



Thomas Lowe QC

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Clerks' Details

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Qualifications and Appointments

- Upper Second Class degree (LLB) from London School of Economics
- First Class LLM at Cambridge.
- Inner Temple Queen Elizabeth scholarship at the Bar and a number of prizes at The College of Law

Memberships

- Chancery Bar Association
- Commercial Bar Association
- British and German Jurists Association

“A fantastic trial advocate - he is excellent in court.”

Chambers & Partners 2021

Publications

- [Arbitration of Trust Disputes](#) (2016) *Issues in National and International Law*
- [Vindicating shareholder rights under nominee and custodian agreements](#) (2015) *Butterworths Journal of International Banking and Financial Law* (6) JIBFL 331
- [Alkers et al \(as joint official liquidators of Saad Investments Company Limited\) v Samba Financial Group](#) (2014) *Wilberforce Legal Digest* (Issue 1) March 2015
- [Mixed and multiple derivative claims to address reflective loss problems](#) (2014) *Trusts & Trustees* 20 (9): 930-032
- [Is liability of trustees for losses in share portfolios illusory?](#) (2012) *Corporate Rescue Insolvency*
- [How many times can I do this? Independent fund directorships](#) (2012) *Butterworths Journal of International Banking and Financial Law*

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, 2021 which describes him as ***“A fantastic trial advocate - he is excellent in court.”***, ***“A devastating cross-examiner. A real iron fist in a velvet glove.”***, ***“He is excellent and knows the Caymans inside out.”*** and is ***“Very creative and an intellectual powerhouse.”***

The Legal 500 2021 edition describes Tom as ***“He is user-friendly, client-focused and easy to work with, able to grapple with the most complex of cases.”*** ***“An extremely effective cross examiner and very effective with clients.”*** and the ***“Standout star of the offshore bar - extremely bright and a pleasure to work with.”***

The previous Chambers & Partners 2020 edition describes Tom as ***“an outstanding intellect, an amazing advocate and great at strategy. Very approachable, always responds in a timely fashion, always gets everything done - a solicitor's dream.”***



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 *Gottex 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.