

Max Archer

Call: 2014
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AREAS OF EXPERTISE

Aviation, Industrial Disease, Information Law, Personal Injury, International & Travel, Human Rights, Product Liability, Commercial

Max is recognised as a leading practitioner in a number of different fields including aviation law, cross border litigation, industrial disease, product liability and group actions. Across these fields he is experienced in tortious disputes, commercial litigation and regulatory matters.

He is known for his excellent client care, robust advocacy and pragmatic approach to litigation. Max's work is often technical, high value and complex. He often appears unled against silks in the higher courts and is acknowledged for his advocacy skills.

Max has unparalleled knowledge of aviation law and has become a go-to junior in this area in respect of large loss events occurring all over the world as well as domestic accidents, regulatory issues and commercial aviation work.

His work often has an international dimension, he has expertise in jurisdiction and conflicts of laws as well as private international tort law and human rights issues.

Max often acts in group actions, both led and unled. He is adept at handling mass tort cases and often acts in environmental actions as well as group personal injury claims.

He is a contributing author of *Asbestos: Law & Litigation* (Sweet & Maxwell, 2019) and the co-editor of 12KBW's Asbestos Blog.

Max is recognised in Aviation, Personal Injury and Travel in the Legal 500 and in Aviation, Personal Injury and Industrial Disease in Chambers & Partners.

Aviation

Max is an experienced Aviation practitioner and is recognised in the leading directories for his unique expertise in this field.

He is an authority on the interpretation and application of the Montreal Convention 1999, regularly advising on cases in this area. He also acts in commercial and regulatory aviation matters for claimants and defendants.

He has considerable experience in fatal air crashes, often with a cross-border element. He has been involved in several high profile cases, including the Leicester Air Crash and the LaMia 2933 litigation. He is technically minded and

comfortable handling aviation experts and the AAIB. He has acts in inquests in aviation matters, including those involving a jury.

Recent instructions include several fatal helicopter crashes, international light aircraft crashes, a catastrophic parachuting accident, a serious ballooning incident and cases arising out of the Shoreham Air Disaster.

He regularly advises on commercial and regulatory matters in the aviation sphere and often brings his insurance experience to bear in this field.

In 2021 he acted for the successful claimant in *Lipton v BA City Flyer* [2021] EWCA Civ 454 and the successful claimant in *Silverman v Ryanair* [2021] EWHC 2955 (QB). He will appear in the Supreme Court in 2023.

Industrial Disease

Max has experience in industrial disease litigation beyond his call and has a particular interest in acting for claimants in claims arising out of exposure to asbestos. He has appeared in numerous high court trials both led and unled including *Cuthbert v Taylor Woodrow* [2022] EWHC Civ 3036, *Balls v Thurlow* [2021] EWHC 751 and *Taylor v Fascia Future* [2018] EWHC 3049.

Max regularly advises on issues such as low-level exposure, immunotherapy and claims involving difficult evidential and insurance issues. His asbestos litigation practice is one of the few areas of his work in which his history degree comes to active use.

Max acts in contribution claims brought by insurers and often brings his international expertise to bear on this area.

Max is the co-editor of the 12KBW Asbestos Blog.

Max also acts in non-asbestos related disease claims including exposure to various contaminants including mould, fibreglass and silicon.

Cross-border and Travel

Max has extensive experience of cases with an international element. His work in this area is wide ranging, from commercial litigation and international arbitration to personal injury claims and regulatory instructions. He has appeared in a number of reported cases in this field including *Silverman v Ryanair*, *Cooper v Halifax* and *Palaiokrassus v JBD*. His clients include injured parties, insurers, travel companies, manufacturers and airlines.

Max routinely deals with cases involving questions of jurisdiction and applicable law and is experienced in handling Rome I, Rome II and the Brussels Regulations. He is comfortable dealing with foreign law experts and has experience in cases involving applicable law issues involving a wide range of jurisdictions.

Max has recently been instructed as sole counsel in a high value recovery action brought by a well-known tour operator. He has extensive experience of commercial and regulatory issues that arise in his sector and is regularly asked to advise in this field. He appeared in the Court of Appeal in *Cooper v Halifax* [2022] EWCA Civ 1557.

Max is experienced in cases involving accidents at sea and has appeared in the admiralty court on a number of occasions. As a ranked travel lawyer Max is a specialist in the application of the Athens Convention, he also has expertise in contractual issues arising out of cases involving accidents at sea and issues involving the conflict of laws. Max has expertise in the application of equality laws to cases involving transportation by sea and air.

Max is also very experienced in mass tort litigation involving cross-border issues. He brings considerable experience in pleading such claims and is well versed in the complex issue of case managing mass torts.

Personal Injury

Max is recognised as a leading junior in personal injury litigation. He acts for claimants and defendants in high value and complex personal injury cases. He is regularly instructed in catastrophic injury cases for both claimants and defendants. He is known for his pragmatic, logical, advice and ability to cut to the core issues. He has personal injury experience beyond his call, acting unled in the high court against silks and senior juniors.

Max is adept at devising creative solutions to issues arising in personal injury litigation and often acts in cases involving novel points. He is acting in a number of group actions in this area and is used to working collaboratively with a team of lawyers.

Max's recent personal injury work includes a catastrophic claim arising out of an accident on the DLR, recovery actions brought by major insurers, claims brought under the animals act, brain and spinal injury cases and stress at work claims.

Commercial Litigation

Max is experienced in advising and acting in commercial litigation and has appeared as junior and sole counsel in various commercial matters. He is acting in various disputes in the Commercial Court and is experienced in international arbitration.

Max is adept at handling contractual disputes and has experience of commercial disputes involving various industries including aviation, manufacturing and the travel industry. He particularly enjoys commercial disputes where there are conflicts of laws issues.

Information Law & Human Rights

Max is experienced in advising and acting in both human rights and information law litigation. He appeared unled in *Underwood v Hampshire Hospitals* [2022] EWHC 888.

He is acting in a number of information law cases in the High Court. He brings his considerable group litigation experience to bear on this area. He has an in-depth knowledge of information law case law and statutes including:

- Breach of confidence and misuse of private information;
- Data Protection Act 1998/2018;
- Data Protection Directive 95/46/EC;
- General Data Protection Regulation (EU) 2016/679;
- Human Rights Act 1998 and article 8 of the ECHR;
- The right to be forgotten.

Max is regularly asked to advise on human rights issues, particularly where such issues occur in personal injury cases. Recent examples of his work include advising on the compatibility of international transport conventions with the HRA 1998, advice on immigration issues in the context of catastrophic injury claims and various claims in which freestanding claims have been made under the HRA 1998.

Product Liability

Max has extensive product liability experience and has advised in a large number of high value and complex claims in this area. Much of his products experience involves the aviation and automotive industry, he has advised in claims involving defective batteries for EVs, aircraft components in helicopters and large passenger aircraft and components in drones. He often advises on commercial and insurance matters in this area as well as injury claims. Much of Max's work involved the conflict of laws, he regularly advises on conflicts issues in products claims. He has advised on group actions in the product liability sphere.

Qualifications & Awards

- GDL & BPTC – City Law School
- Mphil in Modern European History – University of Cambridge
- BA (Hons) History – University of Warwick
- Lord Haldane Scholarship- Lincoln's Inn
- Hardwicke Entrance Award- Lincoln's Inn
- Honourable Mention- William C. Vis International Arbitration Competition
- Linklaters Aspire Award

Appointments & Memberships

Personal Injuries Bar Association

Pro Bono Champion

Travel and Tourism Lawyers Association

British Institute of International and Comparative Law

Government Legal Department's Junior Junior Scheme

Publications

Contributor Asbestos: Law & Litigation, Sweet & Maxwell, 2019 (Chapters; Asbestos: history and use, Product liability, Contributory negligence)

Max is the co-editor of the 12KBW Asbestos Blog, and a contributor to the 12KBW International and Travel Blog.

Directories

Max has a palpable interest in aviation and punches above his weight. – Chambers & Partners, 2024

Max is extremely sharp and skilled at recognising risks at the very beginning of the case. – Chambers & Partners, 2024

Max is approachable and has a lovely manner with clients. – Chambers & Partners, 2024

Max's paperwork is crystal clear, not a word wasted. He is very good at making relationships with solicitors. – Chambers & Partners, 2024

He is a really good junior who provides straightforward advice and is a safe pair of hands. – Chambers & Partners, 2024

Max is a really impressive barrister. He is a brilliant advocate. – Chambers & Partners, 2024

He works very hard; he reads all the papers. If a point comes up in a settlement meeting, he will know where to find the relevant bits. – Chambers & Partners, 2024

He provides clear advice and really goes the extra mile. – Chambers & Partners, 2024

An up and coming junior. Max has confidence and technical ability far beyond the number of years call. – Legal 500, 2024

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Max has a lovely manner with clients and breaks things down for easy understanding. – Legal 500, 2023
Max is receiving briefs that suggest many years on his year of call and seniority which is the true testament to his abilities as a barrister. He is very much in demand and making a name for himself in difficult and high profile aviation matters in particular. – Legal 500, 2023

He is wise and considered in his advice, strong and convincing on his advocacy and always available to discuss the case. – Legal 500, 2023

He is extremely reliable, enthusiastic, respectful and collaborative. He doesn't give up without a fight. – Chambers & Partners, 2022

Max is a future superstar of the personal injury Bar. – Legal 500, 2022

A future superstar of the Aviation Bar. He grasps the points immediately and has really good knowledge. – Chambers & Partners, 2021

He is very strong. Sharp, clear, knowledgeable, with an easy manner. – Legal 500, 2021

He is an excellent junior. He is approachable, clear, and pragmatic. – Legal 500, 2021