

# 12

King's Bench Walk

## Niall Maclean

Call: 2008

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### AREAS OF EXPERTISE

Personal Injury, Industrial Disease, Clinical Negligence, Fraud, Professional Negligence, Costs, Credit Hire, Insurance, Abuse, Product Liability, Inquests, Property

Niall is recognised as a leading junior in personal injury work in the current edition of Chambers & Partners, where he is described as “an impressive junior with a growing profile at the Personal Injury Bar” 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 “provides practical advice on complex problems”. He is also ranked as a leading junior (tier 1) in the current edition of the Legal 500 in Industrial Disease and in Insurance Fraud.

Niall specialises in high value and complex personal injury and clinical negligence work, acting for claimants and defendants. He frequently acts in cases valued in excess of £1m. 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:

- fatalities and injuries of the utmost severity;
- serious spinal damage, including tetraplegia;
- brain injury cases, including those characterised as subtle in nature;
- all forms of pain syndromes, including chronic pain syndrome, complex regional pain syndrome, fibromyalgia and somatoform disorders;
- complex orthopaedic and amputation cases;
- 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 is a member of the Attorney General's C Panel of Junior Counsel to the Crown, a select group of barristers who undertake civil work on behalf of central government departments.

Niall usually acts unled, but he is also comfortable acting as part of a litigation team and is frequently led by prominent personal injury and clinical negligence silks. Whilst adopting a thorough and rigorous approach to cases, Niall prides himself on being practical and approachable.

## Clinical Negligence

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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:

- Recently 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.
- Recently 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.
- Recently advised a defendant motor insurer on whether intervening clinical negligence broke the chain of causation between a road traffic accident and the death of the claimant's son.
- Currently acting for the claimant (unled) in a fatal case involving the delayed diagnosis of leiomyosarcoma, an aggressive form of soft tissue cancer.

## Qualifications & Awards

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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

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Appointed to the Attorney General's C Panel of Junior Counsel to the Crown (in 2015)

Personal Injuries Bar Association

Professional Negligence Bar Association

London Common Law and Commercial Bar Association

## **Background**

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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.