

Stuart McCracken

Call 2010



Clerks' Details

Olivia Cleere
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Leigh Daniels
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Appointments

- Pro Bono Panel – Centre for Women's Justice
- Junior Counsel to the Crown (Regional Panel C) (2018-2023)

Memberships

- Human Rights Lawyers Association
- Personal Injuries Bar Association

Education

- Bar Vocational Course, BPP Law School (Outstanding, 2010)
- Master of Laws (LLM), University of Sydney (2005)
- LLB (Hons) Law, University of Manchester
- (Class 2:1, 2001-2004)
- Buchanan prize, Lincoln's Inn (2010); Thomas More Scholarship, Lincoln's Inn (2009); Hardwicke Scholarship, Lincoln's Inn (2008).

Practice Overview

Stuart is recognised as a Leading Junior in the Legal 500 2024. His multi-track practice extends to all aspects of personal injury work, including road traffic accidents, employer's and public liability, and costs budgeting. He has particular interest and expertise in military claims. He is regularly instructed in cases pleaded in excess of £500,000. He also has experience of CICA, CIC(O) and AFCS claims, and actions against the police.

With a caring, compassionate nature and an innate sense of justice, human rights issues are very important to Stuart, having worked in Parliament and at the International Criminal Tribunal for Rwanda. This included the development of draft legislation to criminalise British participation in extraordinary rendition, and litigation in the UK and US under Freedom of Information laws to secure the release of important information on rendition. Naturally he welcomes instructions with a human rights element that will enable him to bring his experience and skills in this arena to the fore.

Recommendations

“Stuart is excellent on papers and available for ad hoc advice. He is always very well-prepared for conferences with clients and experts, and he is a good negotiator.”

The Legal 500 2024

‘Stuart is extremely well-prepared for his trials. He is impressive tactically; tenacious in his submissions and took good points; and his cross-examination is incisive and effective. Alongside all of that, he is a pleasure to be against. He fights hard for his client while also being a very pleasant opponent.’

The Legal 500 2023

Cases

X v MoD (2024) – the claimant was serving in the Royal Navy when he sustained a penetrating injury to his eye. His eye could not be saved and he underwent a left enucleation with placement of a bioceramic orbital implant. Identification and calculation of future treatment and prosthetic costs, and quantification of the value of his Guaranteed Income Payments (GIPs) and Armed Forces Independence Payments (AFIPs), added complexity to the settlement negotiations and valuation of the claim. The claim recently settled, on a provisional damages basis, for a seven-figure sum, gross of AFCS, GIPS and AFIPs.

Y v Z NHS Trust (2023) – Stuart acted for the claimant, who suffered injury when her broken ankle was negligently fixed by the defendant Trust. As a result she would require fusion surgery and orthotics in the future. The nature and extent of the claimant’s disability, her future career path, and whether an Ogden loss of earnings calculation was appropriate, were all in dispute. The claim settled at JSM for £500,000.

Z v MoD (2023) – this was an unusual claim arising out of cold exposure during the claimant’s service with the British Army, following which she developed not only a non-freezing cold injury (‘NFCI’) but also cold urticaria, resulting in her medical discharge. Causation of the cold urticaria was strongly disputed by the defendant. Stuart advised throughout, including on expert evidence, loss of earnings and pension loss, and secured a £470,000 settlement for the claimant at JSM.

X v CICA (2023) – Stuart acted for the appellant, a victim of historical sexual abuse, in her Appeal against the decision of the Criminal Injuries Compensation Authority (‘CICA’) to award her £22,000 under the Scheme. Complex psychiatric evidence and extensive medical records had to be sensitively explored and carefully presented to the Tribunal. Eligibility for a loss of earnings award under the strict terms of the Scheme was in issue and unrelated barriers to employment had to be separated and distinguished from those flowing from the index abuse. The appeal was allowed and the appellant’s award increased to over £200,000.

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A v B (2022) – led by David Knifton KC, Stuart acted for the claimant who had suffered a brain injury in a road traffic accident. There was considerable disagreement between the experts as to the nature and extent of the claimant's permanent symptoms, and their likely effect on his earning capacity and need for care and case management in the future. The claim settled at JSM for £1.75million, ensuring the provision of lifelong support.

X v J (2022) – this was a liability-contested employers' liability claim following an accident in which the claimant sustained a serious head injury following a fall at work. Expert neuro-rehabilitation and neurology evidence was obtained, and despite liability being denied in full a settlement of £200,000 was achieved at JSM.

X v Essex (2021) – successful Highways Act claim following a 2-day trial in which liability and quantum were both strongly contested.

X v P (2021) – the claimant suffered a significant injury to his left ankle at work for which liability was admitted. Issues in the case included the extent of any ongoing disability, future earning capacity, pre-existing degenerative conditions, and the need for orthotics and pain management treatment. A settlement of £300,000 was secured at JSM.

X v Y (2021) – acted in this High Court fatal accident claim on behalf of the estate and dependants of the deceased, involving complex issues of financial and services dependency, including expert care evidence. Following provision of a detailed schedule of loss the claim settled at JSM for a substantial six-figure sum.

X v P (2020) – represented the claimant motorcyclist, who sustained severe orthopaedic injuries to the left limb, pelvis and hip, from an early stage. Issues included residual earning capacity, life expectancy and care/aids. The claim settled for £575,000.

X v C (2020) – acted for the claimant following a serious road traffic accident in which he sustained a significant injury to his knee. Liability was denied and forensic engineering evidence was obtained by both sides. The defendant also sought to rely on surveillance evidence of the claimant. A settlement of £250,000 was agreed at a JSM.

Publications

Stuart is the co-author of *Account Rendered: Extraordinary Rendition and Britain's Role* (Biteback Publishing, London, 2011).

Beyond the Bar

Stuart is a sports obsessive. When not playing badminton or football, he can be usually be found watching live sport, and has travelled the world in search of the perfect match. Prior to coming to the bar Stuart worked in Parliament for the All-Party Parliamentary Group on Extraordinary Rendition, campaigning to get to the bottom of UK involvement in rendition. Stuart spent 5 months with the Office of the Prosecutor at the International Criminal Tribunal for Rwanda, assisting in the prosecution of four former government ministers for genocide and war crimes.