

ESSEX COURT CHAMBERS

BARRISTERS



PHILIPPA HOPKINS

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PROFESSIONAL PRACTICE

Philippa has a broad and varied commercial dispute resolution practice. She acts and advises both in court proceedings and in arbitration, and has appeared before a wide variety of courts (including the Court of Appeal) and arbitration tribunals. Philippa is equally happy acting alone or as part of a team, and appears regularly both as a junior on very substantial cases and as sole counsel. She has extensive experience of heavy and complex cases in the Commercial Court and in arbitration, and of applications for interim relief. Her work is largely international in nature, often involving complex private international law issues. She has a particular interest and expertise in shipping matters.

Recognised annually by the legal directories, clients have described Philippa as “a tremendous advocate”, “incisive, robust and commercial” and “a very intelligent and responsive barrister”.

As well as her advocacy and advisory work, Philippa sits regularly as an arbitrator.

Philippa took a career break for most of 2012 and 2013, following the birth of her third child, but is now back in full time practice.

AREAS OF EXPERTISE

- Arbitration & related court applications
- Banking & financial services
- International trade, transport & commodities
- Media, art, entertainment

- Commercial dispute resolution
- Conflict of laws & private international law
- Energy & natural resources
- Insurance & reinsurance
- Private international law
- Professional negligence
- Shipping & admiralty

WHAT OTHERS SAY

- *“A true shipping specialist”* (**Chambers UK Bar 2015 – Shipping and Commodities**)
- *“A very intelligent and responsive barrister”* (**Legal 500 2014 – Shipping**)
- *“... vital common sense in problem solving...”* (**Legal 500 2014 – Insurance and Reinsurance**)
- *“A versatile commercial barrister with a good track record in banking and finance work”* (**Legal 500 2014 – Banking and Finance**)
- *“A bright and highly competent practitioner... she has always been very solid indeed”* (**Chambers UK Bar 2014 – Shipping and Commodities**)
- *“standout juniors include... Philippa Hopkins, who is “very strong on shipping matters”* (**Legal 500 2013 – Shipping**)
- *“...highly regarded for her expertise in shipping and commodities law, particularly on the dry side. She is a “tremendous advocate” who “knows shipping law so well you can guarantee she will give you the right answer every time”* (**Chambers UK Bar 2013 – Shipping and Commodities**)
- *“... excellent senior junior...”* (**Legal 500 2012 – Commodities**)
- *“... respected senior junior...”* (**Legal 500 2012 – Shipping**)
- *“Philippa Hopkins climbs the rankings this year after receiving accolades for her “successful advocacy style...”* (**Chambers UK Bar 2012 – Shipping and Commodities**)
- *“...has a ‘mind like a razor; she is incisive, robust and commercial”* (**Legal 500 2011 – Insurance and Reinsurance**)
- *“... very clever and practical...”* (**Legal 500 2011 – Shipping**)
- *“... known for her “sensible presentation style and organisational ability”... complimented by one solicitor on her “excellence at marshalling the troops”* (**Chambers UK Bar 2011 – Shipping and Commodities**)
- *“... intellectually impressive, a good advocate...”* (**Legal 500 2010 – Commodities**)

EXAMPLES OF RECENT CASES

Recent cases, which are typical of Philippa’s practice, include the following:

- *Euroil Ltd. v. Cameroon Offshore Petroleum SARL* [2014] EWHC 52 (Comm), [2014] EWHC 215 (Comm): setting aside of injunction relating to performance of joint operating agreement for Cameroon gas field
- *Cottonex Anstalt v. Patriot Spinning Mills Ltd.* [2014] 1 Lloyd's Rep. 615: scope of, and limits on, appeals under section 69 of the Arbitration Act 1996
- *Atlas Navios-Navegação Lda v. Navigators Insurance Co.: The "B Atlantic"* [2012] 1 Lloyd's Rep. 629: operation of exceptions in marine war risks insurance
- *Royal Bank of Scotland plc v. Highland Capital Partners LP* [2012] EWHC 1278 (Comm) – setting aside of anti-suit injunction for want of clean hands by applicant)
- Philippa acted as junior counsel for Accenture in the long-running *GB Gas Holdings Ltd. v. Accenture UK Ltd.*

ARBITRATION & RELATED COURT APPLICATIONS

Philippa has been involved in a wide range of domestic and international arbitrations (including ICC and LCIA arbitrations), and in related court applications. Instructions have included:

- acting for a major pharmaceuticals company in relation to a dispute with a product licensor;
- acting for a power station in relation to a dispute with the designers of the station's gas turbines;
- acting for a coal production company in a dispute relating to a long term coal supply agreement;
- regular instructions in shipbuilding, shipping (see below) and insurance/reinsurance arbitrations.

Philippa's reported cases in this field include the following:

- A series of cases relating to appeals on points of law and jurisdictional challenges to awards of the International Cotton Association Ltd.: *A. Ltd. v. B. Ltd.* [2015] EWHC 137 (Comm.) (Phillips, J.) and [2014] 2 Lloyd's Rep. 393 (Andrew Smith, J.), *Cottonex Anstalt v. Patriot Spinning Mills Ltd.* [2014] 1 Lloyd's Rep. 615 (Hamblen, J.), *Dunavant Enterprises Inc. v. Olympia Spinning and Weaving Mills Ltd.* [2011] 2 Lloyd's Rep. 619 (Burton, J.);
- *UR Power GmbH v. Kuok Oils & Grains Pte Ltd.* [2009] 2 Lloyd's Rep 495 (Gross, J.): FOSFA arbitrations; severability of arbitration agreements; time limits applicable to 2-tier arbitrations;
- *Nisshin Shipping Co Ltd v Cleaves & Co Ltd & Ors* [2004] 1 Lloyd's Rep 38 (Colman, J.), relating to the arbitration provisions of the Contracts (Rights of Third Parties) Act 1999;
- *CMA CGM S.A. v Beteiligungs-kommanditgesellschaft MS Northern Pioneer Schiffahrtsgesellschaft Mbh & Co & Ors* [2003] 1 WLR 1015 (CA), in which the Court of Appeal considered the principles governing the seeking of permission to appeal from arbitration awards under the Arbitration Act 1996.

Philippa also regularly acts as an arbitrator; she has accepted appointments under the auspices of the ICC, the LCIA and the MYBA, as well as in ad hoc arbitrations. She sits both as a sole arbitrator and as part of a panel.

BANKING & FINANCIAL SERVICES

The Legal 500 directory recommends Philippa as a leading junior in this area. Notable cases include:

- *Royal Bank of Scotland plc v. Highland Capital Partners LP* [2012] EWHC 1278 (Comm) (Burton, J. – setting aside of anti-suit injunction for want of clean hands by applicant)
- *Uzinterimpex JSC v. Standard Bank plc* [2008] 2 Lloyd's Rep. 456 (CA) (mitigation in the context of conversion, standard of knowledge in context of a knowing receipt claim)

COMMERCIAL DISPUTE RESOLUTION

Philippa acts and advises in a wide range of general commercial disputes. Her practice includes injunctive work, including freezing orders and anti-suit injunctions, and commercial fraud. She has experience of dealing with public international law issues, such as state immunity, in the context of commercial litigation. She regularly acts in disputes involving both domestic and international sales of goods, and has been involved in a number of disputes concerning the sale and supply of computer software. Amongst her reported cases are:

- *Euroil Ltd. v. Cameroon Offshore Petroleum SARL* [2014] EWHC 52 (Comm), [2014] EWHC 215 (Comm): setting aside of injunction relating to performance of joint operating agreement for Cameroon gas field;
- *GB Gas Holdings Ltd. v. Accenture UK Ltd.* [2010] EWCA Civ 912 (Field, J and CA): Philippa acted as the junior for Accenture in this high-profile and long-running commercial dispute;
- *Cooper Tire & Rubber Co. Europe Ltd. v. Dow Deutschland Inc.* [2010] EWCA Civ 864 (CA): claim for damages arising from illegal cartel in the synthetic rubber industry; jurisdictional dispute;
- *Statoil ASA v. Louis Dreyfus Energy Services LP (The "Harriette N")* (Aikens, J.) [2008] 2 Lloyd's Rep 685: contract formation, unilateral mistake;
- *Kensington International Ltd. v. Republic of Congo* [2008] 1 Lloyd's Rep. 161 (CA): privilege against self-incrimination, application of Fraud Act 2006;
- *The "Laemthong Glory" (No. 2)* [2005] 1 Lloyd's Rep 668 (CA): Contracts (Rights of Third Parties) Act 1999; letters of indemnity;
- *The "Laemthong Glory" (No. 1)* [2005] 1 Lloyd's Rep 100 (Colman, J.): principles governing

renewed applications for injunctive relief;

- *Nisshin Shipping Co Ltd v Cleaves & Co Ltd & Ors* [2004] 1 Lloyd's Rep 38 (Colman, J.): the first case on the Contracts (Rights of Third Parties Act) 1999 to come before the courts;
 - *Molestina v. Ponton* [2002] 1 Lloyd's Rep 271: appropriate test for summary judgment (Colman, J.);
 - *Lonrho v. Export Credits Guarantee Department* [1999] Ch 158 (Lightman, J.): character of Crown receipts under international treaty.
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CONFLICT OF LAWS & PRIVATE INTERNATIONAL LAW

This is a particular interest. Philippa advises regularly in relation to conflicts of law issues, especially jurisdictional issues, including anti-suit injunctions. Reported cases in this field include:

- *Royal Bank of Scotland plc v. Highland Capital Partners LP* [2012] EWHC 1278 (Comm) (Burton, J. (see above));
 - *Cooper Tire & Rubber Co. Europe Ltd. v. Dow Deutschland Inc.* [2010] EWCA Civ 864 (Teare, J. and CA) (see above);
 - *Cavell USA Inc v. Seaton Insurance Co.* [2009] EWCA Civ 1363 (Gross, J. and CA) (see above).
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ENERGY & NATURAL RESOURCES

Philippa is familiar with, and has advised in relation to, a wide variety of upstream and downstream oil and gas contracts, as well as contracts for the hire/charter of drilling rigs, FSPOs and support vessels. She recently acted in a major dispute involving a West African production sharing contract (see *Euroil Ltd. v. Cameroon Offshore Petroleum SARL* [2014] EWHC 52 (Comm)).

INSURANCE & REINSURANCE

Philippa is recommended as a "tier 1" junior by the Legal 500 directory in this field. She appears in a wide variety of marine and non-marine insurance and reinsurance disputes, both in court and arbitration. Reported cases include:

- *Atlas Navios-Navegação Lda v. Navigators Insurance Co.: The "B Atlantic"* [2012] 1 Lloyd's

- Rep. 629 (Hamblen, J.): operation of exceptions in marine war risks insurance;
- *Cavell USA Inc v. Seaton Insurance Co.* [2009] EWCA Civ 1363 (Gross, J. and CA): construction of settlement agreement related to run-off management dispute;
 - *Coromin Ltd. v. Axa Re* [2007] EWHC 2818 (Cooke, J.): reinsurance of contractors' combined insurance policy;
 - *Carvill America Inc. v. Camperdown UK Ltd.* [2005] 2 Lloyd's Rep 457 (CA): brokers' commission dispute;
 - *The "Kleouvoulos of Rhodes"* [2003] 1 Lloyd's Rep 138 (CA): operation of exceptions in policies of marine war risks insurance;
 - *Mander v. Equitas Ltd.* [2000] Lloyd's Rep. IR 420: construction of Equitas reinsurance contract;
 - *Eide U.K. Ltd. v. Lowndes Lambert Group Ltd.* [1999] Q.B. 199 (CA): marine insurance broker's lien on policy;
 - *Lancashire County Council v. Municipal Mutual Insurance Ltd.* [1997] QB 897 (CA): liability insurance and awards of exemplary damages.
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INTERNATIONAL TRADE, TRANSPORT & COMMODITIES

Philippa acts and advises regularly in relation to disputes concerning international sales of goods (including letters of credit). She acts and advises in proceedings in court and arbitration, including trade arbitrations (e.g. GAFTA, FOSFA) and has (unusually) appeared before the FOSFA Board of Appeal. Philippa has advised in disputes relating to the Commercial Agents Regulations, and has acted and advised in disputes relating to the CMR Convention. Reported cases include:

- A series of cases relating to appeals on points of law and jurisdictional challenges to awards of the International Cotton Association Ltd.: *A. Ltd. v. B. Ltd.* [2015] EWHC 137 (Comm.) (Phillips, J.) and [2014] 2 Lloyd's Rep. 393 (Andrew Smith, J.), *Cottonex Anstalt v. Patriot Spinning Mills Ltd.* [2014] 1 Lloyd's Rep. 615 (Hamblen, J.), *Dunavant Enterprises Inc. v. Olympia Spinning and Weaving Mills Ltd.* [2011] 2 Lloyd's Rep. 619 (Burton, J.);
- *UR Power GmbH v. Kuok Oils & Grains Pte Ltd.* [2009] 2 Lloyd's Rep 495 (Gross, J.): FOSFA arbitrations; severability of arbitration agreements; time limits applicable to 2-tier arbitrations.

Philippa frequently accepts instructions in contractual aviation disputes, including disputes relating to the lease and charter of aircraft, acting mainly (but not exclusively) for airlines and for their insurers.

MEDIA, ART, ENTERTAINMENT

Philippa has considerable experience in this field. Instructions have included:

- acting for a well-known TV channel in dispute with a sales house over an airtime sales agreement;
- representing the owners of modern art destroyed in a London warehouse fire;
- acting for a literary agent in a contractual dispute with a rival agency;
- representing a London auction house holding artefacts the subject of a title dispute

PROFESSIONAL NEGLIGENCE

Philippa is regularly asked to advise in connection with, in particular, solicitors' negligence and insurance brokers' negligence claims. She was the junior counsel for the successful underwriters at the trial in *Aneco Reinsurance Underwriting Ltd. v. Johnson & Higgins Ltd.* [1998] 1 Lloyd's Rep 565. She is currently acting for former clients of a major City firm in relation to professional negligence claims arising out of advice given by that firm.

SHIPPING & ADMIRALTY

This is one of Philippa's core practice areas. She is identified as amongst the leading juniors in this area in both the Chambers directory and in the Legal 500 (as a "tier 1" junior). Reported cases include:

- *K Shipping (S) Pte Ltd. v. Petroexport Ltd.: The "Pro Victor"* [2010] 2 Lloyd's Rep 158 (Flaux, J.: repudiation/renunciation of voyage charter);
- *The "Harriette N"* [2008] 2 Lloyd's Rep. 685 (Aikens, J.: contract formation, unilateral mistake, demurrage)
- *The "Laemthong Glory" (No. 2)* [2005] 1 Lloyd's Rep 668 (CA): Contracts (Rights of Third Parties) Act 1999; letters of indemnity;
- *The "Laemthong Glory" (No. 1)* [2005] 1 Lloyd's Rep 100 (Colman, J.): principles governing renewed applications for injunctive relief;
- *Nisshin Shipping Co Ltd v Cleaves & Co Ltd & Ors* [2004] 1 Lloyd's Rep 38 (Colman, J.): the first case on the Contracts (Rights of Third Parties Act) 1999 to come before the courts; shipbrokers' commissions;
- *CMA CGM S.A. v Beteiligungs-kommanditgesellschaft MS Northern Pioneer Schiffahrtgesellschaft Mbh & Co & Ors* [2003] 1 WLR 1015 (CA): principles governing the seeking of permission to appeal from arbitration awards under the Arbitration Act 1996; time charter; war clauses.

As well as appearing regularly in court on shipping cases, Philippa appears in many LMAA and ad-hoc shipping arbitrations (she is a Supporting Member of the LMAA), and advises in relation to a wide range of bill of lading, charterparty and related disputes. She has considerable experience in dealing with complex technical issues. Recent instructions have included:

- acting in an LMAA arbitration involving issues of economic duress;
- representing charterers in a dispute relating to the lengthy detention of a vessel;
- various cargo damage claims.

Philippa's shipping practice also includes acting in ship sale and shipbuilding disputes, mostly in arbitration. Recent instructions include

- acting for buyers in relation to a claim for rescission of a ship sale and purchase agreement for misrepresentation;
- a dispute relating to the provision of refund guarantees in a ship sale contract.

CAREER

- Called to the Bar in **1994** by the Middle Temple
- Joined Essex Court Chambers as a pupil in October **1994**
- Became a tenant at Essex Court Chambers in October **1995**
- Before joining Chambers, Philippa was a law lecturer at Merton College, Oxford from **1993-1994**.
- Philippa worked as a research assistant at the Law Commission in the summer of **1994**. Her work there was published as *Parliamentary Procedures and the Law Commission — A Research Study*, (Law Commission, November 1994).

Philippa assisted Lord Woolf and Sir William Blair in the preparation and drafting of new legislation for the Qatar Financial Centre, and the establishment of the Qatar Financial Centre Civil and Commercial Court.

Philippa is the co-author of Colman, Lyon & Hopkins: *The Practice and Procedure of the Commercial Court* (6th edn.) and was a contributing editor to the 17th edition of *Arnould's Law of Marine Insurance and Average*.

She is a member of the Commercial Bar Association (COMBAR), LCIA Young International Arbitrators Group, the London Common Law and Commercial Bar Association, the British Insurance Law Association and the London Maritime Arbitrators Association (Supporting

Member).

EDUCATION

1993 Merton College, Oxford: BCL – Distinction

1992 Merton College, Oxford: BA, Jurisprudence – First Class (ranked joint first in the university)

AWARDS

1994 Eldon Law Scholarship, awarded annually to the most promising Oxford graduate intending to practise at the Bar

1993 University of Oxford: Martin Wronker Prize (jointly) for the best overall performance in the year in Jurisprudence Final Honour Schools (University final exams)

1991 Middle Temple: Queen Mother's Scholarship

1990 Merton College, Oxford: Postmastership (scholarship)