

Philip McGuirk

Co-Head of Family

"Just exudes this calm confidence," ... "he has this wisdom which I can see clients just really, really like. He's one of these lawyers who just know exactly which are the good points and which he can drop. That comes with years of experience, but also being intelligent and knowing which call to make."

Chambers HNW

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Philip is a partner and co-head of the Family department. An expert in complex high value financial remedy cases, often with an international dimension, he is held in equally high regard for his expertise in pre- and post-nuptial agreements, cohabitation contracts, asset protection and private children law.

Recommended in Chambers UK (11 years), Chambers HNW (6 years), the Legal 500, Spear's 500 and Spear's Family Index as a leading family lawyer, Philip navigates his clients calmly through cross-border issues and what is often highly complex financial remedy litigation. He is known for his commercial and pragmatic advice, measured approach, attention to detail and focus on what really matters.

Over recent years, Philip has increasingly been sought after to advise on pre- and post-nuptial agreements, often with a foreign element. In this regard, he is able to draw on an extensive network of overseas experts to assist as well as the Private Client and Corporate teams at Payne Hicks Beach with whom he works closely. He also appeared in one of the landmark cases in this field (representing the successful husband in one of the early post Radmacher cases (**V –v- V (Prenuptial Agreement) [2012] 1 FLR 1315**)).

Philip acts for (and against) many clients who are household names, as well as for city professionals, entrepreneurs, family business owners, financiers, personalities in the sports/arts/media and their spouses/partners; always with an eye to avoid as much as possible the glare of publicity in what are obviously highly personal and very often distressing matters. His preference is, and has always been, to deal with the disengagement process, and the practical implications, in an environment which seeks to guarantee the parties confidentiality, speed and economy. The Court process, he believes, ought to be regarded as the ultimate default position only.

Philip has spent much of his career at the firm, joining as partner in 2000. He was appointed co-head of the Family department in 2019. Prior to joining Payne Hicks Beach in 2000, Philip was a family law and general litigation partner with James & Sarch of Gray's Inn. He qualified in 1985.

Areas of expertise:

- Asset protection
- Pre and post nuptial agreements
- Cohabitation contracts
- Divorce and financial remedy

- Children arrangements
- Children disputes, including schedule 1 and section 8 CA 1989 applications
- International and cross-border family litigation

Cases of interest include:

- **Rothschild-v-De Souza [2020] EWCA Civ 1215** (needs/conduct/costs)
- **MB-v-EB (No.2) [2019] EWHC 3676 (Fam)** (financial remedies: final hearing -' needs' and the Court's approach to FPR2010 PD28A paragraph 4.4)
- **MB-v-EB [2019] EWHC 1649 (Fam)** (financial remedies: preliminary issues)
- **SR-v-RS [2014] EWHC 4305 (Fam)** (open offer/costs consequences)
- **MA-H -v- ZS [2012] EWHC 3271 (Fam)** (Part III MFPA 1984 claim following Saudi Arabian divorce (talaq) [see H -v- S below]. Decision of Baron J).
- **H -v- S (Recognition of Overseas Divorce) [2011] EWHC B23 (Fam)** (recognition under s.46(1) FLA 1986 of a Saudi Arabian divorce (talaq) for the purposes of English divorce and connected proceedings).
- **V -v- V (Prenuptial Agreement) [2011] EWHC 3230 (Fam)** (treatment of pre-nuptial agreement in the Court's discretionary exercise post Granatino; notably, Charles J.'s view that Granatino "effectively adds another rationale or principled approach to the reasoning to be applied in the judgmental or balancing exercise demanded by the statutory test, namely that weight should be given to autonomy").
- **B -v- B (Ancillary Relief) [2010] 2 FLR 887** (Jersey trust case : principal question, the extent, if at all, assets held in Jersey Trust - in two sub funds - "financial resources" within the meaning of s 25 of the Act).
- **Judge -v- Judge [2009] 1 FLR 1287 CA** (Mistake / (alleged) non-disclosure case. Potential liability estimated and left with H (range, nil to £14.5 million) Crystallised liability much smaller. Whether W could set aside Order on basis of mistake / non-disclosure).
- **Corbett -v- Corbett [2003] 2 FLR 385 CA** (Enforcement / Judgment Summons).
- **Attar -v- Attar (No's 1 & 2) [1985] FD 649 & 653** (short marriage case : 6 months marriage / 6 weeks cohabitation; H Saudi Arabian multi millionaire; enormous disparity in wealth; computation of rehabilitative lump sum).

Recommendations and awards:

Chambers UK recommends Philip a leading family lawyer. *"A highly astute, commercially minded solicitor who never misses a point,"* say sources, who add: *"he's a very good choice for the high net worth client with a business background."* *"Universally respected for his intelligent and measured approach to family law, he has a keen eye for what really matters in a case,"* reports one interviewee. Philip is noted for his expertise in both matrimonial finance and private children law matters, as well as his handling of pre and post nuptial and cohabitation agreements. He focuses on financial remedy work and frequently acts on matters involving cross-border complications. According to impressed interviewees, Philip is *"very knowledgeable"* and *"thoroughly level-headed"*. *"The 'excellent' Philip McGuirk really fights his client's corner and is pleasant to deal with."*

Chambers HNW writes that Philip is *"tremendously clever...he is a good lawyer and a good person... he has an encyclopaedic knowledge of the law"*. An interviewee comments that, *"I wouldn't hesitate to recommend him for a complicated, big-money case."* Sources say he is *"calm and measured"* and has

a "fantastic eye for detail," as well as being someone who "creatively resolves disputes." He is hailed as an "extraordinarily good lawyer" by market insiders, who describe him as "very thorough, very meticulous and very conscientious." Other sources note: "He's sensible and level-headed, he looks after his clients and he is a congenial person to deal with." "He is vastly experienced and extremely conscientious," while another legal professional remarks: "McGuirk is an absolute class act. He is a really intelligent guy and very impressive."

The Legal 500 UK ranks Philip as a leading lawyer and writes that "*Philip McGuirk is a giant of London family law, he is so very clever and authoritative and inspires huge confidence in all his clients.*" "*Phenomenally knowledgeable*" Philip McGuirk is "*highly effective and achieves good results for his clients without drama or blood on the carpet*". He is "*hugely able and experienced*" and a "*bright and engaging lawyer who knows the law inside out.*"

Philip is listed in the Spear's 500 2021 and Spear's Family Index 2020 as a "*Top Recommended Family Lawyer*" and ranked "*outstanding in field*" with a focus on high-value remedies and is noted as having a "*superb reputation, particularly for pre- and post-nups.*"

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The Legal 500 UK

"He is very commercial and has excellent judgement... a very strategic and meticulous brain and way of thinking. He always looks to the longer-term objectives. He is really good at analysing the weaknesses and possible problems of a case and plotting that out from the beginning."

Chambers HNW 2021