

## Matthew Donmall

Call: 2006



The son of two doctors, Matt has medicine in the family. His expertise in clinical negligence spans both liability and quantum issues, and the difficult points of causation that can intersect them. He acts for both claimants and defendants, and finds doing so helps to give insight into how opponents may act.

Matt's keenness for legal and factual complexity has also led him to develop a wide-ranging practice in indirect tax and rating, appearing in tribunals and courts all the way to the Supreme Court.

Outside the law and where the demands of his young family allow, Matt enjoys cycling and the occasional triathlon. He has represented Great Britain in his age group at the ITU Triathlon World Championships, and hopes to be racing his bike in the Pyrenees this summer.

## Clinical Negligence

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Matt has extensive experience in clinical negligence claims representing claimants and defendants across a wide range of medical areas. These include obstetric / perinatal injury; gastroenterology; delayed cancer diagnosis; orthopaedic and other surgery; general practice and dentistry.

### Selected Cases

- **SO v Wirral University Teaching Hospitals NHS Foundation Trust (2020)**: four day trial of liability and quantum issues concerning total hip replacement, by way of a hybrid hearing conducted both in-person and virtually. For Defendant
- **JL v Derbyshire Community Health Services NHS Foundation Trust (2019)**: four-day liability trial of claim of extravasation injury. For defendant.
- **TW (by mother MW) v Peterborough & Stamford Hospitals NHS Foundation Trust (2019)**: cerebral

palsy claim, led by Henry Witcomb QC. For claimant.

- **VC v Aintree University Hospital NHS Foundation Trust (2018)**: liability trial concerning paracetamol administration to patient after admission for overdose. For defendant.

## Inquests

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Matt frequently acts in inquests concerning deaths in medical settings, and also has particular experience of inquests into deaths in prison and issues arising including ACCT and emergency 'Code Blue' procedures.

### Selected Cases

- **Inquest into the death of Julie O'Connor (2020)**: death following missed diagnosis of cancer on cervical screening. Acted for private hospital which undertook subsequent treatment.
- **Inquest into the death of Caroline Pearson-Smith (2019)**: death in hospital after administration of excessive phenytoin. For family.

## Public Inquiries

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Matt has considerable public inquiry experience, both for core participants and for the inquiry itself.

### Selected Cases

- Junior Counsel to the Independent Inquiry into Child Sexual Abuse in the **IICSA Catholic Church investigation**(2018-2020).
- Junior Counsel for over 250 MOD witnesses in the **Baha Mousa Inquiry**(2008-2010).

## Personal Injury

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Matt has a broad personal injury practice with particular expertise in group actions, limitation issues and military claims, such as issues of combat immunity, noise-induced hearing loss, and training accidents.

### Selected Cases

- **Kimathi & Others v The Foreign and Commonwealth Office** (the Kenya Emergency group litigation)
- **Daley v Bakiyev [2016] EWHC 1972 (QB)**: claim concerning the shooting of a British businessman. Led by Angus McCulloch QC.

# Tax

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Matt has expertise in matters of indirect taxation, including VAT, customs and excise duties, and rating, appearing in tribunals and courts all the way to the Supreme Court. He has particular experience of Rule 18 group litigation, single / multiple supply issues, and classification disputes in respect of technological products.

## Selected Cases

- **Royal Opera House Covent Garden Foundation v HMRC [2020] UKUT 132 (TC)**: VAT case on whether production costs are attributable to taxable catering supplies. For HMRC.
- **Gardarsson (t/a Action Day A Islandi) v HMRC [2020] UKUT 99 (TC)**: VAT case on whether a day planner was a 'book' for the purposes of zero-rating. For HMRC.
- **Sykes (VO) v Great Bear Distribution Ltd [2020] UKUT 238 (LC)**: rating case concerning the powers of the Valuation Tribunal for England in a proposal for deletion due to reconstruction works.
- **Newbigin (Valuation Officer) v S J & J Monk (firm) [2017] UKSC 14**: Rating case concerning the meaning of the statutory repair assumption (led by Sarabjit Singh QC)

## Appointments

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- Junior Counsel to the Crown B Panel (2015 – 2020)
- Junior Counsel to the Crown C Panel (until 2015)

## Education

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- Bar Vocational Course (Outstanding), Inns of Court School of Law (2006)
- Postgraduate Diploma in Law (Distinction), City University, London (2005)
- MPhil International Relations, Oxford University (2002)
- BA History (Double First), Cambridge University (2000)

## Publications

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- Contributor to the 1COR Quarterly Medical Law Review (QMLR)