

John McDonald

Call 1981



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

He has particular expertise in the law of motor insurance. Chambers 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. He is ranked in both Chambers and Partners UK and Legal 500 as a leading junior in Personal Injury.

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

Expertise

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.

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.

Significant Cases

Sahin v Havard [2017] 1 WLR 1853

Successfully resisted appeal on Monk v Warbey insurance point. 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 (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.

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 (2010) Brighton County Court

Defence of automatism in RTA claim. Instructed by Halliwells.

Singh v OShea (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, 2009) Sheffield County Court

Asbestos claim – distinction between diffuse pleural thickening and pleural plaques. Instructed by Langleys & Rollits.

Shapoor v Promo Design & MIB (Lawtel,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 (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 (2009) Carlisle County Court

Exclusion of passengers claim under Clause 6 of MIB Uninsured Drivers Agreement. Instructed by DWF.

Taiwo v Community Links (2008) Leeds County Court

Claimant estopped from bringing stress claim by previous Employment Tribunal claim. Instructed by DWF.

Mitchell v Wright & MIB/Rolland v Muralytharan & MIB (2008) Manchester County Court

Recoverability of credit hire charges under MIB Uninsured Drivers Agreement. Instructed by Weightmans.

Jones v Thornton (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 (2007) Winchester CC

Bullying, stress claim. Instructed by Hampshire CC.

Stephens v Anderson Firmin & Collins (2006) Swindon County Court

Limitation in asbestosis/diffuse pleural thickening case. Instructed by Charles Lucas & Marshall.

Woodward v Carillion (2006) High Court, Birmingham

Contribution to mesothelioma claim from co-insured. Instructed by Langleys.

Mincher v Leaper (2006) Leeds County Court

Definition of "motor vehicle" under Road Traffic Act. Instructed by Weightmans.

Appointments

- Chartered Arbitrator (2002)
- Solicitor (Hons) (1979)

Awards

- Sir Henry Jones Memorial Prize

Education

- College of Law
- MA, St Andrews University

Languages

- Speaks good written and spoken French and some Turkish.

Memberships

- PIBA
- PNBA
- TecBar
- Western Circuit

Recommendations

John is recommended for personal injury in Chambers UK and Legal 500.

"John has superb technical knowledge."

"He always gives clear and robust advice and inspires confidence in decision-making."

Chambers UK 2024

"John is very good, he is a persuasive advocate."

Chambers UK 2023

"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

“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 partnership...”

Chambers UK 2010

John also features in Chambers UK Industrial Disease Spotlight Table.