

OUR PEOPLE

Ian McDonald

CALL 2017



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Ian has a broad practice – with a particular focus on commercial litigation, international arbitration, private international law, and public law and human rights – and is regularly instructed in cases with an international dimension.

He has considerable experience as an advocate, having been instructed as sole Counsel in a range of matters and regularly appearing in his own right at interim and final hearings in the High Court and County Court.

Examples of Ian's recent work include:

- *Suppipat & Ors v. Narongdej & Ors* [2023] EWHC 1988 (Comm) – Acting for Nick Suppipat and his companies in their \$US 2billion fraud claims against multiple defendants in the Commercial Court (one of *The Lawyer's* 'Top 20 Cases of 2022');
- Acting in a multi-million pound Commercial Court claim connected to the disputed purchase of a bank in Africa;
- Advising investors on the obtaining of permission for service out of the jurisdiction and pursuit of injunctive relief against a foreign State;
- Advising investors in relation to UNCITRAL arbitral proceedings against a foreign State;
- Acting for an investor in investor-state arbitral proceedings under the ICSID Convention against a State in the Middle East;
- *VP Fund Solutions (Luxembourg) SA v. GI Globinvestments Ltd* [2022] EWHC 1872 (Comm) – Successfully resisting a jurisdiction challenge (under both the recast Brussels I Regulation and the common law rules) in a multi-million pound unlawful means conspiracy claim;
- *Discovery Land Company LLC & Ors v. AXIS* [2023] EWHC 779 (Comm) – Acting for an insurer in an multi-million pound insurance coverage dispute arising out of a former solicitor's fraudulent misconduct;
- *Radio Free Europe/Radio Liberty LLC & Anor v. The Russian Federation* – Acting for the Moscow bureau of the international media group RFE/RL and its general director in their Article 34 application to the European Court of Human Rights, challenging Russia's use of "foreign agent" laws; and,
- Advising in relation to the application of the European Convention on Human Rights to refusals by Member State Courts to enforce arbitral awards.

Ian has particular expertise in private international law. He has worked as a teaching assistant on the Conflict of Laws module on the Bachelor of Civil Law at the University of Oxford and delivered tutorials in the same subject to visiting students at St Catherine's College, Oxford.

Before coming to the Bar, Ian originally trained and worked as a journalist and then spent five years at Liberty, the human rights organisation. Accordingly, he has a strong interest in public law and human rights – and the rights to liberty and security and freedom of expression in particular.

Prior to commencing pupillage, Ian read law at Birkbeck, University of London, graduating with a First, and at Balliol College, Oxford, where he achieved a Distinction on the Bachelor of Civil Law, before completing the BPTC (winning a number of academic scholarships and prizes along the way).

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

## Privacy Policy

Click here for a [Privacy Policy](#) for Ian McDonald.

## Expertise

### Commercial Litigation

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Ian is regularly instructed, as both junior and sole Counsel, in a broad range of commercial proceedings. His experience ranges from high-value shareholder disputes to claims for breach of contract and restitution.

#### Featured Commercial Litigation cases

- *Suppipat & Ors v. Narongdej & Ors [2023] EWHC 1988 (Comm)* – Acting for Nick Suppipat and his companies in their \$US 2billion fraud claims against multiple defendants in the Commercial Court (one of *The Lawyer's* 'Top 20 Cases of 2022');
- Acting in a multi-million pound Commercial Court claim connected to the disputed purchase of a bank in Africa;
- Acting for a public sector services provider in commercial litigation against a local authority;
- Acting in a claim arising out of a services agreement for the provision of certain tax and VAT services;
- Advising 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;
- Acting for a security services firm in proceedings for breach of a security services agreement;
- Acting 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; and,
- Advising upon and defending a substantial debt claim arising out of a business-to-business facilities management contract.

### International Arbitration

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Ian is regularly instructed in international commercial and investment arbitrations, including under the UNCITRAL, ICC, and LCIA Rules and the ICSID Convention. His experience includes:

- Advising investors in relation to UNCITRAL arbitral proceedings against a foreign State;
- Acting for an investor in investor-state arbitral proceedings under the ICSID Convention against a State in the Middle East;

- Advising in relation to the application of the European Convention on Human Rights to refusals by Member State Courts to enforce arbitral awards;
- Part of a legal team instructed in an international commercial arbitration, under the ICC Rules, arising out of a construction project in South America;
- Acting in an international commercial arbitration, under the LCIA Rules, in connection with a share purchase agreement relating to a renewable energy project in Eastern Europe;
- Advising on questions of illegality arising in a UNCITRAL arbitration relating to a construction project in Africa; and,
- Instructed in an arbitral dispute over the procurement, construction, testing, and commissioning of a power plant in Africa.

## Private International Law

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Ian has particular expertise in private international law. 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.

Ian has also taught BPTC Commercial Dispute Resolution classes on jurisdiction and foreign judgments at BPP University. In 2017 he 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".

Ian has also contributed a chapter (focusing on the "*proper law*" of a contract) to *The Common Law Jurisprudence of the Conflict of Laws* (edited by Sarah McKibbin and Anthony Kennedy), published in May 2023.

### Featured Private International Law cases

- Advising investors on the obtaining of permission for service out of the jurisdiction and pursuit of injunctive relief against a foreign State;
- *VP Fund Solutions (Luxembourg) SA v. GI Globinvest Ltd* [2022] EWHC 1872 (Comm) – Successfully resisting a jurisdiction challenge (under both the recast Brussels I Regulation and the common law rules) in a multi-million pound unlawful means conspiracy claim;
- *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);
- Advising a travel and lifestyle services provider on a jurisdiction challenge under the recast Brussels I Regulation (in particular, the choice-of-court and *lis pendens* provisions);
- Advising on service out of the jurisdiction in a large multi-jurisdictional action for deceit; and,
- Advising on private international law 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.

## Civil Fraud

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Ian is regularly instructed in a range of civil fraud claims as part of his broader commercial practice, his experience of which includes:

- *Suppipat & Ors v. Narongdej & Ors* – Acting for Nick Suppipat in his \$US 2billion fraud claims against multiple defendants in the Commercial Court;
- *Discovery Land Company LLC & Ors v. AXIS* [2023] EWHC 779 (Comm) – Acting for an insurer in an multi-million pound insurance coverage dispute arising out of a former solicitor's fraudulent misconduct;
- Instructed 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;
- Assisting with the defence of a multi-million pound unlawful means conspiracy claim against a Russian businessman; and,
- An application for a worldwide freezing injunction, arising out of a multi-million pound fraud.

## Public Law & Human Rights

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Ian has a strong interest in public law and human rights – and the rights to liberty and security and freedom of expression, in particular. He has recently been instructed in applications to the European Court of Human Rights; petitions to the UN Working Group on Arbitrary Detention; and submissions to other Special Procedures of the UN Human Rights Council.

Ian is **currently acting** for the Moscow bureau of the international media group Radio Free Europe/Radio Liberty (RFE/RL) and its general director, Andrey Shary, in their **Article 34 application to the European Court of Human Rights**, challenging Russia's use of "foreign agent" laws against them (instructed by the New York and Washington D.C. offices of **Covington & Burling LLP**).

Before coming to the Bar, Ian originally trained and worked as a journalist and then spent five years at Liberty, the human rights organisation, in senior media and campaigns roles. In 2015 he won the Law Society's Graham Turnbull Human Rights Essay Competition, for his entry on human rights and the 800th anniversary of Magna Carta.

## Professional Liability

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

### Featured Professional Liability cases

- Trial Counsel in proceedings involving a solicitors firm's claim for unpaid legal fees and its former clients' counterclaim for professional negligence and breach of fiduciary duty;
- *Standard Life Assurance Ltd v. Gleeds (UK) & Ors* – 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;
- Instructed 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; and,
- Sole Counsel in *Clarke v. Arc Legal Assistance & Others* [2020] EWHC 56 (QB), a successful strike out/summary judgment application on behalf of a legal expenses insurance manager.

Ian is also an editor of *Jackson & Powell on Professional Liability* (9th edition, Sweet & Maxwell 2021).

## Qualifications & Memberships

**Education:** LLB, University of London (First Class Honours); Bachelor of Civil Law, University of Oxford (Distinction); BPTC, BPP University (Very Competent).

**Academic Scholarships & Prizes:** Bar Council 2017 Law Reform Essay Competition (First Prize); BPP University: Excellence Award (2016); Birkbeck, University of London: Prize for Outstanding Achievement on the LLB (2015); University of Oxford: 4 New Square Chambers Scholarship (2015); Middle Temple: Cunningham Award (2015); The Law Society: Graham Turnbull Human Rights Essay Competition 2015 (First Prize); One Essex Court/The Times Law Awards 2015 (Second Prize).

**Memberships:** BIICL; CFLA; COMBAR; IBA; LCIA; Liberty; PNBA.

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