



LORD DANIEL BRENNAN QC

MAIN AREAS OF PRACTICE:

Arbitration
Commercial and Corporate Law
Environmental Law and Natural Resources
Healthcare, Mental Health and Mental Capacity
Human Rights

Called to the Bar 1967
Appointed to Silk 1985

CONTACT:

danbrennan@matrixlaw.co.uk
+44 (0)20 7404 3447
Alison Scanes, Senior Practice Manager
alisonscanes@matrixlaw.co.uk

Lord Brennan QC has been a Queen's Counsel since 1985 and is a senior member of Matrix Chambers. His areas of expertise include commercial law, public and private international law and international arbitration.

Lord Brennan QC, is an appointed life peer, is not active in politics dedicating time to his incredibly varied legal practice. His most notable case during 2009 was the landmark civil Omagh bombing case. The outcome, in favour of his clients – relatives of those killed in the Omagh bombing - has become the first civil case of its kind in Europe in which the victims of terrorism were able to sue those responsible.

LEGAL PRACTICE

- **International arbitration** - bilateral investment treaty work, commercial and energy, extensive legal and commercial contacts in Latin America (in particular Mexico, Venezuela, Colombia, Bolivia and Peru) and Asia (in particular Hong Kong, Sri Lanka and the Philippines).
- Chaired arbitral panel in a bilateral investment treaty dispute under UNCITRAL rules involving Swiss investor and South Africa.
- Member of the **London Court of International Arbitration**.
- Past member of the **Arbitration Foundation of South Africa** and member of its **Appeals Panel**.
- **World Bank** - past member of the Panel of Consultants to World Bank for Latin America and South and East Asia.
- **International** - advisory and litigation work in Latin America, UAE, Hong Kong, Singapore, Sri Lanka and the Philippines.
- Regular contact with lawyers and experts in litigation connected with the USA.
- **National** - environmental, tort and general commercial and common law litigation with frequent appearances in the House of Lords and Court of Appeal.

JUDICIAL APPOINTMENTS

Deputy High Court Judge in London 1993-2007

Recorder of the Crown Court. 1982-2007

Attended a number of judicial training courses

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SPECIAL INTERESTS: INTERNATIONAL DEVELOPMENT, FINANCIAL AND CORPORATE GOVERNANCE

- Corporate governance and business ethics, especially in connection the recent financial crisis
- Involvement in the implementation and maintenance of public private partnerships internationally, including: Latin America, the Gulf states, the United States, Europe and Asia.
- International Financial Forum, Beijing (September 2006)
- National Conference on Corporate Responsibilities, Mexico City (February 2006)
- World Cities Service Industries Convention, China (November 2005) - Regulatory issues in emerging markets
- Financial Conference - Liechtenstein Dialogue (October 2005) - risk management in emerging markets

Past advisor to United Nations Global Compact, acting as their UN representative at international conferences e.g. Arab Business Conference in Casablanca December 2nd to 4th 2003.

Chairman Emeritus of the Global Governing Board of Caux Round Table on Corporate Social Responsibility involving US, UK and Japanese leaders in business and banking and with world-wide contacts.

Conversant with, and involved in, financial and regulatory systems, corporate governance standards, and new auditing and accounting standards, both in Europe and in the United States and their use in the developing world.

Regular participant in conferences on these issues, in particular sponsored several recent debates in the House of Lords on corporate issues following recent business collapses and the Sarbanes - Oxley Act and the latest UK and European Union legislation.

Involved in a major corporate governance project for regulators, companies and business schools in the People's Republic of China.

Extensive experience of dealing with politicians, government employees, businessmen, judges and lawyers, leading projects and working groups and producing practical and comprehensive reports both for business and legal requirements.

Special interest in business and trade in Asia and Latin America.

Visited Kazakhstan on several occasions and participated a s expert speaker at Kazakh Business Conferences in London

INTERNATIONAL JUDICIAL AND LEGAL COOPERATION AND REFORM

- Regular attender at International Bar Association (2000-2010)
- Guest speaker at The Advocates' Society International Conference, Madrid (2010)
- Opening of the Spanish Legal Year, Madrid (2000)
- Australian Bar Association (2002) and Johannesburg Bar Association (2002)
- European Bar Presidents' Conference, Vienna (2003)
- Association of European Advocates, Palermo (2003)
- Rentre of the Paris Bar (2003)

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- Leader of IBA Legal Delegation on Justice Issues in Sri Lanka (2001) - Report November 2001

LM Singhvi Foundation Visiting Fellow to India (January 2002) - lectures at National Law University Jodhpur, Ambedkar University, Lucknow, and Indian Society for International Law, Delhi.

He has been on specialist panels with Judges of the US Supreme Court, the Supreme Court of Canada, the High Court of Australia and the UK House of Lords.

He has co-operated with a number of Latin American states on development of judicial independence and training, law reform and the role of lawyers in modern society. Made working visits in 1999 to Mexico, Guatemala, Honduras, Columbia, Peru, and Bolivia, sponsored by the British Foreign Ministry.

UK Government sponsored visit to Guyana (2002) to report back on judicial and legal reform programmes.

He assisted in official visits to the UK by Minister President Gongora Pimentel, President of the Supreme Court of Mexico (September 2002) and Dr Oscar Hassenteufel, President of the Supreme Court of Bolivia (June 2000) as well as Dr Rodriguez Veltze, President of the Supreme Court of Bolivia (September 2004), and Members of the Supreme Court of Mexico in 2015 and 2016.

He has been working on judicial reform in Mexico in conjunction with the FCO as Mexico changed its judicial system to administrative law.

PUBLIC AFFAIRS

House of Lords

- Member of Select Committee on the European Union (2002-2004) - dealing with European economic and political issues
- Member of Sub-Committee on European Law and Institutions (2002-2004) - dealing with all new European Law on financial and regulatory reforms and commercial and company law
- Member of ad-hoc committees on Animal Procedures (reported 24 July 2002), and on the Chinook Helicopter Crash (reported 5 February 2002)
- Past Chairman of the British-Spanish Parliament Group
- Member of British-Latin American Parliamentary Group
- Participant in annual British-Spanish Tertulias - private meetings between politicians and businessmen of each country
- Vice Chairman of the All Party Parliament Group on Legal and Constitutional Affairs

Present member of the Constitution Committee of the House of Lords

HOUSE OF LORDS AND SUPREME COURT CASES

Monowara Begum v The British Geological Survey. Scope of the duty of care in tort of experts acting in international development aid projects.

R v Secretary of State for Health ex p Quintavalle [2005] UKHL 28. The 'designer baby' case involving IVF procedures to create a baby to act as bone marrow donor to a living child.

Lubbe v Cape plc [2000] 1 WLR 1545. Forum Non Conveniens - forum principles (and Human Rights Act, Art. 6) mean that lack of legal

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representation in South Africa for black miners affected by asbestos disease requires trial to be in England.

Hunter & Ors v Canary Wharf Ltd [1997] UKHL 14

COURT OF APPEAL

Breslin & Ors v Mckevitt [2011] NICA 33 Appeal against decision to award damages/aggravated damages following claims of trespass to the person brought by families of those killed and injured in the Omagh bombing.

Sinclair Investment Holdings SA v Versailles Trade Finance Ltd and Ors [2005] EWCA Civ 722. Reviewing the law on breach of fiduciary duty and fraud in relation to a share scheme on the London Stock Exchange.

Thames Trains v HSE [2003] EWCA Civ 720. Existence of duty of care of Health and Safety Executive in support of alleged negligence involving the Paddington rail crash.

Afrika & Ors v Cape PLC: (1) X (2) Y (3) Z & Ors v Schering Health Care Ltd: Sayers & Ors v (1) Merck (2) Smithkline Beecham Plc sub nom MMR/MR Vaccine Litigation [2002] 1 WLR 2274. Cost sharing orders in group actions.

R (on the application of Amvac Chemical UK Ltd) v Secretary of State for the Environment, Food and Rural Affairs and another [2001] EWHC Admin 1011, Successful injunction and subsequent reversal of Government order banning a pesticide - acting for US/UK company.

Pharmaceutical litigation including only the second such hearing before a "Persons Appointed Panel" under the Medicines Act 1971 - successful defence of Halycon, a sleeping pill - a decision then overturned by the Minister and thereafter judicial review.

Well known multi-party claims - e.g Atomic tests veterans claims, Porton Down claims and several others.

INTERNATIONAL

Claim arising from toxic waste incident in Abidjan, Cote d'Ivoire.

Breslin and Others v McKenna and Others Appeared in Northern Ireland for victims of the Omagh bombing in civil action against the Real IRA. This unprecedented case was the first civil case of its kind internationally through which private citizens were able to confront terrorists. The families of the victims of the Real IRA Omagh bombing (1998) sought compensatory, aggravated and exemplary damages against five defendants. In an historic court victory they were awarded more than £1.6million in damages against four Real IRA terrorists. "For the first time the victims of terrorism are suing the alleged perpetrators. For the first time private citizens are confronting terrorists in our courts."

James B Philbin & Brid McGarry v Shell E & P Ireland Ltd Appeared in Eire for landowners in dispute with Shell over new gas pipeline in Western Ireland.

Involved in Alien Tort Statute claims in Federal Court in New York.

International Arbitration: chaired UNCITRAL case involving bilateral investment protection dispute.

Advised Hong Kong/US law firms on potential Philippines claims against the US government because of environmental damage caused by US military bases.

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International litigation including environmental work, in Kenya, Bangladesh, Bolivia, Philippines and South Africa.

EXPERIENCE OF TECHNICAL AND SCIENTIFIC LITIGATION

Advised claimant group on Health and Safety Executive (HSE) / Crown Prosecution Service (CPS) prosecution for corporate manslaughter in the **Herald of Free Enterprise case** - considering the evidence and prospects of successful prosecution.

Represented Albright & Wilson in long private prosecution brought by Greenpeace - Highly technical case about chemical emissions into the Irish Sea.

Represented defendant company at Croydon Crown Court in **R v Lightguard** - Two-week prosecution by HSE involving allegedly unsafe robot control systems in complex machinery applications.

Represented claimants in major explosion case at Abbeystead water works in which HSE carried out a major enquiry into tunneling procedures and geology related risks.

Represented Thames Trains and First Western in relation to insurance claims arising out of Paddington rail crash with particular reference to HSE enquiry and their own safety responsibility.

Represented claimants in oral contraceptive and thrombosis claims involving complex epidemiology evidence

Lectured on Corporate Manslaughter and involved in a number of environment cases with highly technical and scientific issues.

Extensive jury advocacy experience in the past. Lectured on Corporate Manslaughter and involved in a number of environment cases with highly technical and scientific issues.

GENERAL

- Independent Assessor to the Minister of Justice and the Minister of Defence on Miscarriages of Justice 2001-2011
- Past Board Member of Justice - UK Branch of International Commission of Jurists
- Member of the American Law Institute
- Associate member of the American Bar Association

During 1999 Lord Brennan QC was Chairman of the Bar of England and Wales, the organisation that represents 13,000 practising barristers (specialist advocates and advisers in litigation). In 2000, British lawyers voted him Barrister of the Year.

In May 2000, the Queen, on the recommendation of the United Kingdom Government, appointed him a life peer and member of the House of Lords (the Upper Chamber of the UK Parliament). He has been a Queen's Counsel since 1985 and is a member of the Bars of the Republic of Ireland and of Northern Ireland. He sits as a Deputy High Court Judge.

FOSTERING JUDICIAL ETHICS AND INDEPENDENCE IN SOUTH AND CENTRAL AMERICA LEADING :

A visit by the President of the Supreme Court of Mexico to study our civil and the Woolf reforms, September 23-27, 2000.

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A visit by the President of the Supreme Court of Bolivia in June 2000 with a proposal to send a group of Spanish speaking English barristers to Bolivia (and possibly Peru) to train judges and lawyers in the oral criminal trial (now being introduced in most South American courts to ensure open justice). The classes will, if possible, be made into a training video for transmission to other parts of the country.

A visit by the president of the Supreme Court of Bolivia in 2004 to consider major law reform projects.

Cooperating on particular issues with Param Cumaraswamy, the UNCHR Special Rapporteur on the Independence of Judges and Lawyers.

Mission to Guyana on behalf of Lord Chancellor's Department, January 2002, to develop national judicial reform programme.

PUBLICATIONS & MEDIA

'Corporate Social Responsibility and Corporate Governance: New Ideas and Practical Applications' in ed. Mullerat. R (2005) *CSR The Corporate Governance of the 21st Century* (1st Edition) Kluwer and IBA Forthcoming (2010) *CSR The Corporate Governance of the 21st Century* (2nd Edition) Kluwer International and IBA.

'The Developing Chinese Economy and Corporate Governance' (2010) *China, the Way forward*

General Editor of *Bullen and Leake on Pleadings* (18th edition, 2015) (Sweet and Maxwell, London)

Numerous articles in legal and specialist journals

Frequent contributions in press, TV and radio on legal, business and international issues

HONOURS

Grand Cross of the Order of Isabel la Catolica (Spain)

Cruz de Honor de la Orden de San Raimondo de Penyafort (Spain)

Gold Medal from the Supreme Court of Mexico

Honorary Doctor of Laws of the Universities of Manchester, Bradford,

Nottingham Trent, and the National Institute of Penal Sciences of Mexico.

SPECIAL INTERESTS

Past President of the Catholic Union of Great Britain - the representative organization of the Catholic laity for public and parliamentary affairs

Vice President of the Hispanic and Luso-Brazilian Council of Great Britain at

Canning House - the Latin American business and cultural centre in the UK

Patron of Consortium for Street Children UK - Children's work in developing countries

LANGUAGES

First language: English

Spanish fluent

French adequate

German passable

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Lord Dan Brennan QC accepts instructions under Standard Contractual Terms, details of which can be found on our website under Our Service.