



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

International Arbitration

Philippe has a busy international arbitration practice as both counsel and tribunal secretary.

He 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.

His international arbitration practice spans multiple sectors from commercial disputes to heavy construction & energy arbitrations. His experience of contested award enforcement actions in the Commercial Court in London and in other jurisdictions, including the United States, the Netherlands, Belgium, Luxembourg and Sweden, is particularly notable. He acts as junior counsel in the long-running enforcement proceedings in *Stati & Ors v Republic of Kazakhstan*.

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, the 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.
- **ICC arbitration** – Acting as Tribunal Secretary to a three-member ICC Tribunal in a high-value international commercial arbitration.
- **Middle East construction arbitration** – Acting as junior counsel in a high-value construction arbitration concerning termination, delay and consequential losses arising out a major infrastructure project in the Middle East.
- **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.
- **Arbitration enforcement proceedings (Comm Ct, US\$100m)** – Assisting as junior counsel in potential Commercial Court enforcement proceedings concerning multiple LCIA awards valued at over US\$100m.
- **Arbitration enforcement proceedings (Comm Ct, US\$2.5m)** – Assisting in contested arbitration enforcement proceedings in the Commercial Court concerning ICC awards in a Swiss-seated arbitration between Chinese and German parties.

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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