

Tom Wood

YEAR OF CALL: 2017

Clerk's Email: PaulsClerkingTeam@brickcourt.co.uk



Practice Overview

Tom joined Chambers as a tenant in July 2018, having previously practiced as a Solicitor Advocate and Associate at Herbert Smith Freehills LLP. He is developing a broad practice spanning all areas of Chambers' work including commercial, EU/competition, and public law.

Tom's current and recent instructions include:

- *Allianz Global Investors v. Barclays Bank and others* – acting for HSBC in claims in relation to alleged FX manipulation (led by Helen Davies QC and Sarah Abram)
- *Financial Reporting Council v. Deloitte* – acting for Deloitte in disciplinary proceedings brought by the FRC in connection with the audit of Autonomy plc (led by Thomas Plewman QC and Tony Singla)
- *Kim v. Republic of Uzbekistan* – ICSID arbitration against Uzbekistan by investors in two cement plants (led by Michael Swainston QC and Stephen Midwinter)
- *Harbour Fund III LP v. Kazakhstan Kagazy* – dispute in relation to a litigation funding agreement (led by Tom Adam QC)
- *West Ham v. E20* - acting for E20 on its defence of West Ham United's claims relating to the rights to use the London Stadium, including defending a privilege challenge [2018] EWHC 2784, and an expedited appeal on privilege issues [2018] EWCA Civ 2652 (led by Thomas Plewman QC)
- Advising on potential claims under a business interruption insurance policy (led by Neil Calver QC)

At Herbert Smith Freehills LLP, Tom specialised in commercial litigation, arbitration, and civil fraud. He also undertook extensive pro bono work across a range of areas, including asylum support law, criminal appeals, and employment disputes.

In 2015-2016, Tom was Judicial Assistant to Lord Wilson and Lord Hodge at the Supreme Court. Prior to qualifying as a Solicitor, he completed secondments as a Judicial Assistant to the Commercial Court and Chancery Division, and as a Legal Adviser to BP Legal Dispute Resolution.

During pupillage, Tom worked on cases spanning all of Chambers' core practice areas, including *Banca Nazionale del Lavoro SPA (Respondent) v. Playboy Club London Limited* (an appeal to the Supreme Court concerning the law of negligent misstatement), *R (Bayer Plc and Novartis) v. NHS Darlington CCG and others* (a judicial review of a healthcare policy), and *In Re Easynet* (an appeal concerning the EU abuse of law principle). He received the Lord Reid Senior Scholarship from Gray's Inn and a Phoenicia Scholarship from the Bar European Group.

Tom graduated from the University of Oxford (Christ Church), where he was awarded the top first in his year in

music, winning the University Gibbs prize. He completed a Master of Studies with distinction, before going on to achieve distinctions in the GDL and LPC.

Commercial

Tom has experience in a range of commercial matters, including shareholders' disputes, general contractual disputes, civil fraud, unfair prejudice, and commercial arbitration.

Current and recent instructions include:

- *Kim v. Republic of Uzbekistan* – ICSID arbitration against Uzbekistan by investors in two cement plants (led by Michael Swainston QC and Stephen Midwinter)
- *Harbour Fund III LP v. Kazakhstan Kagazy* – dispute in relation to a litigation funding agreement (led by Tom Adam QC)
- *West Ham v. E20* - acting for E20 on its defence of West Ham United's claims relating to the rights to use the London Stadium, including defending a privilege challenge [2018] EWHC 2784, and an expedited appeal on privilege issues [2018] EWCA Civ 2652 (led by Thomas Plewman QC)
- Advising on potential claims under a business interruption insurance policy (led by Neil Calver QC)
- Advising on a substantial debt claim by a manufacturer, including governing law and jurisdiction issues (unled)
- Advising a joint venture party on potential claims for unfair prejudice and breach of a shareholders' agreement (unled)
- Advising on potential claims in relation to a fraudulent investment scheme (unled)

Tom obtained extensive experience of commercial litigation and arbitration in his previous role as a Solicitor Advocate at Herbert Smith Freehills LLP.

Significant matters include:

- Acting for a major international commodities company in multi-jurisdictional proceedings concerning an SPA for an interest in a mining JV
- Acting for an IT company in an LCIA arbitration concerning a JV dispute, and ancillary relief proceedings in Cyprus
- *Leighton Offshore v. Unaoil* [2014] EWHC 2965 (Comm), acting for Leighton
- Advising a corporate trustee on a jurisdiction challenge and winding-up proceedings before the BVI court
- Advising beneficiaries on a multi-billion dollar claim for breach of trust and a *Norwich Pharmacal* application.

As a Trainee Solicitor, Tom worked on proceedings concerning the Tchenguiz Discretionary Trust before the Guernsey Courts, an arbitration concerning an oil & gas company, and a mediation involving a probate dispute. He also spent nine months in transactional departments, six months on secondment to BP Legal Dispute Resolution in London, and three months as a judicial assistant to the Commercial Court (Eder J) and Chancery Division (Proudman J and Asplin J).

Tom also worked on a wide range of commercial law matters as a pupil and judicial assistant to the Supreme Court, including:

- *Banca Nazionale del Lavoro SPA v. Playboy Club London Limited* [2018] UKSC 43: application of the undisclosed principal rule in negligent misstatement (as a pupil, assisting Simon Salzedo QC and Fred Hobson);
- Advising investors in a mortgage-origination JV business on claims for breach of a SHA and reflective loss issues (as a pupil, assisting Fred Hobson);
- *Patel v. Mirza* [2016] UKSC 42: the illegality defence (as a judicial assistant);

- *Willers v. Joyce* [2016] UKSC 43 & 44: malicious prosecution in civil proceedings (as a judicial assistant); and
- *Marks and Spencer plc v. BNP Paribas Securities Services Trust Company (Jersey) Limited* [2015] UKSC 72: the implication of contractual terms (as a judicial assistant).

EU/Competition

Tom is instructed in *Allianz Global Investors v. Barclays Bank and others*, acting for HSBC in claims in relation to alleged FX manipulation (led by Helen Davies QC and Sarah Abram).

As a pupil and judicial assistant, Tom worked on a number of EU and competition cases, including follow-on damages actions, CMA investigations, pharmaceuticals litigation, and Brexit issues. Significant matters include:

- *R (Bayer Plc and Novartis) v. NHS Darlington CCG and others*: a judicial review challenging a healthcare policy to prefer an unlicensed medicinal product over licenced alternatives (as a pupil, assisting Jemima Stratford QC and Emily MacKenzie);
- *In Re Easyjet* [2018] EWCA Civ 10: an appeal to the Court of Appeal concerning the Cross-Border Mergers Directive and EU abuse of law principle (as a pupil, assisting David Scannell);
- advising a major payment-services provider on issues arising under the Funds Transfers Regulation (as a pupil, assisting Jemima Stratford QC and David Scannell);
- advising the Public Law Project and Liberty on issues arising under the European Union (Withdrawal) Bill (as a pupil, assisting Martin Chamberlain QC);
- advising on an early-stage CMA investigation into alleged anti-competitive pricing activities (as a pupil, assisting David Scannell);
- advising a potential claimant for follow-on damages on issues of governing law and joint and several liability (as a pupil, assisting David Scannell);
- *Airtours Holidays Transport Limited v. HMRC* [2016] UKSC 21: recovery of input VAT (as a judicial assistant); and
- *Mehboob Travel Ltd v Pakistan International Airlines Corp* [2012] EWHC 4364 (Comm) (as a judicial assistant).

Public Law

Tom has worked on a wide range of public law matters as a solicitor, pupil, and judicial assistant, including illegality and irrationality challenges, EU-related judicial review, infrastructure contracts, and statutory claims. Significant matters include:

- *NS (Sri Lanka) and others (Appellants) v. SSHD* before the Supreme Court: on the application of Article 3.1 of the UN Convention on the Rights of the Child (as a pupil, assisting Martin Chamberlain QC);
- *R (Bayer Plc and Novartis) v. NHS Darlington CCG and others*: a judicial review challenging a healthcare policy to prefer an unlicensed medicinal product over licenced alternatives (as a pupil, assisting Jemima Stratford QC and Emily MacKenzie);
- advising a Government department on potential claims under a high-value infrastructure contract (as a pupil, assisting David Scannell and Tim Johnson);
- advising the Public Law Project and Liberty on issues arising under the European Union (Withdrawal) Bill (as a pupil, assisting Martin Chamberlain QC);
- resisting a judicial review before the South African courts concerning a Ministerial consent to a mining transaction (as a solicitor);
- *In the matter of B (a child)* [2016] UKSC 4: concerning the habitual residence of a child (as a judicial assistant);
- *The Mayor's Office for Policing and Crime v. Mitsui Sumitomo Insurance Co (Europe) Ltd* [2016] UKSC 18: claims for consequential losses under the Riot (Damages) Act 1886 (as a judicial assistant);

- *R (on the application of O)* [2016] UKSC 19: lawfulness of detention under the Home Secretary's policy on mental health issues (as a judicial assistant);
- *HMRC v. Sunico and others* [2013] EWHC 941 (Ch): damages claim arising out of an unlawful means conspiracy to commit MTIC VAT fraud (as a judicial assistant);
- volunteer advocate with the Asylum Support Appeals Project.

Publications

- "Privy Council confirms availability of backward tracing", Herbert Smith Freehills Litigation Notes, 10 August 2015
- "Court of Appeal clarifies jurisdiction to order disclosure in support of freezing injunctions", Herbert Smith Freehills Litigation Notes, 19 March 2015
- "Supreme Court corrects 'wrong turn' in English law, holding that bribes received by an agent are held on trust for the principal", Herbert Smith Freehills Litigation Notes, 21 July 2014
- "Court of Appeal confirms account of profits available as remedy for dishonest assistance" (with Robert Hunter), Herbert Smith Freehills Litigation Notes, 17 July 2014
- "Supreme Court finds trustee fraud exception under Limitation Act does not apply to claims for dishonest assistance / knowing receipt", Herbert Smith Freehills Litigation Notes, 20 February 2014

Education & Qualifications

Professional experience

2017-2018: Pupillage, Brick Court Chambers

2017: Called to the Bar of England and Wales

2013-2015, 2016-2017: Solicitor Advocate and Associate, Herbert Smith Freehills LLP, London (Dispute

Resolution)

2015-2016: Judicial Assistant to Lord Wilson and Lord Hodge, Supreme Court of the United Kingdom

2013: Legal Assistant, BP Legal Dispute Resolution

2012: Judicial Assistant to the Commercial Court and Chancery Division

2011-2013: Trainee Solicitor, Herbert Smith Freehills LLP

Education

2014: Higher Rights of Audience, Herbert Smith Freehills LLP (top of cohort)

2011: Legal Practice Course, BPP Law School (Distinction)

2009-2010: Graduate Diploma in Law, BPP Law School (Distinction)

2007-2008: Master of Studies, Christ Church, University of Oxford (Distinction)

2004-2007: BA in Music, Christ Church, University of Oxford (First Class, top of year)

Scholarships and prizes

Pupillage

Lord Reid Senior Scholarship, Gray's Inn (2018)

Bar European Group Phoenicia Scholarship (2018)

As a Solicitor

City of London Solicitors' Company Prize (2013)

Herbert Smith Freehills LPC Prize (2011)

University of Oxford

Arts and Humanities Research Council Award (2007)

University Gibbs Prize for top first (2007)

Christ Church Finals Prize (2007)

Clifford Smith Prize (2007)

Dixon Scholarship (2006)

Academic and Instrumental Exhibition Awards (2005-2006)