



Kathleen Donnelly

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## Kathleen Donnelly

*"A formidable advocate"*

- Chambers UK 2021

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Kathleen Donnelly has a broad commercial litigation practice and is a specialist in group action claims.

Kathleen is described by the directories as *"a formidable advocate"*, *"fantastic commercially and has a fantastic manner with clients; she's unbelievably hard-working"*; *"excellent attention to detail with good judgement and court presence"*, *"skilled in managing large scale litigation"*, *"a very effective and tenacious advocate"*, *"always on top of the brief"* and that *"her enthusiasm and intellect make her a pleasure to work with"*.

Kathleen has appeared in many high profile group actions, including the Buncefield oil depot explosion, the OCENSA pipeline litigation, Sports Direct bonus claims, and the long running NOx emissions litigation, in which she is first junior to Volkswagen.

Kathleen was also first junior for the claimants in the Post Office group litigation concerning the legal status and contracts of subpostmasters and the operation of the Horizon accounting system, which has been widely reported and publicised in the legal and national press.

In her employment practice Kathleen has developed a significant international practice acting for international civil servants.

Kathleen studied law at Oriel College, Oxford and has a postgraduate law degree from Queens' College, Cambridge.

## Commercial & Insurance

Kathleen advises, drafts and represents clients in all matters of commercial law and insurance work, including sale of goods, professional negligence and product liability. Kathleen has experience across a wide range of market sectors, and her current cases include work relating to tax and film finance, inventor compensation schemes and multiple contractual disputes. She is currently acting for an off-shore property company in claims relating to fraud and professional negligence concerning the misappropriation of €59 million.

## Representative Cases

- *The Post Office Group Litigation (2018/19)*  
Acting for over 500 Claimants in claim against Post Office relating to its point of sale and accounting IT systems.  
The case is identified by The Lawyer as one of its Top 20 cases for 2018.
- *Stirling Mortimer Fund*  
Fraud and professional negligence litigation.
- *Tipper v Back Office*  
Claim relating to directors loan account (and related proceedings under s994, contempt, and restrictive covenants).
- *Hunt v Burt Boulton & Haywood*  
Commercial litigation arising from collapse of a boat mast in high winds. (Mediated settlement prior to Court of Appeal).
- *Bloomer v Kennedys*  
Acting for solicitors firm in dispute over liability to pay recruitment agency fees.
- *Baldwins v Maidstone*  
Acting for accountancy firm in case arising from breach of covenants in sale purchase agreement.
- *NatWest v Kingan*  
Acting for individual in claim under deed of guarantee defended on grounds of alleged negligent misstatement and advice.

## Health, Safety & Environment

Kathleen is recognised by the Legal 500 as a leading junior in this field. Kathleen represents companies and individuals in civil claims and prosecutions, including where fatalities have occurred. In 2014-2015 she acted in the OCENSA pipeline group action concerning alleged environmental damage caused by the construction of an oil pipeline across Colombia in the 1990s. It is said to be the first international case concerning environmental damage against an oil company in the English courts. She has previously appeared in a high profile HSE prosecution arising out of a fatal accident at a UK coal mine, and also acted for a major industry party in the inquest into the Potters Bar Derailment. Kathleen acted for defendant insurers in the long running Powertrain litigation arising out of an alleged outbreak of disease at the Longbridge car manufacturing plant. Kathleen was also instructed in respect of the Buncefield Oil Depot Explosion. Kathleen has experience of appeals from Prohibition Notices as well as Environmental Protection Act matters, including escape of commercial waste and water contamination.

## Representative Cases

- *OCENSA Pipeline*  
Group action.

- *HSE v Meridian Lightweight Technologies*  
HSWA prosecution.
- *Jane Okhiku Inquest*  
Inquest into death of Jane Okhiku.
- *HSE v UK Coal, Alstead & Davison*  
Prosecution arising from a fatal accident at Daw Mill Colliery. Acting for an individual defendant, led by Prashant Popat QC.
- *Powertrain Litigation*  
Long running litigation arising from alleged outbreak of respiratory disease at Longbridge car manufacturing plant).
- *Potters Bar Inquest*  
Acting for major industry party in 8 week inquest, led by Prashant Popat QC.
- *Buncefield Oil Depot Explosion*  
Acting for a group of local residents suffering property damage and personal injuries by reason of the explosion.

## Employment

Kathleen is an experienced employment lawyer and regularly represents both claimants and employers in a range of tribunal, EAT and high court work. She has particular expertise in discrimination, whistle blowing and employee status cases as well as those concerning restrictive covenants. She works across a wide range of market sectors, including financial, IT, telecoms, health and education, and has acted in international claims. Kathleen is recognised by both the Legal 500 and Chambers UK as a leading junior in this field.

## Representative Cases

- *Donaghy v Kings College*  
Acting for Kings College.
- *Fabrizi v London Borough of Hackney*  
Acting for a claimant in a complex discrimination claim.
- *Back Office v Tipper (High Court)*  
Acting for a payroll company against departing employees who set up a competitor company. Departing employees in breach of undertakings found liable for contempt of court.
- *Crown Talk v Dandy*  
Acting for a telecoms company against salesmen who secretly incorporated a competitor company during their employment.

- *The Hospital Medical Group Ltd v Westwood* [2012] EWCA Civ 1005  
Acting for appellant in EAT, and in Court of Appeal (led by Patrick Green QC), in case concerning worker status and the limb(b) exception.
- *Bungay v Chandel* [2011] EqLR 1130  
Acting for director in appeal concerning joint and several liability, and awards of aggravated damages for events post termination of employment.
- *Westwood v The Hospital Group, EAT*  
Acting for plastic surgery company in appeal concerning approach to worker status.
- *Baldwins v Maidstone (High Court)*  
Acting for accountancy firm in case concerning breach of restrictive covenants in sale purchase agreement.
- *Rowan Dartington v Davis & Others (High Court)*  
Acting for a stockbroking company against former employees for alleged breach of restrictive covenants, confidentiality and database rights.
- *Autoclenz v Belcher* [2009] EWCA Civ 1046, [2010] IRLR 70  
Acting for appellant in Court of Appeal (led by Patrick Green QC) in case concerning employee/worker status and sham contracts.

## Public, Administrative & Local Government

Kathleen has appeared in a number of applications for judicial review, including in the Court of Appeal in *R (Hertfordshire County Council v London Borough of Hammersmith & Fulham* [2011] EWCA Civ 77. She advised the Official Solicitor in an important case establishing breach of HMRC's duties under the Disability Discrimination Act 1995 (*Haworth v Cartmel* [2011] EWHC 36 (Ch)). In 2013 she acted in an internal UKAS appeal relating to the accreditation of an assessment agency. She has in-house public law experience, having previously worked on secondment to Hertfordshire County Council's Corporate Law Department, and provided litigation assistance to the Treasury Solicitor.

### Representative Cases

- *R (Hertfordshire County Council) v London Borough of Hammersmith & Fulham* [2011] EWCA Civ 77  
Meaning of "is resident" within s117(3) MHA 1983, and application of "ordinary residence" test.
- *Haworth v Cartmel* [2011] EWHC 36 (Ch)  
Advising the Official Solicitor in case concerning breach of HMRC's duties under the DDA 1995.

## Personal Injury

Kathleen acts and advises in all types of claims for personal injury, including fatal accidents. Her representative cases include product liability claims, industrial disease claims, accidents at work, tripping and highway claims. Kathleen's personal injury practice overlaps to a significant extent with her health and safety work.

#### *Instructions Include*

- Advising in a claim concerning allegedly defective playground equipment.
- Advising in respect of multiple claims for defective car brakes and bonnets.
- Advising in respect of a claim for adverse reaction to cosmetic products.
- Acting for defendant insurer in long running litigation arising from alleged outbreak of respiratory disease at Longbridge car manufacturing plant.
- Acting in various fast and multi-track claims arising out of road traffic accidents and tripping claims.

## What the directories say

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"Fast gaining a well-deserved reputation as a leading counsel and authority in the complex area of employment law of international organisations. Her greatest strengths are knowledge of the law, attention to detail, advocacy, and flexibility and empathy with clients."

*Legal 500 2021*

"She has a meticulous eye and a good courtroom manner. She is very good with clients and excellent to work with."

*Legal 500 2021*

"Excellent attention to detail with good judgement and court presence. Good humour and excellent manner with clients."

*Legal 500 2021*

"She's excellent - very organised and a formidable advocate." "She's excellent on her feet and she is a very good source of wisdom in tricky situations with health and safety prosecutions."

*Chambers UK 2021*

"She's great on her feet, is really approachable, really personable and she absolutely knows her stuff." "She's fantastic commercially and has a fantastic manner with clients; she's unbelievably hard-working."

*Chambers UK 2021*

"A tenacious and persuasive advocate"

*Chambers UK 2020*

"She is good at working with clients who are in a difficult situation, as well as being a tenacious and persuasive advocate."

*Chambers UK 2020*

"Excellent advocate with tenacious attention to detail on complex cases."

*Legal 500 2020*

"She is very detail focused and always well prepared."

*Legal 500 2019*

"An incredible able advocate who is a pleasure to work with."

*Legal 500 2019*

"Enormously client friendly and always provides practical commercial solutions to multifaceted legal issues."

*Legal 500 2019*

Chambers UK 2018

*"Immensely knowledgeable, articulate, down-to-earth and easy to get on with. She's very hard-working and focuses on clients' objectives as much as the legal points." "Very client-friendly and very skilled at cross-examination."*

"A great technical lawyer, and a tenacious and effective advocate."

*Legal 500 2017*

"A great technical lawyer, and a tenacious and effective advocate."

*Legal 500 2017*

"Firm but effective and always on top of the brief."

*Legal 500 2017*

"Her enthusiasm and intellect make her a pleasure to work with."

*Legal 500 2017*

"She is very confident, robust and clear in her advocacy." "She is highly intelligent and she has excellent attention to detail."

*Chambers UK 2016 & 2017*

"She's superb; she's brilliant with clients and understands issues quickly."



*Legal 500 2016*

"She displays an excellent legal knowledge and takes a pragmatic approach."

*Legal 500 2016*

"She is an excellent and well-prepared cross-examiner, who can advance a formidable case."

*Legal 500 2016*

"Described as a dogged opponent by impressed peers who note her skill in managing large-scale litigation."

*Chambers UK 2015*

"Calm under fire, confident, and knowledgeable."

*Legal 500 2015*

"A very effective and tenacious advocate."

*Legal 500 2015*

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## Publications

All members of Chambers are registered with the Bar Standards Board of England and Wales. For our standard contractual terms [click here](#).

Bar Council Number: 48049

VAT Registration Number: 877522195

Legal Status: Barrister

Professional Insurance: All members of Chambers have professional liability insurance provided by the Bar Mutual Indemnity Fund Ltd. Territorial coverage is world-wide and subject to the term of the Bar Mutual. [Click here](#) for details.

Regulated by the Bar Standards Board.

## Memberships

- Commercial Bar Association
- Employment Lawyers Association
- Employment Law Bar Association
- Personal Injuries Bar Association

## Education

- LLM Commercial and International Law (Cantab) (2003)
- BA (Hons) Jurisprudence (Oxon) (2001)
- Hardwicke Award, Lincolns Inn
- Buchanan Scholar, Lincoln's Inn

## Awards & Recognitions

