

Stuart McCracken

Call 2010



Clerks' Details

Olivia Cleere

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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).

Personal Injury

Overview

Stuart has a busy and wide-ranging personal injury practice, acting in a sensitive but forthright manner for claimants who have sustained life changing injuries. He is recognised by the Legal 500 2024 as a Leading Junior in the field of personal injury. He has experience of drafting multi-million pound schedules of loss in complex cases, and a particular expertise in military claims and cases involving serious orthopaedic injuries.

Always happy to provide informal advice on procedure and tactics at any stage in proceedings, Stuart prides himself on an ability to establish strong relationships with solicitors and clients. He is able to draw on his experience prior to the Bar when dealing with cases that have human rights implications; something in which he has a particular interest.

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

M v Z (2023) – the claimant was injured when he was crushed by a piling rig which was being operated by the defendant. He suffered a ruptured spleen, requiring splenectomy, and damage to his AC joint. Stuart was instructed from the outset, helping to secure an early admission of primary liability and private treatment. Happily the claimant made a good recovery and returned to his pre-accident employment, but would always be more vulnerable to septicemia. This risk, and the issue of contributory negligence, were strongly disputed by the Defendant at JSM, where the claim settled for a significant six-figure sum.

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 M (2022) – Stuart acted for the claimant who had suffered NIHL during military training exercises as a result of a failure to provide adequate hearing protection. Causation was in issue. After significant input into the medico-legal evidence and a robust Reply causation was ultimately conceded, the claim settling at a JSM for well over £200,000.

X v M (2022) – in this unusually severe NFCI claim both liability and causation were denied. Stuart had significant involvement throughout due to its factual and medical complexity. Following joint statements the claim settled for a six-figure sum at a pre-trial settlement hearing.

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 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.

X v S (2018) – Stuart was involved in this employers' liability claim arising out of a meniscal injury sustained at work from an early stage, ultimately securing a settlement of £320,000 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.