



## STEPHEN DONNELLY



### Year of Call

2015

### Devil Masters

Morag Ross Q.C.

Shelagh McCall Q.C.

## Practice Profile

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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 work includes substantial litigation in the Commercial Court, judicial reviews, and appearing on behalf of the successful claimer in *Sundolitt v Addison* [2017] CSIH 15, the leading Scots authority on the enforceability of post-employment obligations in restraint of trade. He is also currently instructed in relation to proceedings before the International Court of Justice.

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.

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*.

## Education & Professional Career to Date

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-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

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- 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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- **Sundolitt v Addison [2017] CSIH 15**  
Appeared as sole counsel in the Inner House for the successful claimer in the leading Scots case on the scope of obligations in restraint of trade
- **Colstoun Trust v Scottish Minsters**  
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
- -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
- -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

- **(Courts of England & 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
- **(Courts of England & Wales) *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
- **(Courts of England & Wales) *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
- **(England & Wales) *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

## Areas of Practice

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

## Publications & Seminars

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'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

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Fluent in French

Working knowledge of several other languages