

David Phillips QC

Call: 1976
QC: 1997



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Practice Overview

Although he provides general advice in a variety of non-contentious matters, David is best known in the field of commercial litigation/dispute resolution. David sees the objective of litigation as being to secure for the client the most advantageous result in the least costly and least time consuming way possible. David is pleased that some of his most successful work will never be in the public domain. David recognises the importance of team work and of dealing with the work efficiently in a relaxed manner.

Contact Details

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Professional Reputation

The *Legal 500*, 2009 ranks David as a 'leading silk' in Sports law. It describes him as a "disarmingly talented" sports expert.

Chambers & Partners, 2009 comments that David "attracts praise for bringing potentially damaging proceedings to a swift conclusion out of the public eye". An earlier edition of *Chambers & Partners* described David as a "barrister who doesn't make a song and dance about things but just gets them done".

Memberships

David is a legal chairman of the:

- National Anti-Doping Panel
- Sport Resolution panel, and
- Great Britain Greyhound Board appeal panel.
- He is a legal member of the FA Judicial Panel, and of the FAPL Disciplinary Panel.

David sits regularly as an arbitrator on these bodies.

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Key Commercial areas:

[Sports law](#)

[Transport law](#)

[General commercial](#) (England and Wales)

[General commercial](#) (offshore)

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David's practice encompasses all aspects of commercial and general litigation both in England and Wales and abroad (Gibraltar, Switzerland, Monaco, and the Caribbean).

In England and Wales David is as well-known for his work in the fields of sport and of road transport regulation (both of which he sees as being no more than examples of commercial litigation) as he is for mainstream commercial litigation.

In recent years David has represented (in the UK and before the Court for Arbitration in Sport in Switzerland) a number of football clubs (Chelsea, Fulham, Middlesbrough, Leeds, Barnsley, Rotherham and Halifax) in a wide range of commercial, regulatory and employment matters.

David represented Leeds in its challenge to the Football League's decision to deduct 15 points; and the Renault Formula 1 team in its dispute with McLaren before the World Motor Sport Council. He continues to be involved in major road transport issues (both regulatory and litigation), including all aspects of European legislation.

David is and has recently been heavily engaged in a variety of contentious and advisory work in the Caribbean including representing Bahamasair (in the Bahamas), the Cap Juluca resort (in Anguilla & St Lucia), the Government of the Turks & Caicos Islands (in the Turks & Caicos Islands), and Philippine commercial interests (in the British Virgin Islands).

Other areas of David's expertise range across the general commercial field, including property, financial and professional indemnity matters.

Sports law

David's work in the field of sports law includes :

Downing v SLD Enterprises Ltd [2008 - 2009 and continuing].

Halifax Town v The Football Conference [2008] (the dispute arising out of Halifax's insolvency).

Leeds United v The Football League [2008] (the 15 point deduction litigation).

Levi v Taylor [2008] (the extent of the personal liability of a director of a football club).

Renault F1 [2007] (McLaren's complaint of appropriation of its intellectual property rights).

de Lucas v Chelsea FC [2005] (a contractual dispute between Chelsea FC and a former player).

Fulham FC v Tigana [2004] (the dispute between Fulham and its former manager, Jean Tigana).

Middlesbrough FC v Liverpool FC & Zeige [2004] (the litigation arising out of Liverpool's transfer of Christian Zeige).

Middlesbrough FC v IPC [2001] (litigation following Middlesbrough's transfer of Juninho from São Paulo in October 1995).

Hearings before FAPL first instance and appellate tribunals: *Bosnich v Chelsea FC* [2003] (a variety of hearings following Chelsea's dismissal of Mark Bosnich for taking cocaine).

Court of Arbitration in Sport (Lausanne) in appeals from FIFA decisions in *Olympique Lyonnais v Fulham FC* [2003] (the Marlet transfer).

Juventus v Fulham FC [2004] (the van der Sar transfer) and *Valencia v Fulham FC* (2005) (the Carew transfer).

In 2006 David advised the *Turkish Grand Prix* in relation to its disciplinary hearing before the FIA.

David is a legal chairman of the National Anti-Doping Panel, the Sport Resolution panel, and the Great Britain Greyhound Board appeal panel. He is a legal member of the FA Judicial Panel, and of the FAPL Disciplinary Panel. David sits regularly in these capacities as an arbitrator.

Transport law

David's work in the field of road transport law includes -

Traffic Commissioners: *GJ Cooper Holdings* [2009] *James Jack Lifting Services Ltd* [2009]; *SITA (Metal Recycling) Ltd* [2008]; *EASCO* (Sheffield) Ltd [2007]; *Hinkcroft Transport Ltd* [2007]; *Alloyde* [2007]; *DJL Recycling Ltd* [2007]; *London Skips Ltd* [2007]; *Lynx Transport* [2006]; *Eddie Stobart* [2005]; *UPS* [2004]; *Clarkes Coaches* [2004];

The Transport Tribunal: *KDL Transport* [2008]; *David Lloyd* [2006]; *Bryan Haulage* [2003]; *Dukes Transport* [2002]; the Court of Appeal: *Romantiek Transport BVBA* [2008];

The Divisional Court, and the House of Lords: *Cantabrica Coaches v Vehicle Inspectorate* (2001); *Bruce Cook v Vehicle Inspectorate* [1999].

General commercial field - England & Wales

David's work in the general commercial field includes:

- Nuisance cases between local residents and a national waste contractor (*Douglas & Ors v SITA Southern Ltd* and *Thornhill & Ors v SITA MR Cambridge Ltd* (2006 - 2009)).
- Test case arbitration for local authority concerning its contractual relationship with external service providers (*Middlepatch Ltd v Vale of Glamorgan Council* (2007 - 2009 and continuing)).
- Litigation (in England and in Utah) arising out of the allegedly dishonest sale of Intellectual Property rights by an insolvent Utah company to a BVI company: issues include jurisdiction issues under the EU Judgment Regulation (*Catalyst v Lewinsohn* [2008 - 2009 and continuing]).
- Litigation between a hedge fund and bank concerning the value of

discounted accounts (*HLCF v Barclays* [2008 - 2009 and continuing]).

- Claim arising out of construction refurbishment contract (*Daiichi Sankyo v TDA Interiors* [2008 - 2009 and continuing]).
- Appeals from Solicitors Disciplinary Tribunal to Divisional Court and Court of Appeal (*Yerelomous & Gregory*) [2008].
- Dispute between Kenyan flower growers and their Dutch bulb supplier (*Homegrown (Kenya) v Zabo Plant* [2008]).
- Past matters include: advising provincial and City firms of solicitors over partnerships issues.
- Professional indemnity cases for and against barristers, solicitors and accountants; appeal from the Bar Disciplinary Tribunal.
- Chancery litigation following property development partnership dispute.
- International Chamber of Commerce (Paris) arbitration arising out of a corporate acquisition agreement.
- Claim against a bank alleging civil fraud and negligence.
- Advice and appearances before and appeals from disciplinary and regulatory tribunals.
- Complex litigation following exposure of tax avoidance scheme (*Collier v Collier* [2002]) in which the Court of Appeal considered the ambit of the doctrine of illegality in contract.

General commercial field - Overseas

David's work in the general commercial field includes:

- Advising and representing a hotel resort in litigation in the Anguillan High Court, the Eastern Caribbean Court of Appeal, and before the Privy Council (the *Cap Juluca* litigation [2003 - 2009 and continuing]);
- Representing the Governor of the Turks & Caicos Islands and Sir Robin Auld in the judicial reviews and other litigation arising out of the Commission of Inquiry into governmental corruption, including hearings in the High Court and Court of Appeal as well as considerable advisory work (*Ex parte Hoffmann & Kinay* [2008 - 2009 and continuing]).
- Representing Philippine commercial interests in litigation in the British Virgin Islands (*Tristar Global Holdings Corp v Tija & Ors* [2009]).
- Advising a British Virgin Island resident in connection with corporate fraud proceedings in the USA, including negotiations over immunity from prosecution [2009].
- Litigation in the Bahamas alleging misfeasance in public office and associated wrongdoings (*Major* [2008 - 2009 and continuing]).
- Litigation in the Bahamas for the government airline against a conglomerate of international oil companies (the *Bahamasair* litigation [2005 - 2007]);
- Appearance before the World Motor Sport Council in Monaco (*Renault F1* [2007]).

- Advising the Turkish Grand Prix in relation to a FIA disciplinary hearing in Paris [2006].
- Representing the Government of the Turks & Caicos Islands in judicial review of planning decisions (*Ex parte Anspach* litigation [2006]).
- Advising and appearing in Gibraltar in litigation arising out of a dispute over a commercial construction agreement (*Hopefield v Mowlem* [2004]).

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