

Tom Wood

YEAR OF CALL: 2017

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



Practice Overview

Tom has a busy practice across the range of work in chambers, with a focus on general commercial litigation, arbitration, civil fraud, shareholders disputes, and competition law. Before coming to the Bar, Tom practised as a Solicitor Advocate and Associate at Herbert Smith Freehills LLP for four years in general commercial disputes and civil fraud.

Tom's significant current and recent instructions include:

- Acting for a shareholder in a multi-million dollar property business in an LCIA arbitration against his JV partner, including applications for interim relief to the LCIA and English Court (led by Alec Haydon QC)
- *De Havilland v. SpiceJet* – acting for De Havilland in Commercial Court proceedings for liquidated damages for breaches of an aircraft purchase agreement (led by Jasbir Dhillon QC)
- Advising a major conglomerate on potential claims for fraudulent and negligent misstatement against a JV partner in relation to a multi-million dollar property development (led by Harry Matovu QC)
- Advising a number of galleries and museums on potential claims under business interruption insurance policies for losses arising from the Covid-19 pandemic (with Tony Singla)
- Advising a major broadcaster on issues arising under various contracts following the Covid-19 pandemic (led by Mark Howard QC)
- *Allianz Global Investors v Barclays Bank and others* – acting for HSBC in substantial follow-on and stand-alone damages claims concerning alleged manipulation of forex rates over a ten-year period (led by Helen Davies QC and Sarah Abram)

- Acting for a major pharmaceuticals manufacturer in LCIA proceedings concerning a contract dispute with a purchaser worth in excess of US\$1 million (unled)
- *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)
- *Lotus v Marcassus* [2019] EWHC 3128 (Comm) – acting for a defendant challenging jurisdiction over a debt claim in the Commercial Court (unled)
- *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)

In 2015-16, 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.

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. As a pupil, he received the Lord Reid Senior Scholarship from Gray’s Inn and a Phoenicia Scholarship from the Bar European Group.

Commercial

Tom practises across the full range of commercial work in chambers. He is regularly instructed as part of teams in heavyweight commercial disputes, and has appeared with leading counsel before the Court of Appeal, High Court and Financial Reporting Counsel, and unled in the Commercial Court, Circuit Commercial Court and County Court.

Current and recent instructions include:

- Acting for a shareholder in a multi-million dollar property business in an LCIA arbitration against his JV partner, including applications for interim relief to the LCIA and English Court (led by Alec Haydon QC)
- *De Havilland v. SpiceJet* – acting for De Havilland in Commercial Court proceedings for liquidated damages for breaches of an aircraft purchase agreement (led by Jasbir Dhillon QC)
- *L&J Lonsdale Metals v Jaguar Land Rover* – acting for JLR in resisting a Circuit Commercial Court claim for breach of contract and counterclaiming for payment of a trade debt (unled)
- Advising a conglomerate on potential claims for fraudulent and negligent misstatement against a JV partner in relation to a multi-million dollar property development (led by Harry Matovu QC)
- Acting for a major pharmaceuticals manufacturer in LCIA proceedings concerning a contract dispute with a purchaser worth in excess of US\$1 million (unled)

- Advising a number of galleries and museums on potential claims under business interruption insurance policies for losses arising from the Covid-19 pandemic (with Tony Singla)
- Advising a major broadcaster on issues arising under various contracts following the Covid-19 pandemic (led by Mark Howard QC)
- *Lotus v Marcassus* [2019] EWHC 3128 (Comm) – acting for a defendant challenging jurisdiction in the Commercial Court (unled)
- *Kim v Republic of Uzbekistan* – ICSID arbitration against Uzbekistan by investors in two cement plants (led by Michael Swainston QC and Stephen Midwinter)
- Advising two major beverages companies on contractual issues arising from a potential acquisition (led by Robert O’Donoghue QC)
- *Harbour Fund III LP v Kazakhstan Kagazy* – dispute in relation to a litigation funding agreement arising out of a £300 million civil fraud claim (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)

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

- Acting for Norilsk Nickel on various claims relating to the acquisition by a Botswanan company of mining interests, including a judicial review in South Africa and reckless trading proceedings against the government of Botswana, and an LCIA arbitration
- Acting for an IT business in LCIA proceedings concerning a JV dispute, and ancillary relief proceedings in Cyprus
- *Leighton Offshore v Unaoil* [2014] EWHC 2965 (Comm), acting for Leighton
- Acting for 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 spent nine months working in transactional departments (Corporate Energy and Real Estate Finance and Restructuring), six months on secondment to BP Legal Dispute Resolution, 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)
- *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)

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 Easynet* [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)