

## STEPHEN MCNAMARA

Year of call: 2008

Qualifications: BSc (Hons) Government, Graduate Diploma in Law

Clerked by: Stephen Loxton Paul Clarke

**AREAS OF EXPERTISE:**

Clinical Negligence & Healthcare Inquests Serious Injury



### Profile

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Stephen practises in the fields of clinical negligence and serious personal injury, acting for both Claimants and Defendants.

His substantial clinical negligence practice spans the areas of surgical and pharmaceutical negligence, misdiagnosis and delayed diagnosis, dental negligence, inappropriate treatment and failure to obtain informed consent, amongst others.

Stephen is regularly instructed in complex and high-value cases in which significant future losses are claimed. He is experienced in leading and managing a large team of experts during such cases.

Stephen has particular experience of claims involving suicide arising as the result of negligent psychiatric treatment, including claims advanced under the Human Rights Act 1998.

He has developed an extensive inquest practice (particularly those arising from medical complications). In such cases, Stephen acts both on behalf of bereaved families and a wide range of other interested parties.

In particular, Stephen has completed a large number of complex and lengthy Article 2 compliant inquests, both with a jury and without.

Stephen is also instructed in claims for serious personal injury arising from accidents in the workplace, on the highway and at other premises, and those caused by defective products and road traffic collisions.

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### Areas of Expertise

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#### Clinical Negligence & Healthcare

Clinical negligence cases constitute the majority of Stephen's practice. He is instructed by many of the leading national firms and has been ranked in the Chambers and Partners UK Bar Guide since 2014.

Stephen is known for his ability to establish a rapport with clients, even in the most difficult cases, to provide them with clear advice and for his detailed and thorough approach to testing expert evidence in conference.

#### Significant Reported Cases

The following successfully completed cases are a representative overview of Stephen's clinical negligence practice:

- Acting for the family of a 3 year old girl who died as a result of the failure of staff at several medical institutions to diagnose and treat scarlet fever.
- Representing the family of an elderly man who was rendered paraplegic as the result of a failure by medical staff in a hospital to diagnose the presence of discitis.
- Representing an elderly lady who suffered serious vision loss as the result of negligently performed laser eye surgery.
- Acting for a female to male gender re-assignment patient in a successful claim for damages arising out of the negligent performance of bilateral mastectomy.
- Representing the family of a patient in a psychiatric hospital who committed suicide when she was granted unescorted leave.

**Inquests**

Stephen has conducted many complex inquests which have frequently attracted considerable media attention.

His coronial practice overlaps with his clinical negligence work in that the inquests in which he is instructed often involve concerns about possible medical malpractice.

Such cases therefore routinely require detailed cross-examination of both lay and expert witnesses and often complex submissions on legal issues such as neglect.

Stephen also acts in inquests arising from deaths on the road and in the workplace (particularly on construction sites).

**Significant Reported Cases**

The following recent cases provide a representative overview of Stephen’s inquest practice:

- Acting for the family of a newborn baby who died shortly after her birth as a result of shoulder dystocia during delivery which led to hypoxia. The Coroner found that, due to various known risk factors, the mother should have been provided with a caesarean section and that the child’s death would thereby have been avoided.
- Representing the family of an elderly lady who, whilst an inpatient in hospital, was inadvertently provided with a double prescription of potassium (in both oral and intravenous form), was not monitored in accordance with the hospital’s own policies and who died from undiagnosed hyperkalaemia in consequence. A finding of neglect was included within the Coroner’s narrative conclusion.
- Acting for the family of a minor who, following a suicide attempt, was admitted to a psychiatric hospital where she made several further attempts at self harm and suicide. Upon transfer to a second unit, however, this behaviour was not communicated to the new care team with the result that the previous observation routine was relaxed. The child committed suicide in the new unit thereafter.
- Representing the family of an elderly man who died from an incarcerated hernia. The deceased visited the hospital in question three times in four days because of symptoms from a strangulated hernia including stomach pain and vomiting but was not treated. The Coroner concluded that the failures in his care amounted to neglect and provided a narrative conclusion.
- Acting for the family of a diabetic man who had an RTA resulting in lower limb amputation. He was placed on intravenous insulin in hospital but a pre-filled syringe contained only saline and not insulin (due to a manufacturing error). There was in consequence a period of 18 hours without insulin and the gentleman died. The Coroner found that the lack of insulin caused diabetic ketoacidosis which was a major contributor to the death. Subsequent to the inquest, the Coroner took steps to inform the Department of Health that statutory regulations governing the manufacture of certain medicinal products require redrafting.

**Serious Injury**

Stephen has conducted a very large number of personal injury cases since he was called to the Bar.

Earlier in his practice, he successfully appeared in hundreds of fast track trials covering the full range of accident circumstances.

Today, he regularly appears in interlocutory applications, CCMC’s, JSM’s and multi track trials involving cases of serious personal injury.

**Memberships**

- Gray’s Inn
- Personal Injury Bar Association
- Northern and North Eastern Circuits

**Qualifications**

- London School of Economics and Political Science: BSc (Hons) Government (2006)
- BPP Law School, Graduate Diploma in Law (2007)
- Manchester Metropolitan University, Bar Vocational Course (2008)

**Awards**

- Anthony Bessemer Clark Scholarship (Graduate Diploma in Law)
- Goldie Award (Bar Vocational Course)
- St James’ Chambers Award (for highest advocacy results on the Bar Vocational Course at Manchester Metropolitan University)

## Recommendations

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### Chambers UK 2020

"He explores every issue as far as it will go and you feel no stone is ever left unturned. When I have a detailed, difficult case I pick him." "I like his analytical style and he is a sensible counsel who clearly knows his stuff."

### Chambers UK 2019

"He is incredibly thorough and his attention to detail is first-rate. He is not daunted by challenging or complex cases. His advocacy at a contested hearing has been impressive, bettered only by his performance at trial. He builds strong relationships with clients and instructing solicitors."

### Legal 500 2019

"He will go out of his way to help clients."

### Chambers UK 2018

"Very good with clients. He's known for his fierce attention to detail and pragmatic approach." "A compassionate advocate who is well liked and respected by clients, he easily gains their trust."

### Legal 500 2018

'A strong, robust and thorough barrister.'

### Chambers UK 2017

"Has a great understanding of clinical negligence and the issues that we face in cases. He has good tactical awareness." "He is obviously highly intelligent and he is well informed and bold."

### Chambers UK 2016

"He's very thorough, covers all angles and goes the extra mile, and when working with him you feel as though you're working towards a common goal."

### Chambers UK 2015

"He is very firm and clear with clients; he grapples with complex causation issues in a clear way during conference." "He is down to earth and highly intelligent."

### Chambers UK 2014

"Stephen is very astute for his level of call and picks up issues quickly. He is very down to earth and good with clients."

