



Sandy Phipps

Barrister

Call 2008



Scope of Practice

• Agency • Arbitration • Banking & Finance • Breach of Warranty • Civil Fraud • Commercial Litigation • Company and Insolvency • Economic Torts • Enforcement of Judgments • Guarantees • Injunctions and Search Orders • Jurisdiction and Conflict of Laws • Professional Negligence and Liability • Restitution • Sale of Goods and Supply of Services • State Immunity

Overview

Sandy Phipps is a leading junior with a broad, multi-jurisdictional practice. He has been described as one of the **“big names of his generation”** (Chambers and Partners) and a **“leading member of the Commercial Bar”** (Legal 500).

Sandy’s speciality is complex commercial disputes, often with an international dimension. He has appeared in or advised on disputes at all levels of the English courts, as well as disputes in arbitration and in foreign courts (including the courts of the Cayman Islands, the BVI, France, Saudi Arabia, Hong Kong, the United States and Australia).

Sandy also has extensive experience of advising clients in connection with disputes in other forums, including internal investigations, regulatory or law enforcement investigations (including by the Financial Conduct Authority, the Serious Fraud Office, and the United States Department of Justice), and Parliamentary and other public inquiries.

Alongside his practice, Sandy maintains an active interest in academic law. He has published in areas including banking law, contract, jurisdiction and civil procedure. He is a regular contributor to, and sits on the editorial board of, the *Journal of International Banking & Financial Law* and writes the chapter on guarantees in one of the leading banking law textbooks.

Examples of Recent Cases

Banking & Finance

- **Stichting Vestia v Barclays** Acting for the defendant bank in Commercial Court proceedings relating to interest rate derivative transactions entered into by a Dutch social housing authority (led by Patrick Goodall KC).
- **Kallakis v AIB Group**
Acting for the defendant bank in Commercial Court proceedings relating to the alleged fraudulent undervalue sale of a portfolio of mortgaged properties.
- **Various Claimants v Doha Bank Ltd**
Acting for the defendant bank in King's Bench Division and Commercial Court proceedings alleging involvement in terrorist financing in Syria (led by Hannah Brown KC).
- **ECU Group v HSBC**
Acting for the defendant bank in Commercial Court proceedings involving allegations of foreign exchange rate manipulation and front running (led by Kenneth MacLean QC).
- **Public inquiry**
Advising a major UK business in connection with a high profile public inquiry carried out by a retired High Court Judge.
- **Conduct advice**
Advising a member of the senior management of a major UK bank on issues relating to the FCA's / PRA's Senior Managers Regime.
- **Libyan Investment Authority v Societe Generale**
Acting for the defendant bank in connection with multi-billion dollar claims brought by the Libyan sovereign wealth fund alleging fraud and corruption (led by Adrian Beltrami QC and Anthony de Garr Robinson QC).
- **Financial Services Compensation Scheme v Paragon Personal Finance**
Acting for the defendant lender in a claim brought by the FSCS in relation to the alleged mis-selling of payment protection insurance (led by Ian Wilson QC).
- **Plevin v Paragon Personal Finance Ltd**
Acting for the defendant lender in an appeal to the Supreme Court regarding the unfair relationship provisions of the Consumer Credit Act 1974 (led by Jonathan Crow QC).
- **CF Partners (UK) LLP v Barclays Bank Plc**
Acting for the defendant bank in resisting breach of confidence claims relating to the acquisition of a listed Swedish green energy firm (led by Ewan McQuater QC and David Quest QC).

Civil Fraud

- **Kallakis v AIB Group**
Acting for the defendant bank in Commercial Court proceedings relating to the alleged fraudulent undervalue sale of a portfolio of mortgaged properties in 2007.
- **St John's Trust Company v Tamine**

Acting for the respondent to an application for a freezing order and other relief in connection with overseas proceedings and against the background of a criminal investigation by the United States Department of Justice (led by Adrian Beltrami QC).

- **Bluewaters v Ecclestone**

Acting for Bernard Ecclestone in Commercial Court proceedings alleging bribery and corruption in connection with the sale of the Formula One motor racing business in 2005 (led by Robert Miles QC and Richard Hill QC).

- **Libyan Investment Authority v Societe Generale**

Acting for the defendant bank in connection with multi-billion dollar claims brought by the Libyan sovereign wealth fund alleging fraud and corruption (led by Adrian Beltrami QC and Anthony de Garr Robinson QC).

- **Ahmad Hamad Algosaibi Brothers Co v Al Sanea**

Cayman Islands proceedings arising out of an alleged US\$9.2 billion fraud (led by Ewan McQuater QC).

- **Bloomsbury International Limited (in administration) & Ors v Holyoake & Ors**

Acting in substantial fraud proceedings for the administrators of the British Seafood group (led by Ewan McQuater QC).

Commercial Disputes

- **Al Sadeq v Dechert**

Acting for the Defendant in King's Bench Division proceedings alleging misconduct by solicitors in connection with a foreign fraud investigation.

- **Gerrard v Eurasian National Resources Corp**

Acting for the Claimant in Queen's Bench Division proceedings in relation to alleged harassment and covert surveillance (led by Adam Wolanski QC).

- **Specialty Magnetics v Agilent Technologies**

Acting for the claimant in a Commercial Court breach of warranty claim in relation to the sale of a superconducting electromagnet.

- **Bluewaters v Ecclestone**

Acting for Bernard Ecclestone in Commercial Court proceedings alleging bribery and corruption in connection with the sale of the Formula One motor racing business in 2005 (led by Robert Miles QC and Richard Hill QC).

- **Share sale agreement breach of warranty dispute**

Acting for the seller in a threatened breach of warranty claim relating to the sale of a substantial meat processing business, including in connection with an expert determination regarding the payment of deferred consideration.

- **Parliamentary inquiry**

Advising an individual in connection with a Parliamentary inquiry into the collapse of a well-known UK high street chain.

- **Gudavadze & Ors v Anisimov**

Acting for Vasily Anisimov in his defence of claims brought by the estate of the late Badri Patarkatsishvili (led by Ali Malek QC and Sonia Tolaney QC).

- **Berezovsky v Hine**

Acting for Vasily Anisimov and businesses owned by him in their defence of claims brought by Boris Berezovsky (led by Ali Malek QC and Sonia Tolaney QC).

- **NML Capital Limited v Republic of Argentina**

Appeal to the Supreme Court concerning issues of sovereign immunity and civil procedure in the context of proceedings to enforce a foreign judgment (led by Jonathan Sumption QC).

- **REC Wafer Norway AS v Moser Baer Photo Voltaic**

Acting for the claimant seller in successful Commercial Court proceedings for an anti-suit injunction to restrain the prosecution of proceedings in India brought by the defendant buyer (led by Stephen Phillips QC).

- **ICC arbitration**

Acting for the respondent to an ICC arbitration in a substantial sale of goods dispute relating to silicon wafers used in the production of solar panels (led by Stephen Phillips QC).

Insolvency & Restructuring

- **Administrator claims**

Advising the directors of a collapsed national High Street business on claims threatened by the business's administrators (led by Robin Dicker QC and Sonia Tolaney QC).

- **Section 423 claim**

Advising a foreign bank on possible section 423 claims in relation to a fraud committed on a foreign company (led by Danial Tolendano QC).

- **Section 423 claim**

Advising a major UK corporate in connection with threatened proceedings under section 423 of the Insolvency Act 1986 (led by Robin Dicker QC).

- **Insolvency bonding**

Advising a major accountancy firm in relation to issues regarding the bonding of the firm's insolvency practitioners (led by Ian Wilson QC).

- **Quarry Hill v Hersov**

Acting for the liquidators of an investment company in misfeasance and wrongful trading claims against a former director (led by Ewan McQuater QC).

- **Bloomsbury International Limited (in administration) & Ors v Holyoake & Ors**

Acting in substantial fraud proceedings for the administrators of the British Seafood group (led by Ewan McQuater QC).

Notable Decisions

- **Hashwah v Qatar National Bank** [2022] EWHC 2242 (Commercial Court) – state immunity

- **ECU Group v HSBC Bank** [2021] EWHC 2875 (Commercial Court) – foreign exchange

- **BB v Khayyat** [2022] EWHC 904 (King's Bench Division) – strike out

- **Specialty Magnetix v Agilent Technologies** [2020] EWHC 2193 (Commercial Court) [2020] 1 All ER 1001 strike out / summary judgment
- **Gerrard v Eurasian Natural Resources Corp** [2020] EMLR 8 (Queen's Bench Division) [2020] 1 All ER 1001 harassment and legal professional privilege
- **Kallakis v AIB Group** [2020] EWHC 460 (Commercial Court) – strike out / summary judgment
- **Evison Holdings v International Co Finvision** [2019] EWHC 3057 (Commercial Court) – anti-suit injunctions
- **SBR Soletanche Bachy v Crown Financial and Merchant Bank** [2019] EWHC 1606 (Commercial Court) [2019] 1 All ER 1001 demand guarantees
- **ECU Group v HSBC Bank** [2018] EWHC 3045 (Commercial Court) – collateral use of disclosed documents
- **Bluewaters Communications Holdings v Bayerische Landesbank** [2018] EWHC 78 (Commercial Court) [2018] 1 All ER 1001 security for costs
- **Libyan Investment Authority v Societe Generale** [2017] EWHC 2631 (Commercial Court) [2017] 1 All ER 1001 collateral use of disclosed documents
- **Plevin v Paragon Personal Finance** [2014] 1 WLR 4222 (Supreme Court) [2014] 1 All ER 1001 unfair relationships under the Consumer Credit Act 1974
- **CF Partners v Barclays Bank** [2014] EWHC 3049 (Chancery Division) – banking and breach of confidence
- **Stokors v IG Markets** [2012] EWCA Civ 1706 (Court of Appeal) – security for costs and procedural appeals
- **NML Capital v Republic of Argentina** [2011] 2 AC 495 (Supreme Court) [2011] 1 All ER 1001 state immunity and the enforcement of judgments
- **British Arab Commercial Bank v Algosaihi** [2011] EWHC 2444 (Commercial Court) – charging orders
- **REC Wafer Norway v Moser Baer Photo Voltaic** [2011] 1 Lloyd's Rep 410 (Commercial Court) [2011] 1 All ER 1001 anti-suit injunctions
- **Re Bloomsbury International** [2010] EWHC 1150 (Chancery Division) [2010] 1 All ER 1001 freezing orders and the fortification of cross-undertakings

What the Directories Say

"Sandy Phipps has an incredible recall of factually complex matters and applicable law."

"He is a superstar in the making; I think he's got really stellar abilities."

"Sandy Phipps is fiercely intelligent and gets to the point very quickly without wasting words or time."

"Incredibly hard working, decisive and someone with excellent judgement."

"Sandy is a class act, who is a beautiful drafter. He's a very good team player, who is highly responsive."

"Sandy Phipps is excellent. He gives concise, insightful advice on fiendishly complex issues."

"Sandy is tactically astute, very technically able and always available to bounce ideas off."

'Sandy is incredibly easy to work with, always approachable and responsive, and respectful of others' boundaries and working patterns. His advocacy is calm, measured and persuasive.'

'Brilliant analysis, writes beautifully, incredibly hardworking, and a pleasure to work with.'

"Sandy is operating at a KC level - he is very approachable, responsive and bright."

"Sandy is a really strong advocate, who delivers advice with empathy and compassion."

"Sandy is a simply brilliant senior junior. His work on major pieces of litigation is outstanding. He is also incredibly calm and a pleasure to work with. Just great."

"An excellent technical banking lawyer with strong drafting skills. Very user-friendly."

Sandy can "digest a large amount of material quickly to provide sound commercial, legal and tactical advice, and shows excellent attention to detail" and has "a razor-sharp brain that cuts to the answer quickly and with no nonsense."

"A superb junior, with an ability quickly to master the most complex brief and focus in on the key issues on which the case will turn."

"He's excellent. Very user-friendly, engaged and over the detail."

"Very good in court, academic and client-friendly. A top performer."

Sandy has been named by *Legal Week* as one of its 'Stars at the Bar' and he is listed by Who's Who Legal as a 'Future Leader.' He is ranked as a leading junior in Commercial Dispute Resolution and Banking and Finance by Chambers & Partners, Legal 500 and Who's Who Legal. In 2022 he was nominated for Banking and Finance Junior of the Year at the Chambers UK Bar Awards.

Publications

- Regular contributor to the Journal of **International Banking & Financial Law**
- Contributing author, **Paget's Law of Banking**
- "Reform of anti-assignment clauses" (2018) 33(8) **Journal of International Banking & Financial Law** 490
- 'Protecting the New Dawn for Alternative Assets: Lessons from Recent Financial Services Litigation' [2010] IFC Review (with Sonia Tolaney QC)
- 'Resurrecting the Doctrine of Common Law Forbearance' (2007) 123 **Law Quarterly Review** 286
- 'Non-party compensation for wrongful interim injunctions: Smithkline Beecham plc v Apotex Europe Ltd [2006] EWCA Civ 685' (2007) 26 **Civil Justice Quarterly** 10
- 'The Application of the ALI/UNIDROIT Principles and Rules of Transnational Civil Procedure to New South Wales' (2004) 4 **Uniform Law Review** 1 (with the Hon Justice C.R. Einstein, Supreme Court of New South

Wales)

- 'Trends in International Commercial Litigation in Australia Part I - The Present State of Foreign Judgment Enforcement Law' (2005) 3 **IPRax** (with the Hon Justice C.R. Einstein)
 - 'Trends in International Commercial Litigation in Australia Part II - The Future of Foreign Judgment Enforcement Law' (2005) 4 **IPRax** (with the Hon Justice C.R. Einstein)
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Education

- Bachelor of Arts (Hons 1st Class), Australian National University
 - Bachelor of Laws (Hons 1st Class), Australian National University
 - Bachelor of Civil Laws (Distinction), University of Oxford
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Awards & Scholarships

- 2005 - Chevening Oxford-Australia Fund Scholarship
 - 2003 - University Medal in Law
 - 2003 - Attorney-General's Prize
 - 2003 - Marie Ayers Prize for Criminal Justice
 - 2002 - Harmers' Prize for Work and Law 2
 - 2001 - C.M. Williams Prize in History
 - 2000 - H.C. Coombs Honours Scholarship in Arts
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Professional Affiliations

- Lincoln's Inn
 - COMBAR
 - South Eastern Circuit
 - Anglo-Australian Lawyers Society
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Awards



Contact Clerks



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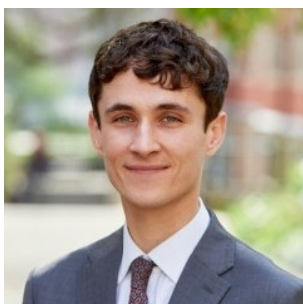


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