



Philippe Kuhn

Year of call: 2017

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'Extremely knowledgeable, client-friendly, enthusiastic and proactive. Philippe is technically excellent and has a great ability to boil down complex issues to their basic principles, making it easy for clients to decide on a course of action.' The Legal 500 2024

Philippe has an international practice specialising in cross-border commercial and construction & energy disputes.

He regularly appears as counsel in international commercial disputes in the Commercial Court and Chancery Division in London, international arbitration and offshore jurisdictions (including the BVI and Gibraltar). In particular, civil fraud, banking & financial services, energy, construction, award enforcement, jurisdiction, insolvency and company disputes.

He is ranked as a Rising Star (Tier 1) in Banking & Finance at the UK Bar by The Legal 500 (2024 edition).

Notable current and recent instructions are from clients in Singapore, India, Ukraine, Moldova, China, the UK, Cyprus and across continental Europe. He regularly acts for high net worth individuals, private equity funds, asset management firms, banks, insurers and government bodies.

Philippe has substantial experience in International Chamber of Commerce (ICC), London Court of International Arbitration (LCIA), Stockholm Chamber of Commerce (SCC) and Hong Kong International Arbitration Centre (HKIAC) arbitration and award enforcement proceedings. Relevant cases include ***Stati & Ors v Republic of Kazakhstan***, recently appearing in the Supreme Court of Gibraltar, Court of Appeal for Gibraltar and Privy Council.

Philippe is also admitted to the BVI Bar and called *ad hoc* to the Gibraltar Bar.

Philippe grew up in Switzerland and Sri Lanka, before reading law at the London School of Economics (1st in year) and Oxford (BCL, Distinction) and qualifying as a barrister in England.

Philippe is a native English and German speaker. He also has intermediate French and Sinhala.

Areas of expertise

Commercial

Construction

Construction

Philippe's construction practice covers the full range of construction, energy, technology and residential and commercial property work in international arbitration, the English courts (including the Technology and Construction Court (TCC)) and adjudication.

As junior counsel, he has been led by Marion Smith KC, Adrian Hughes KC, Karim Ghaly KC and Adam Robb KC.

He has substantial experience in ICC, LCIA, SCC and HKIAC arbitration and award enforcement proceedings.

Cases of note:

- **Middle East construction arbitration** – Acting as junior counsel in a high-value construction arbitration concerning termination, delay and consequential losses arising out of a major infrastructure project in the Middle East.
- **Offshore construction termination dispute** – Acting as junior counsel in a dispute as to unlawful termination of contract arising out of a construction project in Jersey.
- **Biofuel power plant dispute** - Advising as junior counsel on Covid-19 force majeure events in a contentious dispute in the energy sector concerning a biofuel power plant.
- **Residential property development adjudication** - Acting as junior counsel in an adjudication concerning a residential property development against an insolvent counterparty.
- **HKIAC construction arbitration** - Assisting at the trial stage of an HKIAC construction arbitration raising issues as to delay, scope of duty, damage to non-parties and limitation.
- **Mixed-use development adjudication** - Assisting in a multi-million pound construction adjudication concerning façade defects and delay.
- **TCC residential property defects claim** - Assisting in a high-end residential property defective works claim in the TCC (High Court London).
- **Valuation and payment notice dispute** - Advising as sole counsel on valuation and payment notice issues under a JCT Minor Works Building Contract 2016 edition.
- **RICS expert determinations** - Assisting in several high-value expert determinations under the RICS scheme arising out of property development and licence disputes.

Publications:

Philippe is also a co-author of:

- The chapter on construction professionals in *Wilmot-Smith on Construction Contracts* (4th edition, May 2021) (with Patrick Hennessey).
- 'Adjudications brought by insolvent companies – An exercise in (f)utility?' (with Marion Smith KC and David Sawtell) (2020) 31(8) Construction Law 24-26

Memberships

- Commercial Bar Association (COMBAR)
- Chancery Bar Association (ChBA)
- Young Fraud Lawyers Association (YFLA)

- Financial Services Lawyers Association (FSLA)

Qualifications

Education

- 2017: Bar Professional Training Course, BPP University Law School, Very Competent
- 2016: Bachelor of Civil Law (BCL), University of Oxford, Distinction
- 2015: Bachelor of Laws (LL.B.), London School of Economics and Political Science, First Class Honours (1st in Year)

Scholarships and prizes

- Bedingfield Scholarship, Gray's Inn (2016): Highest BPTC tuition fee scholarship
- Ralph Chiles Prize, University of Oxford (2016): Best performance in BCL/MJur Comparative Human Rights
- Slaughter and May Prize I, LSE (2015): Best overall LL.B. degree
- Slaughter and May Prize II, LSE (2015): Best third year performance
- Sweet & Maxwell Law Prize, LSE (2015): Best performance in LL.B. examinations
- Lauterpacht/Higgins Prize, LSE (2015): Best performance in LL.B. Public International Law
- Old Square Chambers Prize, LSE (2015): Best performance in LL.B. Labour Law
- Lord Rodger Essay Prize, Statute Law Society (2013): Awarded for 6,000-word essay on section 3(1) of the Human Rights Act 1998
- Sweet & Maxwell Law Prize, LSE (2013): Best performance in first year LL.B. examinations

Additional information

Publications

- 'Norwich Pharmacal and Bankers Trust orders: a seismic shift?' (with Ashley Pratt) *Solicitors Journal*, October 2022.
- 'Quincecare and the liability of receiving banks: the Canadian story' (with Anna Lintner) *Journal of International Banking & Financial Law*, Volume 37, Issue 4, April 2022.
- Contributor to *Wilmot-Smith on Construction Contracts* (4th edition, May 2021).
- 'Adjudications brought by insolvent companies – An exercise in (f)utility?' (with Marion Smith KC and David Sawtell) (2020) 31(8) *Construction Law* 24-26
- 'Negotiating damages after One Step: employment team move and misuse of confidential information cases' *Edinburgh Law Review*, Volume 24, Issue 3, September 2020.
- 'Reforming the Approach to Racial and Religious Hate Speech Under Article 10 of the European Convention on Human Rights' *OUP Human Rights Law Review*, Volume 19, Issue 1, February 2019.

Languages

- English – native
- German – native/bilingual
- French – intermediate
- Sinhala – intermediate

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