



STEPHEN DONNELLY

Year of Call

2015

Devil Masters

Morag Ross KC

Shelagh McCall KC

Practice Profile

Stephen has a broad practice focusing on judicial review and cases raising issues of public international law before international and domestic courts. He has appeared as sole counsel at all levels, including the Privy Council.

Stephen is a standing junior counsel to the Scottish Government, and is currently instructed as junior counsel for the Scottish Ministers in the Scottish Hospitals Inquiry.

He is also a member of the Attorney-General's UK-wide public international law panel of counsel, and (as a barrister, practising from Essex Court Chambers) the Attorney-General's London panel of counsel.

Some of Stephen's recent cases include the following:

Gem Management Ltd v Firefox Ltd [2022] UKPC 17: appeal from Mauritius to the Privy Council in a commercial claim for payment of sums in connexion with the sale of a shareholding (as sole counsel)

R (Elliott-Smith) v Scottish Ministers [2021] PTSR 1795: claim for judicial review brought in the courts of England and Wales concerning acts of the Scottish Ministers carried out in Scotland

Heathrow Airport Ltd v HM Treasury [2021] EWCA Civ 783: judicial review of the withdrawal of VAT-free schemes, alleging breaches of WTO law

Ahmed-Sheikh v Law Society of Scotland 2020 SLT 1: judicial review of a decision of the Scottish Solicitors' Discipline Tribunal (as sole counsel)

Wightman v Secretary of State for Exiting the European Union [2019] QB 199: preliminary reference before the Full Court of the CJEU determining the circumstances in which the United Kingdom could withdraw its notification of intention to leave the European Union

Sundolitt v Addison [2017] CSIH 15: for the successful claimant in the leading Scots case on the

scope of obligations in restraint of trade (as sole counsel)

Before coming to the bar (as Lord Reid scholar), Stephen was judicial assistant to Lord Kerr in the Supreme Court, where he worked on several significant public law, human rights, and equality cases, as well as teaching public international law and constitutional law. He has law degrees from Glasgow, Oxford, and Yale (as a Fulbright scholar and board member of the Yale Journal of International Law), has published on international law and human rights law in leading journals, and is an assistant editor of the European Human Rights Reports.

Education & Professional Career to Date

-Career-

(2016- now) Barrister, Essex Court Chambers

(2015- now) Advocate

(2013-14) Judicial assistant to Lord Kerr, Supreme Court of the United Kingdom and the Judicial Committee of the Privy Council

(2009-11) Trainee solicitor, Simpson & Marwick (now Clyde & Co)

(2009) Intern, Gulf Region Advocacy Center, Houston, Texas

-Education-

(2012-13) LL.M., Yale Law School

(2011-12) B.C.L., Lincoln College, Oxford

(2009-11) M.Sc. (philosophy), University of Edinburgh

(2008-09) Dip.L.P., Glasgow Graduate School of Law

(2004-08) LL.B., University of Glasgow

-Awards-

(2014-15) Lord Reid and Faculty of Advocates scholarships

(2012-13) Fullbright scholar

(2012) Shearman & Sterling mooting trophy, University of Oxford

(2011) Runner-up, Times Law Awards

(2008) Dean's Cup, University of Glasgow

(2008) Semple Mooting Prize, University of Glasgow

Appointments

- Attorney General's London 'B' panel (2021–present)
- Standing Junior Counsel to the Scottish Government (2020–present)
- Attorney-General's public international law 'C' panel (2020–present)
- Equality & Human Rights Commission's panel (2019–present)
- Assistant editor, European Human Rights Reports (2018–present)

Areas of Practice

- Commercial

- Employment, Discrimination and Harassment
- Media Law, Privacy and Defamation
- Public Law
- Taxation

Publications & Seminars

'Conflicting jurisdiction agreements in treaty and contract' (2020) 69(4) ICLQ 759

'No consensus on consensus', 33 HRLJ 248-263 (with Luzius Wildhaber, former President of the European Court of Human Rights, analysing the role of consensus among states in developing Convention obligations.

Directories

Ranked Band 2 in Chambers 2024 in Administrative & Public Law

Additional Information

Fluent in French

Working knowledge of several other languages