



# George McDonald

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*Full of fresh ideas and always responsive.*

- Legal 500

**George McDonald has a broad commercial practice, with a particular focus on construction and costs litigation.**

George is ranked as a Leading Junior by Chambers & Partners, Legal 500 and Who's Who Legal. They quote solicitors:

- "George is immensely clever: he has an intellect that far outstretches my own on cases that I've had for a while. He'll always come in with a fresh thought."
- "The "absolutely exceptional" George McDonald is an expert on a wide range of construction matters, including PFI disputes".
- "Fantastic to work with, he's professional, enthusiastic, detailed and highly knowledgeable."
- "Quick on his feet, he's a very clear and concise advocate, who is highly approachable."
- "Combines an exceptional intellect with an approachable manner"
- "A very pleasant and very likeable chap."
- "Full of fresh ideas and always responsive."
- "Approachable, excellent on his feet, and superb in his written work."
- "He is extremely easy to work with, client-friendly and he combines good judgment with pragmatic advice."
- "Extremely strong on paper and brilliant on his feet"
- "He knows costs inside out, always provides pragmatic advice and achieves fantastic results."
- "George McDonald is a go-to barrister for contract and procurement-related construction and engineering disputes".
- "He's good on his feet, excellent on paper and always ready to pick up the phone."
- "George is very user-friendly, is well liked by judges, good with clients and someone who doesn't get bogged down in

unnecessary, trivial points."

- "Excellent on his feet and on paper."
- "Highly sought after for group claims."

George has considerable experience of **construction** disputes, and in particular cases relating to government contracts. Examples of George's work include:

- Multiple disputes arising from a £2 billion PFI contract for the repair and maintenance of the Birmingham road network (led by Anneliese Day QC). George acted for the successful appellant to the Court of Appeal, who decided all issues in his client's favour.
- A complex claim in arbitration worth in excess of £100 million (led by Roger Stewart QC) relating to a nuclear facilities project in Scotland.
- Multiple disputes relating to a £6 billion PFI contract for the management of a major UK motorway (led by Anneliese Day QC).
- Claims for termination of a 25 year PFI contract worth £800 million for the construction and management of a waste facility in Essex (led by Anneliese Day QC and then Roger Stewart QC).
- As sole counsel on disputes about a £25 million PFI contract for the repair, management and servicing of fire stations across the county of Cornwall.
- A claim for £7 million for delays in reinstating a well-known property following a massive fire (led by Patrick Lawrence QC).
- Disputes relating to a 60 year PFI contract for the construction and management of a major UK hospital (led by Anneliese Day QC).
- Disputes worth in excess of £200 million relating to the compensation on termination payable for termination of a 30 year PFI contract for the construction and management of an Energy from Waste facility (led by Roger Stewart QC).
- Claims arising from the Buncefield fire (led by Jalil Asif QC).
- As sole counsel on disputes about the proper interpretation of cost-sharing provisions in a 25 year PFI contract relating to a waste facility in North Yorkshire.
- Disputes relating to a renowned project in Russia (led by Roger Stewart QC).
- Advising on expert issues in the Multiplex litigation relating to the construction of Wembley stadium (led by Roger Stewart QC).

George also acts on general **commercial matters**, including international arbitration, professional negligence, IT and telecommunications, financial services and insurance disputes. Examples of George's work include:

- Acting as sole counsel on a claim for \$588 million relating to the financing of a massive mining plant in Minnesota.
- Acting for claimant solar power companies in claims worth around £200 million against the government in relation to energy tariffs, named as one of the Lawyer's "cases of the year" in 2018 (led by Patrick Lawrence QC).

- Advising on disputes relating to a novel £25 million contract for the installation of cheque-scanning and telecommunication facilities for a consortium of banks (led by Roger Stewart QC).
- Appearing as sole counsel in a claim worth £1 billion relating to the collapse of a Greek telecoms company on behalf of litigation funders.
- Acting as sole counsel for a well-known hotel chain on a claim in arbitration worth in excess of \$50 million.
- Acting for the defendant solicitors in *Cherney v Neuman* [2011] EWHC 2156 (Ch) and successfully resisting the £15 million claim by the Russian oligarch (led by Justin Fenwick QC).
- Acting for Axa insurance (led by Ben Hubble QC) in the multi-party CLE litigation relating to the collapse of ATE insurance schemes.
- Acting for the defendant claims-handlers (led by Graeme MacPherson QC) in *Markerstudy Insurance Company Limited v Endsleigh Insurance Services Limited*.
- Advising well-known financial headhunters in claims arising from the financial crisis (led by Justin Fenwick QC).
- For the Ministry of Defence in claims arising from the termination of a 25 year contract for an education facility.
- Acting for a major contractor in a £40 million insurance claim following a construction project (led by Roger Stewart QC).
- Assisting a solicitor's firm with the insurance position following the fallout from the Madoff scandal.

George spent 3 months in Hong Kong for the prestigious Pegasus Scholarship, which included helping the Hong Kong International Arbitration Centre with a number of construction arbitrations and drafting guidance to be published on their arbitration rules.

In **costs**, George has been instructed on some of the seminal costs cases, both on his own account and as a junior. George has particular experience of group litigation and class/representative actions, including:

- For the claimants in the well-known Air Cargo Cartel litigation.
- For the claimants in the multi-billion pound litigation relating to FX manipulation by leading banks.
- For the claimants in one of the largest product liability claims ever brought, the Depuy Pinnacle Metal on Metal Hip Litigation.
- For a claimant group in the VW litigation relating to the installation of defeat devices.
- For a claimant group in the "Trucks" competition litigation.
- Advising a large African community of over 40,000 in their claims against a major oil company.
- For the claimants in the "Trains" competition litigation.
- Advising 365 local authorities in competition claims brought by hundreds of search companies.
- Acting for the thousands of ex-servicemen in claims against the MoD in the "Military Deafness" litigation.
- For the hundreds of victims of sexual and physical abuse by gangs in Rotherham in their claims against the local authority.

- For a claimant group in the "Roll-On/Roll-Off" competition litigation.
- For millions of potential claimants in various representatives actions relating to data breaches.
- Acting for the hundreds of claimant ex-workers in the Phurnacite litigation.
- For the claimants in the Kenyan Emergency Group Litigation, in claims against the UK government arising out of the Mau Mau uprising.
- For a large African community for damages suffered as a result of copper-mining activities in Zambia;
- For the claimants in the Mastercard litigation relating to fixing of inter-change fees.
- For the hundreds of claimants in the Royal Mail Group Litigation relating to recovery of VAT charges exceeding £500 million.
- For the local community in a proposed group action for environmental nuisance arising from a large waste facility in the UK.

George also has considerable experience of dealing with the costs of media litigation, including as cost counsel for the Mirror Newspaper in the phone hacking group litigation **and** for the BBC in the well-publicised claim by Sir Cliff Richard for invasion of privacy. He is instructed by some of the leading media outlets, including Express Newspapers, Associated Newspapers, News Group Newspapers, Mirror Group Newspapers, BBC, Channel 4 and Channel 5.

George also acts in important cases for costs litigation or that are in the public eye. Examples are the Debenhams insolvency litigation; the "X passports" litigation against the government; a rare successful appeal on hourly rates in *Kelly v Hays Plc* [2015] EWHC 735 (QB); the novel points of law relating to costs budgets in the leading case of *Elvanite v AMEC Earth & Environmental (UK) Ltd* [2013] EWHC 1643 (TCC); the important solicitor-client dispute of *Assaubayev v Michael Wilson & Partners, Ltd* with Nicholas Bacon QC in the Court of Appeal; for William Hill in the assessment of Betfair's costs for the judicial review of the Horseracing Levy; as sole counsel in the Court of Appeal on the seminal case on interest and Part 36 offers, *King v City of London Corporation*.

George also advises on all aspects of litigation funding. He advises solicitors, third party funders, ATE providers and clients about the relevant structures. He has put together the funding documents in many of the major pieces of group litigation and class actions involving third party funding. George also advised on one of the largest UK mergers of solicitors' firms and appeared as sole counsel for a third party funder in a claim for over £1 billion

In **other matters**, for 3 months in late 2009 George went on secondment to the Financial Services Authority, in their General Counsel's Division. George advised the FSA on the implementation of recent amending EU Directives (in particular to the Capital Adequacy Directive and the Banking Consolidation Directive) and drafted the relevant text for the FSA's amended Handbook. George was also Judicial Assistant to Lord Justice Dyson in the Court of Appeal for two terms in 2009.

For his **education**, George originally studied Mathematics and Philosophy at Worcester College, Oxford University. He obtained a first in his Honour Moderations and was awarded a Worcester College Scholarship. He subsequently changed to read Philosophy, Politics, and Economics ('PPE') and graduated with a first, completing the full degree in two years. George thereafter took the CPE and BVC and is a member of Lincoln's Inn, where he received the Hardwicke and Shelford Scholarships.

## Privacy Policy

Click here for a **Privacy Policy** for George McDonald.

## Areas of Expertise

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## Professional Liability

George does a large amount of drafting, advisory, and advocacy work in this field. He acts for claimants/defendants in claims involving all types of professionals, including solicitors/barristers, construction professionals, surveyors/valuers, financial services professionals, and estate agents. Examples of George's work include:

- Acting for the defendant solicitors in *Cherney v Neuman* [2011] EWHC 2156 (Ch) and successfully resisting the £15 million claim by the Russian oligarch (led by Justin Fenwick QC and Jamie Smith QC).
- Acting for Axa insurance (led by Ben Hubble QC) in the multi-party CLE litigation relating to claims against solicitors following the collapse of ATE insurance schemes.
- Acting for the defendant claims-handlers (led by Graeme MacPherson QC) in the substantial *Markerstudy Insurance Company Limited v Endsleigh Insurance Services Limited* litigation.

## Commercial Dispute Resolution

George has considerable experience of both domestic and international general **commercial matters**, including international arbitration, professional negligence, information technology and telecommunications, \_\_\_\_\_

- Acting for claimant solar power companies in claims worth around £200 million against the government in relation to energy tariffs, named as one of the Lawyer's "cases of the year" in 2018 (led by Patrick Lawrence QC).
- Appearing as sole counsel in a claim worth £1 billion relating to the collapse of a Greek telecoms company on behalf of a litigation funder (also named as one of the Lawyer's "cases of the year" in 2018).
- Advising on disputes relating to a novel £25 million contract for the installation of cheque-scanning and telecommunication facilities for a consortium of banks (led by Roger Stewart QC).
- Claims for termination of a 25 year PFI contract worth £800 million for the construction and management of a waste facility in Essex (led by Anneliese Day QC and then Roger Stewart QC).
- As sole counsel on disputes about a £25 million PFI contract for the repair, management and servicing of fire stations across the county of Cornwall.
- Acting as sole counsel on a claim for \$588 million relating to the financing of a massive mining plant in Minnesota.
- Acting for the defendant solicitors in *Cherney v Neuman* [2011] EWHC 2156 (Ch) and successfully resisting the £15 million claim by the Russian oligarch (led by Justin Fenwick QC and Jamie Smith QC).
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- Acting for the defendant claims-handlers (led by Graeme MacPherson QC) in *Markerstudy Insurance Company Limited v Endsleigh Insurance Services Limited*.
- Acting for well-known financial headhunters in claims arising from the financial crisis (led by Justin Fenwick QC).
- Acting on multiple disputes arising from a £2 billion PFI contract for the repair and maintenance of the Birmingham road network (led by Anneliese Day QC).
- Acting for a major contractor in a £40 million insurance claim following a construction project (led by Roger Stewart QC).
- Acting on multiple claims relating to a £6 billion PFI contract of the management of a major UK motorway (led by Anneliese Day QC).
- Acting on a £10 million solicitor-client dispute relating to the enforceability of an arbitration clause and legitimacy of retainers (led by Nicholas Bacon QC).
- A complex claim in arbitration worth in excess of £100 million (led by Roger Stewart QC) relating to a nuclear facilities project in Scotland.
- Disputes relating to a 60 year PFI contract for the construction and management of a major UK hospital (led by Anneliese Day QC).
- Assisting a solicitor's firm with the insurance position following the fallout from the Madoff scandal.

## Costs

**"Exceptional knowledge on costs issues. Full of bright ideas and not afraid to suggest and try innovative solutions. An**



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**infectious enthusiasm for the task in hand.”** – *Legal 500, 2021*

**“A very confident advocate who is absolutely brilliant. He’s quick, highly responsive and someone who provides very good, clear advice.” “His written work is excellent and he’s very good on his feet.” “George provides trenchant, commercial advice which is exceptionally well drafted.”** – *Chambers & Partners, 2021*

**“Extremely strong on paper and brilliant on his feet.”** – *Legal 500, 2020*

**“Fantastic to work with, he’s professional, enthusiastic, detailed and highly knowledgeable.” “Quick on his feet, he’s a very clear and concise advocate, who is highly approachable.” “George is very user-friendly, is well liked by judges, good with clients and someone who doesn’t get bogged down in unnecessary, trivial points.”** – *Chambers & Partners, 2020*

**“His preparation is meticulous.”** – *Legal 500, 2019*

**“Very quick and thorough.” “He definitely rolls his sleeves up and is responsive.”** – *Chambers & Partners, 2019*

**“He knows costs inside out, always provides pragmatic advice and achieves fantastic results.”** – *Chambers & Partners, 2018*

**“Highly sought-after for group claims.”** – *Legal 500, 2017*

George is widely regarded as one of the best junior counsel for costs litigation. He has been ranked as a leading junior in this area by both Chambers and Partners and Legal 500 for a number of years. He has been instructed in some of the seminal costs cases before a number of different tribunals, including on his own account in Supreme Court and Privy Council assessments.

George has particular experience of group litigation and class/representative actions, including:

- For the claimants in the well-known Air Cargo Cartel litigation.
- For the claimants in the multi-billion pound litigation relating to FX manipulation by leading banks.
- For the claimants in one of the largest product liability claims ever brought, the Depuy Pinnacle Metal on Metal Hip Litigation.
- For a claimant group in the VW litigation relating to the installation of defeat devices.
- For a claimant group in the “Trucks” competition litigation.
- Advising a large African community of over 40,000 in their claims against a major oil company.
- For the claimants in the “Trains” competition litigation.
- Advising 365 local authorities in competition claims brought by hundreds of search companies.
- Acting for the thousands of ex-servicemen in claims against the MoD in the “Military Deafness” litigation.
- For the hundreds of victims of sexual and physical abuse by gangs in Rotherham in their claims against the local authority.
- For a claimant group in the “Roll-On/Roll-Off” competition litigation.
- For millions of potential claimants in various representatives actions relating to data breaches.
- Acting for the hundreds of claimant ex-workers in the Phurnacite litigation.
- For the claimants in the Kenyan Emergency Group Litigation, in claims against the UK government arising out of the Mau Mau uprising.
- For a large African community for damages suffered as a result of copper-mining activities in Zambia;
- For the claimants in the Mastercard litigation relating to fixing of inter-change fees.
- The defendant company in multiple claims arising from withdrawn defibrillator leads.
- For the hundreds of claimants in the Royal Mail Group Litigation relating to recovery of VAT charges exceeding £500 million.
- For the local community in a proposed group action for environmental nuisance arising from a large waste facility in the UK.

George has considerable experience of dealing with the costs of media litigation, including as cost counsel for the Mirror Newspaper in the phone hacking litigation and for the BBC in the well-publicised claim by Sir Cliff Richard for invasion of privacy. He is instructed by some of the leading media outlets, including Express Newspapers, Associated Newspapers, News Group Newspapers, Mirror Group Newspapers, BBC, Channel 4 and Channel 5.



George also acts in important cases for costs litigation or that are in the public eye. Examples are the Debenhams insolvency litigation; the “X passports” litigation against the government; a rare successful appeal on hourly rates in *Kelly v Hays Plc* [2015] EWHC 735 (QB); the novel points of law relating to costs budgets in the leading case of *Elvanite v AMEC Earth & Environmental (UK) Ltd* [2013] EWHC 1643 (TCC); the important solicitor-client dispute of *Assaubayev v Michael Wilson & Partners, Ltd* with Nicholas Bacon QC in the Court of Appeal; for William Hill in the assessment of Betfair’s costs for the judicial review of the Horseracing Levy; as sole counsel in the Court of Appeal on the seminal case on interest and Part 36 offers, *King v City of London Corporation*.

A large part of George’s practice is drafting and advisory work for litigation funding, solicitor’s retainers and ATE providers. He has put together the funding documents in many of the major pieces of group litigation and class actions involving third party funding.

George also advised on one of the largest UK mergers of solicitors’ firms, acted on some of the leading cases relating to assignments (including *Griffiths v Paragon Personal Finance Limited* and *Budana v Leeds Teaching Hospitals NHS Trust*), and appeared as sole counsel for a third party funder in a claim for over £1 billion (named as one of the Lawyer’s “Cases of the Year” in 2018).

George is regularly instructed to deal with costs budgeting and attend detailed assessments, both inter-partes and solicitor-client, and is well versed in the issues that arise. Such issues recently include: the enforceability of CFAs and recoverability of ATE premiums and legitimacy of general funding agreements, departing from budgets on an assessment, the impact of consumer protection legislation on solicitor’s retainers, the proper application of the fixed costs regime and the RTA protocol, transitional issues relating to the Jackson reforms and the recoverable fees in court of protection matters.

George is the contributing editor of Butterworths Costs Service quarterly bulletin, drafted the Lexis Nexis PSL Costs Practice Notes, and has written a number of articles for the Costs Lawyer.

## Construction & Engineering

“George is a stunningly intelligent and incredibly personable guy.” – *Legal 500, 2021*

“Combines an exceptional intellect with an approachable manner.” – *Legal 500, 2020*

George has considerable experience of **construction** disputes, including those with an international element. He is ranked as a leading junior in Who’s Who Legal, who describes George as:

“**Immensely clever**”, “**excellent on his feet and on paper**” and “**extremely easy to work with**”, George “**achieves fantastic results**” (*WWL 2018*). “**The “absolutely exceptional” George McDonald is an expert on a wide range of construction matters, including PFI disputes**”.

He has recently been instructed on:

- Multiple disputes arising from a £2 billion PFI contract for the repair and maintenance of the Birmingham road network (led by Anneliese Day QC). George acted for the successful appellant to the Court of Appeal, who decided all issues in his client’s favour.
- A complex claim in arbitration worth in excess of £100 million (led by Roger Stewart QC) relating to a nuclear facilities project in Scotland.
- Multiple disputes relating to a £6 billion PFI contract for the management of a major UK motorway (led by Anneliese Day QC).

- Claims for termination of a 25 year PFI contract worth £800 million for the construction and management of a waste facility in Essex (led by Anneliese Day QC and then Roger Stewart QC).
- As sole counsel on disputes about a £25 million PFI contract for the repair, management and servicing of fire stations across the county of Cornwall.
- A claim for £7 million for delays in reinstating a well-known property following a massive fire (led by Patrick Lawrence QC).
- **As sole counsel: (i) in multiple Jersey arbitrations relating to a number of construction projects; and (ii) on a variety of disputes relating to defects, variations and final accounts.**
- Disputes relating to a 60 year PFI contract for the construction and management of a major UK hospital (led by Anneliese Day QC).
- Acting as sole counsel on a claim for \$588 million relating to the financing of a massive mining plant in Minnesota.
- Claims arising from the Buncefield fire (led by Jalil Asif QC).
- Disputes relating to a renowned project in Russia (led by Roger Stewart QC).

He has extensive experience of a wide range of dispute resolution procedures, including adjudication, expert determination, arbitration and litigation under a variety of different rules and procedures.

George is familiar with all the principal standard forms of contracts used in construction projects. He is particularly adept at dealing with difficult technical issues given his scientific and mathematical background.

George spent 3 months in Hong Kong for the prestigious Pegasus Scholarship, which included assisting the Hong Kong International Arbitration Centre with a number of construction arbitrations and drafting guidance to be published on their arbitration rules.

## International Arbitration

George has built up a strong reputation in international (and domestic) commercial arbitrations. He has been involved in a range of disputes in the construction, energy, financial services, legal services, and insurance sectors. These have been conducted under various rules (e.g. LCIA, ICC, UNCITRAL and HKIAC) as well as *ad hoc* arbitrations.

By way of example (and recognising the confidential nature of the disputes), George's experience includes substantial construction projects in Central Europe and the Channel Islands, various disputes relating to contractors' all-risk, professional indemnity and ATE insurance, criminal activities in the performance of legal services and the development of nuclear facilities in Scotland.

George also advises on the validity and scope of arbitration clauses, as well as potential challenges to arbitral awards under the Arbitration Act 1996 and issues relating to enforcement. He acted in the seminal case concerning the enforceability of arbitration clauses covering disputes subject to the court's supervisory jurisdiction (which went to the Court of Appeal in Assaubeyev v Michael Wilson & Partners [2014] EWCA Civ 1491).

In addition, George has first-hand experience of the inner workings of arbitral institutions. He was awarded the renowned Pegasus Scholarship to Hong Kong, where he assisted the Hong Kong International Arbitration Centre (HKIAC) draft their new arbitration rules and commentary thereon. During his time with the HKIAC he acted as an assistant to the tribunal across a wide-range of international arbitrations, which gave him invaluable insight into the decision-making process.

## Banking & Financial Services

George advises on a wide-range of banking and financial services disputes. His experience includes:

- Acting as sole counsel on a claim worth \$588million relating to the financing of a massive mining plant in Minnesota.
- Advising hundreds of claimants in a group action for misselling of financial products.
- Acting as sole counsel for liquidation funders in a claim for over £1billion relating to the refinancing of a major overseas telecoms company.
- Being seconded to the Financial Services Authority (now the FCA) for 3 months to: (i) advise on the implementation of recent



amending EU Directives; and (ii) draft the relevant text for the amended handbook.

- Acting for and against a variety of financial advisors in a number of different professional negligence claims.
- Advising on claims relating to loans, guarantees, mortgages and Consumer Credit legislation.
- Acting for a number of claimants in PPI claims.

With his mathematical background, George is particularly adept at grasping financial concepts and instruments.

## Qualifications & Memberships

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**Memberships** – TECBAR, COMBAR, PNBA, SCL

**Education** – BA (Oxon)

## Insights

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### **GDPR and group actions: the more the merrier**

15 May 2018

Benjamin Williams QC and George McDonald examine the impact that the General Data Protection Regulation, coming into force on 25 May 2018, is likely to have on group and representative actions for data protection breaches.

### **Costs budgeting insights: Recent case guidance (LexisNexis Dispute Resolution)**

12 May 2015

Nicholas Bacon QC and George McDonald consider the much needed insight into costs budgeting in practice from four recent cases

### **Costs Newsletter: Six Months In**

27 November 2013

We are now six months into the Jackson reforms. Most would agree that it is really too early to tell what impact the reforms have had; with many of the reforms being subject to transitional arrangements which necessarily means that it will be towards the beginning of 2014 before we start seeing measurable impacts of the Jackson reforms. That having been said, the reforms have already injected a good deal of challenging questions into civil procedure generally.

### **Costs budgets- revisions and indemnity costs**

25 June 2013

On 14 June 2013 in *Elvanite Full Circle Ltd v AMEC Earth & Environmental (UK) Ltd* [2013] EWHC 1643 (TCC) Mr Justice Coulson handed down another important judgment on the application of the new costs management rules (in CPR r.3.15- r.3.18), albeit his decision relates to the Costs Management in Mercantile Courts and Technology and Construction Courts – Pilot Scheme (“PD 51G”).

### **Costs Management- Solicitors Warned for the Pilot Schemes and the Future**

31 May 2012

Article on *Henry v News Group Newspapers Ltd*