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# Jack McCracken

**Year of Call:** 2012

**Telephone:** 0115 947 2581



## Overview

**Jack McCracken specialises in personal injury, industrial disease and data protection, information and privacy cases.**

Jack's advocacy experience includes multi-day trials, inquests and tribunal hearings. He has experience of cross-examining expert witnesses who are often the leading experts in their fields. He often works in other practise areas which overlap with these core areas, dealing with technical issues connected to employment and contractual matters, including insurance policy disputes.

# Expertise

## Personal Injury

Jack has practised in all areas of personal injury work since joining Ropewalk Chambers in 2014. His work has a broad span, covering casualty claims in employer's liability, public liability, and road traffic cases.

He increasingly focuses on claims which involve an element of complexity in respect of both liability and quantum issues.

He has experience of high value claims, involving serious physical and psychiatric injuries with extensive expert medical evidence across multiple specialisms.

His experience on liability issues includes: workplace accidents where issues relating to the Enterprise and Regulatory Reform Act 2013; Highways Act 1980 cases, involving pedestrian, cyclist and motor claims; Animals Act 1971 cases, involving claims relating to injuries caused by horses, dogs and livestock. Jack has regularly worked on international private law claims, including holiday sickness claims with contested expert evidence in the field of Microbiology), Travel Package claims, and accidents abroad.

His experience on medical causation issues and quantum includes brain injury cases (where there is evidence from Neurologists, Neuropsychologists, and Psychologists), complex orthopaedic issues, and ophthalmological evidence.

His recent case work includes:

- Representing a claimant who suffered a brain injury in a building site accident. Liability was resolved in favour of the claimant in a two-day split trial. The matter subsequently settled at a joint settlement meeting
- Representing a highway authority at a preliminary trial of liability in a high value claim for an injury leading to chronic pain
- Representing two claims who were injured in a high-speed road traffic collision
- Representing a claimant who sustained a brain injury in a road traffic accident.

## Disease

Jack has specialised in industrial disease work since joining Ropewalk Chambers in 2014. His pupillage involved a particular focus on this area.

He has experience representing individuals and insurance companies in claims for damages arising out of historic and recent exposure to noise, hand transmitted vibration, upper limb and repetitive work, asbestos, fumes (causing asthma), and other hazardous and harmful substances.

Industrial deafness work has formed a large part of his practice. He has conducted trials in the Fast Track and Multi-Track dealing with issues of breach of duty, causation, and limitation.

He increasingly works on high value cases of HAVS, CTS and other WRULDs, as well where claimants have suffered cancer connected to exposure to hazardous substances at work, such as silica dust, carcinogenic solvents such as TCE, and metal dyes.

He is familiar with dealing with the expert liability and medical evidence which forms a central part of industrial disease litigation. He has extensive experience cross-examining medical experts at trial, including some of the leading medical experts in industrial deafness cases.

His recent work includes:

- Representing a claimant in a six-figure noise induced hearing loss claim arising out of exposure in the armed forces

- Representing a claimant who had suffered from Non-Hodgkins Lymphoma connected to solvent exposure
- Representing a claimant at an inquest where a conclusion of death resulting from an industrial disease was entered connected to exposure to ceramic fibres used in insulation said to have caused lung cancer
- Representing an insurance company at a two-day trial of liability and quantum for CTS sustained from exposure to upper limb movements on a production line
- Advising an insurer on a high value HAVS claim.

## Data Protection & Information

Jack has specialised in data protection claims for several years. He has experience representing individuals and data controllers in civil liability claims, where both damages (for both psychiatric injury and distress) and injunctive relief are sought.

He has particular experience in advising data controllers such as commercial organisations, local authorities, NHS Trusts and other healthcare organisations, police forces, and other public authorities in how to mitigate personal data breaches and minimise liability exposure. He regularly advises on the vicarious liability of data controllers for breaches committed by employees who have access to client records.

Jack drafts pleadings in data protection claims on both sides. His advocacy experience in this area includes multi-day trials and appeals.

He increasingly advises on claims relating to cyber-attacks, where personal data has been compromised as a result of malicious activities from hacking, phishing and other forms of cyber-attacks. He has frequently dealt with claims that focus on the security principle and obligations in the Data Protection Act 1998, Data Protection Act 2018, and the EU and UK GDPR.

He has also represented claimants in claims for misuse of private information, where their private information has been broadcast on television, or published in online publications.

His recent work includes:

- A claim for a personal data breach involving multiple instances of inappropriate access to medical records with no clinical justification
- A claim for a personal data breach where a legal file was sent through the post with inadequate packaging
- A claim for a personal data breach arising from the release of an address to a potentially dangerous third party.

## Inquests

Jack has represented Interested Persons at Inquests since joining Chambers.

This work has overlapped with his industrial disease work, where he represented the family at an inquest where a finding of death by industrial disease was returned due to exposure to ceramic fibres.

He has represented motor insurers in inquests following fatal road traffic accidents.

He has experience of representing interested persons where there has been a death following the escape of the deceased from a secure psychiatric hospital.

Jack is happy to discuss representation at an inquest on a conditional fee basis in the context of a potential civil claim.

## Employment

Jack regularly appears in the Employment Tribunal on the full range of employment matters, ranging from unfair and wrongful dismissal, discrimination and whistleblowing.

His recent experience involved appearing at a claim for whistleblowing arising from exposure to chemicals at work.

## Notable Cases

*Rollinson v Dudley MBC* [2016] RTR 19 [2016] PIQR [2015] EWHC 3330 (QB)

## Qualifications

- BA History (First Class), University of Durham
- Graduate LLB, Nottingham Trent University

# Ropewalk Chambers

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