

Tom Poole KC

Call Date: 2001 | Silk Date: 2021



Tom Poole KC has a broad commercial and commercial chancery practice, with particular specialisms in civil fraud, asset recovery, insolvency, international arbitration and employment.

He has particular experience of heavy High Court trial work, having acted in several lengthy commercial chancery trials, and has considerable experience working with 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 appears in both courts and before arbitral tribunals at all levels, including under a variety of rules. He has extensive experience of appellate advocacy, particularly in the Privy Council, in which he has many constitutional, human rights and public law reported cases.

Before taking silk in 2021, 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 public law and employment cases.

Legal Services

Commercial, Civil Fraud and Insolvency

Tom's practice extends across the full range of commercial disputes covering claims involving bribery, conspiracy, knowing assistance and breach of trust. As well as commercial / contractual disputes, Tom also undertakes significant chancery / commercial cases, and has extensive experience of domestic and international claims arising from shareholders' and directors' disputes and misfeasance.

Tom's practice over recent years has involved a significant number of heavyweight cases with a Russian / CIS element and associated offshore issues, including National Bank Trust v Yurov, a nine-week Commercial Court trial of a Russian banking fraud claim of US\$1 billion.

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In the insolvency and restructuring field Tom is highly experienced in bringing and defending claims against directors, including claims for misfeasance / breach of duty, asset recovery cases and disqualification proceedings.

Tom is recognised in Chambers & Partners as a leading junior in Commercial Dispute Resolution and in the Legal 500 as a leading junior in Civil Fraud. Recent comments in the directories have included:

"The speed at which he grasps the facts and documents is incredible", "he is a brilliant junior – definitely one to watch", "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", "he has a reputation for being realistic and straightforward" and "a strong advocate who understands complex cases".

Notable Commercial, Civil Fraud and Insolvency cases

One Blackfriars Limited

Acting (with Simon Davenport QC) 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. The case has attracted much press coverage and interest in the insolvency industry. Awaiting Judgment,

National Bank Trust v Yurov

Acting (with Paul Stanley QC) 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 are being made in the Commercial Court 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.

NGM v Wallis & Ors

Acting (with Simon Davenport QC) 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.

Employment

Tom's extensive employment practice covers all aspects of employment law with particular expertise in conducting Tribunal and High Court claims, including injunctive action and relief. Tom's employment work overlaps with his commercial work. This includes acting for and against directors in claims involving breach of fiduciary duty and post-termination restrictive covenants.

Tom is recognised by the Legal 500 as leading junior in Employment. Recent comments in the directories have included:

"a very bright junior who's easy to work with", "he is highly recommended" and "he is a very high-quality junior".

Notable Employment cases

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

Acting (alone) 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.

[ACAS v Public and Commercial Services Union \[2018\] ICR 1793](#)

Acting (alone) in an appeal to the Employment Appeal Tribunal from a decision of the Central Arbitration Committee. The appeal concerned the interpretation of the Information and Consultation of Employees Regulations 2004 and is now the leading authority on the meaning of "carrying out of an economic activity" within the meaning of regulation 2 of the ICE Regulations.

[Sahatoo v Attorney General of Trinidad and Tobago \[2019\] UKPC 19](#)

Acting (alone) 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.

[Jhuti v Royal Mail Group Ltd \[2018\] ICR 1077](#)

Acting (alone) in an appeal to the Employment Appeal Tribunal concerning the right to access to justice, in particular the extent to which employment tribunals have power in a case involving an individual who is incapacitated to appoint a litigation friend.

[Dobson v Pricewaterhouse Coopers LLP \[2017\] 6 WLUK 372](#)

Acting (alone) in an appeal to the Employment Appeal Tribunal concerning non-party disclosure and the extent to which a party was entitled to redact documents.

First Personnel Services Ltd v Halfords Ltd [2016] EWHC 3220 (Ch)

Acting (with Aidan Casey QC) in a claim concerning the payment of transfer or introduction fees to a recruitment agency which had supplied staff to it, where the staff were subsequently transferred to another agency under TUPE after a re-tendering exercise. The trial was heard over 8-days in the Chancery Division.

International and International Arbitration

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.

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.

Notable International and International Arbitration cases

CIS Mining Development Limited v Russian Copper Company Limited

An LCIA arbitration relating to a Siberian copper mine raising issues of supervening illegality and temporary frustration.

Coc Coc PTE Limited v Millside Consulting Limited

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 and Constitutional

Tom's 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 undertakes a large amount of work in the Privy Council, in particular contract and constitutional law cases, and capital appeals. He has acted for most of the Governments in the Caribbean on many high-profile cases.

Tom is recognised by Chambers & Partners and Legal 500 as a leading junior in Administrative and Public Law, Civil Liberties and Human Rights and Immigration. Recent comments in the directories have included:

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“super clever, charming and an excellent advocate”, “very good at what he does”, “fantastic intellect”, “absolutely thorough and reliable”, “very fair and very knowledgeable”, “tends to handle the state’s work and he’s excellent at that”, and “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”.

Notable Public, Administrative and Constitutional cases

[MA \(Pakistan\) \[2018\] 4 WLR 55](#)

Acting (alone) as lead counsel on behalf of the Home Secretary in six test cases in the Court of Appeal concerning the operation of the Home Secretary’s evidential flexibility policy. The Court of Appeal’s judgment notes that Tom gave the Court a “clear and helpful overview of the field”.

[Chandler v Trinidad and Tobago \[2018\] UKPC 5](#)

Acting (alone) instructed on behalf of the Director of Public Prosecutions in Trinidad & Tobago in a capital appeal to the Privy Council. The main issue raised on appeal was whether it was in the interests of justice to allow the appellant to raise diminished responsibility for the first time on appeal, and many years after trial, having advanced an entirely contrary defence at trial.

[Sexius v Attorney General of Saint Lucia \[2017\] 1 WLR 3236](#)

Acting (alone) in an appeal to the Privy Council. The judgment in this case is now the defining judgment in respect of the scope of the right to silence and its interplay with the right to a fair trial.

[Stubbs v Queen \[2018\] 3 WLR 1638](#)

Acting (with Peter Knox QC) instructed on behalf of the Director of Public Prosecutions of the Bahamas. The appeal engaged the fair trial provisions in the Bahamian constitution, which are based on the ECHR, and set down important guidance as to the appropriateness of trial judges sitting on appeals.

[Pitman v Trinidad and Tobago \[2018\] AC 35](#)

Acting (with Peter Knox QC) in a capital appeal to the Privy Council. The appeal considered the common law rule that a sentence of death should not be imposed on a mentally impaired person.

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.

Notable Public Inquiries cases

[The Iraq Fatality Investigations](#)

Memberships

- Commercial Bar Association (COMBAR)
- Commercial Fraud Lawyers Association
- Fraud Lawyers Association
- Commonwealth Lawyers Association (CLA)
- R3
- London Common Law & Commercial Bar Association (LCLCBA)

Qualifications

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