

# JOHN MCDONALD

Call 1981

## Get in touch

[jmcdonald@2tg.co.uk](mailto:jmcdonald@2tg.co.uk)

+44 (0)20 7822 1200



*"...very strong technically, a good communicator and is always on top of the case"*

(Chambers UK)

## Practice Overview

John's practice focuses on personal injury, insurance and property-related claims.

He has particular expertise in the law of motor insurance. Chambers and Partners UK 2022 says that *"His knowledge of motor indemnity law is very deep – he knows it inside out"*.

John is also highly experienced in asbestos, stress and other disease claims and he is ranked in both Chambers and Partners UK and Legal 500 for Industrial Disease.

He has been instructed in arbitrations in Egypt, Tunisia, and several European countries.

## Insurance & Reinsurance

Particular interest and expertise in motor insurance. Member of the 2TG MIB team. Advised on redrafting of MIB Hong Kong Agreements. Instructed in many cases by BLM, Browne Jacobson, DWF, Greenwoods, Horwich Farrelly, JAG Shaw, Kennedys, Keoghs, Aviva, Plexus, RSA, Travelers, RPC, Weightmans & others.

## Motor Insurance

Particular interest and expertise in motor insurance. Member of the 2TG MIB team. Advised on redrafting of MIB Hong Kong Agreements. Instructed in many cases by BLM, Browne Jacobson, DWF, Greenwoods, Horwich Farrelly, JAG Shaw, Kennedys, Keoghs, Aviva, Plexus, RSA, Travelers, RPC, Weightmans & others.

### Practice areas

Insurance & Reinsurance  
Motor Insurance  
Personal Injury  
Professional Negligence  
Property Damage

### Memberships

Western Circuit  
PIBA  
PNBA  
TecBar

### Qualifications

MA  
FCI Arb  
FRSA

### Education

St Andrews University  
College of Law



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## Personal Injury

Long experience of all areas of personal injury law, with particular expertise in:

### Asbestos claims:

Instructed in over 250 asbestos-related cases by firms including ASB Law, BLM, Browne Jacobson, CLM, DWF, Langleys, Novum Law, Pickerings, Rollingsons, Simpson Millar, Slater & Gordon, Tayntons, Thrings, Watmores & Wragge & Co.

### Health & Safety:

Instructed by Greenwoods, Buller Jeffries, Plexus & others in many inquests and health and safety prosecutions.

### Stress & Bullying:

Instructed for defendants by DWF and other firms in many cases.

### Other:

Instructed in many other personal injury cases, including industrial disease (e.g. deafness, dermatitis & WRULD), paraplegia & brain damage cases, quantification of complex loss of earnings cases. Accepts instructions from claimants on conditional fee basis.

## Professional Negligence

Professional negligence of solicitors, as well as engineers, architects and other construction professionals. Particular interest in fiduciary duties of solicitors and in liability of loss adjusters.

## Property Damage

Wide experience of most areas of practice in the construction field, including delay and disruption claims, defects claims, flooding, tree root cases, and other work with a technical content. Particular interest in cases involving complex financial or quantity surveying evidence, John's experience includes ICC arbitrations with hearings in Egypt, Tunisia and several European countries as well as the UK. Instructed on behalf of both employers and contractors, in cases before the Technology and Construction Court, arbitrators (both domestic and international) and adjudicators. Such cases have involved civil and marine engineering projects, as well as office and industrial building developments.

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## Significant Cases

**Sahin v. Havard & Riverstone Insurance** [2016] EWCA Civ 1202: Won significant motor insurance case involving EU law in the Court of Appeal. (Instructed by BLM).

**Prater v. British Motor Holdings** (2016) Bristol CC: Appeared for successful claimant in diffuse pleural thickening asbestos exposure case. (Instructed by Charles Lucas & Marshall)

**Smith v. Portswood House** [2016] EWHC 939: Successfully defended fatal mesothelioma case. Consideration of meaning of "substantial quantity of dust" in Factories Act. (Instructed by DWF)

**Pinn & Guo v. Zenith Insurance** (2014) Swansea CC: Successful application of "racing" exception in motor insurance policy. (Instructed by Plexus)

**Sahin v. Havard & Riverstone Insurance** (2014) Central London CC: Contention that Monk v. Warbey liability did not require insurance upheld. (Instructed by BLM)

**Equity v. Meppen-Walter & Quinn Insurance** (2013) Manchester CC: Resisted application by another motor insurer to intervene in section 152 declaration proceedings. (Instructed by DWF)

**AA v. CC & MIB** [2013] EWHC 2679 (QB) High Court, Lawtel: Power of Court to make variable PPO by consent. (Instructed by Greenwoods)

**Clarke v Clarke & MIB** [2012] EWHC 2118. Successful defence on issue of whether accident arose out of use of vehicle on public place. (Instructed by BLM Southampton)

**Khalid v EUI and Barden v Diamond** (2012) Birmingham and Winchester CC: Appeals on issue of whether second claim against motor insurer under 2002 EC Regulations an abuse of process. (Instructed by DWF Liverpool)

**R v Harris Calnan Construction** Jan 2012, Central Criminal Court: Complex HSE prosecution arising out of collapse of crane. (Instructed by Greenwoods)

**Harvey v MIB** (2011) High Court, Manchester, Lawtel: Successful defence of appeal against arbitrators award in MIB Untraced Drivers case. (Instructed by Weightmans, Liverpool)

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**Cahill v HMV** (2011) Liverpool County Court: Successfully defended deafness claim by security guard at an HMV store. (Instructed by DWF Manchester)

**Mullen v Accenture** [2010] EWHC 2336 (QB) High Court: Successful defence of stress at work claim. (Instructed by DWF Liverpool)

**Loader v Chauhan** (March 2010) Brighton County Court: Defence of automatism in RTA claim. (Instructed by Halliwells)

**Singh v OShea** (January 2010) Central London County Court: Successful defence of exaggerated claim. (Instructed by Plexus)

**R v Faulkner Gates Ltd & others** (2010) Bournemouth Crown Court & Court of Appeal: Complex multiparty HSE prosecution: Important points of principle. (Instructed by Greenwoods)

**England v Foster Wheeler** (Lawtel, August 2009) Sheffield County Court: Asbestos claim – distinction between diffuse pleural thickening and pleural plaques. (Instructed by Langleys & Rollits)

**Shapoor v Promo Design & MIB** (Lawtel, May 2009) Romford County Court: Construction of MIB Uninsured Drivers Agreement and section 154 RTA. (Instructed by DWF)

**McCall v Poulton & MIB** [2009] RTR 11 Appeal to Court of Appeal re Reference to ECJ on recoverability of credit hire charges under MIB Uninsured Drivers Agreement. (Instructed by Weightmans)

**Singh v OShea** [2009] EWHC 1251 (QB) (Lawtel) High Court: Appeal re admission of further medical evidence where unfavourable video surveillance evidence. (Instructed by Plexus)

**R v Just Learning Ltd** (February 2009) Cambridge Crown Court: Complex local authority prosecution of day nursery company re death of child in choking incident. (Instructed by Greenwoods)

**O'Brien v Day & MIB** (January 2009) Carlisle County Court: Exclusion of passengers claim under Clause 6 of MIB Uninsured Drivers Agreement. (Instructed by DWF)

**Taiwo v Community Links** (November 2008) Leeds County Court: claimant estopped from bringing stress claim by previous Employment Tribunal claim. (Instructed by DWF)

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**Mitchell v Wright & MIB/Rolland v Muralytharan & MIB** (May 2008)  
Manchester County Court: Recoverability of credit hire charges under MIB  
Uninsured Drivers Agreement. (Instructed by Weightmans)

**Jones v Thornton** (May 2007) Derby County Court – Exclusion of stress  
claim by agreement compromising Employment Tribunal and other  
claims. (Instructed by DWF)

**Hall & Richards v Merthyr Tydfil BC** (2007) TCC Cardiff:  
Landslip/subsidence case involving liability of local authorities. (Instructed  
by Dolmans)

**Nias v Hampshire County Council** (January 2007) Winchester CC: Bullying,  
stress claim. (Instructed by Hampshire CC)

**Stephens v Anderson Firmin & Collins** (December 2006) Swindon County  
Court: Limitation in asbestosis/diffuse pleural thickening case. (Instructed  
by Charles Lucas & Marshall)

**Woodward v Carillion** (November 2006) High Court, Birmingham:  
Contribution to mesothelioma claim from co-insured. (Instructed by  
Langleys)

**Mincher v Leaper** (September 2006) Leeds County Court: Definition of  
"motor vehicle" under Road Traffic Act. (Instructed by Weightmans)

**Dahele v Bates** (September 2006) High Court – Quantification of high  
value lost years mesothelioma claim. (Instructed by Watmores)

**Noble v Hurst & MIB** (February 2006) High Court, Nottingham – MIB  
Clause 6/permissibility of withdrawal of Part 36 Offer. (Instructed by  
Greenwoods)

**Offer-Hoar v Larkstore & Technotrade Ltd** (2006) TCC: Complex  
landslip/subsidence case involving issues of assignments and the law of  
nuisance. (Instructed by Beachcroft Wansbroughs)

**Western Morning News Co v Bovis Construction Ltd** (2003) TCC: Product  
liability case re nickel sulphide inclusions in glass office complex. Issues re  
duties of care, limitation, and warranties. (Instructed by Reed Smith  
Warner Cranston)

**DJ & C Withers (Farms) Ltd v Ambic Equipment Ltd** [2002] 3 All ER 385  
Court of Appeal: Product liability; hydraulic milking machine allegedly  
causing mastitis in dairy cows. (Instructed by Sheridans)

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**Day v Cook** [2001] LI. Rep. (PN) 551 Court of Appeal: Solicitor's negligence; solicitors breach of fiduciary duty; solicitor advising on property transactions in which he had an interest. (Instructed by Gaynor-Smith, Owen)

An Arbitration (2000 – 2001) (ICC Arbitration: Representing Government of African country in £39 million claim in respect of road building project; Ethiopian proper law; 4 week hearing in Tunis, with other hearings in London, Paris and Zurich. (Instructed by Shadbolt & Co)

An Arbitration (1998 – 2000) ICC Arbitration: Representing French building company in £9 million claim in respect of reconstruction of hotel complex in Cairo; Egyptian proper law; two hearings in Cairo, with other hearings in London and Brussels. (Instructed by Shadbolt & Co)

**Try v Blue Star Garages** (1998) 66 Con LR 90 TCC: Summary judgment; set off; liability of guarantor; construction of new football stadium for Portsmouth FC. (Instructed by Simmons & Simmons)

**Hopewell Holdings v Ewbank Preece** [1998] LI. Rep. 448 TCC: Insurance; possibility of subrogated claim against co-insured to bring subrogated claim. (Instructed by Kennedys)

**Hurst v Hampshire CC** [1997] 2 EGLR 164 Court of Appeal: Tree roots; liability of highway authority for highway tree. (Instructed by C.A. Norris)

## Recommendations

John is recommended for personal injury and industrial disease in Chambers UK:

*"He is extremely experienced and is the oracle on insurance." "His knowledge of motor indemnity law is very deep - he knows it inside out."*  
Chambers UK 2022

*"Very thorough and excellent in court." "Extremely knowledgeable, astute and a good tactician." "He is very good with clients and extremely technically competent."*  
Chambers UK 2021

*"He's brilliant, meticulous and an extremely pleasant man." "Excellent – he's very quick on the papers, very thorough and has great attention to detail."*  
Chambers UK 2020

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*"His attention to detail is second to none. He has an excellent breadth of legal knowledge and is always able to answer complex technical questions. He's also extremely approachable."*

**Chambers UK 2019**

*"He is well thought of for his understanding of insurance law. He has excellent knowledge of the area and provides strong, clear advice."; "He is very strong technically, a good communicator and is always on top of the case."; "A very good technical lawyer and a charming opponent. His cross-examination is devastating."*

**Chambers UK 2018**

*"elicits praise for his exhaustive case preparation... he's excellent: incredibly prompt, pragmatic and very astute when it comes to risk management."*

**Chambers UK 2017**

*"very quick with his papers and always makes time to discuss matters over the telephone."*

**Chambers UK 2016**

*"known for his effective, well-judged advocacy ... He is very thorough, has a great eye for detail ... he is very easy to deal with."*

**Chambers UK 2015**

*"has equally formidable expertise in relation to industrial disease claims and to serious and catastrophic injury cases ... he is very approachable, quick and efficient, and he provides thorough, sound advice."*

**Chambers UK 2014**

*"an industrial disease expert who is also well recognised for his Motor Insurers Bureau work."*

**Chambers UK 2013**

*"praised for his "comprehensive knowledge, innovative approach and ability to get to the nub of complex policy issues."*

**Chambers UK 2012**

*"a well-respected industrial disease practitioner, who wows instructing solicitors and peers alike with the "impressive level, clarity and extent of his advice", and "has a fantastic practice."*

**Chambers UK 2011**

*"scores well because of his awareness of his clients philosophies and tactics. Solicitors flock to him, as "he displays a willingness to work in*

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*partnership..."*

Chambers UK 2010

John also features in Chambers UK Industrial Disease Spotlight Table.

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