

Michael Rawlinson KC

Year of call 1991 | Year of silk 2009

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| ✉ | sloxtan@kingschambers.com |
| ☎ | 0345 034 3444 |



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.

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.

Notable Occupational Disease 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

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 Afghanistan together with Tornado collision occurring in Scotland.

Notable Military Claims 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.

'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

Significant Cases

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

- Northern Circuit Medical Law Association
- PIBA
- Northern and North Eastern Circuits

Qualifications

- 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

Chambers UK 2023:

“Mike is exceptionally talented. He is fantastic with clients and his analysis of claims is second to none.”

“Michael knows everything there is to know. He is good with clients and is able to explain issues clearly, without leaving any doubts.”

Legal 500 2023:

“Michael is fantastic at putting clients at ease and explaining the most difficult legal concepts in easily understood language. He is a tenacious litigator with an encyclopaedic knowledge of the law. A safe pair of hands to tackle the most difficult cases and winning over the most challenging clients.”

“Michael has an excellent grasp of the issues. He is able to view the litigation in the round and to understand the wider issues so as to advise on tactical steps that are not immediately obvious. He is very down to earth and easy to talk to, which makes the barrister/solicitor relationship enjoyable and progressive.”

Chambers UK 2022: “A leading asbestos silk who pushes boundaries.” “A very strong advocate who is good in cross-examinations.”

Legal 500 2022: “Michael is fantastic at putting clients at ease and explaining the most difficult legal concepts in easily understood language. He is a tenacious litigator with an encyclopaedic knowledge of the law. A safe pair of hands to tackle the most difficult cases and winning over the most challenging clients.”

“Mike is an intellectual heavyweight with an encyclopaedic brain. Though he is pre-eminent in occupational disease and MoD work, Mike is competent in all areas of PI. He is an extremely able advocate who is adept at handling curveballs which invariably are thrown in the heat of litigation. Mike is always prepared to fight the good fight and to take on difficult cases. He is amongst the best silks around yet retains that human edge that some lack and is therefore able to put clients at their ease.”

Chambers UK 2021: “An astute silk, he has a good manner with clients and an encyclopedic legal brain. He is very tactical and a great advocate.” “He is very reassuring and inspires confidence in his clients.”

Chambers UK 2021: “He has immense energy and is loved by his clients.” “Brilliant – he’s like an encyclopedia in terms of what he knows about this area of law.”

Legal 500 2021: “There are a handful of silks with his expertise in military claims and he is respected by both claimant and defendant lawyers. He fights hard for his clients and his solicitors. He has a very human touch and can speak to any client at their level, which makes every difference in sensitive claims involving loss, injury and death. He is also fearless with his opponents and very effective at negotiations; he balances charm and menace expertly.”

“He has an encyclopaedic knowledge of the law. Exceptional client handling skills. Extremely responsive. Exceptional team leader, adept at utilising the strengths of each member of the team.”

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 the 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.’

Accreditations

