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."
Trusts, Tax, Probate and Estates

Tom has frequently been instructed to act on behalf of clients in contentious well-known trust matters mostly offshore and high value probate cases. Although the cases or his involvement is often confidential, he has appeared in a number of important reported cases on trust matters such as Walker v Stones (UK the test for dishonesty in exoneration clauses), Re Circle trust (status of protectors and duties of trustees) and Re BIO Trust or A v N (duties of trustees and effect of forfeiture clauses).

Much of his probate work involves cross-border disputes with complex estates such as Al Bassam v Al Bassam in which the English Court of Appeal considered how it would deal with human rights objections to a trial of a probate claim under sharia law. He spent several years, until its final conclusion, acting as a junior for the ultimately successful defendant in the long running Hong Kong case of Wang Din Shen v Nina Wang in which the Court of Final Appeal gave a definitive explanation of the differences between the defences to probate claims.

He has also acted successfully on behalf of purveyors of tax loss schemes in cases such as Freshwater v KUH and developed an expertise in the human rights aspects of cross-border enforcement of tax obligations, a subject on which he has spoken at international conferences. He is currently instructed in ongoing judicial reviews in the Cayman Islands in MHI Investments v Cayman Islands Tax Information Exchange Authority, a case arising from challenges in Australia and the UK to tax avoidance structures.

Chambers & Partners, 2016 note that he is renowned for the strength of his offshore practice, which has a particular emphasis on matters proceeding in the Cayman Islands and BVI. He is often instructed in major litigation concerning the failure of substantial investment structures and also regularly appears in professional negligence and shareholder disputes. “He is absolutely calm when everyone else is running around like headless chickens. He is never intimidated and is a great believer that clarity of strategy is key.”

Tom regularly writes papers and lectures on trust law issues and is currently involved in promoting offshore trust arbitrations.