



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

Energy and Natural Resources

A significant proportion of Philippe's commercial and construction practices involves the energy sector. He has particular experience in oil and gas disputes. His experience spans from cross-border court proceedings (including in England, the BVI and Gibraltar) to international arbitration and advisory work.

In particular, Philippe has substantial experience in ICC, LCIA, SCC and HKIAC arbitration and award enforcement proceedings.

Cases of note

- ***Stati & Ors v Republic of Kazakhstan & related proceedings (US\$500m)*** – Acting as junior counsel in cross-border proceedings concerning the enforcement of a US\$500m SCC arbitration award in the oil and gas sector in multiple jurisdictions (including the United States, Netherlands, Belgium, Luxembourg and Sweden). Philippe's involvement includes acting as counsel called *ad hoc* to the Gibraltar Bar and called to the BVI Bar in:
 - related offshore civil fraud proceedings in the Supreme Court of Gibraltar (7-day jurisdiction, abuse of process and strike-out hearing in May 2022: reported decision 2023/GSC/003; currently on appeal to the Court of Appeal for Gibraltar);
 - foreign judgment registration proceedings in the Court of Appeal for Gibraltar (reported decision 2022/GCA/07; currently on appeal to the Privy Council); and
 - foreign judgment registration proceedings in the BVI Commercial Court.
- **LCIA arbitration (US\$4m)** - Acting as sole counsel in an LCIA arbitration in the oil & gas sector.
- **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.
- **Related party transactions advice in oil & gas sector** - Advising as junior counsel on potential multi-million dollar related party transactions in the oil and gas sector, including on borrower disclosure obligations.

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 *Wilmut-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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