

## Iain O'Donnell

Call: 2000



Iain O'Donnell has a common law and specialist criminal practice that encompasses child abuse compensation law, clinical negligence, general high-value personal injury, animal welfare, animal and medical related crime, judicial review / human rights, sports law and police law.

He is recommended by Chambers & Partners as a leading junior.

*"Pragmatic and practical. He's very good with clients and isn't afraid to give difficult advice."*

**Chambers & Partners 2020**

*"He has lots of experience handling litigation on behalf of abused and neglected children, and is very detailed and thorough. He can be relied upon to be meticulous in his drafting."*

**Chambers & Partners 2020**

## Child Abuse Compensation Law

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Iain acts in complex, historic abuse claims of every type. He has acted and is currently acting in high profile litigation, involving the following parties:

- Rolf Harris
- Cyril Smith
- Lord Greville Janner
- Independent Inquiry into Child Sex Abuse (IICSA) (Iain is instructed by the principal survivor group in the Janner module and also in the Residential Schools module)

- Aston Villa Football Club
- Chelsea Football Club
- Leicester City Football Club
- Queens Park Rangers Football Club
- The estate of Khyra Ishaq, deceased

## Multi-party litigation

Iain acts for claimant groups in complex historic abuse claims of all types. He has acted and is currently acting for the following groups:

- Shirley Oaks Survivors group
- Medomsley Detention Centre group
- Rosminian Boys group (as detailed in the BBC documentary: 'Abused – Breaking the Silence')
- Beechwood Children's Home group
- Beecholme Survivors group

He has brought successful claims against local authorities, private schools, the church, the scouts, the boys brigade and other defendant organisations as well as against abusers in person. Iain has given various lectures and seminars in the many legal issues that arise in child abuse claims, and has appeared in a number of the cases that have come to define this area of the law, the most recent of which is *CN & GN v Poole Borough Council* in which Iain acted for the Claimants, and in which the issue of whether private law claims in negligence can be brought against local authorities for the failures of their social services departments was addressed by the Supreme Court.

## Selected Cases

- **IICSA:** Iain is acting currently for the main groups of Core Participants in the IICSA modules examining historic child abuse in the Roman Catholic Church, the Anglican Church and by the late Greville Janner. He is also instructed in the Child Sex Abuse in Residential Schools module, in addition to the Janner module.
- **CN & GN v Poole BC[2019] UKSC 25.**
- **JXL & SXC v Winston Britton [2014] EWHC 2571 (QB).**

## Public Inquiries

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Iain is instructed by a number of the main groups of Core Participants in the Independent Inquiry into Child Sex Abuse (IICSA).

He is acting currently for the principal groups of core participant survivors in the following IICSA modules:

1. Child Sexual Abuse in the Roman Catholic Church
2. Child Sexual Abuse in the Anglican Church
3. The investigation into institutional responses to allegations of Child Sexual Abuse involving the late

## Clinical Negligence

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Iain acts for claimants in clinical negligence and serious personal injury claims of all types, as well as in related inquests. He is instructed in high-value and multi-party actions, and has considerable experience of Article 2 inquests and CICA claims.

## Inquests

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Iain acts frequently in inquests, usually for families in Article 2 inquests involving a jury. He acted for the MDU in the high-profile inquest touching the death of Boris Berezovsky, in which the distinction between the standard of proof required for the conclusion of suicide was considered in some detail.

Iain has taken numerous CICA appeals to the First-Tier Tribunal and has regularly obtained maximum available compensation for his clients (i.e. he has beaten the CICA 'cap' of £500,000) on appeal.

## Sports Law

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Iain has maintained a sports law practice throughout his time at the Bar. His sports law practice is principally claimant-based, and has tended to involve serious injuries sustained during competitive football matches. Iain won a recent claim that involved a very serious injury resulting from an excessive challenge sustained during a competitive football match, notwithstanding the fact that the claim was brought without the benefit of a supportive report from the match referee. He has also settled a sports claim involving a serious leg injury, notwithstanding the fact that the injury was sustained during a non-competitive polo match in unusual circumstances.

## Animal Welfare Law

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Iain has maintained a niche specialism in animal welfare law; he acts frequently for the RSPCA in criminal, public and civil matters, almost all of which involve an element of veterinary law and the close consideration of the often-convoluted body of animal welfare legislation. Iain's specialist criminal practice includes prosecuting offences under the Animal Welfare Act 2006 for the RSPCA in animal cruelty cases. Iain increasingly undertakes prosecutions involving multiple defendants and the organised criminal activity of animal fighting.

He represented the RSPCA at all stages of the largest ever prosecution brought by the Society, RSPCA v Gray and

others, which case resulted in multiple judicial reviews that set out the ambit and applicability of numerous sections of the Animal Welfare Act 2006.

Iain has advised the RSPCA on various areas of policy in the past, including advising on its status as a charity and the extent of its powers as a private prosecutor.

## Selected Cases

- Represented RSPCA in landmark animal welfare case in Solihull (details [here](#)).
- **RSPCA v McCormick & Ors [2016] EWHC 928.**
- **John Kent & Anor v Arun District Council & Fontwell Racecourse [2015] EWHC 2295 (Admin).**
- **Gray & Ors v Aylesbury Crown Court ex parte RSPCA [2013] EWHC 500; LTL (06/05/2010).**
- **Ward v RSPCA [2010] EWHC 347.**
- **RSPCA v Chester Crown Court ex parte Foster & Foster [2006] EWHC 1273 (Admin).**

## Environmental Law

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Iain acts in environmental law matters, both in public and private law proceedings, as well as undertaking environmental law work in the criminal jurisdiction within his specialist criminal practice.

Iain has acted in various types of environmental cases including the following:

- International environmental cases – most notably acting for Amnesty International as an interested party in the Trafigura litigation (involving the conspiracy behind the illegal dumping of toxic waste in the Ivory Coast);
- Environment Agency prosecutions – principally involving allegations of waste disposal and leakage under the Environmental Protection Act 1990, both for the prosecution and the defence;
- Environmental regulatory cases – Iain acted most recently in a regulatory matter involving the misuse of agricultural land brought by Natural England;
- EC Regulations-related private law actions – often involving EU Energy Provisions and Energy Directives.

## Appointments

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- Bar Standards Board Disciplinary Panel of Prosecutors (2010-present)
- Attorney General's B Panel of Counsel (2010-2013)
- Attorney General's Regional Panel of Counsel (2008-2010)

## Education

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- BVC, College of Law
- BA (Hons) Politics, Philosophy, Economics, University of Bristol

## Memberships

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- CBA
- PIBA