



Jack Macaulay



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"Jack roots out the nub of a case and deploys a strategic and commercial approach to litigation."
(Legal 500, 2022)



Jack practices in the core areas of Chamber's work, with particular focus on personal injury, clinical negligence, professional negligence, and property damage. He is on the Attorney General's B panel of London counsel.

Personal Injury

Personal injury work forms the cornerstone of Jack's practice, and he is regularly instructed on behalf of both Claimants and Defendants, at all stages of litigation.

He is listed as a leading junior by Legal 500 and Chambers and Partners.

His extensive experience encompasses:

- Fraudulent and exaggerated claims
- Cases of serious permanent injuries, with damages well into seven figures
- Brain injury claims
- Chronic pain cases, including cases of CRPS and somatoform disorders
- Psychiatric injury claims from primary and secondary victims
- Fatal accidents (including inquests)
- Injuries as a result of the deliberate criminality of third parties, including prisoner assault cases
- Accidents in the workplace, and,
- Acting for the emergency services.

Selected Cases

Recent cases of interest include:

- *Compton v TDR Groundworks and others*: securing a finding of fundamental dishonesty after a 4 day trial in a HAVS case.
- A fatal accident on a fishing boat following the sudden collapse of the fishing gear.

- Two successful trials in quick succession defending the MoJ against allegations that prison officers were too slow to intervene to prevent attacks on prison inmates.
- Advising a nationally recognised entertainment company on the implications of the end of the Brexit transition period on a potential claim against a Spanish equipment supplier, following a fatal accident in England, and acting in the civil claim by the deceased's dependants.
- Acting for the Defendant in a serious brain injury claim arising out of a road traffic accident, led by Christopher Kennedy QC.
- A chronic pain claim against a supermarket following a slipping accident; at trial the claimant succeeded in recovering only a small fraction of the damages claimed after Jack was able to persuade the judge to reject her evidence, and the opinion of her expert psychiatrist.
- Acting for the defendant in a case of alleged diffuse axonal injury (led by Shaun Ferris). The claim at one point was pleaded in excess of £10m, but eventually settled for a small fraction of its pleaded value. Additionally, a favourable settlement was achieved in contribution proceedings, after earlier negotiations had collapsed.
- Acting for a claimant who developed PTSD, depression, and chronic pain having been injured while restraining young patients at the defendant's child and adolescent mental health unit. Liability was initially vigorously disputed before it was conceded just before the PTR for the liability trial. The case eventually settled for a seven-figure sum.

Fraud

Jack has a particular interest in cases of alleged fraud and dishonesty. Such cases form an important part of his personal injury practice, where his experience runs all the way from claims which have been entirely concocted, to cases of discrete dishonesty over individual heads of loss, where the claim is dismissed under s.57 of the Criminal Justice and Courts Act 2015. He also has experience of allegations of dishonesty in the insurance context.

Jack's experience includes:

- Motor fraud:
 - Induced/staged accidents
 - Low velocity impact cases
 - Claims from "ghost passengers"
- Employer's/public liability claims:
 - Tripping and slipping cases, where the claimant was apparently injured elsewhere and opportunistically attempted to blame a defect in the highway
 - Staged or deliberate falls and other "accidents"
 - Accidents on construction sites where it is alleged that no accident in fact occurred
- Cases where genuine injuries – however caused – have been dishonestly exaggerated.
- Cases turning on surveillance evidence, including:
 - advising on the timing and tactics of the deployment of such evidence; and
 - securing permission to rely on surveillance at trial in the face of opposition from claimants.
- Dishonesty in the insurance context, for example a case where a claimant said that he had disclosed his past convictions on inception of a buildings/home insurance policy, but insurers alleged that he had not.



Jack is also familiar with other mechanisms for attacking suspicious or exaggerated claims where fundamental dishonesty cannot be established, such as securing costs orders against credit hire companies in motor claims.

Selected Cases

Recent cases include:

- *Compton v TDR Groundworks and others*: securing a finding of fundamental dishonesty after a 4 day trial in a HAVS case.
- Advising a defendant facing a brain injury claim following a serious fall from height at a construction site. The claimant alleged he could no longer work in his former role, but abandoned his claim following disclosure of surveillance evidence showing him working on site.
- Securing permission for a defendant to rely on surveillance footage where the application hearing was heard the working day before trial – following the defendant’s success at the hearing the claimant almost immediately accepted the defendant’s Part 36 offer made many months earlier.
- A claim by a claimant who allegedly struck his head on the roof of a road paving machine after his hard hat fell off; it was alleged that the claimant significantly exaggerated the effects of the injuries on him. Jack succeeded in obtaining summary judgment against the claimant, saving the costs of a week-long trial.

International Injury and Travel Law

Jack has a particular interest in cases with an international dimension, of whatever character. Past and ongoing cases include:

- Advising a nationally recognised entertainment company on the implications of the end of the Brexit transition period on a potential claim against a Spanish equipment supplier, following a fatal accident in England.
- A claim arising out a skiing accident in France.
- Accidents at airports in the course of embarking/disembarking aircraft (including under the Montreal Convention).
- An Athens Convention claim by a passenger who slipped on returning to the car deck of a ferry.
- Road traffic accidents in France and Italy.

Jack is also able to bring to bear his knowledge of private international law acquired through involvement in non-PI cases, including:

- Representing buyers of land situated in The Gambia in a dispute against the sellers; and,
- Advising a shipping company in a dispute arising out of the import of instant noodles into Scotland.

Clinical Negligence

Jack enjoys the particular medical and scientific challenges posed by clinical negligence litigation. He acts for the NHS, medical defence organisations, and claimants. His experience covers cases of:



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- Mis/delayed diagnosis
 - Inadequate consent
 - Injuries caused by or in the course of surgery
 - Obstetric/birth injuries
 - Dental claims
 - Inadequate nursing care, leading to e.g. pressure sores.

Selected Cases

Jack's recent cases include:

- A high value claim where Jack was solely instructed against a silk. The claimant alleged that a period of infection which occurred after a cuff of a Hickman line was not removed resulted in an inability to grow his business and claimed in excess of £1m for this.
- An ongoing case where infection followed an allegedly traumatic intubation.
- A failure to identify malignancy in the context of a septal perforation.
- A claim arising out of negligent treatment of the claimant's breast cancer, as a result of which the cancer recurred. Jack's client, the MPS, represented the histopathologist, who had failed to identify that the surgeon had not obtained clear margins around the tumour. The claimant was represented by leading counsel and sought damages against the surgeon, Jack's client, and the NHS trust. A satisfactory settlement was eventually achieved at a hard-fought virtual JSM.
- *Fryatt v Nottingham Forest FC*. Jack acted for the well-known football club at the interlocutory stages of a claim by one of its former players, who alleged that the club's doctors and medical staff failed to manage his ankle injury, resulting in the premature end of his career.
- A case of alleged injury to the mother caused by the use of forceps during delivery, requiring the input of both obstetric and surgical experts.

Industrial Disease

Jack has dealt with most forms of occupational disease claim, at all stages of litigation, including early advice/drafting of pleadings, representation at CCMCs/interlocutory applications, through to final hearings. His experience includes claims in respect of:

- Mesothelioma, asbestosis, and pleural thickening
- NIHL
- HAVS
- Asthma and other respiratory diseases.

Selected Cases

Recent noteworthy cases include:

- *Compton v TDR Groundworks and others*: securing a finding of fundamental dishonesty after a 4 day trial in a HAVS case.
 - A claim in respect of diffuse pleural thickening caused by asbestos exposure allegedly occurring in
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the course of groundworks. The case is notable because of the stark difference in the exposure alleged by the claimant, who says he was required to dig up buried asbestos waste and dispose of it by hand, and the defendant's position that the claimant never worked with asbestos at all.

- Representing the fire service in a case where a firefighter alleged he had suffered acoustic trauma from exposure to the siren of a fire engine. The case was defended to trial at which the experts attended for cross examination on the complex issues of what noise levels are capable of causing tinnitus/acoustic trauma. HHJ Baucher accepted Jack's submissions on both breach of duty and causation and dismissed the claim.

Insurance

Much of Jack's practice involves claims by or against insurers, or insurer-backed parties. He has a sound understanding of the underlying insurance law, and is able to advise on discrete disputes between insurers and insureds.

Jack's experience includes cases of:

- Alleged misrepresentation(s) and non-disclosure on policy inception.
- Disputes over the scope of insuring clauses – for instance whether a particular event would or would not be covered by a policy.
- Disputes over exceptions and exclusions to policy cover.
- Estoppel/waiver.
- Insurance under the Road Traffic Act 1988.
- Alleged dishonesty, for example a case where a claimant said that he had disclosed his past convictions on inception of a buildings/home insurance policy, but insurers alleged that he had not.

Property Damage

Jack's experience includes:

- Claims under the Water Industry Act 1991 following escapes of water from pipes, and for compensation for damage caused by the exercise of statutory powers under the Act.
- Advising and drafting proceedings in fire, flood, and other property damage cases, arising from a variety of causes including defective electrical equipment, domestic appliances, inadequately made plumbing, and tradesmen's works.
- *Glenluce Fishing Co v Watermota* [2016] EWHC 1807 (TCC), a dispute over the fitness for purpose of a marine diesel engine. The case gave rise to a novel dispute concerning the interaction between the rules on payment of court fees and the provisions of the Limitation Act 1980.
- *Smith & ors v South Eastern Power Networks* [2012] EWHC 2541 (TCC): junior (to Michael Kent QC and Simon Howarth) for the Claimants in a series of test cases determining the liability of the electricity distribution industry for fires caused by overheating mains cut-out fuses.
- Disputes over insurance coverage and non-disclosure.
- Construction cases, including party wall disputes and cases of defective workmanship by contractors and sub-contractors.



Qualifications

LLB, Law with European Legal Studies (First Class) King's College London, 2003-7
ERASMUS year at Uppsala University, Sweden, 2005-6
LLM (Cantab) 2007-8
BVC (Very Competent) BPP London, 2008-9
Lord Denning Scholar, Lincoln's Inn

Languages: French (intermediate), Spanish (improving), Swedish (basic)

Memberships

- PIBA
- PNBA

Recommendations

"Jack is very personable and adaptable; a smooth exterior but remains very much in control."
Legal 500, 2024

"Jack is always on point with his advice and with an understanding of the wider commercial issues that clients have in mind."... "He shows a very good understanding and he is good at handling clients."... "Jack is very measured. He is very good with the clients and a good advocate."... "His skeleton arguments were really excellent and he demonstrated a really thorough understanding of the case."
Chambers & Partners, 2024

"Jack roots out the nub of a case and deploys a strategic and commercial approach to litigation."
Legal 500, 2022