



# Timothy Dutton CBE KC

Call 1979 | Silk 1998

*"Outstandingly good and a lovely man."*

*Chambers & Partners*

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The "very thorough lawyer" Timothy Dutton KC has a wide commercial practice.

After completing his term as Chairman of the Bar Council in 2008 Timothy Dutton KC 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 KC also accepts appointments as an arbitrator and to chair inquiries.

## Expertise

### 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.

#### Notable Administrative & Public Law cases

##### R (on the application for AM) V DPP & SRA

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.

##### World Class Payments Bureau

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.

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## Miners Compensation Scheme

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.

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## Wakefield v Channel Four, GMC & Others 2007 94 BMLR

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

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## Architects Registration Board

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

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## 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.

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## Commercial Disputes

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### Notable Commercial Disputes cases

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#### Transport for London v Freshfields & Herbert Smith

Leading James McClelland in the defence of a very substantial claim set for a three week trial in the Commercial Court October 2013.

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#### JSC BTA Bank v Abyazov & Others [2012] EWHC 1252 (Comm)

The commercial court accepted Tim Dutton KC's argument that the client's right to legal advice overrode the interests of the claimant.

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#### United Company Rusal Plc v HSBC Bank Plc, Citibank, Debevoise & Plimpton LLP 2011 EWHC 404

Tim acted on behalf of the successful respondents (Debevoise & Plimpton) in the unprecedented Norwich Pharmacal claims brought by Rusal.

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#### 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.

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### **Clydesdale Financial Services Ltd v Smailes, Jiva LLP & Others 2009 EWHC 1745 (Ch) and 2009 EWHC 3190 (Ch)**

Tim led for the Defendant (leading Bridget Lucas) 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.

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### **Quinn Direct Insurance v The Law Society 2010 EWCA Civ 805**

Tim acted for the Law Society in the Court of Appeal (leading Marcus Smith QC).

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### **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.

## **Financial Services**

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Tim is ranked in the directories for Financial Services and is described in the directories as “A true leader in the field. He commands the confidence and respect of regulatory clients in all fields.”

Tim has advised and acted in some of the most serious and complex financial services cases whether that be for City clients or Regulators. Over recent years he has acted for the FRC in MG Rover against Deloitte (fined £14 million reduced to £3 million), Aero (Deloitte, fined £4 million), and proceedings against Deloitte for the audit of Autonomy. He has also advised the accountancy sector widely and acted for Barclays in relation to mis-selling of insurance products involving potential claims of many hundreds of millions arising out of the fall-out from the Supreme Court judgment in *Plevin*. He regularly advises major financial service providers on their product design and regulatory compliance such as Aviva, Axa, LV. He acts on claims which arise under financial services products often involving the FCA or FOS: e.g. the financial services fallout from the Icebreaker Fund (a fund invested in by many high profile celebrities found to be a tax evasion scheme by the Upper Tribunal).

### **Accountants and auditors**

Tim 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.

## **Insurance**

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### **Notable Insurance cases**

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## Simmons v Castle

Instructed by the Association of British Insurers as lead counsel 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.

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

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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.

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

## Privilege, Confidentiality & Conflicts of Interest

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Notable Privilege, Confidentiality & Conflicts of Interest cases

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### Prince Jefri v Thomas Derbyshire and Others (2010)

Providing expert evidence to the New York Supreme Court.

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### Quinn v Law Society (2010)

Leading Marcus Smith QC in a dispute relating to the extent to which insurers can access documents.

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### Hilton v Barker Booth and Eastwood (2005)

Acting for the successful appellant (leading Chloe Carpenter) in the House of Lords (duty of confidentiality to one client is no answer, in defence of a professional negligence claim, to duty to disclose to the claimant client. The solicitor who takes on two instructions with conflicting duties has only him/herself to blame and will inevitably breach his/her duty to one client).

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### Simms v The Law Society (2005)

Leading Richard Coleman in proceedings in the Solicitors' Disciplinary Tribunal arising from solicitors' involvement in dubious investment transactions.

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Providing a joint opinion on privilege in an international criminal case.

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Providing expert evidence to the BVI on conflict and privilege related issues in a major international dispute.

## Professional Discipline & Professional Negligence

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'The leading player in this area' Timothy Dutton KC was voted Silk of the Year in 2010 and is recommended as a 'star individual' in both professional discipline and professional negligence in the directories. 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. One directory described Tim as "The king of Law Society Regulatory Work".

Tim advises and acts in many of the most prominent and complex professional discipline cases across the whole range of professions for regulators and the regulated. He has unrivalled knowledge and experience in the field. He has conducted some of the largest multi-party cases.

### Notable Professional Discipline & Professional Negligence cases

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#### AI Sweady Inquiry

Tim led the team for the Solicitors Regulation Authority dealing with the AI Sweady Iraqi cases against Public Interest Lawyers / Phil Shiner and Leigh Day / Martyn Day, the latter becoming a seven week trial at the SDT, and a six day appeal.

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#### SRA v Leigh Day & Others

The SRA case against Leigh Day, the senior partner Martyn Day, Sapna Malik and Anna Crowther was the largest and longest of any SRA case and possibly any across all disciplines in recent times.

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#### Beety & Others v NMC

Tim led Chloe Carpenter in the proceedings brought by IMUK and independent midwives, acting successfully for the NMC in the midwives' challenge to the registrar's decision to remove them from the register for not having appropriate insurance unless they stopped using their insurer.

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#### Axiom Fund

He has led in the many cases involving the £100 million Axiom Fund, bringing the cases against Paul Stott (Ashton Fox 2018), and Barnetts to a successful conclusion after a two week trial (2016)..

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#### Ashton Fox

Tim also led Edward Levey in Ashton Fox which was decided in 2018 with a number of solicitors struck off.

## Sports

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### Notable Sports cases

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Conducted inquiry for Sport England into World Class Payments Bureau and reported on governance arrangements in National Governing Bodies of Sport.

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Ongoing case acting for a manufacturer in a dispute concerning Formula 1.

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Chaired panel into alleged misconduct by athletes at the European Championships.

## Directory Quotes

*"He has a fantastically sharp mind, cuts through to the core issues and is extremely pleasant to deal with." "He is a very smooth operator and has the ear of the court."*

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Chambers & Partners

*"Incredibly bright and hard-working. He is a pleasure to work with and is counsel of choice for the most difficult and high-profile cases." "He has tremendous authority in the courtroom, pays great attention to detail and is able to cut through complex issues in a pragmatic and insightful manner. He always makes himself available, despite his busy diary."*

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Chambers & Partners

*"Academically very gifted, a peerless advocate, and provides very wise counsel in terms of analysis and strategy."*

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The Legal 500

*"Tim is one of the most eloquent and knowledgeable advocates around and his knowledge in public and regulatory law is second to none and unrivalled. Nothing is ever too much trouble for Tim in terms of turning work around to very tight deadlines and his ability to think quickly and innovatively on his feet is phenomenal."*

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The Legal 500

*"An exceptional barrister who has very good judgement and is very well respected." "He remains a class act."*

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Chambers & Partners

*"Still the preeminent silk for solicitors' professional regulatory work. Incredibly experienced, with excellent judgment on the really difficult calls. Great in a crisis and always keeps a cool head. Excellent with clients. A persuasive advocate whose cross-examination is very effective. Commands the respect of the Court."*

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The Legal 500

*"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."*

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Chambers & Partners

*"The premier silk for thorny regulatory, compliance and solicitor negligence issues. The breadth of his experience inspires confidence in his balanced and pragmatic advice."*

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The Legal 500

*"A true leader in the field. He commands the confidence and respect of regulatory clients in all fields."*

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Chambers & Partners

## Directory Rankings

Chambers & Partners

- Administrative & Public Law
- Financial Services
- Professional Discipline (Star Individual)
- Professional Negligence

The Legal 500

- Financial Services Regulation

- Insurance & Reinsurance
- Professional Disciplinary & Regulatory Law (Tier 1)
- Professional Negligence (Tier 1)

## Appointments, Memberships and Prizes

- 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

## Publications

- Contributor to the *Guide to the Legal Services Act 2007* (Butterworths)

## Languages

- French (fluent)
- German (basic knowledge)

## Awards

