

## Stuart McCracken

Call 2010



### Clerks' Details

Olivia Cleere

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Leigh Daniels

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### Appointments

- Junior Counsel to the Crown (Regional Panel C) (2018)

### 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).

### Clinical Negligence

#### Overview

Stuart has a significant clinical negligence practice, regularly conducting conferences with a wide range of experts, drafting pleadings, and advising on settlement, including at JSM. His wide-ranging practice covers negligent knee and wrist surgery, negligent dental care, failures to diagnose and errors in post-operative care.

He has also been instructed in Fatal Accident Act cases, failure to obtain informed consent and provision of unnecessary treatment. He often acts in cases pleaded in excess of £200,000.

Stuart is keen to be involved in cases from an early stage, and is happy to provide informal advice and assist with the instruction of experts. He prides himself on his ability to develop strong relationships with his instructing solicitors and clients. He acts in a sensitive but forthright manner, drawing from his experience prior to the Bar when he worked in Parliament for the All-Party Parliamentary Group on Extraordinary Rendition dealing with cases with human rights implications.

#### Recommendations

'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

***B v W NHS Trust (2022)*** – the Claimant suffered a dislocated knee following total knee replacement surgery, resulting in further surgery and conversion to a hinge joint. Liability was denied and causation of her ongoing neuropathic symptoms was also in issue. Stuart advised in conference with the orthopaedic and neurological experts, and, following a successful (opposed) application to amend the Particulars of Claim, secured an advantageous settlement at JSM.

***D v Y NHS Trust (2021)*** – Stuart represented the claimant following negligent knee surgery. Breach of duty was admitted but the causation of future deterioration was in dispute. He carefully tested the expert evidence on the key issues, including the risks of future degeneration, resulting in a good settlement for the claimant.

***C v X NHS Trust (2020)*** – this was a case involving a complex wrist fracture, with allegations including inappropriate conservative treatment and subsequent negligent surgery. Liability was wholly contested throughout. Stuart was instructed from the outset, advising in conference with the expert, drafting pleadings and agenda, and ultimately securing a settlement at 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.