

OUR PEOPLE

Ian McDonald

CALL 2017



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Ian joined 4 New Square in October 2018 following the successful completion of his pupillage. He is developing a broad practice across several of Chambers' core areas. Ian has a particular focus on commercial litigation, the conflict of laws, public law and human rights, international arbitration, and professional liability. He is increasingly instructed in cases with an international dimension.

Ian's recent led work includes:

- Acting for Nick Suppipat in his \$US 2billion fraud claims against multiple defendants in the Commercial Court (led by Justin Fenwick KC, George Spalton KC, and Lucy Colter);
- Junior to George Spalton KC in a multi-million pound claim connected to the disputed purchase of a bank in Africa;
- Acting for an insurer in an insurance coverage dispute arising out of a former solicitor's fraudulent misconduct (led by Patrick Lawrence KC and Helen Evans KC);
- Junior to Daniel Saoul KC in *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;
- Assisting with advising commercial entities on the obtaining of permission for service out of the jurisdiction and pursuit of injunctive relief against a foreign State;
- 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 (*Standard Life Assurance Ltd v. Gleeds (UK) (A Firm) & Others*, led by Graeme McPherson KC);
- Junior to Can Yeginsu as part of a legal team instructed in an international commercial arbitration arising out of a construction project in South America;
- 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 on a jurisdiction challenge under the recast Brussels I Regulation (in particular, the choice-of-court and *lis pendens* provisions);
- Junior to Can Yeginsu in an international commercial arbitration in connection with an SPA relating to a renewable energy project in Eastern Europe; and,
- Junior to Helen Evans KC in an urgent application for freezing and proprietary injunctions and a *Norwich Pharmacal* order, arising out of a former solicitor's fraudulent misconduct.

Prior to coming to the Bar, Ian originally trained and worked as a journalist. He then spent five years at Liberty, the human rights organisation, in senior media and campaigns roles. Accordingly, 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 as part of legal teams 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 has particular expertise, too, 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. During pupillage, Ian 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 to the forthcoming title *The Common Law Jurisprudence of the Conflict of Laws* (edited by Sarah McKibbin and Anthony Kennedy).

Ian has 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. Ian has also advised upon, and settled pleadings in, actions across Chambers' core areas, including professional liability proceedings against lawyers (both solicitors and barristers), financial practitioners, and construction professionals.

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 (taking courses in Comparative Human Rights; Conflict of Laws; Constitutional Principles of the European Union; and Jurisprudence and Political Theory). He subsequently completed the BPTC, for which he was awarded the Cunningham Scholarship by Middle Temple and an Excellence Award by BPP University, securing Outstanding grades in all three Advocacy modules and Commercial Dispute Resolution.

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

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 disputes.

#### Featured Commercial Litigation cases

- Acting for Nick Suppapat in his \$US 2billion fraud claims against multiple defendants in the Commercial Court (led by Justin Fenwick KC, George Spalton KC, and Lucy Colter);
- Junior to George Spalton KC in a multi-million pound 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 (led by George Spalton KC);
- 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.

## The Conflict of Laws

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Ian has particular expertise in the conflict of laws.

### Featured Conflict of Laws cases

- Junior to Daniel Saoul KC in *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;
- Assisting with advising commercial entities on the obtaining of permission for service out of the jurisdiction and pursuit of injunctive relief against a foreign State;
- 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. 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 to the forthcoming title *The Common Law Jurisprudence of the Conflict of Laws* (edited by Sarah McKibbin and Anthony Kennedy).

## Public Law & Human Rights

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Prior to coming to the Bar, Ian originally trained and worked as a journalist. He then spent five years at Liberty, the human rights organisation, in senior media and campaigns roles. During this time he played a major role in campaigns concerning (*inter alia*) the UK's extradition laws; potential reform of the Human Rights Act 1998; the inquests into the deaths at Deepcut army barracks; mass surveillance; and the establishment of closed material procedures in relation to certain civil proceedings. 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.

Accordingly, 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 as part of legal teams 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 representing Radio Free Europe/Radio Liberty (RFE/RL) and its general director, Andrey Shary, in their [application to the European Court of Human Rights](#), challenging Russia's use of "foreign agent" laws against them (led by Can Yeginsu and instructed by the New York and Washington D.C. offices of [Covington & Burling LLP](#)).

## International Arbitration

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Ian is also developing a practice in international arbitration, including investor-State 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 South America;
- Junior to Can Yeginsu 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;
- 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 power plant in Africa; and,
- During pupillage, a UNCITRAL arbitration relating to a concession agreement in respect of an international airport.

## Professional Negligence

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

### Featured Professional Negligence 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;
- 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 KC);
- Junior to George Spalton KC 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);
- 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;
- Numerous other 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, 9th edition, 2021).

## Civil Fraud

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

- Acting for Nick Suppapat in his \$US 2billion fraud claims against multiple defendants in the Commercial Court (led by Justin Fenwick KC, George Spalton KC, and Lucy Colter);
- Acting for an insurer in an insurance coverage dispute arising out of a former solicitor's fraudulent misconduct (led by Patrick Lawrence KC and Helen Evans KC);
- Junior to Helen Evans KC 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 KC);
- 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.

## Qualifications

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

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