Practice Overview

Tom has acted in numerous reported and high-profile cases and cross-border disputes before a large variety of tribunals in a number of different jurisdictions. Much of his work stems from collapses of complex investment structures and from high-value cross-border private client disputes.

He has developed a substantial offshore practice and is one of very few barristers who have had full and not merely ad hoc practising certificates in both the BVI and the Cayman Islands. Hence he has acted for a variety of different parties in hedge fund and banking disputes, Bear Stearns, Re Sphinx, Re Medley Opportunity Fund in the Cayman Islands and Kingate Global Fund v Kingate Management Ltd in Bermuda.

He is regularly called upon to give expert evidence on both UK and offshore law in the US on matters of company law and the liability of fiduciaries.

Many of the cross-border disputes such as SAAD v AHAB have involved asset tracing in the context of commercial or financial fraud but he has had to apply this knowledge in cases in which the primary focus might be as diverse as professional negligence, financial services, shareholder disputes or even judicial review.

Tom has also been involved in a number of leading high value trust and probate cases. Although these cases or his involvement tends to be confidential, reported examples include well-known decisions such as Walker v Stones and Al Bassam in the UK, Re A v N and Re Circle Trust in the Cayman Islands and Wang Din Shan v Nina Wang in Hong Kong.

Tom is ranked as a leading silk in Chambers & Partners, 2019 and is described as "an international superstar in cross-border insolvency" along with being "an excellent operator, who is incredibly user-friendly and a go-to silk for offshore work." The Legal 500 2019 edition describes Tom as a "first-class advocate and he always identifies potential issues immediately". "An excellent strategist with unparalleled knowledge of Cayman Islands law."

The previous 2018 edition of Chambers & Partners state Tom to be "far and away one of the go-to silks when it comes to litigation in Bermuda and the Cayman Islands. He really gets a handle on the issues from the outset, and is very good on his feet." "Very effective and very knowledgeable."
Commercial

Tom has combined an extensive practice in the field for company and insolvency work with a regular case load in the field of civil fraud and asset tracing.

His reported cases range from well-known decisions in the insolvency field such as the landmark case *Wight v Eckhardt Marine* and *Dextra v Bank of Jamaica* a well-known decision of the Privy Council by Lord Goff on the limits of the change of position defence. Over the years he has acted in a number of cases involving corporate fraud, breaches of directors’ fiduciary duties or claims for secret profits.

He has been heavily involved in many of the long-running offshore liquidations of foreign banks such as Kaupthing (*Isis v Kaupthing* in Iceland, the UK and Isle of Man) the relevant claims arising from its securitisation of loans with one of its well-known customers. He has acted for a number of years in billion dollar cases for the major shareholders and owners of Latin American banks in, cases such as Bancredito in the Cayman Islands and the Dominican Republic as well as, Banco Economico (Cayman Islands and Brazil).

Over the years practising offshore, Tom has had a prominent role in numerous hedge funds disputes.

- He acted for the liquidator in *Re Sphinx* (Cayman Islands), a controversial liquidation arising from the collapse of a well-known prime brokerage house.
- He has defending fund professionals in *Re Oracle Fund* (Bahamas) arising from the collapse of a fund investing in sub-prime US debt.
- He has acted on behalf of creditors in *Lancelot and Palm Beach* (Cayman Islands), the liquidation of the main feeder funds involved in the SU$10 billion Petters fraud.
- He defended the managers and fund entities in *Gortex v New Stream* (Bermuda) the first reported case on the winding up of segregated portfolio companies.
- He acted on behalf of creditors in *Re Wyser-Pratt* one of the first cases to explore the alternatives to winding up under local insolvency law (Cayman Islands).
- He has acted for liquidators, in the context of hedge fund restructuring in Belmont Finance (Cayman Islands), Medley Opportunity Fund (Cayman Islands), many of which were associated with fraud or asset tracing.

Over the years Tom has often found himself instructed in large well-known fraud and asset tracing cases in the UK. For example, he acted for the plaintiff in *Bottin v Venson*, and on behalf of one the defendants in the *Phillips v Symes saga* liquidators in *Kaupthing v Isis*. He is currently instructed in *AHAB v SAAD*, a multi billion claim relating to a complex, cross-border fraud before the Courts of the Cayman Islands. Tom’s knowledge of civil fraud work enabled him recently successfully to defend a US $1bn bribery claim arising out of the supply of defence equipment in the civil courts in the Cayman Islands as well as fending off a criminal proceedings in the UK in judicial review proceedings.

His technical knowledge of company law, financial services and partnerships has meant that he has frequently been called upon to give evidence in the US, in states including New York, California, Texas and the Carolinas. He is currently retained as an expert on UK law in the BP securities litigation in Texas arising from the gulf oil spill.