

## MICHAEL RAWLINSON QC

Year of call: 1991  
Year of silk: 2009

Qualifications: Manchester LLB (2:1) (Harry Street Tort Prize, Lawson Prize and Dauntsey Scholarship) 1991, Inner Temple (Major scholarship)

Clerked by: Stephen Loxton

AREAS OF EXPERTISE:  
Occupational Disease    Serious Injury



### Profile

Michael's main area of practice arises from claims where historic exposure to any bodily insult is argued to have led to late onset sequelae. Predominantly this arises in respect of asbestos exposure leading to the contraction of cancer but there are few toxic agents which he has not encountered in litigation. Michael is regularly instructed in litigation aimed at resolving 'generic' issues, the value of which stretches across very large numbers of cases with combined values exceeding beyond £100m (and in the case of Plaques and *Fairchild* running into £Billions). As a concomitant to his 'long-tail' work Michael has experience in product liability claims. In addition to this work, he also specialises in military claims and catastrophic injury however caused. Michael has had the good fortune to be instructed in litigation which has required him to work with counterparts throughout the Commonwealth and the US. Michael thoroughly enjoys seeking to develop new areas of personal injury litigation and points within already-established areas. He is, at present, instructed by two families who claim the deaths of their respective relatives were caused by those relatives being exposed, whilst working as aircrew, to contaminated recycled air within commercial aircraft.

### Areas of Expertise

#### Occupational Disease

Michael has been involved in a number of GLOs in the past including both Coal Mining Schemes, the 'Toxic Sofas' litigation. More recently he has been instructed by a number of insurers in combination to seek contribution to their asbestos-related outlay arising under Employers' liability policies, against the historical manufacturer of asbestos boards.

#### Significant Reported Cases

*Fairchild v Glenhaven Funeral Services Ltd* [2002] 1 WLR 1052 (HL) (also for academic commentary see (2003) MLR (66(2), 277-284  
*Grieves v FT Everard & Sons Ltd* [2008] 1 A.C. 281 (HL) (2009) MLR 72(6) (The Pleural Plaque test litigation)  
*Rice & Thompson v Sec. State For Trade & Industry* [2007] I.C.R. 1469 (CA) then remitted back to the High Court and further reported at [2008] EWHC 3216 (QB) (Academic comment (2007) JPI Law 3, C150-152)  
*Carter v Freeman Group plc* [2008] EWHC 3576 (QB) & *Bateman & Danks Holdings* [2009] EWHC 2082 (QB); *Preston v Hurst* [2012] EWHC 870 (QB)  
Series of appeals in respect of mesothelioma. Carter is still cited in the White Book (Part 24)  
*Cox v Transco* [2006] EWCA Civ 127

#### Serious Injury

#### Military Claims

As a junior Michael was a member of the Attorney-General's panel and was regularly instructed by the MOD. In silk he is instructed by Claimants against the MOD. Michael has regularly been involved in Inquests raising wide issues of military personnel safety. He has particular expertise in litigation involving aircraft collision. In addition to the Nimrod Inquest set out below, he has been instructed in litigation involving helicopter crashes in Northern Ireland and Aghanistan together with Tornado collision occurring in Scotland.

#### Significant Reported Cases

*Radclyffe v MOD* [2009] EWCA Civ 635:

*Vaughan v MOD* [2015] EWHC 1404 (QB)

## 'The Nimrod Inquest'

This Inquest arose out of the Nimrod crash in Afghanistan in which the Armed Forces sustained the largest loss of life in a single incident since the Falklands conflict. I acted for all but two of the families. (<http://news.bbc.co.uk/1/hi/uk/7932791.stm>)

## 'The Snatch Land Rover Inquest'

This Inquest arose from the death of 4 service personnel (including the first female soldier to die on active service) travelling in a Snatch Land Rover in Helmand when it drove over an IED planted by the Taliban. The Coroner's comments were the subject of the (then) Leader of the Opposition's questions at the next day's PMQs (<http://www.publications.parliament.uk/pa/cm200910/cmhansrd/cm100310/debtext/100310-0002.htm#10031061000011>) and thereafter Indeed in September 2010 the Government announced the replacement of the Snatch with press coverage highlighting the role of the Coroner in this respect - see <http://www.bbc.co.uk/news/uk-11388724>

A v MOD - man rendered incapacitated by being struck by negligently discharged Rocket Propelled Grenade. Settled for c£4m

## Notable Cases

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The Queen (on the application of Gerard Joseph Parkinson) v HM Senior Coroner for Kent v Dartford and Gravesham NHS Trust, Sameer Hijazi [2018] EWHC 1501 (Admin)

Bussey v 00654701 Ltd (formerly Anglia Heating Ltd), Court of Appeal [2018] EWCA Civ 243 [2018] P.I.Q.R. P11

Whiting v First/Keolis Transpennine Ltd Court of Appeal (Civil Division) [2018] EWCA Civ 4;

## Memberships

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Northern Circuit Medical Law Association

PIBA

Northern and North Eastern Circuits

## Qualifications

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University: Manchester

LLB (2:1) (Harry Street Tort Prize, Lawson Prize and Dauntsey Scholarship) 1991

Degree: Inner Temple (Major scholarship)

Panels: Junior Counsel to the Crown (Provincial Panel) (2003 - 2007; 2007 - 2009)

## Recommendations

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**Legal 500 2020:** "An excellent advocate who works well with clients."

**Legal 500 2020:** "A fantastic legal mind who can adopt a novel approach to problems."

**Chambers UK 2020:** "He always impresses with his preparedness to undertake difficult cases and go the extra mile for clients. His encyclopaedic knowledge of case law is incredible and he is without doubt one of the best advocates around." "He has great tactical awareness and excellent commercial common sense."

**Chambers UK 2020:** "He's at the forefront of claimant mesothelioma work - he's inventive and is always looking for the angle to push issues on." "He works extremely hard and has a good eye for detail."

**Chambers UK 2018:** "A very well-prepared and hard-working advocate who gives practical and clear advice to clients." "Absolutely excellent. He's effective on his feet and client-friendly." "He is extremely experienced and tenacious."

**Legal 500 2018:** 'He has encyclopaedic legal knowledge and excellent client rapport.' 'He combines encyclopaedic legal knowledge with excellent client rapport.'

**Chambers UK 2017:** "A very well-prepared and hard-working advocate who gives practical and clear advice to clients." "He's like a legal encyclopaedia; his knowledge of case law is incredible." "He provides useful analysis which brings a unique perspective. He's the standout silk for a difficult case against the MOD."

**Legal 500 2017:** 'One of the leading authorities on asbestos litigation, who is tenacious and committed.'

**Chambers UK 2016:** "He always displays an encyclopaedic knowledge of his subject matter and excellent client care." "An exceptional legal mind; his advice is always thoroughly thought out." "On his feet he is a terrier."

**Chambers UK 2015:** "No one has a better knowledge of asbestos disease litigation over the last 30 years." "He is uncompromising, and thrives on difficult cases."

**Legal 500 2015:** "A leading light in the world of disease litigation"

**Chambers UK 2014:** Michael Rawlinson QC is "very bright and personable, with an enquiring mind. He should be the first phone call when something novel crops up." "He's excellent - he has lots of experience in the mesothelioma area. He's simply superb."

**Legal 500 2014:** "He has an instant and encyclopaedic recall for case law".

**Chambers UK 2013:** Michael Rawlinson QC is "a very reliable and effective advocate" whose practice "is well balanced between claimant and defendant work." His caseload encompasses a broad range of personal injury claims, and he is especially highly regarded for his expertise in spinal injury and brain injury matters. He also has extensive experience of handling industrial disease claims."

