



Thomas Lowe QC

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QC: 2008

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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.”***



Professional Liability

The nature of Tom's work frequently involves negligence on the part of investment managers, actuaries, directors and others who are in the position of trustees and fiduciaries. He regularly finds himself defending auditors and accountants and lawyers both in the UK and offshore.

He has given expert evidence in the US on fiduciary duties and negligence of accountants, administrators and fund managers, usually in the context of financial failures. Such cases include *Re Primeo* in New York, *Wimbledon* in California and the *BP Securities Litigation* in Texas.

He has been counsel in well-known cases such as the claim against trustees in *Walker v Stones* and on behalf of auditors involvement in a take-over *Morgan Crucible v Hill Samuel*.

Recent examples of his work include defending solicitors in the Cayman Islands, defending one of the principal fund managers embroiled in the *Madoff* claims in Bermuda and in the UK and Isle of Man acting for the claimant against fund managers in *Isis v Kaupthing*.