Stephen McNamara



Called: 2008

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Practice Overview

Clinical Negligence (Band 1)
Stephen McNamara has particular expertise in psychiatric harm cases and claims brought under the Human Rights Act 1998, alongside a broader practice that includes complex spinal cases and failure to diagnose claims. His experience extends to claims relating to lifelong disabilities as a result of clinical negligence. He has acted in cases before the Court of Appeal.

Strengths:
"Stephen is an extremely capable pair of hands and inspires confidence in clients." [Chambers & Partners, 2027]
"Stephen is a fantastic barrister. He is always happy to help and is incredibly knowledgeable." [Chambers & Partners, 2027]
"Stephen's level of legal knowlegde is second to none. He is great with experts and also with clients, and he can always be relied on to give sound advice." [Chambers & Partners, 2027]
"He is meticulous in his written and oral presentation, and is eloquent and persuasive in his advocacy." [Chambers & Partners, 2027]
“*Stephen is a great senior junior and he has fantastic client care skills.”*
“*Stephen is well prepared and great with clients.”*
“He is brilliant with experts and clients and he always finds a way through the most difficult aspects of a claim. Just a brilliant talent.”

Legal 500
Clinical Negligence (1)
"Stephen is an excellent advocate who combines meticulous preparation with clear strategic thinking." [Legal 500, 2027]
"An agile junior, with an intellectual rigour he applies to all issues in a case."

‘Stephen is incredibly hard-working, he has a wealth of experience, and he leaves no stone unturned in liability investigations. He is down-to-earth with clients, he works collaboratively with instructing solicitors, and the quality of his drafting is excellent.'

Education

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)
Scholarships & Awards: Anthony Bessemer Clark Scholarship (GDL), Goldie Award (BVC), St James' Chambers Award (for highest advocacy results on the BVC at MMU)

Memberships

Gray's Inn, Northern & North Eastern Circuits, PIBA, PNBA

Appointments

Member of the Inns' Conduct Committee for the Honourable Society of Gray's Inn - March 2024

Advocacy Trainer - Northern Circuit - 2023

Barrister Member COIC Disciplinary Pool - The Bar Tribunals and Adjudication Service 2023

Recorder (Civil) 2019

Clinical Negligence

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.

The following cases from the last few years are a representative overview of Stephen's clinical negligence practice:

Junior counsel (led by Chris Melton QC) for a child suffering from cerebral palsy: liability admitted and claim settled in March 2022 at a JSM for an 8-figure capitalised sum.
Sole counsel for client who suffered multiple catastrophic injuries (including multiple spinal and leg fractures) having fallen from height whilst in hospital following a psychotic episode: liability admitted, client through his commitment to recovery saw significant physical improvements with the benefit of rehabilitation and claim settled in January 2022 for 6-figure damages sum reflecting client's current level of function but also adverse long-term prognosis from leg fractures.
Sole counsel for a client who suffered a debilitating pain syndrome following spinal surgery at a leading tertiary centre which it was alleged should never have been undertaken: acted from the pre-issue stage through to a 5-day trial in May 2021 at which the Claimant succeeded in full, securing a 6-figure damages sum and beating her Part 36 offer.
Initially sole counsel, and then led by Darryl Allen QC, for elderly client who suffered a stroke whilst in hospital: liability denied throughout and no offers made by Defendant until shortly prior to 5-day trial in January 2021 when a 6-figure damages settlement was negotiated.
Sole counsel for client who suffered a left temporal lobe abscess following tympanomastoidectomy which resulted in epilepsy: liability denied but settled at JSM in December 2020 for 6-figure damages sum.
Junior counsel (led by Chris Melton QC) for a child suffering from cerebral palsy: liability denied but claim settled at JSM in September 2020 for 7-figure damages sum in light of liability risk.
Sole counsel for client who suffered Erb's Palsy during birth: liability denied but settlement reached at liability JSM in November 2019 for a proportion of damages reflecting the litigation risk. Quantum case continues and will shortly be tried.

Smith v Lancashire Teaching Hospitals NHS FT (1), Lancashire Care NHS FT (2) & The Secretary of State for Justice (3) [2017] EWCA Civ 1916 and [2016] EWHC 2208 (QB): acted from outset for client who was denied bereavement damages when her long-term partner (to whom she was not married) died as a result of negligence. Claim against NHS Trusts settled for 6-figure sum excluding bereavement damages. Secretary of State for Justice then joined as Defendant to enable a claim under Human Rights Act 1998 to be brought alleging that the bereavement damages provisions of the Fatal Accidents Act 1976 were incompatible with Articles 8 and 14 ECHR. Sole counsel for clinical negligence aspect of proceedings and junior counsel during public law stage. Lost in QBD but succeeded before Court of Appeal. Case led to change in the law when the Fatal Accidents Act 1976 (Remedial) Order 2020 was enacted extending eligibility for bereavement damages to those who satisfy the cohabitation criteria in the Fatal Accidents Act so as to qualify as a dependant.

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, CCMCs, JSMs and multi-track trials involving cases of serious personal injury.

The following cases are a representative overview of Stephen's personal injury practice (all unled):

- Acted for cyclist who was knocked or fell off bicycle when passing a stationary car the rear passenger door of which was opened into his path: Defendants represented by a QC and claim settled shortly before trial for 6-figure sum.
- Represented a delivery driver who suffered multiple serious injuries when a vehicle driven by a former footballer (who died in the accident) was driven on the wrong side of the carriageway into collision with the Claimant. Claim settled at JSM for substantial 6-figure sum.
- Acted from pre-issue stage to trial for a civilian contractor working in Iran under the control of the Foreign & Commonwealth Office who was taken hostage at the British Embassy compound in Tehran during a large-scale incursion by protestors and who feared that he would be executed on camera and suffered serious psychiatric injury as a result.
- Represented an inventor and entrepreneur who secured significant financial investment from two prominent and wealthy brothers before the relationship between they and him soured and a campaign of bullying and harassment ensued: the claim under the Protection from Harassment Act 1997 was robustly defended through to a 4-day trial at which the Claimant succeeded.

Directory Comments

Chambers & Partners 2025 (Clin Neg) Band 2
Stephen McNamara has particular expertise in psychiatric harm cases and claims brought under the Human Rights Act 1998, alongside a broader practice that includes complex spinal cases and failure to diagnose claims. His experience extends to claims relating to lifelong disabilities as a result of clinical negligence. He has acted in cases before the Court of Appeal.

"Stephen has invaluable trial experience and is extremely detailed and thorough on the evidence. He finds ways through thorny issues with a pragmatic approach but can put his foot down when necessary."

"Stephen's analytical skills and attention to detail are second to none and he always provides clients with an excellent service."

"Steven is very thorough and good with experts."

Legal 500 2024 - (Clin Neg) Leading Junior Band 1

Chambers & Partners 2024 (Clin Neg) Band 2

Stephen McNamara has particular expertise in psychiatric harm cases and claims brought under the Human Rights Act 1998, alongside a broader practice that includes complex spinal cases and failure to diagnose claims. His experience extends to claims relating to lifelong disabilities as a result of clinical negligence. He has acted in cases before the Court of Appeal.

"Stephen is a very thorough practitioner with complex medical issues. He sees a clear way through complicated issues to achieve the best result for the client."

"He has always had an exceptional attention to detail and he always ensures that every issue is carefully and completely explored. He is also a skilled negotiator and very hard-working."

"Stephen is a fantastic barrister - his ability to drill down to the crux of matters is brilliant."

Legal 500 2024 - (Clin Neg) Leading Junior Band 1

Stephen McNamara has particular expertise in psychiatric harm cases and claims brought under the Human Rights Act 1998, alongside a broader practice that includes complex spinal cases and failure to diagnose claims. His experience extends to claims relating to lifelong disabilities as a result of clinical negligence. He has acted in cases before the Court of Appeal.

"Stephen always deals with the issues thoroughly at conference."

"Stephen is a very skilled and knowledgeable barrister."

"He is excellent with clients and experts."
Chambers & Partners 2023 (Clin Neg) Band 2

Strengths: "He has an excellent manner with clients and is great at resolving complicated issues and advising on difficult points of law." "He is meticulous in his approach and has a great eye for detail so all evidence is tested at each stage of the case. He is great with clients and experts, and his medical knowledge is excellent. He is able to respond to evidence as it arises in conference and is a skilled negotiator at joint settlement meetings."
Chambers & Partners 2022 (Clin Neg) Band 2