

Tom Poole KC

Call Date: 2001 | Silk Date: 2021



Tom Poole KC has a wide-ranging practice, specialising in international and domestic litigation and arbitration involving civil fraud, employment, insurance, insolvency and contractual and commercial cases across the board.

Tom also has significant appellate advocacy experience in constitutional and public law cases, particularly in the Privy Council, in which he has many reported cases.

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 multi-jurisdictional claims.

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 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. Tom regularly undertakes work involving urgent injunctive relief in the fraud context, including search orders, proprietary and freezing injunctions, Norwich Pharmacal and Bankers Trust orders, and anti-suit injunctions. Tom's civil fraud practice spans both litigation and arbitration, with many of his arbitration cases involving allegations of complex fraud.

Tom is ranked as a leading silk for civil fraud work in The Legal 500 *"Tom is an exceptionally talented advocate, and his knowledge and skill set in the area of civil fraud is impressive"*.

Notable Civil Fraud cases

Attorney General of the Bahamas v Jonathan Reid and Others [2024] UKPC 30

Acting for the Respondents in an appeal to the Privy Council concerning restraint orders and associated relief granted following MLAT requests by the US DOJ, following a substantial \$20 million fraud against Boeing in the USA.

Mountain Ash Portfolio v Vasilyev

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

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.

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's insolvency practice has a particular emphasis on cases with an international element, with clients from jurisdictions including the Caribbean, Gibraltar, Cyprus and Russia / CIS. Tom is ranked as a leading silk in Insolvency by the Legal 500 and as a leading silk in Chancery: Commercial by Chambers and Partners. Recent comments in the directories have included:

"Tom is very prepared to roll up his sleeves and tackle boxes of documents, before coming up with detailed answers", "Tom is incredibly eloquent and succinct in his submissions. He's very good at focusing on the core issues of a claim and getting to grips with huge amounts of detail." and *"Tom is incredibly smart; he picks things up very quickly and gets to the nub of the issues. He is a very, very effective advocate, who is always strategically minded"*

Tom is also a member of the R3 Insolvency and Restructuring Group.

Notable Chancery Commercial & Insolvency cases

Andrew Flowers v Enterprise Insurance Company Plc (In Liquidation) [2024] GCA/005

Acting for a director of a group of insurance companies that went into liquidation in Gibraltar. Liability judgment of £50m+ is being appealed to the Privy Council having been partially successful in the Court of Appeal of Gibraltar.

Re One Blackfriars Limited

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

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's commercial practice also sees him instructed in a wide variety of insurance cases.

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:

"Tom Poole has a wealth of experience and provides sound legal opinions when handling complex and time-sensitive matters", "Tom is one of the most user-friendly barristers you can use, and that hasn't changed since he took silk. He is super responsive, excellent with clients, and his written advice and pleadings are concise

and clear and he is tactically astute.” and “Tom is one of the most user-friendly barristers. He is super responsive, excellent with clients and tactically astute.”

Notable Commercial Disputes cases

Andrew Flowers v Enterprise Insurance Company Plc (In Liquidation) [2024] GCA/005

Acting for a director of a group of insurance companies that went into liquidation in Gibraltar. Liability judgment of £50m+ is being appealed to the Privy Council having been partially successful in the Court of Appeal of Gibraltar.

Dipcon Engineering Services Ltd v Urban Development Corporation of Trinidad and Tobago

Acting on behalf of the appellant in this legally complex and high value appeal from the Court of Appeal of Trinidad and Tobago to the Privy Council. The appeal arises out of a major infrastructure redevelopment project in Trinidad.

Mountain Ash Portfolio v Vasilyev

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

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

Acting for the appellant in this complex commercial appeal to the Court of Appeal of Trinidad and Tobago arising out of a pending public / private contract involving the future commitment of a minimum of \$1.8 billion of public money to construct purpose-built renal facilities.

Nulok Global UK Limited v Kingspan Limited

Acting in a multi-million dollar dispute arising out of a breach of an 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.

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.

International Arbitration & Offshore

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 is one of the most user-friendly barristers you can use, and that hasn't changed since he took silk. He is super responsive, excellent with clients, and his written advice and pleadings are concise and clear and he is tactically astute.' and *'Tom is one of the most user-friendly barristers. He is super responsive, excellent with clients and 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 International Arbitration & Offshore 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 concerning the alleged breach of an international distribution agreement and allegations of frustration and breach of the duty of good faith.

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.

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:

"Tom is extremely calm and excellent to work with. His knowledge and strategic thinking are fantastic. I would ask to instruct him in a heartbeat" "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

The King v Julian Washington [2024] UKPC 34

Acting for the Attorney General and Director of Public Prosecutions for Bermuda in a landmark appeal

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concerning the use of forensic evidence in criminal trials and its implications for fair trial rights under the Bermuda Constitution.

Dipcon Engineering Services Ltd v Urban Development Corporation of Trinidad and Tobago

Acting on behalf of the appellant in this legally complex and high value appeal from the Court of Appeal of Trinidad and Tobago to the Privy Council. The appeal arises out of a major infrastructure redevelopment project in Trinidad.

[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.

[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.

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[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.

Notable Public Inquiries cases

[The Iraq Fatality Investigations](#)

[The UK Covid-19 Inquiry](#)

Accreditations

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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