremely rare form of the disease (only around 100 cases ever recorded worldwide).
- Acted for the successful claimants in a number of cases giving rise to complex issues of *de facto* employment and the scope of duties owed by non-employers.
- Acted for the successful claimant in a case where the defendant employer argued it operated a nationwide blanket ban on the use of asbestos. The claim settled favourably at a JSM for a high six-figure sum (led by Simon Kilvington QC).
- Secured one of the highest ever settlements in a living mesothelioma case (led by Frank Burton QC).
- Acted for the claimant (led by Robert Weir QC) in a living mesothelioma case of very high value due to the claimant's extensive business interests. Niall obtained judgment at a show cause hearing where the Court rejected the defendant's threshold safety level arguments because the exposure was deemed "substantial" within the meaning of s.63 of the Factories Act 1961.
- Acted for the successful claimant in an asbestosis case where limitation issues (particularly in relation to constructive knowledge and s.33 of the Limitation Act 1980) were complicated by the claimant's learning difficulties.
- Acted for the successful claimant exposed to small amounts of asbestos (including from brake linings) at a car garage (led by Ronald Walker QC).
- Acted for the successful claimant in a fatal mesothelioma case where the exposure took place in the 1940s.

In addition to his asbestos work, Niall is also instructed in claims involving exposure to chemicals, noise and biological hazards including rare pathogens. As a former member of the Attorney General's panel, Niall is skilled in claims arising from military contexts.

Clinical Negligence

Niall's practice in this area covers a wide range of medical negligence, as well as the negligence of associated professionals. He is experienced in the full range of breach of duty and causation issues that tend to arise in these cases. He frequently conducts conferences with multiple experts.

Recent examples of Niall's clinical negligence work include the following (in all cases he acts or acted unled, unless otherwise indicated):

- Currently acting for a claimant whose deceased husband's bladder cancer was mismanaged by a number of

different medical professionals.

- Currently acting for the claimant in a very high value child cerebral palsy case (led by Ronald Walker QC).
- Acted for the successful claimant in a fatal case involving the delayed diagnosis of leiomyosarcoma, a rare and aggressive form of soft tissue cancer.
- Acted for the successful claimant (led by Ronald Walker QC) in a fatal case involving the delayed diagnosis of cervical cancer in a woman deemed too young for screening. The case raised interesting issues about the scope of the *Bolam* principle. It settled favourably at a JSM for a sum that was subsequently approved by Mrs Justice Yip.
- Acted for the successful claimant (led by Frank Burton QC) in a complex tetraparesis case involving the mismanagement of evolving spinal pathology. The case settled favourably at a JSM for a seven-figure sum.
- Acted for defendant motor insurers in a number of very high value cases where intervening clinical negligence impacted on quantum.

Qualifications & Awards

BVC (Outstanding; ranked 6th in year), BPP Law School

GDL (Commendation), City University

D.Phil. in Philosophy, Balliol College, University of Oxford

B.Phil. in Philosophy, Balliol College, University of Oxford

M.A. (First Class Honours) in Philosophy and Sociology, University of Glasgow

Lincoln's Inn: Megarry Scholarship, Buchanan Prize, Lord Denning Scholarship, Lord Bowen Scholarship, and Hardwicke Entrance Award.

Balliol College, University of Oxford: Snell Exhibition.

University of Glasgow: Faculty of Arts Prize for best overall performance in finals by a male student, plus two further subject prizes.

Appointments & Memberships

Member of the Attorney General's C Panel of Junior Counsel to the Crown (2015 to 2020)

Personal Injuries Bar Association

Professional Negligence Bar Association

London Common Law and Commercial Bar Association

Background

Before coming to the Bar, Niall worked in academia and in public policy research for a leading Westminster think tank. He has published in the fields of health policy and medical ethics, and he retains an interest in the legal aspects of these areas.

Publications

Contributor *Asbestos: Law & Litigation*, Sweet & Maxwell, 2019 (Chapters on Common Law and TUPE & Employment)

Cases

Roberts v Fresse [2018] EWHC 3867 (QB)

Knauer v Ministry of Justice [2016] UKSC 9

Scott v Gavigan [2016] All ER (D) 35 (Jun)

Directories

Niall has an outstanding eye for detail and is very commercially aware and well liked by clients. – Chambers & Partners, 2025

Niall is very clear and methodical in the way he makes his arguments. – Chambers & Partners, 2025

Niall has comprehensive knowledge of asbestos claims and is a thorough and trusted advocate. – Chambers & Partners, 2025

He gives very detailed advice on complicated issues. – Chambers & Partners, 2025

Niall is an experienced barrister who is very knowledgeable and dependable. – Chambers & Partners, 2025

His advice on quantum matters is particularly perceptive and effective. – Chambers & Partners, 2025

Always immerses himself totally in a case – able to offer significant insights into the development of expert evidence. – Legal 500, 2025

A fantastic all-rounder. Niall has an amazing eye for detail, and is superb at assessing complex expert evidence on high-value cases. – Legal 500, 2024

Niall has a great eye for detail and a really strong strategic and commercial approach to claims, and he is a superb advocate. – Chambers & Partners, 2024

He really knows his law. He has his finger on the pulse on what the issues are in a case. – Chambers & Partners, 2024

Niall is an excellent advocate with an exceptional eye for detail. – Chambers & Partners, 2024

He gives invaluable advice and is very intellectual. – Chambers & Partners, 2024

His attention to detail stands out. He will look through quantum information and will find stuff people would miss. – Chambers & Partners, 2024

His advice is very detailed and thorough, a great help and provides us reassurance. He is quite analytical on looking at evidence we produce and making sure any issues are properly dealt with. – Chambers & Partners, 2024

He is absolutely forensic, tenacious and meticulous. – Chambers & Partners, 2024

Niall has extensive experience dealing with asbestos related claims and can safely be relied upon to give straightforward advice in this highly specialist field of work. – Legal 500, 2023

A real heavyweight intellectual who is very practical. He is delightful to work with. – Chambers & Partners, 2022

One of the most impressive barristers in asbestos claims, with a real eye for detail. – Legal 500, 2022

He has an incredible eye for detail and picks up on points that most others miss. – Chambers & Partners, 2021

An outstanding barrister and one of the leading juniors without a doubt in the field of claimant asbestos litigation. – Legal 500, 2021

He's excellent with clients and is technically very strong. He's a great choice of counsel for when you need to take a tough stance either on paper or in court. He's proven himself to be a very good advocate. – Chambers & Partners 2020

He's extremely bright and perspicacious, and is not afraid to take on a difficult case. He provides clear, concise and practical advice. – Chambers & Partners, 2020

His analytical approach to cases is very impressive. He is also very thorough and has great attention to detail. – Chambers & Partners, 2020

He has built up an impressive knowledge of the law relating to asbestos-related cases – Legal 500, 2019

A very articulate and measured barrister, and a tough opponent. – Chambers & Partners, 2019

He is a fantastic lawyer. – Chambers & Partners, 2019

He is highly experienced, knowing all the ins and outs of advancing tricky cases. – Legal 500, 2018

He delivers clear objective advice and represents clients' interests fiercely. – Legal 500, 2018

He has a good practical outlook and provides sensible advice. – Legal 500, 2018

Extremely proficient and very good with clients as he has got an exceptionally kind and calm manner. – Chambers & Partners, 2018

Incredibly thorough and comprehensive in his advice and effective in court. – Chambers & Partners, 2018

He has a formidable intellect, which he rigorously applies on behalf of mesothelioma sufferers – Legal 500, 2017

He provides practical advice on complex problems. – Legal 500, 2017

He sets out the entire range of options clearly, leaving clients with no confusion as to what the possible outcomes are. He is fantastic from an evidence-gathering point of view. – Chambers & Partners, 2017

His attention to detail is excellent and he's willing to fight fiercely when necessary. – Chambers & Partners, 2017

His advice is of an exceptionally high standard; no challenge is too large. – Legal 500, 2016

A rising star who is incredibly personable and deals with matters with admirable thoroughness. – Legal 500, 2015