



## Ian McDonald

Call: 2017

DD: +442078222142 i.mcdonald@4newsquare.com  
M: +447590693658

Clerk: Alex Dolby

a.dolby@4newsquare.com

+442078222036 +447912405151



**Ian joined 4 New Square in October 2018 following the successful completion of his pupillage and is developing a broad practice across Chambers' core areas, with a particular focus on commercial litigation, the conflict of laws, professional liability, civil fraud, and construction.**

His recent led work includes:

- Acting for a development manager in a multi-party professional liability claim arising out of the procurement and development of a multi-million pound retail and residential project (led by Graeme McPherson QC);
- Junior to Helen Evans in an urgent application for freezing and proprietary injunctions and a *Norwich Pharmacal* order, arising out of a former solicitor's fraudulent misconduct;
- Acting for a public sector services provider in commercial litigation against a local authority (led by George Spalton);
- Junior to Matthew Bradley in *Ang v Reliantco Investments Ltd* [2019] EWHC 879 (Comm), involving a jurisdiction challenge under the recast Brussels I Regulation (in particular, the choice-of-court and consumer contract provisions);
- Assisting with advising a travel and lifestyle services provider upon a jurisdiction challenge under the recast Brussels I Regulation (in particular, the choice-of-court and *lis pendens* provisions); and,
- Junior to Can Yeginsu as part of a legal team instructed in an international commercial arbitration, under the ICC Rules, arising out of a construction project in Argentina.

Ian has also been instructed as sole Counsel in a range of matters. He regularly appears in his own right at interim and final hearings in the High Court and County Court, and has advised upon, and settled pleadings in, actions across Chambers' core practice areas, including professional liability proceedings against solicitors, financial practitioners, and construction professionals.

Given Ian's.....

Prior to commencing pupillage, Ian read law at Birkbeck, University of London, where he won the Prize for Outstanding Performance on the LLB, and at Balliol College, Oxford, where he was the 4 New Square Chambers Scholar and achieved a Distinction on the Bachelor of Civil Law. He subsequently completed the BPTC, for which he was a.....



Ian has particular expertise in the conflict of laws. He has worked as a teaching assistant on the Conflict of Laws module on the BCL at the University of Oxford, and has delivered tutorials in the same subject to visiting students at St Catherine's College, Oxford.

He is also an editor of *Jackson & Powell on Professional Liability* (Sweet & Maxwell, Third Supplement to the 8th edition, 2019).

For more examples of Ian's recent work, please see the individual practice areas below.

### Privacy Policy

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## Areas of Expertise

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### COMMERCIAL LITIGATION

Ian is regularly instructed, as both junior and sole Counsel, in a broad range of commercial disputes. Recent examples of such work include:

- Acting for a public sector services provider in commercial litigation against a local authority (led by George Spalton);
- Junior to Can Yeginsu in a claim arising out of a services agreement for the provision of certain tax and VAT services;
- Assisting with an advice on a multi-million pound breach of contract claim brought by a financial practitioner;
- Assisting with shareholder claims under section 90A and Schedule 10A of the Financial Services and Markets Act 2000;
- Trial Counsel in a commercial dispute in respect of the interpretation of contractual terms agreed in a property marketing contract;
- Drafting Particulars of Claim in a claim for breach of fiduciary duty/restitution, arising out of a contract for the provision of online payment solutions;
- Representing a property company in a breach of contract/restitution claim concerning issues of privity of contract and assignment;
- Drafting Particulars of Claim for the return of monies following the frustration and/or breach of an exclusivity agreement; and,
- Advising upon and defending a substantial debt claim arising out of a business-to-business facilities management contract.

Ian is a member of COMBAR.

### CONFLICT OF LAWS

Ian has particular expertise in the conflict of laws. His recent work in this area includes:

- Junior to Matthew Bradley in *Ang v Reliantco Investments Ltd* [2019] EWHC 879 (Comm), involving a jurisdiction challenge under the recast Brussels I Regulation (in particular, the choice-of-court and consumer contract provisions);
- Assisting with advising a travel and lifestyle services provider upon a jurisdiction challenge under the recast Brussels I Regulation (in particular, the choice-of-court and *lis pendens* provisions);
- Assisting with advising upon service out of the jurisdiction in a large multi-jurisdictional action for deceit; and,
- Assisting with advising upon conflict of laws questions – in particular, the applicable law pursuant to Article 4 of the Rome II Regulation – arising in a multi-million pound unlawful means conspiracy claim.

Ian has also worked as a teaching assistant on the Conflict of Laws module on the BCL at the University of Oxford, and has delivered tutorials in the same subject to visiting students at St Catherine's College, Oxford.

During pupillage, Ian also taught BPTC Commercial Dispute Resolution classes on jurisdiction and foreign judgments at BPP University, and won The Bar Council's Law Reform Essay Competition for his paper "One rule for all: An end to the *Abouloff* double standard on fraud and foreign judgments".



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## PROFESSIONAL LIABILITY

Ian is frequently instructed, as both junior and sole Counsel, in a wide variety of professional liability disputes, including:

- Acting for a development manager in a multi-party claim arising out of the procurement and development of a multi-million pound retail and residential project (led by Graeme McPherson QC);
- Junior to George Spalton in a high-value claim brought by a former client against a firm of chartered accountants and auditors;
- Acting in proceedings concerning the introduction of investment and tax planning opportunities (led by Ben Smiley); and,
- Numerous actions (as sole Counsel) against solicitors and barristers – in particular, “lost litigation” claims invoking “loss of a chance” principles – involving a range of underlying matters such as property and partnership disputes, personal injury claims, and criminal proceedings; and,
- Numerous claims (as sole Counsel) for and against financial practitioners and construction professionals.

Ian is also an editor of *Jackson & Powell on Professional Liability* (Sweet & Maxwell, Third Supplement to the 8th edition, 2019).

## CIVIL FRAUD

Ian is developing a practice in civil fraud, his experience of which includes:

- Junior to Helen Evans in an urgent application for freezing and proprietary injunctions and a *Norwich Pharmacal* order, arising out of a former solicitor’s fraudulent misconduct;
- Acting for a foreign government in proceedings against a former government lawyer for recovery of secret commissions and fraud and deceit (led by George Spalton);
- Assisting with the defence of a multi-million pound unlawful means conspiracy claim against a Russian businessman; and,
- During pupillage, an application for a worldwide freezing injunction, arising out of a multi-million pound fraud.

Ian is a member of the Commercial Fraud Lawyers Association.

## CONSTRUCTION

Ian has also been instructed in numerous construction cases, including:

- Acting for a sub-contractor in an adjudication claim – led by Hugh Saunders – over a £1.2million final account dispute arising out of an NEC sub-contract relating to a highways project;
- Acting as part of a Counsel team led by Garry Borland QC in a complex adjudication claim against one of a main contractor’s engineers arising out of a PFI roads scheme;
- Junior to Hugh Saunders in a £2million claim relating to the defective design of a new £4million private residence;
- Acting for a housing association in a £7million dispute arising out of the termination of a number of PPC2000 contracts (led by Hugh Saunders);
- Acting in a subrogated recovery claim arising out of an escape of water at a hospital; and,
- Drafting Particulars of Claim on behalf of a construction company against a mechanical and electrical engineer, following a fire at an office block.

## INTERNATIONAL ARBITRATION

Ian is also developing a practice in international arbitration, his experience of which includes:

- Junior to Can Yeginsu as part of a legal team instructed in an international commercial arbitration, under the ICC Rules, arising out of a construction project in Argentina;
- Assisting with advising upon questions of illegality arising in a UNCITRAL arbitration relating to the construction of housing in Africa;
- Junior to Tim Chelmick and Can Yeginsu in an arbitral dispute over the procurement, construction, testing, and commissioning of a Heavy Fuel Oil power plant in Africa; and,



- During pupillage, a UNCITRAL arbitration relating to a concession agreement in respect of an international airport.

## Qualifications & Memberships

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LLB, University of London (First Class Honours); BCL, University of Oxford (Distinction); BPTC, BPP University (Very Competent)

## Insights

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### **Enka v. Chubb in the Supreme Court: Which Law is it Anyway?**

14 October 2020

Where the law governing a contract containing an arbitration agreement differs from the law of the nominated “seat” of the arbitration, which law – absent any express choice – governs the arbitration agreement itself? That was the question that the Supreme Court had to grapple with in *Enka Insaat Ve Sanayi AS v. OOO Insurance Company Chubb* [2020] UKSC 38, in which judgment was handed down on 9 October 2020. George Spalton and Ian McDonald of 4 New Square consider the decision.

### **Why is the “illegality” defence back in the spotlight?**

4 May 2020

It is not uncommon for defendants to professional negligence claims to argue that the claimant should be barred from recovering damages because his or her cause of action is tarred by illegality. However, over recent years, the law has taken a variety of approaches to when illegality will provide a defence. With the issue about to come before the Supreme Court again, Helen Evans and Ian McDonald of 4 New Square explain.

### **Brussels I (recast) and third states**

17 October 2019

This practice note considers the impact of the Brussels I (recast) on jurisdictional issues arising in disputes involving non-EU Member States.

### **Big Brother Watch and ors v. the UK**

16 October 2018

*Big Brother Watch and Others v. the UK*: the ECtHR ruled last week that aspects of the UK’s mass surveillance programmes violate various Articles of the European Convention on Human Rights. Ian McDonald and John Williams consider the ECtHR’s decision, in which Can Yeginsu and Anthony Jones acted as counsel for Center for Democracy & Technology and PEN America.

### **'No injunction to restrain enforcement of section 1782 order for disclosure and deposition' (LexisNexis)**

2 September 2018

Ian McDonald of 4 New Square reflects on the Commercial Court’s latest judgment in the *Dreymoor Fertilisers Overseas v EuroChem Trading* litigation, in which Mr Justice Males dismissed Dreymoor’s application to continue an injunction restraining ECTG and EuroChem from enforcing an order for discovery made by a US court pursuant to section 1782(a) of Title 28 of the United States Code.

### **'High Court dismisses pre- and post-award challenges to jurisdiction in LCIA and ICC proceedings' (LexisNexis)**

3 May 2018

George Spalton and Ian McDonald of 4 New Square discuss the Commercial Court decision in *Dreymoor Fertilisers Overseas v EuroChem Trading*, where Mr Justice Butcher dismissed two jurisdiction challenges brought by Dreymoor under sections 32 and 67 of the Arbitration Act 1996, in relation to ongoing LCIA and ICC arbitrations.