



## David Phillips

Call: 1976

QC: 1997

dphillips@wilberforce.co.uk

*“A hardworking  
and charming  
individual”*

The Legal 500, 2014

## Memberships

- Welsh Circuit
- Door tenant 30 Park Place, Cardiff
- Door tenant 20 The Sands Barristers Chambers, St Kitts
- Associated with Messrs Karam & Missick, Turks & Caicos Islands
- Chancery Bar Association
- COMBAR
- FAPL Board (Legal Member)
- FA (Legal Member)
- Professional Negligence Bar Association
- CIArb

## Practice Overview

David advises and litigates in a broad range of commercial matters including professional liability, regulatory, sports related matters and EU transport regulation, as well as mainstream commercial litigation. Over the past fifteen years David's practice has developed to extend to a variety of overseas jurisdictions, most notably in a number of Caribbean countries (Anguilla, Antigua, BVI, St Lucia, St Vincent, Trinidad, Turks and Caicos Islands) but also Ireland, Bermuda, Gibraltar and Switzerland.

David has sat as a Recorder and a Deputy High Court Judge for more than twenty years. He is a Fellow of the Chartered Institute of Arbitrators, and regularly appears both as an advocate and legal chairman in domestic and international arbitrations. He is a legal member of the Football Association specialist panel, and of the FA Premier League panel. David is a Sport Resolutions appointed arbitrator, and a former tribunal chairman of the National Anti-Doping Panel.

In 2009 David was instructed by the Foreign and Commonwealth Office and the Governor of the Turks and Caicos Islands as leading counsel to head the Islands' Civil Recovery project. Since then David has been extensively involved in planning and executing the ensuing claims. Some have been resolved without litigation but many have been litigated. So far in excess of \$21 million in cash and more than 2,447 acres of land have been recovered. David has conducted a large number of trials in the Supreme Court, appeals to the Court of Appeal and the Privy Council, mostly in the field of civil fraud/asset recovery but also in relation to related issues such as land registration and stamp duty. Most recently David succeeded in the Privy Council in Attorney General of the Turks and Caicos Islands v Akita [2017] AC 590, a case which explores the extent to which an account of profits may be recovered in unconscionable receipt claims. The Akita litigation now continues in the Turks and Caicos Supreme Court.

David's years of experience with the Turks and Caicos Civil Recovery programme have developed his skills of working in a team. The Turks and Caicos team was made up of other counsel, London commercial litigation solicitors, members of the Attorney General's Chambers, as well as external advisors and experts (forensic accountants, surveyors, valuers, and others). David brings that experience to his more conventional commercial litigation, with positive effect.

## Clerks' Details

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Andrew Barnes tcsqc@wilberforce.co.uk  
Luke Farmer  
Nick Redmond

## Qualifications and Appointments

### Appointments

- Deputy High Court Judge
- Recorder
- Sport Resolutions appointed arbitrator

### Education

#### Balliol College, Oxford

- 1975 BA (Hons) Jurisprudence
- 1996 MA

#### Gray's Inn, London

- 1976 Called to the Bar
- 1977 Arden, Atkin, Mould & Reid prizewinner
- 1997 Appointed Queen's Counsel
- 2004 Elected Bencher of the Inn



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### Bar Memberships

- England & Wales
- Anguilla
- British Virgin Islands
- Gibraltar (pro hac)
- Turks and Caicos Islands (both pro hac and special)

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### Practice Overview continued

David wins plaudits for being a highly effective, no-fuss, easy to work with practitioner. He is recognised in Who's Who Legal 2017 for his expertise in Sports' Law and is rated as a Leader in his Fields in both The Legal 500 and Chambers Directories. The latter has described David as being "disarmingly talented" and has commented that "*his advocacy contains razor-sharp insight camouflaged by gossamer-soft presentation*". In the 2017 edition of The Legal 500, he is described as "*top rated*".

### Professional Liability

In the past David had a claimant based practice involving claims against professionals – predominantly solicitors, surveyors and accountants. More recently has been predominantly instructed by defendants and their insurers. Of late David has been regularly instructed by the Bar Mutual in commercial claims arising out of or connected with the football industry.

#### David's recent experience includes the following:

- Representing a lawyer in a potentially high profile multi-million pound claim advanced by a premier league club. The claim was successfully managed so that the threatened proceedings were never issued. An example of how the correct strategy can lead to an early resolution of a dispute.
- Defending a national firm of solicitors against a claim brought by a mobile telephone application designer. The complaint was that the solicitors had failed properly to protect the intellectual property rights. The case was dismissed following a five-day trial.