



Timothy Dutton QC

Silk: 1998

Call: 1979

Email: tjd@fountaincourt.co.uk

Summary of Practice:

Timothy Dutton QC has a wide commercial practice with experience in all areas of Commercial law, Professional Negligence, Public law, Regulatory law, and Administrative Law. Since completing his term as Chairman of the Bar Council in 2008 Timothy Dutton QC has returned to a full time practice, and is currently ranked in both Chambers UK & Legal 500 as a leading Silk. He has undertaken a large number of high profile cases. He also accepts appointments as an arbitrator and to chair inquiries. He is Head of Chambers.

Directory comments include:

"A mellifluous quality to his address to the court that makes what he has to say simultaneously convincing and reassuring." Chambers UK 2011

"A very thorough lawyer and a clear advocate with a well-defined sense of litigation judgment" Legal 500 2011

"He has a scarily large brain and is prepared to work harder than anyone."

'A brilliant analytical mind with immediate understanding of the issues'

"No prima donna" and is viewed as a "team player who takes advice on board"

"Well equipped to deal with pretty much any negligence matter that lands on his desk."

Timothy "is singled out for his FSA expertise in particular. He does, however, go well beyond practice & is a "safe bet" when it comes to anything related to professional negligence"

Commercial Litigation

United Company Rusal Plc v HSBC Bank Plc, Citibank, Debevoise and Plimpton LLP 2011 EWHC 404 Tim acted on behalf of the successful respondents (Debevoise and Plimpton) in the unprecedented Norwich Pharmacal claims brought by Rusal.

Chevron Corporation v Maria Aguinda Salazar et al Tim is providing expert evidence on English Law to the Court in New York in the dispute concerning the enforceability of the Ecuadorian judgment of US\$18bn against Chevron.

Clydesdale Financial Services Ltd v Smailes, Jiva LLP and others 2009 EWHC 1745 (Ch) and 2009 EWHC 3190 (Ch) (leading Bridget Lucas) Tim led for the Defendant acquiring a business



in a pre-pack company administration. The case raised issues about the conduct of pre-pack administrations, SIP16, independence of administrators, whether creditors secured.

Quinn Direct Insurance v The Law Society 2010 EWCA Civ 805 (leading Marcus Smith QC)
Tim acted for the Law Society in the Court of Appeal.

Inquam Telecom Holdings Limited v Primus Telecommunications Ltd 2007 EWCA Civ 1033
Tim appeared in the Commercial Court and in the Court of Appeal in a case concerning the calculation of royalties in telecoms connection services.

Insurance

Acting for a leading insurer in hundreds of claims arising out of the 2009 volcanic ash plume and European air space closure.

Acting for IOMA Insurance in its claims against numerous firms of solicitors who took out ATE policies to fund litigation claims and where the solicitors seek to recover under the ATE policies.

Has acted in many of the leading cases concerning insurance products used to fund litigation including ***Callery v Gray Nos 1 and 2***, the ***First Assist Test Cases*** 2006

Professional Negligence

Tim has an extensive practice in professional negligence. His advice is sought by parties and as an expert in both domestic and foreign proceedings. Tim is currently acting for ***Isle of Man Assurance*** and for ***Conister Bank*** in proceedings against numerous firms of solicitors arising out of their conduct of industrial disease claims, and he is acting for a Hedge Fund in claims against former advisers and managers.

In the House of Lords he appeared in ***Hilton v Barker Booth and Eastwood 2005 1 WLR 1597*** (leading Chloe Carpenter), and in ***Law Society v Sephton and Co 2006 1 WLR 1091*** (leading Rosalind Phelps).

Tim provided reports in the New York State Supreme Court regarding the duties of two English Lawyers in the case of ***Casa de Meadows, Prince Jefri Bolkiah v Derbyshire and Zaman. In Another v A Law firm [2008]*** he acted for a City Law Firm (leading Derrick Dale) in the successful defence of a claim in arbitration proceedings for the alleged misuse of confidential information.

Administrative and Public Law

Tim regularly appears in the Administrative Court and Court of Appeal instructed in administrative law cases which often overlap with his regulatory work. In 2009 he conducted the inquiry into the ***World Class Payments Bureau*** on behalf of Sport England, dealing with the public law duties of the officials involved and the lawfulness of the arrangements under which approximately £20m was paid through the Bureau. His 250 page report was published in December 2009.

He is acting for a regulator in a Judicial Review application concerning the lawfulness of Rules which may apply to professionals involved in assisting a suicide.

He acted for the SRA in the several judicial review challenges to the Rules applied to the firms of solicitors who acted in Miners Compensation Scheme cases and against whom action was taken by the regulator. In ***Wakefield v Channel Four, GMC and others 2007 94***



BMLR Tim acted for the GMC in High Court proceedings brought by Dr Wakefield concerning the MMR Vaccine.

His opinion as to the powers of the Architects Registration Board under the Architects Registration Act has been published by the Regulator.

In **Holder v the Law Society 2003 1 WLR 1059** Tim represented the Law Society in the various Human Rights Act challenges to the statutory powers of intervention, and likewise in **Thompson v The Law Society 2004 1 WLR 2522**

Regulation and Professional Discipline

Voted Silk of the Year - Chambers and Partners 2010

Tim has advised and acted in cases concerning almost all fields of regulated activity. He is often brought in to lead teams in complex regulatory matters, and at the start of an investigation. He acts for and advises regulators, firms and individuals on a regular basis dealing with regulatory and professional matters including:

Lawyers

Tim has over 20 years experience of legal services regulation and has been involved in hundreds of cases in the field. He advises on matters arising out of the Legal Services Act 2007. One directory described him as “*The king of Law Society Regulatory Work*”

SRA V Gore and Miller (2010-2011) acted as lead counsel on behalf of the SRA in the successful prosecution of a partner and former partner of Davenport Lyons for six breaches of the Solicitors Code of Conduct 2007 arising out of their conduct of claims against alleged file sharers. Since 2010 he has been acting in the proceedings arising out of the intervention into and collapse of **Wolstenholmes LLP**

Instructed as leading Counsel for the SRA in the numerous regulatory inquiries, proceedings and appeals arising out of the Miners Compensation Scheme including **Beresfords, Raleys, Avalon, Gabb, and others**

Acted for one of the Freshfields partners involved in the proceedings arising out of the Marks and Spencer takeover battle, against whom the SDT proceedings were withdrawn, and many others including **Simms** (investment schemes) , **Baxendale-Walker** (tax schemes), **Wilson-Smith** (high yield investment schemes).

Financial Services

Tim has conducted many cases involving Financial Services and market regulation including the first market abuse case to come before the Tribunal, and cases arising out of the market collapse of 2008. In **Financial Services Authority v Fox Hayes [2009] Court of Appeal** Tim was Instructed as lead counsel on behalf of the FSA (leading Richard Coleman) in a case concerning the interpretation of the Conduct of Business Rules (COB) and the correct approach to penalty. The Court of Appeal increased the financial penalty to an indicative penalty approaching £1 million.

Atlantic Law and Greystoke v The FSA (2010) – Instructed as lead counsel for the FSA in the decision of the FSMA Tribunal published in May 2010 when the Tribunal upheld a lifetime prohibition order and fines of £400,000.



Accountants and auditors

Has acted in numerous JDS inquiries and currently involved in two AADB inquiries concerning auditors and accountants including those arising out of the collapse of **Barings, Queen's Moat Hotels, Resort Hotels, Trans Tec, Wiggin Group, Polly Peck.**

Sport

- 2009 Conducted inquiry for **Sport England** into World Class Payments Bureau and reported on governance arrangements in National Governing Bodies of Sport.
- 2010 Ongoing case acting for a manufacturer in a dispute concerning **Formula 1**
- 2010 Chaired panel into alleged misconduct by athletes at the European Championships

Appointments:

Head of Fountain Court Chambers 2008 -

Chairman Bar Council 2008.

Chairman Association of Regulatory and Disciplinary Lawyers 2009

Deputy High Court Judge

Other:

He has lectured widely and written many articles in his areas of expertise.

Languages:

Fluent in French, and basic knowledge of German.