

Duncan McNair

Year of Call: 2003

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Inquests

Duncan has expertise in employers' liability and particularly cases involving complex accidents at work. His degree in physics provides him with particular insight and skill in dealing with technical expert evidence. Duncan's practice also includes many high-value claims, including complex disputes with extensive schedules and challenging causation issues. Duncan also undertakes fast track cases.

Duncan acts for both claimants and defendants in all elements of personal injury law including serious road traffic accidents, occupiers' liability claim and employers' liability. He deals with industrial disease, particularly noise-induced hearing loss, and claims against the Ministry of Defence. Before joining the Bar, Duncan had a successful career as a recruitment consultant. That experience provides him with useful and practical experience in the commercial aspects of litigation.

Solicitors will always be concerned about counsel's threshold for accepting CFA cases. Duncan takes a practical and unflinching approach to risk assessment in marginal claims, and is not afraid to run cases where prospects are less than guaranteed. He usually wins them.

Duncan also represents parties at Inquests and the Criminal Injuries Compensation Scheme.

Cases of note include:

- *G v a motor insurer*: acted for a passenger who claimed damages for loss of the chance of a career in the armed forces. This required complex calculations as to the value and chance of different factual scenarios, which Duncan resolved by developing an IT-based solution. Settled for £135,000. (2013)
- *Stephens v Braham*: Duncan's client was a motorcyclist who suffered severe injuries when overtaking a car turning right at a junction. Two independent witnesses gave evidence that the car had been signalling right for some time before the turn. Client's Part 36 offer was 50/50 and other side's was 75/25 against. At a hard-fought three-day liability trial the judge found 50/50, matching Duncan's Part 36 offer. (2013)
- *Tucknott v Bridgend CBC*: acted for a cyclist who fell as a result of a defective bridge surface on a cycle path. He sustained a serious femoral fracture with life-changing consequences. The defendant fought the case on complex arguments as to the status of the path: it argued the path was not a public highway at the accident locus, because the order creating it designated a different route. After cross-examination of the defendant's surveyor the judge accepted Duncan's arguments and found the path to be on the public highway. Judgment on liability for claimant. (2013)
- *W v T*: acted for claimant who stumbled over poorly-compacted backfill where a utility company had dug a trench. It denied liability but Duncan pleaded the surprising but effective application of the CDM regulations. Claimant suffered injury to her leg leading to amputation. Defendant raised complex medical causation issues as claimant suffered diabetes and had a serious fracture to the same leg one year previously; alleged that index accident did not cause loss of leg. Both liability and causation issues settled in claimant's favour for lump sum of £500,000. (2012).

Client Testimonials

A Court of Appeal judge commented to Duncan McNair in a recent application for permission to appeal in a personal injury case: "(The client) has been lucky to have you as his advocate".

Recommendations

Duncan McNair is an experienced barrister who acts for claimants and defendants in a wide range of personal injury claims. He is particularly experienced in the handling of employers' liability cases involving accidents at work and claims arising from RTAs.

Strengths: "Duncan is an extremely helpful barrister with strong advocacy skills."

Chambers UK 2024/Personal Injury Western Bar

Strengths: "He is pragmatic, extremely commercial, yet knows when to fight. He is excellent."

"Duncan is a very enthusiastic, strong and reliable advocate."

Chambers UK 2023/Personal Injury/Western Bar

Strengths: "Sees the issues very quickly and is very robust and no-nonsense. He gets excellent results."

Chambers UK 2022/Personal Injury/Western Bar

Strengths: "He is very incisive and able to cut through the most problematic of cases."

Chambers UK 2021/Personal Injury/Western Bar

Strengths: "He is very approachable, excellent with clients and gives very sensitive and realistic advice." "He is extremely proactive, always available and turns papers around very quickly."

Chambers UK 2020/Personal Injury/Western Bar

"His advocacy and cross-examination skills are very good, as is his paperwork." "He's very personable, turns paperwork around quickly and puts clients at ease."

Chambers UK 2019/Personal Injury/Western Bar

'Duncan provides robust advice and sees the nuances in every case - he is very good on his feet and excellent with clients too.'

Legal 500 2024/Personal Injury/ Western Circuit/ Leading Juniors

Duncan McNair is acknowledged in the **Legal 500 2023**/Personal injury/Western edition as a Leading Junior.

Duncan McNair is acknowledged in the **Legal 500 2022**/Personal injury/Western edition as a Leading Junior.

'Duncan is technically skilled, swift-thinking and straight talking; being able to identify key issues at an early stage and apply practical solutions to proactively progress difficult cases.'

"Duncan McNair has particular expertise in employers' liability, specifically cases involving accidents at work."

Legal 500 2021/Personal injury – Leading juniors

'Develops great rapport with clients'

Legal 500 2020/Personal injury and clinical negligence – Leading juniors

'A first-class cross examiner.'

Legal 500 2018/19/Personal injury and clinical negligence – Leading juniors

'He has skills beyond his years of call.'

Legal 500 2017/Personal injury and clinical negligence – Leading juniors

'He provides excellent paperwork, advice and exceptional advocacy skills'

Legal 500 2016/Personal injury and clinical negligence – Leading juniors

'Always efficient and helpful'

Legal 500 2015/Personal injury and clinical negligence – Leading juniors

'Unflinching in the face of difficult issues.'

'A talented advocate'

Legal 500 2014/Personal Injury and Clinical Negligence.

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