



NEW SQUARE

Philippa Manby

Education

B.A. (Oxon), Dip. Law (City)



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Languages

Intermediate French and German

Profile

Pippa has a broad commercial practice encompassing general commercial litigation, professional liability, international arbitration, costs, insurance and sports work. She undertakes written and court work in the High Court and County Courts. She has appeared in trials from the small claims to the multi-track and in numerous interlocutory applications.

More detail regarding Pippa's experience in particular areas can be found by following the links in "**Areas of Practice**".

Pippa became a tenant in October 2011 following pupillage in Chambers where she was supervised by Charles Phipps, Richard Liddell, Jonathan Hough and Ben Patten QC. During pupillage, Pippa gained a wide exposure to Chambers' areas of work. She assisted with the preparation of the Respondent's case for the appeal to the Supreme Court in *Jones v Kaney* [2011] UKSC 13 (the case which abolished expert witness immunity from suit).

Pippa read Ancient and Modern History at Worcester College, Oxford where she was a scholar. She then took a year out working in the Gambia for the Institute for Human Rights and Development in Africa. Pippa studied for the law conversion course at City University where she obtained a Distinction and was a finalist in the internal moot competition judged by Lord Hoffmann. Pippa was graded Outstanding on the BVC winning a Buchanan Prize from Lincoln's Inn. Lincoln's Inn has also awarded her Hardwicke, Lord Denning and Levitt Scholarships.

Memberships

COMBAR

PNBA

BILA

LCLCBA

YIAG

Professional Liability

Pippa has advised claimants and defendants in professional negligence actions involving solicitors, barristers, accountants, surveyors, insurance brokers, construction professionals (including architects and interior designers), letting agents and bailiffs. Her experience of lenders' claims is complemented by varied experience of mortgage-related litigation.

In terms of lawyers' liabilities, she has experience of cases involving conveyancing, lost litigation, privilege, underlying family and criminal proceedings, probate and costs. Pippa has advised on the tracing of assets and in various claims brought by the estate and/or beneficiaries.

Recent examples of her work include:

- Acting (as junior Counsel to Ben Hubble QC) in a solicitor's negligence case relating to investments in renewable energy projects in Greece. This case proceeded to a two-week trial in the Queen's Bench Division where the case against the solicitor was comprehensively dismissed: *Watson Farley & Williams v Ostrovizky* [2014] EWHC 160 (QB).
- Various instructions arising from claims by mortgage lenders against professionals where unpaid mortgage loans have resulted in a shortfall on the sale of the security.
- Acting for a barrister alleged to have negotiated an unsuitable settlement of an ancillary relief claim at Court.
- Acting for a firm of solicitors being sued in relation to their actions on a £1m+ commercial loan transaction regarding a car-hire business.
- Advising Singaporean auditors on their potential liability in relation to allegations of failing to detect employee fraud in a large Singaporean company.
- Acting for a firm of solicitors being sued by a former client for missing the limitation date in a professional negligence claim against a previous firm of solicitors.
- Acting for various letting agents in relation to claims for alleged tenant damage to property.
- Acting for a letting agent being sued for disposal of an evicted tenant's possessions in breach of its obligations as bailee.
- Whilst on secondment at a professional indemnity firm of solicitors in the City, Pippa has gained experience of claims against IFAs relating to allegedly negligent advice and/or mis-selling of investment products and pensions.
- Acting for an individual suing an IFA for selling a stamp duty mitigation scheme which was likely to be retrospectively outlawed.
- Acting (as junior Counsel) in a case relating to mis-selling of film finance investments.
- Acting (as junior Counsel to Ben Hubble QC) in a solicitor's negligence case relating to investments in renewable energy projects in Greece. This case proceeded to a two-week trial in the Queen's Bench Division.
- Appearing successfully (as sole Counsel) on behalf of a professional chemist in a two-day trial relating to his responsibilities when engaged as a part-time consultant by a laboratory.

International Arbitration

Pippa is currently instructed as part of a large team in an LCIA arbitration concerning a £800m contract for the design, development, testing and support of a complex IT system.

Chancery

Pippa has substantial experience of mortgage-related litigation. Cases she has been involved in have raised issues of mortgage fraud, landlord and tenant, land registration, overriding interests, LPA Receivers, proprietary estoppel and forfeiture.

She appeared in the Chancery Division to obtain an urgent interim injunction to regain possession of a commercial property from a local Council.

Pippa recently successfully represented a bank in a full-day multi-track trial for the repossession of a London residential property worth more than £1m.

She is regularly instructed in professional negligence actions with a chancery element, particularly claims brought by banks against conveyancers where she is instructed by both banks and professionals.

Commercial Dispute Resolution

Pippa has experience of cases involving the supply of goods and services, guarantees, property damage, data protection, construction disputes and insolvency and bankruptcy. She has been instructed in cases spanning multiple jurisdictions and raising issues of foreign law. Recent instructions include:

- Acting as part of a large team in an LCIA arbitration concerning a £800m contract for the design, development, testing and support of a complex IT system.
- Successfully representing a fashion company in a two-day trial concerning the production of bespoke ball gowns.
- Advising on choice of law and forum in relation to a collapsed time-share property deal in Cape Verde.
- Acting as sole counsel in a dispute regarding the provision of telecommunications services to an academic institution.
- Acting as sole counsel in an IT dispute concerning the production of databases for the betting industry.
- Advising a pharmaceutical company in relation to product recalls.
- Appearing successfully (as sole Counsel) on behalf of a professional chemist in a two-day trial relating to his responsibilities when engaged as a part-time consultant by a laboratory.
- Acting in an action against an alarm operator concerning a specialist alarm system which failed to operate when a retail property was broken into by thieves.

- Acting for a recruitment agency being sued in relation to alleged failures to identify that the candidate it proposed was, in fact, an imposter and convicted fraudster.

Financial Services Regulation

Whilst on secondment at a professional indemnity firm of solicitors in the City, Pippa has gained experience of claims against IFAs relating to allegedly negligent advice and/or mis-selling of investment products and pensions. This has involved civil claims, claims brought by the Financial Services Compensation Scheme and claims before the Financial Services Ombudsman.

Pippa has been instructed as junior Counsel in a case relating to mis-selling of film finance investments.

She is currently instructed in a claim relating to a stamp duty land tax mitigation scheme which was retrospectively outlawed.

Insurance & Reinsurance

Pippa's professional indemnity practice often raises issues of insurance law and Pippa is keen to develop her practice in the field of insurance and reinsurance more broadly. She has experience of:

- material non-disclosure and misrepresentation;
- incorporation and construction of terms;
- notification;
- waiver;
- aggregation.
- minimum terms for indemnity insurance for various professional bodies.

Pippa recently acted for an insurer in successfully striking out a claim directly brought against it which failed to comply with the Third Parties (Rights Against Insurers) Act 1930.

She has also acted for an insurer defending a claim relating to its refusal to provide an indemnity under a motor insurance policy.

Pippa contributes articles to Insurance Law Monthly.

Costs

Pippa has been instructed in both inter-partes and solicitor-client disputes. She has represented clients at assessment hearings and in applications and appeals involving points of principle. Pippa has some experience of drafting in costs matters.

Pippa has experience of cases concerning:

- enforceability of CFA agreements
- reasonableness and recoverability of ATE premiums
- wasted costs applications
- recoverability of fees when a client has instructed more than one firm of solicitors
- costs in the RTA Portal
- setting aside default costs certificates
- applications for assessments under section 70 of the Solicitors Act 1974
- appeals against judicial exercise of discretion in respect of costs
- Part 36
- costs orders on discontinuance
- solicitors' liens
- public funding
- provisional assessments
- solicitors' failure to provide necessary costs information / inadequate retainer letters
- costs orders for and against non-parties

In conjunction with other members of Chambers, Pippa drafts and edits Lexis Nexis's costs practice notes.

Construction & Engineering

Pippa has represented architects and construction professionals in professional liability claims brought against them. More unusually, Pippa has experience of acting for interior designers sued in relation to projects involving the construction of an orangery and a bespoke drinks bar.

Pippa is currently instructed (led by Roger Stewart QC) in a high-value dispute brought by a City Council against a building contractor relating to the costs of rectification of curtain walling and other defects in a large office development.

During her secondment at a City Firm, Pippa advised and acted in a case concerning the construction of various farm waste management systems.

Sports Law

Pippa gained exposure to sports law during her pupillage with Rick Liddell where she was involved in cases concerning rugby union and horseracing.

She has recently been instructed to act on behalf of a senior sports coach challenging a National Governing Body's refusal to grant her the highest coaching certificate. This proceeded to a full-day hearing in front of an ad hoc tribunal panel. As part of its ruling, various National Governing Bodies have been required to re-write their appeals process for the top level coaching certificate.

She also advises the British Wrestling Association on various legal matters, including selection policies.

Information Technology

Pippa has been instructed as part of a large team in an LCIA arbitration concerning a £800m contract for the design, development, testing and support of a complex IT system.

Pippa is currently acting (as sole counsel) in an IT dispute worth more than £500,000 concerning the production of databases for the betting industry. The matter is proceeding in the TCC specialist list in Central London County Court and is listed for a seven-day trial.

Property Damage

Pippa has varied experience of property damage claims both in terms of recovery actions and in actions against letting agents said to be responsible for permitting such damage. She has experience of private and public nuisance and *Rylands v Fletcher* claims. Recent examples of her work include:

- acting for a homeowner in a claim against a major utilities company relating to a flood caused by negligent repairs carried out by their emergency team;
 - acting for a homeowner and her insurer in relation to a flood claim brought against both a building company and vendor of bathroom goods which settled shortly prior to trial;
 - acting in a claim for damage and business interruption losses on behalf of a business whose showroom was burned to the ground by an escape of hot embers from a garden fire;
 - acting for a homeowner and their insurer in a claim relating to the negligent installation of a new water pump which caused a major flood in the property. The claim included losses relating to lost rent from prospective tenants;
 - acting for a farmer and his insurer claiming for significant damage to their farm as a result of a fire caused by an incinerator located on a neighbouring property;
 - defending a letting agent alleged to have negligently vetted tenants who converted a commercial property into a marijuana factory;
 - defending a letting agent alleged by the home-owners to have wrongly permitted tenants to keep pets in a property resulting in considerable animal damage to the property. The matter proceeded to a two-day trial, with more than 10 witnesses for the claimant home-owners where it was successfully defended.
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