12
King's Bench Walk

# Niall Maclean



**Call: 2008**
**maclean@12kbw.co.uk**

## 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 specialises in high value and complex personal injury, industrial disease and clinical negligence work, acting for claimants and defendants.

He is consistently ranked as a Band 1 / Tier 1 leading junior in Chambers and Partners and the Legal 500. The current editions describe him as *"a fantastic senior junior"* who is *"exceptionally bright"* and *"superb in joint settlement meetings"*, and as *"ferociously hard-working, excellent with clients and outstanding in court"*. He was shortlisted for the Legal 500's Personal Injury Junior of the Year in 2026.

Niall generally acts unled, often against silks, but he is also comfortable acting as part of a litigation team and is frequently led by prominent silks.

He adopts a thorough and rigorous approach to cases, and prides himself on being practical and approachable.

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

## 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.

His practice focuses on:

- catastrophic injuries and fatalities;
- brain injuries, from subtle to maximally severe;
- serious spinal injuries, including those causing tetraplegia;
- complex orthopaedic cases, including all forms of amputation;
- functional neurological disorders;
- chronic pain syndromes, complex regional pain syndrome, fibromyalgia and somatoform disorders (SSD); and

- serious psychiatric conditions.

Niall usually acts unled in complex and high value cases (generally valued in excess of £1 million).

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):

- Currently acting for the Rugby League defending a large number of claims brought by former players for alleged neurological injuries (led by William Audland KC).
- 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.
- Currently acting for the defendant in a case involving a spinal injury sustained by a very young child.
- Acted for a claimant with serious 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 at trial against a silk in what is believed to be the first case examining a link between brain injury and dementia in a claimant who actually developed dementia.
- Acted for the defendant (against a silk) in an amputation case with complex contributory negligence and quantum issues that settled after a JSM for a small fraction of its pleaded value.
- Acted for the defendant (against a silk) in a brain injury case pleaded in excess of £7 million that 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 defendant in a fatal claim involving the death of a very high-earning man with an unusual career structure. Liability, contributory negligence and quantum were all in dispute. The case settled favourably after a JSM.
- Acted for a claimant with serious injuries impacting on his previously successful building business. The claim settled favourably at a JSM.
- Acted for the defendant (led by Stephen Worthington KC) in a case involving a catastrophically brain injured claimant who returned to his native Lithuania. Damages had to be quantified using complex economic and actuarial evidence in order to set an appropriate discount rate. The case settled favourably at a mediation conducted by Frank Burton KC.
- Acted for the MIB in a case involving complex issues surrounding Clause 8 of the 2015 Uninsured Drivers Agreement, *ex turpi causa* and fundamental dishonesty. The case settled at a mediation for a small fraction of its pleaded value.
- Acted for the defendant in a brain injury / functional neurological disorder case where the claimant discontinued after service of surveillance evidence.
- Acted for the claimant (led by Paul Russell KC) in a claim involving catastrophic injuries to a talented sportswoman. The claim settled favourably for a sum that included provisional damages.
- Acted for the successful defendant in a brain injury claim that failed on liability at trial after cross-examination of accident reconstruction experts.
- Acted for the defendant in a complex spinal injury / cauda equina case with difficult issues of causation including intervening negligent medical treatment.

Niall also has considerable appellate experience. 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.

## Industrial Disease

Niall has a long-established industrial disease practice, with a particular focus on asbestos exposure cases. He is consistently recognised as Band 1 / Tier 1 leading junior in Chambers and Partners and the Legal 500, where he has been described as *"an outstanding barrister and one of the leading juniors without a doubt in the field of claimant asbestos litigation"* who possesses *"extensive experience dealing with asbestos related claims"*.

He is also instructed in cases involving exposure to chemicals, noise and biological hazards including rare pathogens.

Niall is also skilled in claims arising from military contexts.

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.

Niall acted (led) for the successful appellant in the Supreme Court in ***Knauer v Ministry of Justice*** [2016] UKSC 9, a mesothelioma case providing important clarification of the law regarding the quantification of future losses in fatal claims.

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

- Acted for the 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 psychiatric hospital, a silversmith's premises, a shopping centre, and at a world-famous private members' club (in the latter case led by Simon Kilvington KC).
- Acted for the 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 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 numerous claimants in mesothelioma cases giving rise to difficult issues of quantum under the Fatal Accidents Act 1976.
- Acted for a successful claimant exposed to asbestos in Scotland when washing her husband's overalls. The case gave rise to interesting issues of applicable law.
- Acted for the successful claimant in a lung cancer case giving rise to complex causation and contributory negligence issues.
- Acted for claimants in numerous cases where the cost of immunotherapy treatment was successfully recovered, including cases that gave rise to difficult legal and ethical issues.
- Acted for a claimant diagnosed with well-differentiated papillary mesothelioma, an extremely rare form of the disease (only around 100 cases ever recorded worldwide).
- Secured one of the highest-ever settlements in a living mesothelioma case (led by Frank Burton KC).
- Acted for the claimant (led by Robert Weir KC) 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 a successful claimant exposed to small amounts of asbestos (including from brake linings) at a car

garage (led by Ronald Walker KC).
- Acted for the successful claimant in a fatal mesothelioma case where the exposure took place in the 1940s.

## 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.

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

- Acted for the successful claimant whose deceased husband's bladder cancer was mismanaged by a number of different medical professionals and where it was mistakenly thought he was simultaneously suffering from a different additional form of cancer.
- Currently acting for the claimant in a child cerebral palsy case of very high value (led by Paul Russell KC).
- 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 the successful claimant (led by Ronald Walker KC) 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* test. 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 KC) 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

Bar Vocational Course (Outstanding), BPP Law School

GDL (Commendation), City University

B.Phil. and D.Phil., Balliol College, University of Oxford

MA (First Class Honours), 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.

## Appointments & Memberships

Pupil Supervisor

One of the Attorney General's 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 was an academic. He also worked 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 to *Asbestos: Law & Litigation,* Sweet & Maxwell, 2022 (chapters on Common Law and TUPE & Employment).

## Cases

**Ivory's Estate v Swale BC** [2023] 4 WLUK 209

**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 is a fantastic senior junior. He is a tenacious and skilled advocate, but also superb in joint settlement meetings.* – Chambers & Partners, 2026

*Niall is a tenacious and persuasive advocate who is always in the detail of his papers. He never loses sight of commercial reality.* – Chambers & Partners, 2026

*Niall Maclean is extremely quick to analyse and advise in tricky quantum cases, in particular.* – Chambers & Partners, 2026

*Niall Maclean has great attention to detail and is always a good man to have on your side.* – Chambers & Partners, 2026

*Niall Maclean is exceptionally bright.* – Chambers & Partners, 2026

*He is ferociously hard-working, excellent with clients and outstanding in court.* – Legal 500, 2026

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