

# S J Phillips KC

Call: 1993 | Silk: 2009

“Demanding, but conspicuously fair cross-examination ...”

The “C Challenger” [2020] EWHC 3448 (Comm)



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Stephen Phillips KC practices exclusively in commercial law, both as an advisor and at trial and appellate level, often leading large multi-disciplinary teams.

Known for his cross-examination skills, he is acknowledged as one of the leading advocates in high-value cases in both the Commercial Court and international arbitration, where much of his work lies. Extensively experienced in shipping, insurance and reinsurance, he was recently named as **Barrister of the Week** by *The Lawyer* following a lengthy Commercial Court trial involving long and complex cross-examination exposing a €27 million conspiracy.

He was appointed as a Recorder of the Crown Court in 2009 and sat as a Member of Parliament between 2010 and 2016. He has acted *pro bono* as an advisor to various governments, particularly in sub-Saharan Africa, as well as an expert witness in the United States and elsewhere. He accepts appointments as a sole or party-appointed arbitrator and has also chaired a number of arbitration tribunals sitting in England and Wales. Stephen does not make submissions to, and thus does not appear in, the various legal directories.

## Expertise

### General Commercial & Insolvency

- ***In Re A Bankrupt*** [2021] EWHC (Ch) 1866 (Ch) (Insolvency – Appeal against finding of jurisdiction – Leading appellate case on domicile jurisdiction under the Insolvency Act).
- ***Geoquip Marine v. Tower Resources*** [2022] EWHC 531 (Comm) (Offshore Geotechnical Investigation Contract – obligation to pay lump sum and standby charges – estoppel by convention/contract).

### Injunctions

- ***In Re S.*** [2021] EWCA Civ 1187 (Court of Appeal – Passport Order/writ ne exeat regno prevent defendant leaving the

jurisdiction)

- **Lakatamia Shipping Co. v. Su** [2020] EWHC 3201 (Comm) (Search Order – Anton Pillar jurisdiction – first electronic search order including social media accounts)
- **Lakatamia Shipping Co. v. Morimoto** [2019] EWCA Civ 2203 (Court of Appeal – Freezing Order – proper test where jurisdiction threshold crossed in relation to wrongdoing)

## Insurance & Reinsurance

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Most of Stephen's work is in confidential insurance and reinsurance arbitrations, including several Bermuda Form cases in England and overseas. These include:

- A US\$150m claim to recover part of a US class action settlement for an allegedly defective pharmaceutical product.
- A US\$80m claim to recover part of a US class action settlement for an allegedly defective automotive product.
- A US\$ 100m claim to recover remediation expenditure as sue and labour under a policy governed by New York law.
- A US\$250m claim in relation to property damage to a generation facility.
- A US\$100m claim in relation to a factory destroyed in an explosion.

Reported cases in court include:

- **Prifti v. Musini SA** [2003] (Conflict Of Laws – Jurisdiction – Council Regulation (EC) 44/2001).
- **Kuwait Insurance Corporation v. Kuwait Insurance Co. SAK (No. 2)** [2002] 1 Lloyd's Rep. 252 (Summary Judgment & Interim Payment – effect of Judgment of House of Lords – pro-ration and proper construction of idemnity).
- **Kuwait Insurance Corporation v. Kuwait Insurance Co. SAK** [1999] 1 Lloyd's Rep. 803 (House of Lords – Iraqi invasion of Kuwait – Loss of Aircraft and Spares – Proper Constuction of Policy – number of occurrences).

## Commercial Fraud

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- **Lakatamia Shipping Co. v. Su & Os** [2021] EWHC 1907 (Unlawful means conspiracy to defeat High Court judgment – application of economic torts and the *Marex* tort – Monaco law). It was for this trial that Stephen was named as **Barrister of the Week by The Lawyer**.

## Shipping & Transport

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Most of Stephen's work is in confidential arbitration, usually under the auspices of the LMAA. His most recent reported trial is:

- **SK Shipping Europe plc v. Capital VLCC 3 Corp** [2020] EWHC 3448 (Comm) (Long term time charter – misrepresentation as to speed and consumption – implied representations – recklessness – rescission and damages under the 1967 Act)

## Education

Oriel College, Oxford, 1988 to 1992, B.A. (Jurisprudence) 1991 – M.A. (Oxon.) (2002), B.C.L. (1992)

Lincoln's Inn/ICSL, 1993, Hardwicke Scholarship, Thomas More Scholarship

School of Oriental and African Studies, 2018-2020, M.Sc. (African Political Science)