



# Stuart McKechnie KC

Call: 1997 Silk: 2018

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Stuart specialises in the highest value catastrophic injury claims involving complex issues and large numbers of experts.

He works for many of the leading personal injury and clinical negligence solicitor firms in the country and almost all of his practice is at the High Court. He is a past winner of 'Personal Injury/Clinical Negligence Junior of the Year' at the Chambers & Partners Bar Awards (2017) and Personal Injury Barrister of the Year at the Personal Injury Awards (2011).

Over the last 5 years Stuart has recovered damages with a combined capital value in excess of £170,000,000 (one hundred and seventy million) on behalf of Claimants. In *JDF (a Child) v Hampshire County Council*, he settled what at the time was the highest Personal Injury award ever made/approved by a Court in the UK, the equivalent of £28 million capitalised. This case was covered across the national media. More recently, in *IXM v Norfolk & Norwich University Hospitals NHS Trust* he settled a long running birth brain injury claim for the capital equivalent of £33.2 million.

Stuart is also currently instructed on what is likely to be one the largest personal injury claims ever made in Northern Ireland.

Stuart is one of only three Barrister members of the working party responsible for the Judicial College Guidelines for the Assessment of General Damages in Personal Injury Cases. He is the General Editor of the APIL Guide To Catastrophic Injury Claims (being the definitive practitioner guide to running high-value personal injury and clinical negligence actions).

## Areas of Expertise

### Personal Injury

Stuart has extensive experience across the full spectrum of catastrophic injury claims, including severe traumatic brain injury, spinal cord injury, brachial plexus injury, amputations and poly-trauma. He acts only for Claimants. Stuart regularly appears in the High Court and spends much of his time in conference with experts, drafting complex Schedules of Loss and representing Claimants at Joint Settlement Meetings. His role as General Editor of the APIL Guide To Catastrophic Injury Claims places him at the forefront of work within this field, meaning he is frequently instructed on the very highest value cases.

## Notable Personal Injury cases

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B v. M (2021)

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£6.35 million settlement (including costs) for 36-year-old above knee amputee who was run over in a RTA. One the highest known settlements for an above knee amputee.

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W v. X (2021)

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£7.2 million settlement for father of 2 who sustained severe orthopaedic injuries (lower and upper limb) in a RTA. One of the highest known settlements for poly-trauma without amputation or spinal cord injury.

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XYZ & XYL (2020-ongoing)

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A unique case involving 2 young sisters (both children) rendered paraplegic in a road traffic accident. Combined, this will be one of the largest ever PI claims.

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Millar v. Oliver (2018-ongoing)

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Instructed to conduct claim in Northern Ireland on behalf of businessman and elite athlete who has been rendered paraplegic in RTA. Covered across national media in Ireland. Likely to be the biggest personal injury claim ever made in Northern Ireland.

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JWF [A Protected Party] v YWC (2018)

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Lump sum settlement of £1,850,000 plus PPOs for care, case management and therapeutic needs for retired GP who suffered a severe traumatic brain injury and multiple orthopaedic injuries in RTA. Settlement approved at High Court.

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XXP v. Metodiev (2018)

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£10,000,000 lump sum settlement for catastrophically brain damaged student. 95:5% split liability. Lump sum settlement required because there was no reasonable security for a PPO. Settlement approved at High Court.

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M v X (2017)

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£9 million settlement for motorcyclist who sustained severe traumatic brain injury (TBI) and spinal cord injury (ASIA grade C, at level T6), with secondary complications arising from post-traumatic syrinx. Significantly limited life expectancy.

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Peters v. MOD (2017)

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Claim against MOD on behalf of a civilian forensic scientist who was badly injured in an explosion whilst working in a MOD laboratory in Kandahar, Afghanistan in 2011. Case covered across national media. Details of settlement confidential.

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#### JDF v Hampshire County Council (2017)

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Claim on behalf of catastrophically brain damaged child injured in a RTA. Thought to be the highest ever personal injury damages award made or approved by a Court, with lump sum of £9,113,074 combined with PPOs for care & case management. The settlement had a capitalised equivalent value of £28 million. Stuart conducted the vast majority of the case as junior counsel without a leader but was led at the JSM by Frank Burton QC in his last case at the Bar before retirement.

## Clinical Negligence & Healthcare

### Notable Clinical Negligence & Healthcare cases

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#### IXM v Norfolk & Norwich University Hospitals NHS Trust (2022)

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11.8 million lump sum plus PPOs of £315,000 rising to £345,000 across the Claimant's lifetime. Capitalised value of just under £33.2 million. This case was viewed by all of experts involved as uniquely complex, with the Claimant's hugely experienced neuropsychological expert commenting "I do not recall such a challenging birth injury case in my clinical and legal work over 35 years". The settlement was approved at the High Court on 28th February 2022 where Mr Justice Ritchie commended the work done to achieve this outcome. Stuart led Helen Pooley in chambers.

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#### ABC v. Epsom & St Helier Hospital NHS Trust (2019)

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£3.7 million lump sum plus PPOs (£42,500-£128,000) for 19 year old young lady who suffered a period of severe asphyxiation at birth causing hypoxic brain injury and the development of a mild form of dystonic cerebral palsy. Settlement approved at High Court.

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#### EXP v. Barker (2019)

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Multi-million pound settlement for member of the judiciary who suffered a catastrophic aneurysm bleed requiring lifesaving surgery and resulting in devastating neurological and neuropsychiatric injuries. Stuart dealt with the quantum of the claim in silk having previously been led (as a junior) by Grahame Aldous QC at the successful trial on liability [2015] EWHC 1289 (QB) and the Defendant's unsuccessful appeal to the Court of Appeal [2017] EWCA Civ 63. This case is now a leading authority on the duties of expert witnesses and conflict of interest.

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#### Powell v North Bristol NHS Trust (2015)

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Successful 5 day clinical negligence trial on behalf of Claimant. The Defendant's case was reliant on the expert evidence of a world renowned shoulder expert. Following detailed cross examination by Stuart at trial, the judge (HHJ Denyer QC) rejected this evidence as flawed and illogical.

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T v Walsall Hospital NHS Trust (2015)

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Catastrophic clinical negligence claim arising from negligent treatment of 7 year old boy at Walsall Manor Hospital leading to severe cerebral ischaemia. The Claimant lived with his family in the Channel Islands and the case therefore involved complex quantum issues involving care, loss of earnings, curatorship and indexation. The claim settled almost 9 years post incident for a combined lump sum and PPO package worth over £11.5 million. Stuart was led by John Foy QC.

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## Education

- Hewett Comprehensive School, Norwich
- LLB Law, Nottingham University
- Inns of Court School of Law

## Memberships

- Personal Injury Bar Association (PIBA)
- Association of Personal Injury Lawyers (APIL)

## Appointments

- Member of PIBA Exec Committee
- Member of 5-person working party responsible for the Judicial College Guidelines for the Assessment of General Damages in Personal Injury Cases.

## Awards

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## Notable Cases

- JDF v Hampshire County Council (2017): claim on behalf of catastrophically brain damaged child injured in a RTA. Thought to be the highest ever personal injury damages award made or approved by a Court, with lump sum of £9,113,074 combined with PPOs for care & case management. The settlement had a capitalised equivalent value of £28 million.
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- S v. Kepak Group (2019): £4.75 million settlement for 37 year old man who suffered extensive lower limb injuries in a workplace accident resulting in a transfemoral amputation and leading to osseo-integration surgery in Australia. One of the highest known amputation awards in UK.