

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 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.

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.