BRICK COURT
CHAMBERS

Brick Court Chambers
7-8 Essex Street, London WC2R 3LD
DX 302 London Chancery Lane

Lord Phillips

YEAR OF CALL: 1962 **YEAR OF SILK**: 1978

Clerk's Email: KatesClerkingTeam@brickcourt.co.uk



Practice Overview

The Right Honourable The Lord Phillips of Worth Matravers, KG, PC

Lord Phillips is a retired Law Lord and past President of the Supreme Court of England and Wales.

He was called to the Bar in 1962 and took silk in 1978. During his time at the Bar of England and Wales he specialised in commercial law and Admiralty law. He was appointed a Judge of the Queen's Bench Division, where he sat in the Commercial Court. In 1999 he was elevated to the Court of Appeal, appointed Master of the Rolls in 2000 and Lord Chief Justice in 2005. Lord Phillips was appointed as Senior Law Lord in 2008 and oversaw the transition of the House of Lords to the Supreme Court in 2009, when he became the Court's first President. He remains a non permanent judge of the Court of Final Appeal in Hong Kong. Between 2014 and 2018 he was President of the Qatar International Court & Dispute Resolution Centre.

During his time in judicial office he presided over some of the most celebrated legal cases, including the complex prosecutions relating to the Maxwell Pension Funds, and also of Barlow Clowes. He also conducted the Public Inquiry into the outbreak and effects of BSE.

Since retiring from the Supreme Court in 2012 Lord Phillips has taken part, either as Presiding Arbitrator or Party-Appointed Arbitrator in a wide range of international arbitrations including Investment Treaty Arbitrations. He continues to accept appointments under the rules of most major arbitral institutions.

Arbitration

Adjudicated Cases with Public International Law elements:

SerVaas Inc v Rafidain Bank [2012] UKSC 40

Issue: whether a debt owed by the Defendant to the Republic of Iraq was commercial, or whether it was immune from execution under the State Immunity Act 1978.

Serious Organised Crime Agency v Perry [2012] UKSC 35

Issue: whether the Proceeds of Crime Act 2002 allowed SOCA to obtain freezing orders and disclosure orders in respect of property and persons located outside the UK.

Assange v Swedish Prosecution Authority [2012] UKSC 22

Issue: whether a public prosecutor in Sweden was a judicial authority, for the purposes of the Extradition Act 2003.

ML Capital Ltd v Republic of Argentina [2011] UKSC 31

Issue: whether Argentina could rely on the principle of state immunity to prevent enforcement of a judgment against its assets in the UK.

R. (Smith) v Secretary of State for Defence [2010] UKSC 29

Issue: whether British troops on active service overseas were protected by the Human Rights Act 1998.

Her Majesty's Treasury v Ahmed [2010] UKSC 2

Issue: the lawfulness of certain asset-freezing orders made under the United Nations Act 1946 to give effect to a UN Resolution regarding the financing of terrorism.

RB (Algeria) v Secretary of State for the Home Department [2009] UKHL 10

Issue: the lawfulness of deportation in a case where the deportees alleged that they would be tortured on their return to their home country.

R. (Hafner) v Westminster Magistrates' Court [2008] EWHC 524 (Admin)

Issue: the privacy rights of third parties in relation to evidence obtained in London and forwarded to the Australian Securities and Investment Commission under the Crime (International Co-operation) Act 2003.

Jersey Fishermen's Association Ltd v Guernsey [2007] UKPC 30

Issue: the lawfulness of an ordinance passed by the Guernsey parliament relating to fishing inside and outside its territorial waters.

Republic of Ecuador v Occidental Exploration and Production Co [2005] EWCA Civ 1116

Issue: whether an English court has jurisdiction to interpret a bilateral investment treaty in order to determine a jurisdictional challenge to an arbitral award under the Arbitration Act 1996.

Jones v Saudi Arabia [2004] EWCA Civ 1394

Issue: the operation of the principle of state immunity in a case where a state was alleged to have committed torture.

R. (B) v Secretary of State for Foreign and Commonwealth Affairs [2004] EWCA Civ 1344

Issue: whether the Human Rights Act 1998 applied to British consular officials in Australia and whether the officials had breached the human rights of certain asylum-seekers in Australia.

R. (Abassi) v Secretary of State for Foreign and Commonwealth Affairs [2002] EWCA Civ 1598

Issue: whether the Foreign Secretary had a duty to make representations to the US government on behalf of a British national detained at Guantanamo Bay.

R. v Bow Street Metropolitan Stipendiary Magistrate, Ex Parte Pinochet [2000] 1 AC 147 (HL)

Issue: the operation of the principle of the immunity of a head of state, with regard to the extradition of General Pinochet.

Adjudicated General Commercial / Common / Public Law

Moore Stephens (a firm) v Stone Rolls Ltd [2009] UKHL 39 (30 July 2009)

Issue : Extension of Ex Turpi Causa .

Lexington Insurance Co v AGF Insurance Ltd [2009] UKHL 40 (30 July 2009)

Issue : Insurance - follow the settlement convention in reinsurance contracts.

Purdy, R (on the application of) v Director of Public Prosecutions [2009] UKHL 45 (30 July 2009)

Issue :Landmark decision on assisted suicide.

Gray v Thames Trains & Ors [2009] UKHL 33 (17 June 2009)

Issue :Causation principles extended

Generics (UK) Ltd & Ors v H Lundbeck A/S [2009] UKHL 12 (25 February 2009)

Issue : Biotechnology / Patents

Sugar v British Broadcasting Corp & Anor [2009] UKHL 9 (11 February 2009)

Issue : Freedom of Information Act

McKinnon v The United States of America & Anorr [2008] UKHL 59 (30 July 2008)

Issue : Extradition - Hague Convention

McGrath & Ors v Riddell & Ors (Conjoined Appeals) [2008] UKHL 21 (9 April 2008)

Issue : International insolvency

Lesotho Highlands Development Authority v. Impregilo SpA & Ors [2005] UKHL 43 (30 June 2005)

Issue : Rights to Appeal from Arbitration Awards

Shogun Finance Ltd v. Hudson [2003] UKHL 62 (19 November 2003)

Issue : Fraudulent Misrepresentation

Career

- Born 21 January 1938
- 1951 - 1956 Bryanston School, where he studied classics.
- 1958 - 1961 King's College Cambridge. Exhibitioner - 1st Class degree in Part II Law Tripos.
- 1962 Called to the Bar by the Middle Temple (Harmsworth Scholar).
- 1962 - 1978 Practised at the Bar. Specialising in Admiralty and Commercial work
- 1973 - 1978 Junior Counsel to the Ministry of Defence and to the Treasury in Admiralty matters.
- 1978 QC.
- 1982 - 1987 Recorder.
- 1987 - 1995 Judge of the High Court of Justice, Queen's Bench Division, where sat in the Commercial Court. Also presided over the Barlow Clowes and Maxwell prosecutions.
- 1995 Promoted to the Court of Appeal.
- 12 January 1999 Elevated to Lord of Appeal in Ordinary.
- 6 June 2000 - 2005 Master of the Rolls and Head of Civil Justice.

- 1 October 2005 Appointed Lord Chief Justice of England and Wales.
- 1 October 2008 Appointed Senior Law Lord.
- 2009 - 2012 President of the Supreme Court of the United Kingdom.
- 13 June 2011 Made a Knight of the Garter.

Positions Held

- 1975 - 1981 Governor of Bryanston School
- 1981 - 2008 Chairman of the Governors of Bryanston School
- 1979 - 1987 Member of the Panel of Wreck Commissioners
- 1991 - 1997 Chairman British Council Law Advisory Committee
- 1992 - 1997 Chairman Council of Legal Education
- 1993 - 2005 Vice President British Maritime Law Association
- 1998 - 2000 Chairman of the BSE Inquiry
- 1999 - Advisory Council of Institute of European and Comparative Law
- 1999 - Council of Management, British Institute of International and Comparative Law
- 1999 - Honorary Fellow of The Society for Advanced Legal Studies
- 2000 - 2005 Trustee Magna Carta Trust
- 2000 - 2005 Visitor - Nuffield College, Oxford
- 2000 - 2005 Visitor - University College, London
- 2000 - 2005 Chairman Lord Chancellor's Advisory Committee on Public Records
- 2000 - Advisory Council of Institute of Global Law
- 2003 - Honorary Fellow King's College Cambridge
- 2005 - President, British Maritime Law Association
- 2005 - 2008 Visitor, Darwin College, Cambridge
- 2012 - Distinguished Visitor, The Dickson Poon School of Law, King’s College London

Honorary Degrees

- 1993 Hon LLD, Exeter University
- 2003 Hon LLD, Birmingham University
- 2003 Doctor of Civil Law City University, London

- 2005 Honorary LLD, London University
- 2007 Hon LLD, International Maritime Law Institute
- 2009 Doctor of Laws, University of Wolverhampton
- 2010 Doctor of Laws, Wake Forest University, North Carolina

Recreations

Walking, Swimming, France.