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Gareth McAloon

Year of Call: 2010

Telephone: 0115 947 2581

Overview

Gareth's core specialisms are personal injury, industrial disease, clinical negligence and inquests and inquiries.

His work is almost entirely on the multi-track dealing with high value claims or claims with complex evidential matters.

Gareth has a busy court and paperwork practice. He is also familiar with Fatal Accident Act claims and the issues arising from such matters.

Gareth is adept at drafting large value Schedules and Counter Schedules of Loss and is well familiar with the issues and complexities which surround pension loss claims.

Expertise

Personal Injury

Gareth is regularly instructed in all aspects in personal injury work. Typically, this has arisen out of employer's liability claims under the various regulations, public liability claims under the Occupiers Liability Act or under the Highways Act, or road traffic claims representing both claimant's and defendants.

Usually, the cases that Gareth has dealt with have had complex evidential issues.

Gareth has a particular interest in claims involving causation arising out of spinal injuries and chronic pain issues which have given rise to significant amounts of expert evidence and forensic detail in respect of a claimant's medical history. Gareth is used to holding conferences with experts, drafting Part 35's and cross-examining experts at trial.

Gareth undertakes instructions relating to catastrophic injury and CICA matters. He has presented several CICA matters on appeal which have seen significant uplift in the amount awarded. They have predominantly involved complex brain injuries where the full amount under the scheme was applied for. One also involved a further complexity which involved clinical negligence, and the proper approach under the scheme and the rules to the settlement received in the clinical negligence action and the impact that it had on the award under the CICA scheme. In that matter nine expert reports were put before the Tribunal.

Disease

Gareth is regularly instructed in all aspects of industrial disease work including; asbestos-related disease, silicosis, HAVS, NIHL, occupational stress, COSHH cases and work-related upper limb disorders including repetitive strain injury claims.

He has been involved in a number of trials where matters have been defended on all issues and has led to him cross-examining expert witnesses. He is particularly familiar with limitation preliminary issue trials.

Gareth recently appeared before the Court of Appeal on behalf of the Defendant in the case of ***Mackenzie -v- Alcoa Manufacturing (GB) Limited*** [2019] EWCA Civ 2110 where he was led by Patrick Limb KC. Whilst specifically arising out of a NIHL claim, the case concerned important issues about disclosure and the defence of historic disease claims generally. A link to Gareth's article on the case can be found [here](#).

Clinical Negligence

Gareth has developed a busy clinical negligence practice. He has been instructed in matters ranging from initial advice on liability to complex advices on causation and quantum.

The majority of the work which Gareth has been involved in has arisen from allegations of a delay in treatment and/or misdiagnosis. This is a particular interest area for Gareth who enjoys the interplay between the factual evidence in such cases giving rise to the core chronology of events, and the parameters of the duty of care.

Gareth is also interested in cases concerning treatment of psychiatric conditions and the effects of medication withdrawal or delays in treatment which has precipitated patients self-harming and acts of suicide.

Gareth has also represented families at inquests where a clinical negligence claim is likely to follow.

Inquests

Gareth has represented a variety of interested parties in inquests. Particular inquests in which Gareth has appeared have

included the following:

- Deaths in custody (whether police or within a prison setting)
- Deaths arising from suicide where there has been alleged missed opportunities or deficiencies in the standard of care given prior to death
- Deaths connected to industrial disease
- Article 2 Inquests
- Deaths connected to clinical negligence
- Deaths arising from accidents at work or road traffic accidents.

Gareth's experience with dealing with large volume disclosure, his familiarity with medical records, and his regular dealing with expert witnesses allows him to be ideally adept at dealing with the core issues which often go to the root of an inquest and the potential findings available to the coroner.

Counter Fraud

Gareth has been successful on many occasions in securing a finding of fundamental dishonesty for defendants and obtaining a section 57 strike out under the Criminal Justice Act 2015. This has included not only circumstances whereby false evidence has been given on liability or causation but also where a claimant has tried to deliberately deceive the court about his date of knowledge for the purposes of the Limitation Act 1980.

Gareth's methodical approach to cases, and his eye for detail allows his skills to be particularly adept to dealing with cases where fraud is in issue. His meticulous preparation allows him to be strong in cross-examination with claimants facing allegations of fraud or dishonesty.

Notable Cases

***Mackenzie -v- Alcoa Manufacturing (GB) Limited* [2019] EWCA Civ 2110: NIHL.** case involving the ability of the Court to draw adverse inferences of breach of duty in a historic claim where the Defendant had no documents.

Currently instructed by the Government Legal Department in the COVID-19 Inquiry on behalf of the Cabinet Office.

Currently being led on a high-value blood-borne cancer claim arising from exposure to Benzene at work.

Professional Membership

- Personal Injuries Bar Association
- Professional Negligence Bar Association

Qualifications

- Eastham Scholarship, Lincoln's Inn
- BCL, St. Anne's College, University of Oxford
- BVC (Very Competent)
- LLB, University of Birmingham

- LLB (First Class Honours), Keele University
- Attorney General's Regional C Panel from 2020

Recommendations

Gareth is very approachable and happy to go the extra mile. He has a recognised expertise in disease claims. He is very good at expressing a firm view whilst keeping his advice succinct and to the essentials.

- Legal 500 2023 – Personal Injury

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