



MICHAEL PHILLIS

CALL - 2010 (AUSTRALIA) | CALL - 2017 (ENGLAND & WALES)

“Excellent, commercial and a pleasure to work with.”

✉ mphillis@forumchambers.com

☎ 020 3735 8070

Michael is an experienced commercial barrister with a focus on High Court Chancery and Commercial work. He has a track record of success in representing clients in complex and high-value commercial litigation and arbitration matters.

Michael acts, or has acted, in a range of high profile and legally significant commercial litigation, including on behalf of countries (or nationalised companies), global corporations, airlines, SMEs, liquidators, and private individuals.

Michael has a wide-ranging practice which principally involves difficult points of law or complex factual scenarios. Michael has over ten years of commercial litigation and international arbitration practice. He has extensive experience with commercial court and cross-border litigation, and all forms of ADR. He is particularly skilled in handling cases involving international parties, cross-border issues, and expert evidence of foreign law.

Michael is highly regarded for his meticulous attention to detail, exceptional advocacy skills, and ability to work collaboratively with clients and their wider teams.

Michael is very experienced working as a junior to QCs and senior juniors, and is extremely user-friendly even in the most complex cases.

Before coming to the bar, Michael was a Senior Associate at a silver-circle firm acting on complex, high-value litigation.

AREAS OF EXPERTISE

COMMERCIAL LITIGATION

Recent Notable Cases:

- Acted for Defendant in arbitration with a Paris seat of a series of claims and counterclaims with quantum approximately \$6bn.
- Acted for Chabra Defendant in economic tort claims with worldwide freezing orders, quantum

approximately £1bn.

- Acted for Asian bank seeking to enforce personal guarantees against UHNW Defendant in Seychelles, quantum approximately £12m.
- Acted for Claimant's team in a major infrastructure arbitration with a European seat and English law, quantum approximately £4bn.
- Acted for Defendant's team in multi-jurisdiction group claim with major discovery and foreign law expert elements, in particular junior assistance with submissions with QC oversight.
- Acted for Defendant financial instruction's team in approximately 12-month discovery exercise.
- Acted for Claimant Gibraltar bank seeking leave for service on defendants in UK and Germany.
- Acted for Defendant country's team in claim by multi-national bank over domestic resources contracts under English law, quantum approximately \$100m.
- Drafted a defence in a claim for breach of a services agreement by a media company which served a break notice on an Italian contracting firm.
- Draft particulars of claim and opinion on case involving multiple claims against a hybrid English/Italian law firm which arranged noncompliant Italian bank guarantees, in particular concerning the effect of aggregation in solicitors' insurance.
- Represent Appellant in an appeal from automatic strike-out for non-compliant response to a Request for Further and Better Particulars in a dispute between a pharmaceutical firm and a supplier.
- Acted for Claimant undersecured lender with a writ of possession as Respondent in application to stay proceedings where a new claim had been brought by the Defendants which was either res judicata or an abuse of process.
- Draft skeleton argument in claim by Indian principal against Singaporean, Indian, and US promoters of corporate beneficiaries of a "shadow company" fraud.
- Application to re-amend particulars after defendant claimed bankruptcy to introduce fraudulent breach of duty cause of action to trigger s.281(3) IA 1986.
- Opinion on claim to rescind a settlement on the basis of misrepresentation or unilateral mistake arising from allegedly fraudulent valuations.

CONSTRUCTION

Recent Notable Cases:

- Acted for Henry Construction in pre-insolvency matters including claims around accounting and performance
- Acted for landowner in 'smash and grab' adjudication over large rural estate and construction of outbuildings
- Acted for developer in refinancing dispute where valuation of the development was the key point
- Opinion for developer on purchase of land from trustees where purported beneficiaries attempting to set aside purchase and make rival bid.
- Advice on expiry of a performance bond conditional on practical completion where JCT had fallen

away due to insolvency.

- Acted for freeholder management company over a part-finished development where OTP contracts incorrectly duplicated the voting power of certain leaseholders.
- Acted for leaseholder against London Borough of Hammersmith and Fulham and sub-contractors for breach of warranty and negligence in respect of disrepair and inconvenience caused by faulty works in common areas.
- Advice on liability under a contribution for liability of one party in a quasi-partnership where performance bonds enforced unevenly by a quasi-partner/supplier.
- Initial advise on use of company funds by construction company participating in dispute between shareholders.
- Acted for claimant industrial leasing company against defendant construction company during works.

INSOLVENCY

Recent Notable Cases:

- Appeal from dismissal of application for summary judgment on application of ss. 14A and 32(1) Limitation Act 1980.
- Urgent equitable winding up of a closely held partnership, with one of two directors holding the company hostage while establishing a competing business.
- Represent Chabra defendants in a worldwide freezing injunction relating to the purchase of partnership assets during (undisclosed) proceedings.
- Defend non-CPR application for application set aside of rates liability order made under the Court's inherent jurisdiction.
- Various applications in bankruptcy.
- Application to remove documents and consequential order suppressing the record of proceedings from public inspection in relation to company accounts filed without authority and giving rise to due diligence issues in procurement group.
- Act for company in liquidation as respondent to application to set aside judgment on new evidence and arguments not raised at prior hearings.

BANKING AND FINANCIAL SERVICES

Recent Notable Cases:

- Acted for Lloyds Bank as respondent to application to set aside judgment on the basis of defective service.
- Acted for commercial lender whose claim was struck out on the papers after directions, apparently by mistake, in restoring the proceedings and recovering costs from the Defendant.
- Acting for Lloyds and HBOS in final hearings of PPI mis-selling claims.

PROPERTY

Recent Notable Cases:

- Defence and Counterclaim in restitution from possession claim where lender and broker took a 100% uplift brokerage fee charged against property.
- Draft opinion and particulars of claim against solicitors for professional negligence in failing to register a registrable interest in a property.

EMPLOYMENT HISTORY

- Barrister, Enterprise Chambers, October 2020 – Present
- Senior Associate, Travers Smith LLP, January 2020 – October 2020
- Senior Associate, Clyde & Co, Mar 2018 – January 2020

PROFESSIONAL BODIES

- London Solicitors Litigation Association
- ICC Young Arbitrators Forum
- UK Constitutional Law Association
- Solicitors' Wine Society (UK)
- Insolvency and Reconstruction Law Committee, Law Council of Australia

EDUCATION & AWARDS

- Advanced Diploma in Research Practice and Theory, Cambridge
- Australian Postgraduate Award (2011)
- ANU Vice-Chancellor's Award for Postgraduate Research (2012)
- International Association of Research Universities Corporate Leadership Programme (2012)
- Visiting Researcher, Sciences Po, Paris
- Visiting Researcher, Queens University, Belfast
- Bachelor of Laws (Honours), ANU
- Bachelor of Art (Ancient Greek / Philosophy), ANU