



Philippa Hardwick (née Hamilton)

Call 1996

"Extremely effective in highly technical claims involving design, or component failure allegations."

The Legal 500

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Philippa Hardwick (previously Hamilton) holds a broad portfolio of legal and non-legal appointments, focusing on regulation, standards, governance and risk.

Philippa was a trained economist as well as a barrister, and is an effective, energetic and committed board and panel member. She holds a portfolio of non-executive appointments focussing on law, standards, governance and risk. Her recent roles (many public facing, including senior roles serving on determinations panels) demand sound judgement, high integrity and scrupulous fairness.

Her legal career spanned a range of civil and commercial disputes, with a particular focus on product liability and financial services. She acted both in advisory and representative capacities, both led and unled and had experience at all levels of the courts (and tribunals).

Philippa has particular competence in dealing with complex technical issues including those involving accounting issues, financial products, statistics and epidemiology. Her professional and people skills have been deployed and developed across her portfolio, for example in her roles for the Financial Reporting Council, a Cabinet Office Appeal Panel and the Department of Health's Committee on Mutagenicity. Philippa has been a Door Tenant at Fountain Court since 2012.

Expertise

Aviation & Travel

Philippa has advised in relation to holiday disputes including under the Package Holiday Regulations.

Banking & Finance and Financial Services

Philippa gained wide experience acting for (and against) retail and investment banks, both nationally and internationally. 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.

Recent non-executive roles at the Financial Reporting Council include Case Management Committee Chairman and Conduct Committee Member.

Notable Banking & Finance and Financial Services cases

Acting 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.

Acting for a bank in dispute with a security firm stocking ATM machines.

Acting for 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.

Acting for a bank seeking to enforce promissory notes.

Acting for investors in dispute with an investment bank over regulatory breaches relating to complex emerging market products.

Acting for an international property developer in dispute with an investment bank over UK assets.

Acting for a bank in dispute with a hotel group arising from the terms of its lending facilities.

Commercial Disputes

Philippa has worked on a wide range of business disputes involving various issues of contractual, tortious, equitable or procedural nature.

Notable Commercial Disputes cases

Arklow Investments Ltd & Others v I.D. Maclean & Others (Privy Council) [2000] 1 WLR 594

Led by Nicholas Underhill QC for appellants, acting for defendants to a breach of confidence / non-compete claim in an international investment banking context.

Acting for a company in dispute with its recruitment agency (county court trial).

Acting for an international drinks company in a contractual dispute with one of its foreign local distributors and consultants.

Acting for a local council in a dispute with its provider of refuse recycling services.

Acting for a bank in dispute with a security firm stocking ATM machines.

Acting for a bank in dispute with a data systems company in respect of electronic banking equipment.

Acting for a train company in dispute with its contracted mobile caterers.

Acting for a commercial agent in dispute with its principal.

Acting for a solicitor in a partnership dispute.

Acting for mink farmers in dispute with DEFRA over compensation for their prohibited business.

Advising on various jurisdiction and conflicts of law issues across of a number of practice areas, including acting for claimants seeking anti-suit injunctions.

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

Participating in the mediation of a long tail syndicate's action against syndicate auditors (for the claimants).

Participating in the mediation of a banking/insurance dispute acting for the insurer defendants.

Employment

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.

Insurance

Philippa gained experienced in a range of insurance and reinsurance disputes.

Notable Insurance cases

The Lloyd's litigation

Acting 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).

Acting for placing brokers in a dispute concerning the proper disposition of premium and commission funds held in escrow.

Acting for insurers disputing cover in respect of substantial losses relating to the construction of a power station.

Advising in respect of a dispute relating to coverage and breach of warranty issues in relation to claim arising from a paper factory fire.

Advising insurance brokers on issues arising from their own E&O cover (in particular aggregation and limitation issues).

International Arbitration

Philippa 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). Worked on various jurisdiction and conflicts of law issues across of a number of practice areas, including an anti-suit injunction in relation to an arbitration.

Product Liability

Philippa 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. Previously ranked by *The Legal 500* as a Leading Junior in the field, she was described as "extremely effective in highly technical claims involving design, or component failure allegations".

Philippa has particular competence in dealing with complex technical issues including those involving scientific subjects, statistics or epidemiology. Examples include cases relating to the adherence and coverage properties of industrial paints, electrical systems in luxury cars, metallurgy in the context of ball bearings and the haematology, endocrinology and epidemiology of the third generation oral contraceptive pill.

Notable Product Liability cases

XYZ & Others v Schering Health Care Ltd & Others [2002] EXHC 1420 (QB) ('The Combined Oral Contraceptive Group Litigation')

Acting in this leading trial as part of the successful defence team of Organon NV – led by Nicholas Underhill QC and Philip Brook Smith QC.

Acting for a leading international manufacturer of dairy equipment, defending a product liability claim in relation to a bespoke milking parlour system.

Acting 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.

Professional Negligence & Professional Discipline

Philippa has acted for and against a variety of professionals across a number of disciplines. She currently serves as a legally qualified non-executive responsible for enforcement matters at the Financial Reporting Council.

Philippa was the Legal Chair of the Financial Reporting Council's Case Management Committee and a Financial Reporting Council Conduct Committee (legal) member from 2018 to 2020.

Notable Professional Negligence & Professional Discipline cases

Bermuda International Securities Ltd v KPMG [2001] EWCA Civ 269

Acting for (with Michael Brindle QC) the claimants in relation to a leading pre-action disclosure point which went to the Court of Appeal.

Acting for a Lloyd's syndicate's dispute with its auditors.

Acting for investors in dispute with an investment bank.

Acting for investors in dispute with their advising solicitors.

Acting for companies in dispute with solicitors in connection with the setting up of employee benefit trusts.

Acting for purchasers seeking complex damages in a negligence claim against their conveyancing solicitors in respect of a mixed-use property.

Education

- DipLaw (Distinction), City University (1995)
- BA Hons, Brasenose College, Oxford University (1991)
- PPE, Scholar, Brasenose College, Oxford University (1989)
- St Paul's Girls' School

Appointments, Memberships and Prizes

- *Financial Reporting Council*: Legal member of regulatory enforcement board (Conduct Committee); legally qualified Chair of Case Management Committee (2018-); member of Audit Procedures Working Group (2020-).
- *Security Vetting Appeals Panel*: Quasi-judicial Cabinet Office review panel (chaired by Dame Heather Hallett and Sir Antony Edwards-Stuart); Prime Ministerial Appointment determining final Vetting decision appeals (July 2015-).
- *Department of Health's Committee on Mutagenicity ('COM')*: Member (lay). Independent body advising governmental departments/regulatory agencies on genetic toxicity of chemicals in foods, consumer products and the environment (2013 -2019).
- *Chichester District Council*: Elected Member (2009-2019): Cabinet Member responsible for Finance & Governance portfolio (2015-2018); Standards Committee (Chairman) – regulatory and disciplinary role (2009-2019); Strategic Risk Group (Chairman) – (2015-2018); Corporate Governance & Audit Committee – (2009-2019); Investigations and Disciplinary Committee – (2009-2015); Planning Committee (2009-2015).
- *Trusthouse Charitable Foundation*: Vice-Chair and Trustee of this National grant-giving foundation (2011-); Grants committee member (2011-2018); Finance committee member (2011-); Chaired the “Hope Inside” Conference – discussing mental health projects in criminal justice system (February 2013).
- *Lord Chancellor's Advisory Committee for Sussex*: member (2009-2015). Responsible for regulation and future demand for magistrates in region. Conducted recruitment process of new members of the magistracy.
- Major Scholar, Lincoln's Inn (1996)
- Distinction, City University, Dip. Law (CPE) (1995)
- Mansfield Scholar, Lincoln's Inn (1995)
- CPE Scholarship, Lincoln's Inn (1994)
- Chartered Institute of Management Accountants, Finalist (1993)
- Scholar Brasenose College, Oxford (1989)

Publications

- Commercial Court Procedure: Contributing Editor, Sweet & Maxwell (2001)