

## RICHARD LIVINGSTON

Year of call: 2006

Clerked by: Stephen Loxton Paul Clarke

AREAS OF EXPERTISE:

Clinical Negligence Occupational Disease Pain Syndromes  
Personal Injury



## Occupational Disease

Richard has recently been involved in the litigation and conclusion of the following cases which are notable either due to their value or nature of the issues involved (the names of the parties have been anonymised):-

### Significant Reported Cases

Richard is instructed as Junior Counsel in the Aerotoxicity Litigation. The Claimants comprise pilots and cabin crew who have been allegedly exposed to partially pyrolysed engine oil/hydraulic fluid containing mixtures of Organophosphates (led by Michael Rawlinson QC).

Representing a living Claimant diagnosed with mesothelioma. Liability and diagnosis disputed. The Defendant sought to extend *Williams v University of Birmingham* to 1982. The case settled shortly at its full value shortly before an expedited High Court Trial (led by Michael Rawlinson QC).

Acting for the Dependents of lung cancer victim. A claim for pleural plaques was compromised for notional damages against one employer during the Deceased's lifetime. This compromise did not allow for provisional damages. The Deceased's Estate subsequently issued a claim against another employer following his death. The Defendant argues: Accord and Satisfaction; Abuse of Process/Issue Estoppel in line with *Jameson v CEGB [2000]* and seeks to challenge *Dowdell v William Kenyon [2014]* and *Lloyd v Humphreys & Glasgow Ltd [2015]*. The case settled shortly before a 5-day High Court Trial (led by Harry Steinberg QC).

Acting for a Claimant who suffered mesothelioma as a consequence of exposure to asbestos dust in Sicily. Involved issues of jurisdiction and conflict of laws (led by Michael Rawlinson QC).

Instructed by the Defendant in a claim for asbestos-related lung cancer in a claim pleaded in excess of £2.4 million, where a 40 year old living Claimant alleges exposure to asbestos as a labourer from 1994 - 2005 *Taylor v Fascia Futures Ltd [2018]* EWHC 3049 (QB). Richard acted alone against a QC and junior.

Acted for the Dependents of an engineer who succumbed to mesothelioma. The case settled shortly before a 5-day trial at the Royal Courts of Justice. The case involved issues of the correct approach to *Williams v University of Birmingham* and whether the (then) traditional approach to a dependency claim under *Cookson v Knowles* should continue to apply (led by Michael Rawlinson QC).

Acting without a leader in numerous cases where the Claimant has succumbed to mesothelioma or asbestos-related lung cancer.

Secured settlement for the family of a mesothelioma victim who successfully sued the demolition firm of whom the victim was director and the local authority who regularly engaged that company.

Secured settlement in numerous claims for living mesothelioma victims where the funding of immunotherapy treatment is contested.

Acting for several Claimants who have developed nasal cancer as a consequence of exposure to wood dust.

Acting for a Defendant in an important appeal relating to the approach that should be taken at a show cause hearing in a mesothelioma case - *Austin v Plumb Furniture Systems Ltd* (Reported on Lawtel).

Acting for a Defendant in a living mesothelioma claim where the Claimant's exposure took place pre-1975. The case is defended on the basis that the Claimant's exposure to asbestos was so light as to not give rise to a foreseeable risk of injury.

Acting for a Defendant in a mesothelioma claim where an issue arises as to the date of knowledge of exposure to low levels of asbestos in the motor repair industry.

Acting for a Defendant in a silicosis trial where the allegation was raised that the Claimant had suffered no actionable injury on the basis that his condition was asymptomatic - *Mills v J P Barnes & Sons Ltd* (Reported on Lawtel).

Acting for several Claimants where the Defendant contends that their asbestosis is non-actionable on account of it being asymptomatic.

Acting for a Defendant in defence of a harassment/stress claim. The Claimant discontinued shortly before trial.

## Profile

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Richard specialises in all aspects of Personal Injury and Clinical Negligence work. His practice encompasses injuries of the utmost severity and he regularly acts alone in cases where the value is pleaded well in excess of £2,000,000. He has secured millions of pounds of compensation for seriously injured Claimants and their Dependents. He also defends cases of similar value at Trial and at Joint Settlement Meetings for numerous Insurers and the Motor Insurers Bureau. He has secured substantial awards before the Criminal Injuries Compensation Authority where the damages initially awarded were inadequate.

Richard has developed a substantial reputation in the field of Occupational Disease. He is regularly instructed by Claimants and Defendants alike in claims involving benign and malignant asbestos-related conditions (pleural thickening, asbestosis, asbestos-related lung cancer, mesothelioma), asthma, chemical exposure (COSHH claims), occupational stress/harassment, upper limb disorders, tenosynovitis, silicosis and dermatitis. He is on a number of Insurers' panels.

He is regularly instructed in cases involving Chronic Pain Syndromes, Complex Regional Pain Syndromes, Chronic Fatigue Syndromes, Somatoform Pain Disorders, Somatic Symptom Disorders, Conversion Disorders and Fibromyalgia.

Richard also practises in the fields of Clinical and Dental Negligence and is instructed by Claimants, the MDU, the DDU and NHS Resolution.

Richard also has a substantial Professional Negligence practice in the context of negligently mishandled personal injury and clinical negligence actions.

He regularly appears without a leader in cases against QCs. He is regarded as having a practice well beyond his call.

**Year of Call:** 2006

## Areas of Expertise

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Clinical Negligence

Occupational Disease

Pain Syndromes

Personal Injury

## Memberships

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PIBA

Northern Circuit

North Eastern Circuit

## Qualifications

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University: University of Manchester

Degree: BA (First Class Honours) English Language and Literature

Year of Call: 2006 (Middle Temple)

Awards: Middle Temple Benefactors' Scholar

## Recommendations

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Legal 500 2019:

'A barrister who is a safe pair of hands.'

Legal 500 2018:

'Undaunted by any task.'

Legal 500 2017:

'He commands respect by virtue of his knowledge, diligent preparation and always being prepared to listen.'

Legal 500 2015:

"He has a practice beyond his call"

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UNITED KINGDOM

LEADING INDIVIDUAL

2017