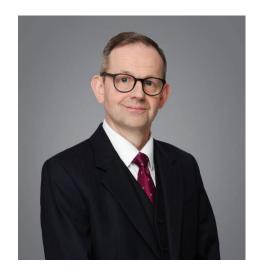


# **Niall Maclean**

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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 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".

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 Worthingon 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.

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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.

### **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.

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