Philip Sapsford

Year of Silk: 1992

Year of Call: 1974



Practice Summary

Philip Sapsford has been in silk for over 30 years and his practice has a multidisciplinary dimension with a strong focus on criminal, civil and family law at the highest level. In particular, he is renowned for his representation of parties in cases of complexity with serious allegations of homicide, physical and sexual abuse, and in High Court care proceedings.

He has practised in criminal, civil and family law in the most complex and demanding cases; his extensive background and particular expertise is that of a forensic trial lawyer with a methodical approach to preparation, detail, and effective presentation of the key issues in any particular dispute. He combines the ability to offer sensitive, sound practical advice backed up by detailed preparation and robust Court presentation in any dispute and is highly respected by both his opponents and the judiciary. Philip's extensive experience in the High Court includes defending allegations of commercial and civil fraud. He is also well reputed for his work on complex, high-value financial remedy cases.

Pro Bono

Philip has taken on *pro bono* work since the 1980s, when he presented many final appeals to the Judicial Committee of the Privy Council in death penalty cases from the British Commonwealth countries.

Philip has appeared as *amicus* before many US State Supreme Courts including the presentation of oral argument. This culminated in the United States Supreme Court landmark decision [5-4] of Roper v Simmons 125 S. Ct. 1183 [March, 2005] whereby the death penalty was abolished throughout all of the United States for juvenile offenders.

Notable Appearances

Oskar v Government of Australia (Nos. 1 & 2)[1988] 1 A.C. 866 (House of Lords-Extradition and procedural bars thereto)

Pratt & Anor v Attorney General of Jamaica & Anor[1994] 2 A.C.1 (Judicial Committee of the Privy Council en banc 7 Law Lords departing from existing jurisprudence and defining “the death row phenomenon” as “…cruel inhuman and degrading treatment…”)

Lackey v State of Texas(1995) 115 S.Ct.1421 (Supreme Court of the United States — Amicus Curiae Brief on behalf of the English Bar; the Memorandum of Justices Stevens and Breyer respected denial of certiorari on the first attempt to bring the jurisprudence of Pratt v A.G. of Jamaica into an American Federal Court)

Guerra v Attorney General of Trinidad & Tobago[1996] 1 A.C. 397 (Judicial Committee of the Privy Council – Constitution — Fundamental Rights and Freedoms – Delay – “Cruel and Unusual Treatment or Punishment”)

H.R.H. The Princess of Wales v Stenning(1996) High Court — appearing as Counsel for Her Royal Highness the Princess of Wales in the obtaining of a High Court injunction restraining media personnel from interfering with the privacy and movements of H.R.H. the Princess of Wales, H.R.H. Prince William (the presumptive heir to the Throne) and H.R.H. Prince Henry. The legal basis of her claim was in privacy and nuisance and was argued before the Protection from Harassment Act, 1997 came into force The Defendant was never able successfully to set aside the injunction prior to the death of H.R.H. the Princess of Wales

Culmer v The Queen[1997] 1 W.L.R. 1296 (Judicial Committee of the Privy Council – Criminal Law — Homicide — Provocation)

Ricketts v The Queen[1998] 1 W.L.R. 1016 (Judicial Committee of the Privy Council – Constitutional law — Human Rights and Fundamental Freedoms — Murder -Defendant Mute of Malice — Withdrawal of Counsel During Capital Murder Trial)

D v P [Ruud Gullitt][1998] 2 F.L.R. 25 (Financial Relief — Divorce — Jurisdiction – Forum Conveniens)

Mitchell v The Queen[1999] 1 W.L.R. 1679 (Judicial Committee of the Privy Council — Constitutional Law — Human Rights and Fundamental Freedoms — Legal Representation — Withdrawal of Counsel During Capital Murder Trial)

McGinnis v State of Texas[2000] U.S.S.C. 99-7870 (Supreme Court of the United States — Amicus Curiae Brief on behalf of the English Bar; International Law — Prohibition on the Execution of Children at the Time of the Offence)

Napolean Beazley v Johnson[2002] USSC 00-10618 (Supreme Court of the United States — Amicus Curiae Brief on behalf of the English Bar, in collaboration with the University of San Francisco Law School -International Law — Prohibition on the Execution of Children at the Time of the Offence)

*Roper v Simmons*125 S. Ct. 1183 [March, 2005] Amicus Curiae Brief whereby the death penalty was abolished throughout the United States for juvenile offenders

R v R(divorce: jurisdiction: domicile) [2006] 1 FLR 389 a domicile of choice cannot be acquired or retained by a mere declaration of the parties

*Cook v Plummer[*2008] EWCA Civ 484 – Enforcement internationally of child maintenance obligations

Miller-Smith v Miller-Smith[2009] EWCA Civ 1297 – Interpretation of s 14 of the Trusts of Land & Appointment of Trustees Act, 1996

Ahmed v Khan[2010] EWCA Civ 290 – Application of Indian communal property customs to a Wife's Application for all forms of ancillary relief after divorce.

Appointments

- Appointed to Silk, 1992
- Appointed a Recorder, 1997
- Called to the Bar in the High Court of New Zealand in 1998
- Appointed a Master of the Bench of the Honourable Society of the Inner Temple 2003
- Appointed as a Deputy Judge of the High Court in 2004

Areas of Expertise

- Business Crime