

Tom Poole KC

Call Date: 2001 | Silk Date: 2021



Tom Poole KC has a wide-ranging practice, with particular specialisms in civil fraud, commercial dispute resolution, employment, insolvency, and constitutional and administrative law.

Tom also practises in banking and finance-related disputes, and has significant experience in international arbitration.

Tom is rated by The Legal 500 and Chambers and Partners as a leading silk in: Commercial Dispute Resolution, Civil Fraud, Civil Liberties and Human Rights, Employment, Insolvency and Offshore.

Tom has particular experience of heavy High Court trial work, having acted in several lengthy commercial chancery trials, and has considerable experience of working with and leading large teams of solicitors, foreign lawyers and experts.

Much of Tom's work has an international element, with clients from jurisdictions including the Caribbean, Gibraltar, Cyprus and Russia / CIS. As such, he has significant experience of conflicts of laws and offshore issues arising out of multijurisdictional claims.

Tom has extensive appellate advocacy experience, particularly in the Privy Council, in which he has many reported cases.

Before taking silk, Tom was a member of the Attorney-General's "A" Panel for civil counsel and in that capacity acted in some of the Government's most high-profile and complex employment and public law cases.

Tom is one of the Lead Counsel to the UK Covid-19 Inquiry.

Legal Services

Banking & Financial Services

Tom has specific expertise in banking and finance-related litigation with extensive experience of acting for and against banks and other financial institutions.

Notable Banking & Financial Services cases

[National Bank Trust v Yurov \[2020\] EWHC 100 \(Comm\)](#)

Acting (with Paul Stanley KC) for one of the three former directors of National Bank Trust, one of Russia's largest retail banks, against whom claims valued at over US\$1 billion were made as a result of the allegedly dishonest management of the bank. The claim was heard at a nine-week trial and was listed as one of The Lawyer's Top 20 Cases.

[Emirates Islamic Bank v Nasser Al Mehairi](#)

Acting for the claimant bank for the recovery of a significant debt arising from a disputed guarantee.

Acting in respect of obtaining urgent worldwide freezing relief in the context of a fraud against one of the 'Big Four' banks worth c.\$50m.

Civil Fraud

Tom has extensive experience of all aspects of civil fraud litigation, with particular specialism in cases involving bribery, conspiracy, deceit, knowing assistance and breach of trust.

Notable Civil Fraud cases

[Mountain Ash Portfolio v Vasilyev \[2021\] EWHC 1853 \(Comm\) and \[2022\] EWHC 1867 \(Comm\):](#)

Acting for a corporate trustee in a claim against a very high net worth Russian individual pursuant to a shareholders' guarantee worth c.\$120m.

[National Bank Trust v Yurov \[2020\] EWHC 100 \(Comm\):](#)

Acting (with Paul Stanley KC) for one of the three former directors of National Bank Trust, one of Russia's largest retail banks, against whom claims valued at over US\$1 billion were made as a result of the allegedly dishonest management of the bank. The claim was heard at a nine-week trial and was listed as one of The Lawyer's Top 20 Cases.

[Iris Tech London Limited v Wild Water Ventures SAS](#)

Acting in a multi-million dollar claim concerning an international consultancy agreement alleged to have

been procured by fraud.

Acting for the provisional liquidator in a claim to recover in excess of £25 million misappropriated as a result of a substantial labour supply fraud.

COP Corp Ltd v Fifty Shades Ltd

Acting for the author of the “Fifty Shades” works in a dispute with its US merchandising licensee.

NGM v Wallis & Ors

Acting for the defendants in a £50 million fraud and conspiracy case concerning intellectual property rights and ‘can-float’ property technology. The claim was heard at a six-week trial in the Chancery Division.

Chancery Commercial & Insolvency

Tom’s practice covers all areas of chancery commercial and contentious insolvency, with specialisms in bringing and defending claims against directors, claims for misfeasance / breach of duty, asset recovery and disqualification proceedings.

Tom is recommended as a leading silk in Insolvency by the Legal 500. Recent comments in the directories have included: “Excellent under pressure and gives clear advice. Will be a very strong and sought-after KC.”

Notable Chancery Commercial & Insolvency cases

One Blackfriars Limited [2021] EWHC 845 (Ch)

Acting for the claimant liquidator in a £250 million claim against the former administrators of One Blackfriars for, amongst other things, selling the landmark building at an undervalue.

Edgeworth Capital (Luxembourg) SARL v Derek Quinlan

Acting for the creditors in a claim for c.£40 million against the well-known business man, Derek Quinlan, arising out of the attempted acquisition of a real estate complex in Madrid.

Gordon v Havener [2021] UKPC 26

3 HARE COURT

Acting in this Privy Council appeal concerning whether proprietary estoppel could, as a matter of principle, be invoked by a contract-breaker where the relevant promise was contained in a contract.

Acting for a Russian trustee in bankruptcy in a claim for a declaration concerning the beneficial ownership of a share in a UK company worth in excess of £50 million.

Commercial Disputes

Tom's practice extends across the full range of commercial disputes and over recent years has involved a significant number of heavyweight trials with an international element and associated offshore issues.

Tom is recommended as a leading silk for Commercial Dispute Resolution in Chambers & Partners and Offshore in the Legal 500. Recent comments in the directories have included:

"The speed at which he grasps the facts and documents is incredible", "charming to work with and excels in turning around work under time pressure", "he's clever, diligent and thorough, and he's massively hard-working", "a strong advocate who understands complex cases", "Tom has a remarkable ability to distil complex issues down to the salient points, and drive them home through cross examination, written and oral submissions", and "he is great on his feet".

Notable Commercial Disputes cases

[Mountain Ash Portfolio v Vasilyev \[2021\] EWHC 1853 \(Comm\) and \[2022\] EWHC 1867 \(Comm\)](#):

Acting for a corporate trustee in a claim against a very high net worth Russian individual pursuant to a shareholders' guarantee worth c.\$120m.

[Nulok Global UK Limited v Kingspan Limited](#)

Acting in a multi-million dollar dispute arising out of a breach of a international distribution agreement

[Aslani v Taberner \[2021\] EWHC 3631 \(QB\)](#)

Acting in a claim arising out of defamation proceedings. The decision provides useful guidance on the relationship between the service provisions contained in CPR 6.9 and CPR 6.15.

[Swann v Apollo Bookmakers Limited](#):

Acting in a claim brought by a high net worth individual for gambling losses in excess of £10 million.

3 HARE COURT

Acting for a director in respect of prospective claims he wishes to bring against co-directors for unfair prejudice arising from breach of confidence and breach of contract.

Employment

Tom's extensive employment practice covers all aspects of employment law with particular expertise in High Court litigation and appellate work in the Court of Appeal and Privy Council. Tom's employment work overlaps with his commercial work. This includes acting for and against directors in claims involving breach of fiduciary duty, business interruption and post-termination restrictive covenants.

Tom is recommended as a leading silk in Employment by Chambers & Partners. Recent comments in the directories have included:

"Tom is a brilliant and commercial barrister. He knows how to keep the client informed on strategy and helps to keep them at ease."

Notable Employment cases

Utilitywise Plc v Northern Gas and Power Limited

Instructed in this business interruption case arising out of a team move in breach of various restrictive covenants.

Ideal Heath Solutions Limited v Rapid Energy and others

Advising in a claim concerning breach of fiduciary duty / confidentiality and alleged theft of a customer database.

Guy Parker v John Parker & Son Limited (in administration)

Advising in respect of claims for unfair dismissal, wrongful dismissal and breach of contract in the context of Regulation 7 of TUPE.

[Port Authority of Trinidad and Tobago v Daban \[2019\] UKPC 22](#)

Acting in an appeal to the Privy Council for an employee who had lost his job after receiving a prison sentence and claimed that his employer had breached his right to equal treatment under section 4(d) of the Constitution of Trinidad and Tobago.

Sahatoo v Attorney General of Trinidad and Tobago [2019] UKPC 19

Acting on behalf of the Attorney General of Trinidad and Tobago in an appeal to the Privy Council considering the right of an individual to equality of treatment from a public authority under the Constitution of Trinidad and Tobago.

Offshore & International Arbitration

Much of Tom's work has an international element with a particular emphasis on international and domestic fraud and the identification and recovery of assets in that sphere. Tom has clients from jurisdictions including the Caribbean, Gibraltar, Cyprus and Russia / CIS.

Tom has an extensive international arbitration practice and appears in both courts and before arbitral tribunals at all levels, including under a variety of rules (including LCIA and ICC) and ad hoc.

Tom is recommended as a leading silk in Offshore by the Legal 500. Recent comments in the directories have included:

"Tom's drafting and his advocacy is concise and extremely well-crafted. He is really responsive and easy to use, and also very tactically astute."

Tom is currently instructed in a multi-million EURO LCIA arbitration concerning breach of an international distribution agreement between a UK company and an Italian company involving complex issues of frustration, repudiatory breach and the calculation of loss of a change damages.

Notable Offshore & International Arbitration cases

Prime Minister and Head of the Cabinet of Trinidad and Tobago v Comprehensive Nephrology Services Limited

Acting in an appeal to the Court of Appeal of Trinidad and Tobago in respect of the first public / private contract of its kind involving the commitment of a minimum of \$1.8 billion to construct purpose-built renal facilities.

Attorney General of the Bahamas v Reid and others

Acting in an appeal to the Privy Council concerning the discharge of a restraint order, restraining c.\$20 million.

CIS Mining Development Limited v Russian Copper Company Limited

Acting in an LCIA arbitration relating to a Siberian copper mine raising issues of supervening illegality and

temporary frustration.

Confidential

Acting in an LCIA arbitration relating to a deadlock situation between a Singaporean company and a Vietnamese company arising out of the provision of corporate services.

Frederiks v Royale Park Estates Limited

Acting in an ad hoc arbitration concerning defective goods and the right to rescind.

Public, Administrative & Constitutional

Tom undertakes a significant amount of work in the Privy Council, in particular appeals involving constitutional and administrative law issues. He has acted for most of the Governments in the Caribbean on many high-profile and legally important cases.

Tom's public law practice encompasses the whole spectrum of public law challenges. He has particular expertise in human rights issues, standards in public life and cases involving challenges to decisions of regulatory bodies. He regularly appears in the Court of Appeal and Administrative Court instructed on behalf of companies, central government, local authorities, public interest groups, individuals and regulators.

Tom is rated as a leading silk for Civil Liberties and Human Rights in Chambers and Partners.

Recent comments in the directories have included:

"super clever, charming and an excellent advocate", "very good at what he does", "fantastic intellect", "absolutely thorough and reliable", "Tom has a strong reputation due to his level of intellect" "he has a very measured manner in court and comes across as very authoritative and calm. He's pleasant, he's on top of everything and he produces excellent written material", and "He is a good advocate with strong judgement"..

Notable Public, Administrative & Constitutional cases

R v Miller [2023] UKPC 10

Acting in an appeal to the Privy Council concerning the issue of foreseeability of consequence pursuant to the Penal Code of the Bahamas.

Charles v Bethel [2022] UKPC 51

Acting in an appeal to the Privy Council concerning habeas corpus and constitutional redress following detention and expulsion from the Bahamas to Haiti.

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[Boodram v Attorney General of Trinidad and Tobago \[2022\] UKPC 20](#)

Acting in an appeal to the Privy Council concerning the remedies available to the court when vacating the death penalty.

[Chandler v The State \(No 2\) \[2022\] UKPC 19](#)

Acting (with Howard Stevens KC) in an appeal concerning the constitutionality of the mandatory death penalty. Owing to the constitutional significance of the appeal, the Privy Council sat as a nine-member panel.

[R v Edwards \[2022\] UKPC 11](#)

Acting in an appeal concerning the right to a fair trial within a reasonable time under the Constitution of Jamaica.

[Maharaj v Trinidad and Tobago \[2021\] UKPC 27](#)

Acting in an appeal concerning the test of credibility in deciding on the admissibility of fresh evidence, in particular recantation evidence.

[Duncan v Attorney General of Trinidad and Tobago \[2021\] UKPC 17](#)

Acting in an appeal concerning the right to liberty and security of the person under the Constitution of Trinidad and Tobago.

[Betaudier v Attorney General of Trinidad and Tobago \[2021\] UKPC 7](#)

Acting in an appeal concerning the test of reasonable and probable cause in a case of false imprisonment and wrongful arrest.

Public Inquiries

Tom has extensive experience of public inquiry work having served for many years on the Attorney-General's "A" Panel for civil counsel. Tom was involved in setting up the Iraq Fatality Investigations Team alongside Sir George Newman and acted as the Senior Assistant overseeing the team's first two investigations.

Tom is one of the Lead Counsel to the UK Covid-19 Inquiry.

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Notable Public Inquiries cases

[The Iraq Fatality Investigations](#)

[The UK Covid-19 Inquiry](#)

Memberships

- Commercial Bar Association (COMBAR)
- Commercial Fraud Lawyers Association
- Fraud Lawyers Association
- Commonwealth Lawyers Association (CLA)
- R3

Qualifications

- MA (Law) (First Class Honours), St Catharine's College, Cambridge