Stuart McCracken

Call 2010

Clerks

Leigh Daniels
0161 817 2768

Olivia Cleere
0161 817 7138

Appointments

- Deputy District Judge
- 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).

Clinical Negligence

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 £1,000,000.

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.

Clinical Negligence Cases

A v B NHS Trust (2025) – Stuart acted as sole counsel in this case involving issues of consent and the appropriateness of restorative surgery following non-negligent bowel cancer. The Claimant, who was expecting to be left with a colostomy, was instead left with a permanent, painful and poorly functioning ileostomy, pelvic sepsis, and a significantly reduced quality of life. Liability was denied, and there were significant disagreements between the experts about the Claimant's accommodation and care needs in the future. The claim settled at JSM for £1,300,000.

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.

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.

Recommendations

"Stuart is an experienced junior in military personal injury litigation. He has a relaxed manner with lay clients and does an excellent job of putting them at ease, and this skill is extremely important when dealing with vulnerable clients."
The Legal 500 2025

"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

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.