



Fountain Court

## Philippa Hamilton

### Call:

1996

### Email:

[ph@fountaincourt.co.uk](mailto:ph@fountaincourt.co.uk)

### Practice Areas:

Philippa Hamilton has a broad commercial and civil practice covering:

- All areas of commercial law
- Arbitration
- Banking & Finance
- Chancery
- Consumer and Product Liability
- Insurance & Reinsurance
- Mediation
- Professional Negligence
- Conflict of Laws & Private International Law
- Shipping & Yachts
- Small Business and Employment Law
- Travel

### Recommendations (Practitioners' Guides):

Recommended by The Legal 500 (2009) in Consumer and Product Liability. Its editors describe her as “*extremely effective in highly technical claims involving design, or component failure allegations*”.

### Education:

St Paul's Girls' School  
Oxford University, Brasenose College  
City University, Diploma in Law

### Prizes & Scholarships:

Scholar Brasenose College, Oxford: 1989;1990  
Lincoln's Inn, CPE Scholarship: 1994  
Distinction, City University, Dip. Law (CPE): 1995  
Lincoln's Inn, Mansfield Scholar: 1995  
Lincoln's Inn, Major Scholar: 1996

### Other Qualifications:

Chartered Institute of Management Accountants: finalist 1993

**Professional Experience:**

Philippa Hamilton is a trained economist as well as a barrister and has wide-ranging experience of commercial and civil litigation both in an advisory and representative capacity, led and un-led and at all levels of the courts (and tribunals). Across all the practice areas identified above she has particular competence in dealing with complex scientific and mathematical issues including those involving highly technical matters, accounting, financial products, statistics and epidemiology. She is recommended by The Legal 500 2009 as a leading junior in the field of Consumer and Product Liability.

Philippa Hamilton is an Associate Tenant at Fountain Court as of 1 August 2010.

**Recent Practice:****Arbitration:**

Acted for both claimants and respondents in international and domestic arbitrations as well as in the courts in claims relating to arbitrations (including stay and anti-suit applications).

**Banking & Finance:**

Wide range of experience acting for (and against) retail and investment banks, both national and international. Issues raised included those in relation to cheque conversion; breach of confidence; jurisdiction; and a variety of matters surrounding the validity and enforceability of mortgages, guarantees and other forms of security. In particular, acted for: an international investment bank in a breach of confidence/non-compete claim in the Chancery Division, with Elizabeth Gloster QC, Brian Doctor QC and Richard Handyside QC; a bank in dispute with a security firm stocking ATM machines; a data systems company in dispute with a bank in respect of a contract for the provision of electronic banking equipment, with Stephen Moriarty QC; a bank seeking to enforce promissory notes; investors in dispute with an investment bank over regulatory breaches relating to complex emerging market products; an international property developer in dispute with an investment bank over UK assets and a bank in dispute with a hotel group arising from the terms of its lending facilities

**Chancery:**

Led by Nicholas Underhill QC for Appellants in *Arklow Investments Ltd and Others v I.D. Maclean and Others* (Privy Council) [2000] 1 WLR 594. Acted for defendants to a breach of confidence/non-compete claim in an international investment banking context.

**Conflict of Laws & Private International Law:**

Dealt with various jurisdiction and conflicts of law issues across of a number of practice areas. Acted for claimants seeking declarations and anti-suit injunctions in relation to an arbitration.

**Consumer and Product Liability:**

Philippa has gained a broad range of experience of consumer and product liability litigation, ranging from large scale pharmaceutical group actions to complex technical claims in an industrial context and smaller scale individual sale of goods disputes. She is ranked by the Legal 500 in 2009 as a Leading Junior in the field. Its editors



describe her as “*extremely effective in highly technical claims involving design, or component failure allegations*”. In the high profile trial of the Combined Oral Contraceptive Group Litigation (*XYZ and others v. Schering Health Care Ltd and others* [2002] EXHC 1420 (QB)), Philippa acted as part of the successful defence team of Organon NV - led by Nicholas Underhill QC and Philip Brook Smith QC. She has particular competence in dealing with scientific and mathematical issues including those involving highly technical aspects, accounting issues, financial products, statistics and epidemiology. Technical issues she has dealt with over the years include those relating to the adherence and coverage properties of industrial paints, electrical systems in luxury cars, and the haematology, endocrinology and epidemiology of the third generation oral contraceptive pill. Most recently she has acted for a leading international manufacturer of dairy equipment, defending a product liability claim in relation to a bespoke milking parlour system and, along with Charles Béar QC, in a large international claim in the Commercial Court arising from the alleged defective bulk supply of compressors for air conditioners for trains.

### **General commercial Law:**

Instructed in a broad range of commercial disputes. In addition to those cases referred to under the related headings here (Arbitration, Banking & Finance, Chancery, Conflict of Laws & Private International Law, Consumer and Product Liability, Employment, Insurance & Reinsurance, Mediation, Professional Negligence, Shipping & Yachts, Small Business Law and Travel), Philippa has recently been instructed in a large international sale of goods dispute, a partnership dispute involving solicitors and a claim relating to alleged breaches of a commercial consultancy agreement.

### **Insurance & Reinsurance:**

Experienced in a range of insurance and reinsurance disputes including the Lloyd's litigation (on behalf of Lloyd's, involved in the preparation for trial of *Society of Lloyd's v. Sir William Jaffray*) and for a long-tail syndicate's action against its syndicate auditors (for the Claimants). Acted for placing brokers in a dispute concerning the proper disposition of premium and commission funds held in escrow. Acted for insurers disputing cover in respect of substantial losses relating to the construction of a power station. Advised in respect of a dispute relating to coverage and breach of warranty issues in relation to claim arising from a paper factory fire. Advised insurance brokers on issues arising from their own E&O cover (in particular aggregation and limitation issues).

### **Mediation:**

Participated in the mediation of two Commercial Court actions: one a long tail syndicate's action against syndicate auditors (for the Claimants) the other a banking/insurance dispute acting for the insurer defendants. Prepared a number of written mediation position statements.

### **Professional Negligence:**

Acted for and against a variety of professionals including (with Michael Brindle QC) the claimants in *Bermuda International Securities Ltd. v. KPMG* [2001] EWCA Civ 269, t (a pre-action disclosure point went to the Court of Appeal); a Lloyd's syndicate's dispute with its auditors; investors in dispute with an investment bank; investors in dispute with their advising solicitors; companies in dispute with solicitors in connection with the setting up of employee benefit trusts; and purchasers seeking



complex damages in a negligence claim against their conveyancing solicitors in respect of a mixed use property.

## **Shipping & Yacht:**

Advised shipping, yacht industry and maritime interests while working at Hill Dickinson.

## **Small Business and Employment Law:**

Experienced in a wide range of business disputes involving various issues of a contractual, tortious, equitable and procedural nature. Experience includes: acting for a company in dispute with its recruitment agency (county court trial); an international drinks company in a contractual dispute with one of its foreign local distributors and consultants; a local council in a dispute with its provider of refuse recycling services; a bank in dispute with a security firm stocking ATM machines; a bank in dispute with a data systems company in respect of electronic banking equipment; a train company in dispute with its contracted mobile caterers; a holiday dispute; a commercial agent in dispute with its principal; a solicitor in a partnership dispute and mink farmers in dispute with DEFRA over compensation for their prohibited business. Philippa has gathered a wide experience of employment-related claims, both in the High Court (in cases concerning confidential information, economic torts, restrictive covenants and other forms of breach of contract) and statute based claims in Employment Tribunals.

## **Travel:**

Advised in relation to holiday disputes including under the Package Holiday Regulations.

## **Publications:**

Editor of *Commercial Court Procedure 2001*, (Sweet & Maxwell, 2000)

## **Other Experience:**

**Hill Dickinson:** Employed Barrister (2004-2005).

- Advised shipping, yacht industry and maritime insurance clients.
- Assisted members of the shipping and yacht departments with a variety of legal research, seminars and articles for external publication.

## **Unilever plc (1991-1994)**

Before coming to the Bar, worked in Unilever's Corporate Head Office in London (Blackfriars):

- Economist within Unilever's Corporate Development and Economics Department (1991-1993). Responsibilities included competitor monitoring and economic and strategic modelling.
- Manager within Unilever's Corporate Strategy Department (1993-1994). Provided strategic, financial and economic support for Unilever's Chairmen (Dutch and English) and Board Executives. Acquired CIMA accounting qualification.

**Interests:** sailing; running; walking; conservation.