



## Timothy Dutton CBE QC Call Date: 1979 | Silk Date: 1998

The “**very thorough lawyer**” Timothy Dutton QC has a wide commercial practice; with experience in all areas of:

After completing his term as Chairman of the Bar Council in 2008 Timothy Dutton QC returned to full time practice, and was the Head of Chambers at Fountain Court from 2008-13. Timothy is currently ranked in both Chambers UK & Legal 500 as a leading Silk and a star individual in Professional Discipline. He has undertaken a large number of high profile cases and is described as a “**doyen of the bar when it comes to professional conduct.**” Timothy Dutton QC also accepts appointments as an arbitrator and to chair inquiries.

### AREAS OF EXPERTISE

- Commercial dispute resolution
- Financial services
- Fraud: civil
- Insurance and reinsurance
- International arbitration
- Media, entertainment & sport
- Offshore
- Professional discipline
- Professional negligence
- Administrative & public law

### RECENT PRACTICE

#### Administrative & 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.

- Instructed in 2012 as lead Counsel with Marianne Butler by the Solicitors Regulation Authority in the landmark cases brought by two men suffering from locked-in syndrome who wanted to be assisted to die: *R (on the application for AM) V DPP and SRA*

- 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 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 T** im 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 T** im 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**

## Commercial dispute resolution

- **Transport for London v Freshfields and Herbert Smith** Leading James McClelland in the defence of a very substantial claim set for a 3 week trial in the Commercial Court October 2013.
- **JSC BTA Bank v Ablyazov and others [2012] EWHC 1252 (Comm)** The commercial court accepted T im Dutton QC's argument that the client's right to legal advice overrode the interests of the claimant.
- **United Company Rusal Plc v HSBC Bank Plc, Citibank, Debevoise and Plimpton LLP 2011 EWHC 404 T** im 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** T im 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) T im 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) T im acted for the Law Society in the Court of Appeal.
- **Inquam Telecom Holdings Limited v Primus Telecommunications Ltd 2007 EWCA Civ 1033 T** im appeared in the Commercial Court and in the Court of Appeal in a case concerning the calculation of royalties in telecoms connection services.

## Insurance

- Instructed by the Association of British Insurers as lead counsel on **Simmons v Castle** where the court was asked to reconsider aspects of its decision to increase general damages in tort cases by 10 per cent. The Association of British Insurers was successful in their application, the court deciding that the increase in damages should only apply to cases where the claimant's funding arrangements had been agreed after 1st April 2013.
- 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**

## Media, entertainment & 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

## Professional discipline and regulation

*'The leading player in this area'* Timothy Dutton QC was voted Silk of the Year in 2010 and 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**
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- 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.
- **MG Rover** - Leading for the Executive Counsel of the AADB, the case arises out of the conduct of the Phoenix Four and transactions involving the Rover Group. Tim Dutton QC successfully resisted an application to dismiss the second of two allegations made by the Executive Counsel relating to Deloitte and Touche's advice involving the transfer of £100m of tax losses out of MG Rover Group (Project Aircraft). There will be a full hearing of both allegations in March 2013.
- **AHA and B (2011)** - Instructed as lead counsel on behalf of the company and CEO.

- **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.
- **FSA v BCR Group (2009)** – Acted for the CFO in the inquiries by the FSA; prohibition notice against the regulated Insurer.

#### 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.**

#### Professional negligence

The “**renowned**” Timothy Dutton QC 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 Bankin** 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.

Timothy is regularly instructed in cases involving professional advisers. He 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.

#### RECOMMENDATIONS

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Comments include:

- ‘Instructed in big-ticket FRC and SRA cases.’ *Legal 500 2016*
- ‘Excellent.’ *Legal 500 2016*
- “An exceptional barrister who has very good judgement and is very well respected.” “He remains a class act.” *Chambers 2016*
- “Has a very deep understanding of some fairly complex FS regulatory issues.” “He is an experienced delegator who knows when to operate at a high level and when to get down to the detail.” *Chambers 2016*
- “He is incredibly bright and hardworking, and to top it all an absolute pleasure to work with. He is the counsel of choice for the most difficult and high-profile cases.” “He is hugely knowledgeable, clear-sighted and unpretentious.” *Chambers 2016 (Professional Discipline – Star Individual)*
- “Very experienced, very effective in court and very clear – he identifies the right issues.” “Has gravitas and great client manner.” *Chambers 2016*
- “Possesses a real wealth of experience and knowledge” *Legal 500 2014*
- “A true leader in the field. He commands the confidence and respect of regulatory clients in all fields.” *Chambers 2014*

- *“Extremely bright and with a deep appreciation of the needs and expectations of regulators.” Legal 500 2014*
- *“He is a supremely competent and capable advocate who will adapt his style to suit the circumstances of every case.” Chambers 2014*
- *“Well prepared and always has a command of the facts.” Legal 500 2014*
- *“He has a good manner with public law clients and a sharp understanding of the law.” Chambers 2014*
- *“the “doyen of professional conduct” .. he is regularly instructed on solicitors’ negligence cases” Chambers 2014*
- *“a class act in this area”. Professional discipline, Legal 500 UK 2013*
- *“A doyen of the Bar when it comes to professional conduct, and also a delightful man.” Chambers UK 2012*
- *“Bright and conscientious,” he is “very open to discussion and argument.” Chambers UK 2012*
- *“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”*

## **APPOINTMENTS, MEMBERSHIPS, PRIZES**

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- Head of Fountain Court Chambers 2008 – 2013
- Chairman Bar Council 2008.
- Chairman Association of Regulatory and Disciplinary Lawyers 2009
- Deputy High Court Judge
- Trustee and Governor of the Legal Education Foundation

## **OTHER EXPERIENCE**

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

## **PUBLICATIONS**

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He is a Contributor to the Guide to the Legal Services Act 2007 (Butterworths).

## **LANGUAGES**

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Fluent in French, and basic knowledge of German.

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**LONDON**

Fountain Court Chambers  
Fountain Court, Temple

London EC4Y 9DH

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

Fax: +44 (0)20 7353 0329

DX: 5 LDE

**SINGAPORE**

Ocean Financial Centre

#37-06/10

10 Collyer Quay

Singapore 049315

Tel: +65 6808 6611

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