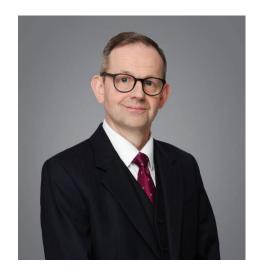


Niall Maclean

Call: 2008

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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.

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.

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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.

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.

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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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