

Andrew McLaughlin



YEAR OF CALL: 1993

INN: MIDDLE TEMPLE

“ Andrew is very astute and incredibly hard-working. He has a very forensic approach to breaking down the component aspects of each claim.”

LEGAL 500, 2022

PERSONAL INJURY

Practice Overview

Andrew is a leading junior in the fields of personal injury and industrial disease, consistently recommended in Chambers UK and Legal 500 for the past 20 years, whose practice takes him to all parts of the country but particularly the South West and South Wales. Andrew is known above all for being a formidable trial lawyer, something which has been acknowledged in numerous recommendations over the past decade. He is ranked as a band 1 practitioner in personal injury and is one of only twenty barristers nationwide to be listed as an industrial disease expert in Chambers UK Spotlight table. He is also recommended in the Legal 500 for Health and Safety regulatory work. He has been a member of the Government panel since 2012. He was appointed a Government Panel A member in 2018 which is the highest level generally reserved for counsel expected to conduct cases involving millions of pounds against QCs.

Andrew is instructed by all the national firms nearly always on behalf of defendants and their insurers, especially in cases involving fundamental dishonesty, catastrophic injuries, amputations, fatal accidents, chronic pain disorders, serious psychiatric injuries as well as asbestos-related disease, HAVS, occupational stress, sexual abuse and WRULDs. He has been involved in numerous reported or high profile cases in recent years. He opened the appeal on behalf of the successful defendants in *Denton v TH White*. He appeared for the Defendant in *Stewart v Lewisham & Greenwich NHS Trust* [2017], *EWCA Civ 2091* (manual handling), *Dyson v Heart Of England NHS Trust* [2017] *EWHC 1910* (clinical negligence), *Smith v Secretary of State for Transport* [2020] *EWHC 1954* (asbestos). This year he comprehensively defeated a well known QC in a £1.6m fundamental dishonesty claim to widespread national acclaim.

Andrew acts primarily for defendants in complex clinical negligence cases.

Andrew also undertakes civil fraud and insurance-related work which includes dishonest claims for fire and other property damage, false claims for theft or loss of property, fraudulent critical illness and life insurance claims, and issues arising in relation to dates of inception, disclosure of facts/information, cooperation; he also advises and prosecutes in relation to contempt proceedings.

Andrew acts regularly on behalf of individuals and companies who face prosecution for breaches of the Health & Safety at Work etc. Act 1974 and subordinate legislation.

In addition he defends public authorities against claims for misuse of private information, breach of confidence and breach of Data Protection legislation.

Andrew is qualified to undertake public access work in appropriate cases.

Areas of Expertise

Clinical Negligence

Andrew undertakes complex clinical negligence work involving difficult issues surrounding breach of duty and causation primarily on behalf of NHS Trusts in England and Local Health Boards in Wales

He had notable success in the latter part of 2019, including the successful defence at trial of a claim against a Professor of Colorectal Surgery who was accused of negligent execution of a laparoscopic colon resection in which it was alleged that there had been a negligent perforation of a ureter. Hitherto he defended a claim for inappropriate treatment of a suspected pulmonary embolism causing a fatal cerebral infarction which was tried by Sir Robert Francis QC. Presently he is involved in defending claims for alleged negligent spinal surgery and another claim for an alleged failure to treat Charcot arthropathy.

Andrew is able to provide detailed, high quality defences and other paperwork within a rapid time-frame and has seen this aspect of his caseload grow substantially this year.

Health & Safety

Andrew's strong background in the fields of employer's and public liability work as well as industrial disease, has provided the perfect springboard to develop a thriving health and safety practice on behalf of defendants who face prosecution by the HSE or local authorities.

Andrew has been instructed by various FTSE 100 companies in connection with the defence of criminal proceedings including Tata Steel UK Ltd, Dairy Crest, Vion Foods, and Federal Mogul and is highly regarded by a number of insurers.

Notable successes in recent years include leading the defence of a prosecution against a director of a logistics company following the death of a banksman, and a prosecution against 2 companies and 2 individuals by the Royal Borough of Windsor and Maidenhead for various alleged breaches of the Health and Safety at Work Act 1974 following the death of a rigger at the Bray Studios in Reading which resulted in the collapse and acquittal of all concerned.

Andrew has also appeared before Mr Justice Field to mitigate on behalf of a large hotel following the death of a guest in its swimming pool and is actively involved in a number of ongoing cases which are in the early stages of prosecution.

Andrew understands the anxieties and difficulties faced by companies and their directors whenever a prosecution arises and responds swiftly and flexibly to requests their requests for advice or representation.

Andrew is qualified to undertake public access work in appropriate cases.

Inquests & Public Inquiries

Andrew is a leading junior in the fields of personal injury and inquests. He regularly appears at inquests which

often influence the decision as to whether or not to prosecute, and if so whom, and advises on plea, basis of plea and the collation of evidence whether for the purposes of a trial or mitigation; he also takes the lead, when required to do so, in discussions with the prosecution.

Personal Injury

Andrew's key fields of expertise lie in fundamental dishonesty, brain and spinal injury and alleged chronic pain, employers' liability for accidents at work and industrial disease, road traffic accidents, bullying and stress at work, sexual abuse, occupier's and public liability.

Andrew is instructed by nearly all major insurance companies as well as private individuals and companies. He is instructed by the Government Legal Service on behalf of various departments of state. He also undertakes work on behalf of NHS Trusts and Local Authorities.

Andrew has extensive experience of dealing with multi-track claims at all levels, mainly in the High Court and Court of Appeal. He led a junior in *Stewart V Lewisham & Greenwich NHS Trust* cited above to defeat a QC who was appealing the loss of a substantial manual handling claim. This year he has scored several major wins for insurers in claims involving fundamental dishonesty. The most notable of these was the resounding defeat of Satinder Hunjan QC in *Walkden v Drayton Manor Park* in which a former managing director claimed almost £1.6m but lost on the basis he had been fundamentally dishonest. Since then he has also defended a tyre company at a liability trial in which the claimant was crushed underneath a bus and shattered his pelvis, again on the grounds he had been dishonest in the presentation of his case on liability. He has dealt with numerous lower leg amputations and interestingly a double hand amputation which went to an approval hearing this year.

In 2019 Andrew acted for the 2nd Defendant in the largest PPO case in history in this country *ATX v CRS and DPS* [2019] EWHC 6/6/19 (lawtel) in which the court approved a PPO of £950,000 per annum to a child who had suffered tetraplegia and severe brain injury. He opened the appeals in *Denton v TH White* on behalf of the successful lead defendants, TH White.

He has a detailed knowledge of the legal and medical issues arising in claims for damages arising from bullying or stress at work, exposure to asbestos, noise-induced deafness, hand/arm vibration syndrome, exposure to hazardous substances, including bacteria, work-related upper limb disorders.

Andrew is respected by clients and opponents alike for his formidable courtroom skills, especially cross-examination.

Andrew is known amongst clients for his approachable style, flexibility and turnaround time.

Industrial disease

Andrew is a leading industrial disease barrister whose work takes him all over the country but especially in the South West and Wales. He is one of a handful of specialists nationwide recommended in Chambers UK spotlight table for disease work as well as the Legal 500. He is the only barrister in Bristol who has retained his place in the Chambers & Partners spotlight table for disease work over the past 5 years.

He has been involved in a number of reported cases involving asbestos/respiratory disease (mesothelioma, asbestosis, lung cancer, occupational asthma), occupational stress and harassment/bullying, noise, work related upper limb disorders, hand/arm vibration syndrome, sexual abuse, bacterial exposure (*c difficile*, mrsa, campylobacter). He is also a Panel A member of the TSOL panel. He represented the Secretary of State for Transport in *Smith v Secretary of State for Transport* [2020] EWHC 1954 (asbestosis). He successfully defended nearly 20 claims for alleged symptoms arising from exposure to ammonia gas and aluminium salts at a chemical plant in Shropshire which were discontinued after defences were filed. Presently he is instructed in several very substantial mesothelioma claims including the defence of one pleaded at in excess of £3m.

Andrew successfully represented the defendant in the Court of Appeal in the case of *Coventry University v Mian* [2014] EWCA Civ 1275, an appeal against a decision of HHJ Barrie that the university was liable to Dr Mian, a senior

lecturer, for work-related stress. In 2013, Andrew defeated a huge claim for stress at work involving an 8-day High Court trial, the defence of a substantial claim for exposure to C difficile causing permanent bowel problems, defending a claim for acoustic shock and recovering damages for claimants in various complicated mesothelioma claims. He acted on behalf of the Bank of New York Mellon in connection with a claim for in excess of £1 million by a former Head of Executive Office for stress at work, which was reported in the national press.

Personal Injury Fraud

Andrew covers a broad spectrum of personal injury fraud work which includes dishonest claims for fire and other property damage, false claims for theft or loss of property, fraudulent or exaggerated personal injury claims, fraudulent critical illness, disability and life insurance claims,, and issues arising in relation to dates of inception, disclosure of facts/information, cooperation etc.

Andrew is sought after widely for his tenacious cross-examination style, his enthusiasm for the work and his ability to deal with substantial complex cases within a rapid time-frame. He understands need for meticulous investigation and consideration of the facts and the early identification of suspicious claims.

Property Damage & Insurance Disputes

Andrew is a leading junior in the field of property insurance disputes. He undertakes civil fraud and insurance-related work which includes dishonest claims for fire and other property damage, false claims for theft or loss of property, fraudulent critical illness and life insurance claims, LVI/phantom passenger claims, and issues arising in relation to dates of inception, disclosure of facts/information, cooperation; he also advises and prosecutes in relation to contempt proceedings.

Recommendations

"A forceful advocate. He has a brilliant manner and is sensible and down to earth. A shining star."

CHAMBERS UK , 2022
PERSONAL INJURY: INDUSTRIAL DISEASE

"Very hard-working, he never misses a deadline and his work is very detailed. He is absolutely first-rate and one of the most robust leaders in this space."

CHAMBERS UK , 2022
PERSONAL INJURY

"A brave advocate who will stand his corner in front of a difficult judge. Clients love him as he speaks their language and provides very sensible and commercial advice. 'He's excellent with clients, has a keen eye for detail and is a powerful and persuasive advocate."

CHAMBERS UK , 2021
PERSONAL INJURY

"Superb advocate, very good in Court. Also provides clear and concise advice which gets to the heart of a case without dwelling on peripheral issues. Very good manner with clients, relatable and engaging."

LEGAL 500 , 2021
PERSONAL INJURY

"Leading personal injury barrister in the Western Circuit, adept at handling a variety of issues including stress, RTA and industrial disease claims. 'He's thorough, analytical and provides very

commercially pragmatic advice.' 'Technically superb and extremely forensic, yet still able to adopt a pragmatic approach to claims.' 'Very effective in court.' "

CHAMBERS UK , 2020
PERSONAL INJURY

"Primarily acts in the defence of clients in significant industrial disease and personal injury cases. He has an impressively deep understanding of areas stretching beyond asbestos diseases, offering enviable expertise in cases involving noise-induced hearing loss (NIHL) and hand-arm vibration syndrome. 'He's particularly strong on procedure and good on his feet. He's easy to deal with and turns around papers very quickly.' "

CHAMBERS UK , 2020
PERSONAL INJURY: INDUSTRIAL DISEASE - ALL CIRCUITS

"An exceptionally good trial advocate, who is also incisive and pragmatic with his advice."

LEGAL 500 , 2020
PERSONAL INJURY

Recent Cases

- ▶ [Williams v Betsi Cadwaladr Local Health Board](#) [2022] EWHC 455 (QB)
- ▶ [Walkden v Drayton Manor Park Ltd](#) [2021] EWHC 2056 (QB)
- ▶ Private: [Walkden v Drayton](#)
- ▶ [Alexander v Wheeler](#)
- ▶ [Gilbert v Payne](#)
- ▶ [Paul Brady v Hare and Hounds](#)
- ▶ [Howells v Cwm Taf University Local Health Board](#)
- ▶ [Nicola Ward v Ministry of Defence](#)
- ▶ [Coventry University v Mian](#) [2014] EWCA Civ 1275
- ▶ [R v Tremorfa Group Ltd \(1\) John Glenn Installations \(2\)](#)
- ▶ [Denton & Ors v TH White](#) [2014] EWCA Civ 906
- ▶ [Denton v TH White](#) [2014] EWCA Civ 906
- ▶ [HSE v Pickford Move Management Ltd](#)
- ▶ [Susanne Goode v Abertawe Bro Morgannwg University Health Board](#)
- ▶ [Stephen Rees v Abertawe Bro Morgannwg University NHS Trust](#)
- ▶ [Hoey v Sir Robert Lloyd Construction](#) [2011] EWCA Civ 1060
- ▶ [Hincliffe v Corus UK Ltd](#) [2010] EWHC 1573
- ▶ [Harding v Costain Ltd](#) [2009] EWHC 1348
- ▶ [C Jones v Angler's Paradise](#) [2008] LTL
- ▶ [Cooper v Carillion](#) [2003] EWCA Civ 1811
- ▶ [Lock v Cardiff Railways Board](#) [1998] IRLR 358

Appointments

- ▶ A panel of GLD counsel, dealing with the most complex work on behalf of government
- ▶ Attorney General's List of Panel Counsel 2012 – 2023

Professional memberships

- ▶ Member of the Personal Injury Bar Association Scholarships Benefactor's and Blackstone scholarships from Middle Temple

Qualifications & awards

- ▶ BA (Hons) York

Contact Andrew

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