



STEPHEN DONNELLY



Year of Call

2015

Devil Masters

Morag Ross Q.C.

Shelagh McCall Q.C.

Practice Profile

Stephen practises across a wide spectrum of company and commercial litigation (including commercial employment) and judicial review. He works as part of a team in larger cases and has appeared as sole counsel in the Inner and Outer Houses and in arbitration. He also advises clients in both contentious and non-contentious matters in all areas of his practice.

His recent experience includes appearing before the Full Court of the CEJU in *Wightman v Secretary of State for Exiting the European Union* [2019] 1 CMLR 29, concerning the conditions under which the United Kingdom could revoke the notification of its intention to leave the European Union; appearing as sole counsel for the Law Society of Scotland in *Ahmed-Sheikh v Law Society of Scotland* 2020 SLT 1; and appearing as sole counsel in the Inner House in *Sundolitt v Addison* [2017] CSIH 15, the leading Scots authority on the enforceability of post-employment obligations in restraint of trade. He is currently instructed as sole counsel in an appeal before the Judicial Committee of the Privy Council.

Stephen is dual-qualified as a barrister in England and Wales and maintains an active practice from Essex Court Chambers, a leading commercial set. Many of his cases have a cross-border element.

Stephen is a Standing Junior to the Scottish Government. He is also a member of the Equality and Human Rights Commission's Scottish panel of counsel and of the Attorney General's UK-wide panel of public international law counsel.

Before coming to the bar, Stephen spent a year as judicial assistant to Lord Kerr in the Supreme Court and Judicial Committee of the Privy Council, where he worked on a number of leading public law, human rights, and equality cases.

He studied law at Glasgow, Oxford, and Yale (as a Fulbright scholar) and has taught public law at the University of Edinburgh and University College London. He has published on human rights, is an assistant editor of the European Human Rights Reports, and was on the editorial board of the Yale Journal of International Law. He is an author of the forthcoming edition of *Company Directors: Duties, Liabilities, and Remedies* (OUP).

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 mootng 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

- Standing Junior Counsel to the Scottish Government (2020–present)
- Member of the Equality & Human Rights Commission Panel of Counsel (2019–present)
- Assistant editor, European Human Rights Reports (2018–present)
- Tutor in international & public law, University of Edinburgh (2014–2015)
- Teaching fellow in public law, University College London (2013–2014)
- Tutor in international law, King's College London (2013–2014)
- Editorial board, Yale Journal of International Law (2012–2013)

Selected Cases

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Wightman v Secretary of State for Exiting European Union

Appeared on behalf of the additional parties, Chris Leslie MP and Tom Brake MP, before the full court of the CJEU, which concerns the conditions under which the United Kingdom could withdraw the notification of its intention to leave the European Union.

- **Sundolitt v Addison [2017] CSIH 15**

Appeared as sole counsel in the Inner House for the successful claimant in the leading Scots case on the scope of obligations in restraint of trade

- **Colstoun Trust v Scottish Ministers**

Court of Session action for just satisfaction for losses arising from the enactment by the Scottish Parliament of legislation found to be in breach of article 1 of Protocol 1

- **Milne v Smith**

Court of Session action for defamation brought by an individual and related corporate entity arising out of posts on Facebook

- **Courts of England and Wales**

- **Yukos v Merinson, Court of Appeal, on appeal from [2018] 2 WLR 1541**

Fraud claim in the Commercial Court raising issues of jurisdiction, conflict of laws, and the effect of foreign court settlements

- **Hellas II**

Trial in the Chancery Division of a claim under section 423 of the Insolvency Act arising from the multi-billion-euro refinancing of a Greek telecoms company

- **Latin American Investments Ltd v Maroil Trading Inc. [2017] EWHC 1254 (Comm)**

Commercial Court claims for breach of fiduciary duty and secret profits, with applications for freezing relief

- **Erdenet Mining Corp. LLC v ICBC Standard Bank plc [2017] 2 Lloyd's Rep 25**

LCIA arbitration and Commercial Court proceedings arising out of an Asian banking fraud, including a successful application under section 70(7) of the Arbitration Act 1996 for security for the amount payable under two arbitral awards

- **Advisory**

- Instructed by the FCA in matters of contemplated regulatory action
- Advising a regulatory body on the jurisdictional scope of its amenability to judicial review on both common law and Convention grounds in a cross-border context
- Instructed in relation to a case before the International Court of Justice concerning a boundary dispute

- **Other**

Before coming to the bar, spent a year as judicial assistant to Lord Kerr in the Supreme Court and Judicial Committee of the Privy Council, working on a number of leading public law, human rights, and equality cases including R (Nicklinson) v Ministry of Justice [2015] AC 657, Bull v Hall [2013] 1 WLR 3741, and (Lord Carlile of Berriew QC) v Secretary of State for the Home Department [2015] AC 495

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Areas of Practice

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

- Taxation

Publications & Seminars

'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.

Additional Information

Fluent in French

Working knowledge of several other languages