BRICK COURT
CHAMBERS

Brick Court Chambers
7-8 Essex Street, London WC2R 3LD
DX 302 London Chancery Lane

Andrew Thomas

YEAR OF CALL: 1996

"A very thorough adviser, who is strategically adept in presenting difficult arguments to court."

Legal 500

Clerk's Email: **TonysClerkingTeam@brickcourt.co.uk**



Practice Overview

Andrew Thomas is ranked as a Leading Junior in Commercial Litigation, and in Banking and Finance by Legal 500.

Andrew has advised on and appeared, both with and without a leader, in a wide spectrum of commercial litigation involving issues ranging from points in international jurisdiction disputes to construction of many different types of commercial contracts (including Jamp Pharma v Unichem [2021] EWHC 1712 (Comm), Durham Tees Valley Airport v bmibaby [2010] EWCA Civ 485, and Camerata v Credit Suisse [2012] EWHC 7 (Comm)).

Andrew has acted for the Russian government, a Prince and Princess of Romania, various sports teams (including the Harlequins), and also numerous clients involved in litigation with various banks (including claims against NatWest, RBS, Lloyds TSB, Barclays, Santander, Credit Suisse, UBS and Calyon).

Andrew has also acted for many victims of civil frauds, seeking urgent freezing orders and other protection pending resolution of claims (e.g. acting for the London Philharmonic Orchestra and many other businesses and private individuals, e.g. in Alvarez v Moor [2019] EWHC 1774).

Andrew also accepts arbitration appointments. He has acted a sole arbitrator and also as a member of LCIA arbitration tribunals.

Commercial

Commercial litigation and arbitrations

Andrew is ranked as a Leading Junior in Commercial Litigation by the Legal 500.

Andrew has extensive experience of complex substantive commercial disputes involving contractual issues and torts, in a wide variety of contexts (including various cases with international dimensions giving rise to issues as to jurisdiction and the applicable law).

Insert more on International Litigation – jurisdiction disputes

- Jamp Pharma v Unichem [2021] EWHC 1712 (Comm) - Sole counsel for Claimant in Commercial Court proceedings regarding the international supply of pharmaceutical products, with issues as to whether a binding contract had been formed.
- Concept Capital v Mutual Benefits [2020] - Acting (unled) for a Nigerian company in relation to dispute with a value in excess of £20 million regarding bonds issued by that company.
- Finch v Lloyds TSB [2017] 1 BCLC 34 – Claims regarding sale of interest rate hedging product, involving issues regarding existence and extent of a bank's advisory obligations
- NatWest v Ryan (2016) – Acting for client defending claim by a bank in relation to personal guarantees with counterclaims alleging negligent advice and breach of obligation of good faith
- Steeles Professional Cleaning Services Ltd v Holder or holders of an account with Metro Bank Plc (2015) – Civil fraud and breach of fiduciary obligations, together with related freezing injunctions.
- Augean plc v Hutton and others [2014] EWHC 2972 (Comm), [2014] All ER (D) 106 (Sep) – multi- million pound contractual claims regarding breaches of warranty in relation to sale of a waste disposal business
- Hockin and others v Marsden and others [2014] EWHC 763 (Ch) – Litigation to compel administrators to assign claims against RBS and Natwest in relation to alleged misselling of interest rate hedging products
- Kent County Council v Knowles [2014] EWHC 1900 (QB) - multi-million pound civil fraud claim involving contractual issues and fiduciary obligations
- Haughey Air Ltd v AgustaWestland SPA [2014] EWHC 2746 (Comm) – Contested jurisdiction application in Commercial Court relating to sale of a helicopter.
- UBS v Regione Calabria [2012] EWHC 699 (Comm)) – Jurisdiction dispute regarding a bank advisory relationship.
- Durham Tees Valley Airport v bmibaby [2011] 1 All E.R. (Comm) 731; [2011] 1 Lloyd's Rep. 68 - Court of Appeal, regarding measure of damages
- Durham Tees Valley Airport Ltd v bmibaby Ltd [2009] 2 All E.R. (Comm) 1083; [2009] 2 Lloyd's Rep. 246 - construction of contract
- Reliance Globalcom Ltd v OTE International Solutions SA [2011] EWHC 1848 (QB)

- FR Lurssen Werft GmbH & Co KG v Halle [2011] 1 Lloyd's Rep. 265
- FR Lurssen Werft GmbH & Co KG v Halle [2010] 2 Lloyd's Rep. 20
- Waltham Forest LBC v Oakmesh Ltd [2009] EWHC 1688 (Ch); [2010] J.P.L. 249
- Bancomext v ETECSA [2007] 2 C.L.C. 690 [2007] I.L.Pr. 59
- Bancomext v ETECSA [2007] EWCA Civ 662; [2008] 1 W.L.R. 1936; [2008] Bus. L.R. 1265; [2007] 2 All E.R. (Comm) 1093; [2007] 2 Lloyd's Rep. 484 - Court of Appeal
- Metal Distributors (UK) Ltd -v- ZCCM Investment Holdings Plc [2005] 2 Lloyd's Rep 37 regarding the jurisdiction of arbitrators.
- Anglo Eastern Trust -v- Kermanshahchi [2003] BPIR 1229, a commercial dispute involving property transactions.
- Represented Sir Allen Stanford in relation to a sponsorship dispute over the Stanford 20/20 for 20 cricket series (with Mark Cran QC).
- Junior Counsel on a telecommunications arbitration involving allegations of money laundering and claims for assets worth hundreds of millions of dollars.
- Engaged in proceedings involving damage to oil pipelines, giving rise to various issues of quantification of alleged future losses.

Other earlier notable cases

- Transco Plc v United Utilities Water Plc [2005] EWHC 2784 (QB);
- Metal Distributors (UK) Ltd v ZCCM Investment Holdings Plc [2005] EWHC 156 (Comm); [2005] 2 Lloyd's Rep. 37; Times, March 9, 2005
- Engaged in long-running litigation against Mr Van Hoogstraten by the estate of Mr Raja, including matters relating to freezing orders and Raja -v- Van Hoogstraten (Court of Appeal) with regard to contempt and abuse of process. Includes Raja v Van Hoogstraten [2004] EWCA Civ 968; [2004] 4 All E.R. 793.
- Anglo Eastern Trust Ltd v Kermanshahchi [2003] EWHC 1939 (Ch); [2003] B.P.I.R. 1229 - hearing regarding beneficial interests in property and alleged transactions at an undervalue
- Carnoustie Universal SA v International Transport Workers Federation [2002] EWHC 1624 (Comm); [2002] 2 All E.R. (Comm) 657;
- Don King Productions Inc -v- Warren and Others [1998] 2 All ER 608, [1999] 3 WLR 276, [1998] 2 Lloyd's Rep 176, [1998] 2 BCLC 132, [1998] RPC 817 regarding contractual assignments and declarations of trust.
- Carnoustie Universal SA and others -v- International Transport Workers' Federation and others [2002] 2 All ER (Comm) 657, involving issues of conflicts of laws, jurisdiction and duress.

- J Sainsbury plc -v- Broadway Malyan (a firm) (Ernest Green Partnership Ltd, third party) 61 Con LR 31 - including issues regarding loss of a chance and contribution claims.
- Junior Counsel in the BSE Inquiry conducted by Lord Phillips.

Banking and finance

Andrew is ranked as a Leading Junior in Banking and Finance by the Legal 500 2016.

Andrew has been engaged on various cases involving major banks (including NatWest, RBS, Lloyds TSB, Barclays, Santander, Credit Suisse, UBS and Calyon) which raised issues regarding:

- the misselling of interest rate hedging products (including swaps and collars);
- the duties owed by banks to its customers;
- the duties owed to banks by their auditors;
- construction of mandates given to banks,
- liabilities under guarantees to banks;
- rights and obligations of various banks and other parties under letters of credit;
- the rights and obligations of bond-holders and account-holders;
- duties of banks under custodian agreements;
- various demands for banking records.

His notable banking and finance cases include:

- Finch v Lloyds TSB [2017] 1 BCLC 34 – Claims regarding sale of interest rate hedging product, involving issues regarding existence and extent of a bank's advisory obligations
- NatWest v Ryan (2016) – Acting for client defending claim by a bank in relation to personal guarantees with counterclaims alleging negligent advice and breach of obligation of good faith
- Hockin and others v Marsden and others [2014] EWHC 763 (Ch) – Compelling administrators to assign claims against RBS and Natwest in relation to alleged misselling of interest rate hedging product.
- Camerata v Credit Suisse [2012] EWHC 7 (Comm) [2011] EWHC 479 (Comm); [2011] 2 B.C.L.C. 54; [2011] 1 C.L.C. 627
- Camerata v Credit Suisse [2012] EWHC 7 (Comm); [2012] 1 C.L.C. 234; [2012] P.N.L.R. 15
- UBS v Regione Calabria [2012] EWHC 699 (Comm); [2012] 1 C.L.C. 580; [2012] I.L.Pr. 22

- Calyon v PZL - [2009] EWHC 1914 (Comm); [2009] 2 All E.R. (Comm) 603
- Junior counsel for Coopers & Lybrand in the Barings Litigation, involving allegations of negligence by the auditors of Barings in relation to the activities of Nick Leeson.

Civil fraud

Extensive practical experience in litigation involving allegations of civil fraud and deceit, including related interim relief hearings (particularly freezing orders) and asset recovery issues. These cases have included issues relating to embezzlement by directors/employees and also frauds by third parties upon various businesses and private individuals. These cases have often involved international aspects.

- Truevo Payments v Al Bustan Food Ltd and others [2022] - Acting for an international credit card payment company in relation to various civil claims in England (including claims for fraud and dishonest assistance).
- Alvarez v Moor [2019] EWHC 1774 - Acted unled for Claimant in a claim for over $2 million for alleged fraudulent misrepresentation and conspiracy, in which the Defendants contended the Claimant had consented to his funds being invested in a fund.
- Steeles Professional Cleaning Services Ltd v Holder or holders of an account with Metro Bank Plc (2015) – Civil fraud and breach of fiduciary obligations, together with related freezing injunctions.
- Kent County Council v Knowles [2014] EWHC 1900 (QB) - multi-million pound civil fraud claim involving contractual issues and fiduciary obligations
- Bampton v Rust [2008] EWHC 3662 (QB) - Accountancy professional negligence and deceit
- Brampton v Rust [2008] EWHC 216 (QB)
- Cadogan Petroleum Plc v Tolley [2009] EWHC 2527 (Ch) - conspiracy
- Engaged in proceedings by Motorola Credit Corporation against Uzan and others, including issues regarding whole wide freezing orders.
- Various cases requiring urgent applications for freezing orders, including on behalf of the London Philharmonic Orchestra.

Public international law

Participated in ECHR and ICJ proceedings, acting on behalf of the Russian Government and others in large and complex proceedings involving numerous factual and legal issues (regarding

international human rights law, various aspects of public international law, the jurisdiction of international courts and related procedural issues).

Qualifications & Further Information

Seminars

Andrew regularly gives seminars to solicitors on a range of subjects including on repudiatory breaches of contract.

Qualifications and prizes

Law B.A. (First Class Honours), Balliol College, Oxford

Recipient of Oxford University's Eldon Law Scholarship, and the Slaughter and May prize for the Best Performance in Contract in Finals, and Inner Temple's Princess Royal Scholarship.

Further Information

Called to the Inner Temple

Other interests - Science fiction and the exploration of space.

Called to the Bar of the British Virgin Islands

Directory Quotes

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- "Calmness personified – great written work, always approachable and willing to assist." (Legal 500 2022)
- "Very approachable and gives straightforward, quick and effective advice. Good drafting and ability to distil complex factual matrices into efficient pleadings." (Legal 500 2022)
- "Very thorough, excellent on detail, very good with clients , including very stressed ones." (Legal 500 2021)
- "Responsive, commercial, sound judgement, good advocate, good lawyer and an excellent team player." (Legal 500 2021)
- "Extremely easy to get on with and patient with in-house counsel." (The Legal 500 2020)
- "A very effective junior." (The Legal 500 2020)

- "Provides excellent support and is very responsive and professional." (The Legal 500 2018-19)
- "Very quick to get to the heart of complex cases and his contract analysis is superb." (The Legal 500 2018-19)
- "A very thorough adviser, who is strategically adept in presenting difficult arguments to court." (The Legal 500 2017)
- "Excellent both on his feet and on paper, he deploys his skills with precision." (The Legal 500 2017)
- "He has a good eye for detail and cuts through to the central issues." (The Legal 500 2016)
- "He formulates arguments that please the court and clients." (The Legal 500 2016)
- “He has exceptional client skills and gets his knowledge across with both the court and the client” (The Legal 500 2015)
- “A first-class barrister” (The Legal 500 2015)
- "Extremely bright, and good at spotting the merits of a case." (The Legal 500 2014)
- "A very good junior, who is superb with difficult clients and challenging cases." (The Legal 500 2014)
- “extremely thorough in his analysis and thinking” (The Legal 500 2013)
- “tactically shrewd in his submissions, particularly in court'" (The Legal 500 2013)