

Conan Fegan (Associate)



Call: 2005

Email: c.fegan@doughtystreet.co.uk

Profile

Related practice areas

Administrative & Public Law

Criminal Law

Inquests and Public Inquiries

Media, Defamation and Freedom of Expression

Clinical Negligence, Personal Injury & Product Liability

International Law

Constitutional

- **R (Miller) v The Prime Minister and Cherry v Advocate General for Scotland [2019]**
UKSC 41 – UK Supreme Court, 2019 (led) – ‘The Prorogation case’. Acted for NI intervener in the Miller/Cherry prorogation case.

- **McCord v Prime Minister** – Court of Appeal, Belfast (led) – Acted for lead applicant in challenge to government's policy of a 'no deal' Brexit as a breach of the Good Friday Agreement, the constitutional arrangements of the UK and section 10 of the European Union (Withdrawal) Act 2018.
- **R (Miller and Dos Santos) v Secretary of State for Exiting the European Union / In the matter of an application by Raymond McCord for Judicial Review [2017] UKSC 5** - UK Supreme Court, 2017 (led) - 'The Article 50 TEU case'. Acted successfully for the lead NI applicant, Raymond McCord, in the Miller Article 50 TEU case.
- **Buick v Dept for Infrastructure** – Court of Appeal, Belfast / UK Supreme Court (led). Acting for intervener in which the Court of Appeal ruled that it was unlawful for a civil servant to take a regionally significant planning decision in the absence of a minister due to the collapse of the Stormont government. The case was referred to the Supreme Court by the Attorney General for Northern Ireland.
- **SEAT v Dept for Infrastructure** – High Court, Belfast (led). Acting for applicant challenging the lawfulness of the decision of a civil servant in the absence of a Stormont minister to grant planning permission for a €200m electricity interconnector between NI and ROI and under Habitat Directive.
- **Morelli v Ireland [2018] IEHC 215** – High Court, Dublin, 2018 (led). Acted for applicant who challenged the constitutionality of the refusal to make statutory provision for Irish citizens who reside in Northern Ireland to vote in referendums to amend the Irish Constitution, in particular the referendum to repeal the prohibition on abortion in Ireland. Art 3 of the First Protocol ECHR and Good Friday Agreement arguments also made.
- **McCord v Sec of State for NI** – High Court, Belfast, ongoing appeal (led). Acting for applicant who judicially reviewed the failure of the Secretary of State for Northern Ireland to have or to publish a policy on the circumstances in which she would hold a 'border poll' for Irish unity under the Good Friday Agreement/Northern Ireland Act 1998.
- **McCord v Ireland** – High Court, Dublin, ongoing (led). Acting for applicant who challenges the failure of the Irish government to have a policy on the circumstances in which it would call a 'border poll' under the Good Friday Agreement and failure to prepare for Irish unity in breach of the constitutional imperative for same.

- **The Hooded Men** – High Court, Dublin, 2014 (led) The State conceded a judicial review to compel the Irish state to refer the 1977 case Ireland v UK ('the Hooded Men') back to the ECtHR pursuant to Art 80 ECHR. Originally the ECtHR held that the 'five techniques' were only inhuman and degrading treatment, not torture. New evidence showed the UK itself regarded its actions as torture.
- **In Re Brownlee - [2014] UKSC 4** - UK Supreme Court (led) - Acted successfully for the applicant in his challenge to the inadequacy of remuneration for counsel under the legal aid rules which resulted in his inability to retain same in breach of Art 6 rights. Directly led to an amendment to the legislation. (Red circuit bag case.)
- **Fox v Ireland** – Court of Appeal, Dublin, ongoing (led) – Judicial review relying on Art 2 ECHR seeking a public inquiry into the murder of Seamus Ludlow's in 1976 in circumstances where there is evidence of British State collusion in his murder.
- **McClean v Prime Minister** – Divisional Court, London 2018 (led) – JR of the DUP- Conservative confidence and supply agreement/£1bn payment as compromising the impartiality of the UK government under the GFA.

Child Public Law

Regularly instructed to act on behalf of parents and guardian ad litem in public law cases in the Family Care Centres and High Court in Northern Ireland.

Criminal

- **R v Robinson and others** – ongoing – (led) Acting for a defendant in 8-handed, £35m VAT carousel fraud, the largest in the history of Northern Ireland.
- **DPP v Hannaway and others** – Special Criminal Court/Court of Appeal, Dublin, ongoing (led). 6-month, 5-handed terrorism trial in the non-jury court before 3 judges. Made a successful oral application to the Court that there were serious breaches of the Surveillance Act 2009.
- **DPP v McLoughlin** – Court of Appeal, Dublin, 2014 (led) Acted successfully for appellants in their appeal against sentence arising from the first convictions in Ireland under new legislation of being 'leaders' of an 'organised criminal gang'.

Inquests and Inquiries

- **Kenneally Inquiry** – Dublin, ongoing – Acting for 7 victims in this Art 3-compliant, sexual abuse inquiry.
- **Denis Donaldson inquest** – Donegal, ongoing – Acting for the family of the deceased who was murdered following his admission that he was for decades an MI5 agent working at the highest levels of Sinn Féin.
- **Garda Golden inquest** – Dundalk, Louth, ongoing – Acting for the family of a young woman who was shot and severely injured by her dissident republican partner who then murdered a member of the Irish police, Garda Golden, at the scene before killing himself. Art 2 issues arising from her partner being a suspected agent for the Irish state and the operational response of Gardaí on the evening.

‘The Troubles’ legacy litigation

Instructed in a number of high profile ‘legacy cases’ in Northern Ireland and Ireland arising from the Troubles, including actions for damages and declarations for misfeasance in public office against police and ministers, false imprisonment arising from internment and for failures to investigate pursuant to Art 2 ECHR.

Media and Defamation

Regularly instructed in high profile defamation actions against newspapers and internet-based publications. Due to more favourable legal environment and higher damages, Dublin is the jurisdiction of choice if possible.

- **A.B. and C.D v Denis O’Brien** – High Court, Dublin, ongoing – Acting for solicitor plaintiffs in an action against the wealthiest man in Ireland for serious defamatory comments relating to their professional work.

Cross-border Insolvency

- **Bank of Ireland v BO'D** - High Court, Dublin 2013 (sole counsel) - Acted in a 5-day hearing for ex-billionaire respondents in the second largest bankruptcy in Irish legal history. There were novel arguments relating to cross-border insolvency, including definition of their centre of main interest (COMI) under EU law.
- **In the matter of EM** - High Court, Dublin 2012 (sole counsel) Successfully argued that, in the absence of a public policy argument to the contrary, the Irish High Court must recognise an adjudication of bankruptcy decreed in Northern Ireland and stay the proceedings in the Republic of Ireland.

Personal Injury

Regularly instructed in NI and ROI for plaintiffs and insurance companies in high value and complex personal injury cases.

- **CM (a minor) v SHSCT** – High Court, Belfast, 2017 (led) – Acted for a minor who was injured at birth causing cerebral palsy. The negotiated award was £6.1m, with an adjusted figure of £15m when the discount rate of -0.75% is applied (it is yet to be introduced in Northern Ireland). Believed to be the largest ever award for a clinical negligence case in Northern Ireland at the time.

Commercial

- **Dept of Education v WBS** – Commercial Court, Dublin (ongoing) – Currently advising a director of a company being sued in a circa €0.5bn action for constructing 23 defective schools.
- **Millingbrook v Conway** - Commercial Court, Belfast, 2016 (led) – Successfully acted for defendant in this £4.2m commercial fraud and conversion action.

International

- **The Hooded Men** – Advised and prepared to represent the Hooded Men in Strasbourg in Ireland's Art 80 reference, although the GC refused to reopen the matter.
- **United States Supreme Court** – 2016 – Drafted amicus curiae written brief filed on behalf of the Bar Council of Ireland in support of Shonda Walter in her appeal against the death penalty at request of Reprieve.
- **Ombudsman of the European Union** – Drafted complaint on behalf of NGO, CAJ, to the Ombudsman that the EU Commission was guilty of maladministration during the UK withdrawal negotiations by not protecting the rights of Irish citizens who reside in Northern Ireland as had been promised.
- **Carles Puigdemont** - 2018 – Provided certain advices to the former President of Catalonia.