

Richard McLoughlin

Call: 2012



Richard McLoughlin practises in the fields of personal injury, clinical negligence and costs.

He is a diligent and versatile advocate with excellent client-care skills. He is happy to discuss cases on an informal basis with solicitors prior to the receipt of instructions. He provides detailed and practical advice and aims to do so within a short time-frame.

Expertise

Personal Injury

Richard acts for both claimants and defendants. He has significant experience of personal injury law, including:

- Employers' liability claims;
- Occupiers' liability claims;
- Highways Act claims;
- Road traffic accidents;
- Credit hire;
- Industrial deafness;
- Animals Act claims;
- Claims in which dishonesty is alleged.

Notable Cases

GL, KH v GK

Birmingham

103 Colmore Row
Birmingham
B3 3AG

DX: 16075 Fountain Court Birmingham
Telephone: +44 (0) 121 606 0500

London

Fifth Floor
7 Savoy Court
London WC2R 0EX

DX: 449 London Chancery Lane
Telephone: +44 (0) 207 420 7500

Bristol

30 Queen Square
Bristol
BS1 4ND

DX: 7838 Bristol
Tel: +44 (0) 117 917 8501

Court accepted Defendant's allegation that C2 was not present at the scene of the accident. Two findings of fundamental dishonesty secured.

EE v Mostell Logistics Limited

Secured finding of fundamental dishonesty notwithstanding Claimant's decision to discontinue the claim.

CA v Martin Brower UK

Defendant denied breach of duty and causation. Allegations of exaggeration and material non-disclosure of relevant medical history. Fundamental dishonesty finding secured.

DS v Advantage Insurance Company

Defendant alleged Claimant was not injured as a result of the index accident. Fundamental dishonesty finding secured.

SU v Royal & Sun Alliance Insurance PLC

Allegations of false injury claim. Causational arguments.

TR v Southern Rock

Late notification claim with Defendant adopting 'put to proof' defence without explicit allegations of fraud or fundamental dishonesty.

AB v National Express

Workplace accident. Claimant put to proof on facts of accident and causation.

TP and SA v UK Insurance Limited

Allegations of low velocity impact and exaggeration.

MR v National Farmers Union

Allegations of low velocity impact, phantom passengers and injury exaggeration.

Acting for a claimant who sustained multiple serious injuries including a traumatic brain injury as a result of a road traffic accident;

Several cases involving claims for the lifelong use of prostheses;

Birmingham

103 Colmore Row
Birmingham
B3 3AG

DX: 16075 Fountain Court Birmingham
Telephone: +44 (0) 121 606 0500

London

Fifth Floor
7 Savoy Court
London WC2R 0EX

DX: 449 London Chancery Lane
Telephone: +44 (0) 207 420 7500

Bristol

30 Queen Square
Bristol
BS1 4ND

DX: 7838 Bristol
Tel: +44 (0) 117 917 8501

Representing the claimant in a claim involving a workplace accident in which the claimant sustained serious orthopaedic injuries;

Acting as junior counsel for the defendant insurer in a below-knee amputation case;

Acting for a claimant who lost sight in one eye following a workplace accident;

Representing an elderly brain-injured claimant whose risk of developing post-traumatic epilepsy increased following an accident;

Acting as junior counsel for the claimant in a severe traumatic brain injury case.

Costs & Litigation Funding

Richard provides advocacy and advisory services and is happy to discuss matters informally with instructing solicitors.

Richard gained considerable experience in costs while training under the supervision of costs specialist, Christopher Perry.

He has developed his knowledge of costs by undertaking a secondment in the costs team of a national firm of solicitors. His experience includes:

- Detailed Assessments;
- Oral Review of Provisional Assessments, including a recent case in which Richard represented the paying party where the bill was re-assessed to nil on the basis of a breach of the indemnity principle;
- CCMCs;
- Costs applications;
- Drafting Replies to Points of Dispute to Bills in excess of £500,000;
- Advising in relation to discrete issues such as escaping fixed success fees and departing from costs budgets.

Credit Hire

Richard accepts instructions from both claimants and defendants. He has worked in credit hire since the beginning of his practice and therefore has an intimate knowledge of the leading authorities in this area. He is frequently instructed in matters involving very substantial claims for hire and in cases where dishonesty is alleged.

Fraudulent Insurance Claims

Richard frequently represents Defendants in claims involving allegations of fraud in road traffic accidents, workplace accidents and public liability claims.

Birmingham

103 Colmore Row
Birmingham
B3 3AG

DX: 16075 Fountain Court Birmingham
Telephone: +44 (0) 121 606 0500

London

Fifth Floor
7 Savoy Court
London WC2R 0EX

DX: 449 London Chancery Lane
Telephone: +44 (0) 207 420 7500

Bristol

30 Queen Square
Bristol
BS1 4ND

DX: 7838 Bristol
Tel: +44 (0) 117 917 8501

His recent experience includes:

- Low velocity impact claims;
- Deliberately induced accidents; – Phantom passengers;
- Late notification/‘farmed claims’; – False or exaggerated injuries;
- ‘Pure’ causal arguments.

Richard is instructed in trials and interim applications and also meets with lay witnesses in conference in order to assess the strength of their evidence. He is also instructed to draft defences and advise on prospects and whether, for instance, a formal pleading of fraud is appropriate.

Richard is available to discuss cases informally with professional clients. He aims to return advices and pleadings swiftly. He ensures that his advices are comprehensive and practical.

Industrial Disease

Richard accepts instructions from claimants and defendants in matters including:

- Noise induced hearing loss
- Occupational exposure to chemicals
- Hand-Arm Vibration syndrome
- Repetitive strain injury

Brain Injury

Richard has represented clients who have suffered brain injuries, both as sole counsel and also as junior counsel.

- Acting for a claimant who sustained multiple serious injuries including a traumatic brain injury as a result of a road traffic accident;
- Representing an elderly brain-injured claimant whose risk of developing post-traumatic epilepsy increased following an accident;
- Acting as junior counsel for the claimant in a severe traumatic brain injury case.

Clinical Negligence

Richard practises in all areas of clinical negligence and he accepts instructions from both Claimants and Defendants.

He draws on his significant experience of personal injury litigation to assist him in the analysis of complex factual backgrounds and in discussions with experts. Recent instructions involved delayed cancer diagnosis, injuries arising from the improper provision of medication and failed identification/treatment of fractures.

Richard is happy to discuss matters informally prior to receipt of instructions.

Birmingham

103 Colmore Row
Birmingham
B3 3AG

DX: 16075 Fountain Court Birmingham
Telephone: +44 (0) 121 606 0500

London

Fifth Floor
7 Savoy Court
London WC2R 0EX

DX: 449 London Chancery Lane
Telephone: +44 (0) 207 420 7500

Bristol

30 Queen Square
Bristol
BS1 4ND

DX: 7838 Bristol
Tel: +44 (0) 117 917 8501

Accreditations

- Bacon Award, Gray's Inn

Qualifications

- BPTC, Manchester Metropolitan University, Outstanding, First Place in Year
- GDL, College of Law, York, Commendation
- BA (Hons.) Politics, University of York, Upper Second Class

Birmingham

103 Colmore Row
Birmingham
B3 3AG

DX: 16075 Fountain Court Birmingham
Telephone: +44 (0) 121 606 0500

London

Fifth Floor
7 Savoy Court
London WC2R 0EX

DX: 449 London Chancery Lane
Telephone: +44 (0) 207 420 7500

Bristol

30 Queen Square
Bristol
BS1 4ND

DX: 7838 Bristol
Tel: +44 (0) 117 917 8501