



Tom Asquith



Education

NEW SQUARE
Lincoln's Inn.

Tom read Classics at Worcester College, Oxford University. He undertook the CPE at City University and the BVC at BPP. During these two years he was awarded Lord Mansfield, Lord Brougham, Hardwicke and Hubert Greenland scholarships by

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Profile



Tom has a commercial practice, details of which can be found in the subheadings on the left hand side of this page. His main areas of practice are: commercial disputes (litigation and arbitration), financial services, insurance and professional liability.

"He is excellent and has expertise and wisdom beyond his years." (Legal 500, 2016)

"A junior who is going places; he is hardworking, incisive and good with clients" (Legal 500, 2015).

Recent cases include:

- *Pietro Gatto (T/A AG Avvocati Gatto) v Allianz SPA* (2017) LTL 20/2/2017: sole counsel for insurers in coverage dispute (Italian law)
- *Seery v Leathes Prior (a firm)* [2017] EWHC 80 (QB): sole counsel defending claim against a firm of solicitors
- *Rahim v Arch Insurance Co (Europe) Ltd* [2016] EWHC 2967 (Comm): junior counsel (led by Graham Chapman QC) in coverage dispute
- *Arbitration between IAAF v Rita Jeptoo* (2016): ad-hoc clerk to Court of Arbitration for Sport in anti-doping rule violation dispute
- *Arbitration between X v Y* (2016): junior counsel (led by Roger Stewart QC and Anneliese Day QC) in a claim by a joint venture in relation to a nuclear installation
- *Eyland & Sons Ltd v (1) TSL Turton (2014) Ltd (2) Steven Bond* [2015] EWHC 3942 (QB): sole counsel resisting claim for conversion, causing loss by unlawful means and conspiracy
- *Arbitration between P v Q* (2015): sole counsel in a dispute about responsibility for payment of insurance premiums against Clive Freedman QC
- *D & G Cars Ltd v Essex Police Authority* [2015] EWHC 226 (QB): junior counsel (led by Patrick Lawrence QC) resisting claims of conspiracy and corruption in a police force

Tom's **commercial** practice comprises a wide range of arbitral and litigious matters including contract, construction, public procurement, banking and civil fraud claims.

Tom's **financial services** work encompasses a broad range of work. His clients include regulators, pensions advisers, mortgage brokers, banks, insurers, reinsurers, financial advisers, traders and private individuals. He undertakes both non-contentious and contentious work.

He has completed two secondments at the Financial Services Authority (General Counsel Division and Enforcement Division) (now the FCA).

In **insurance**, Tom has experience of acting as both Counsel and as a paper arbitrator. He acts for both policyholders and insurers. He is particularly familiar with professional indemnity, property, employers' liability, public liability and motor policies.

He has completed a secondment in Mayer Brown LLP's insurance department, helping him to understand insurance cases from an instructing solicitor's perspective.

Tom's **professional liability** practice extends to all areas of professional liability. He has acted in cases involving accountants, architects, estate agents, financial advisers, insurance brokers, lawyers, LPA receivers, surveyors and education professionals.

Tom also has a significant amount of experience in **costs** and **sports law** work. He has assisted Court of Arbitration for Sport panels as ad hoc clerk.

Tom is a member of BILA, CFLA, CHBA, COMBAR, FSLA, PNBA and YIAG.

Professional Liability

Tom is instructed by both claimants and defendants in the professional liability sphere and is able to use his specialist financial services and insurance experience (which has included two secondments at what was the Financial Services Authority) to assist with claims against financial services professionals and insurance brokers, as well as when dealing with coverage issues relating to professional insureds.

He also has considerable experience of claims involving allegedly negligent tax advice.

Experience includes disputes arising from the provision of services by:

- Accountants
- Architects
- Estate agents
- Financial services professionals
- Insurance brokers
- Lawyers
- LPA receivers
- Mortgage brokers
- Pensions advisers
- Surveyors
- Schools

Cases include *Seery v Leathes Prior (a firm)* [2017] EWHC 80 (QB) and *Makar v Russell Jones & Walker* [2012] EWHC 3681 (Comm).

Tom is a member of the PNBA.

International Arbitration

Experience includes:

- Acting as junior counsel (led by Roger Stewart QC and Anneliese Day QC) in a claim by a joint venture in relation to a nuclear installation
- Acting in a dispute about responsibility for payment of insurance premiums against Clive Freedman QC
- Acting for a contractor in a dispute relating to the retro-fitting of a Flue Gas Desulphurisation plant at a coal fired power station
- Acting as ad-hoc clerk to Court of Arbitration for Sport
- Acting for architect in arbitration under Construction Industry Model Arbitration Rules
- Acting in a partnership dispute

Tom is a member of YIAG.

Commercial Dispute Resolution

Tom is recommended by the Legal 500 as a leading junior in Banking and Finance.

Experience includes:

- Acting as junior counsel (led by Roger Stewart QC and Anneliese Day QC) in a claim by a joint venture in relation

- to a nuclear installation
- Unfair prejudice petitions
- Supply of goods disputes
- Sale of goods disputes
- Guarantee disputes
- Director's liability disputes
- Claim by bank against property management firm
- Acting for lenders in claims to recover loans
- Claim by overseas Central Bank as junior to [John Powell QC](#)
- Defending breach of contract/public procurement regulations claim as junior to [Patrick Lawrence QC](#)
- Defending enforcement claim as junior to [Nicholas Bacon QC](#)
- Pursuing and resisting injunctions
- Defending claim for conversion and unlawful means conspiracy
- Claim for unlawful means conspiracy and breach of contract

Cases include *Makar v Russell Jones & Walker* [2012] EWHC 3681 (Comm), *D & G Cars Ltd v Essex Police Authority* [2015] EWHC 226 (QB), *Eyland & Sons Ltd v (1) TSL Turton (2014) Ltd (2) Steven Bond* [2015] EWHC 3942 (QB), *Rahim v Arch Insurance Co (Europe) Ltd* [2016] EWHC 2967 (Comm), *Seery v Leathes Prior (a firm)* [2017] EWHC 80 (QB), *Pietro Gatto (T/A AG Avvocati Gatto) v Allianz SPA* (2017) LTL 6/2/2017 and *Pietro Gatto (T/A AG Avvocati Gatto) v Allianz SPA* (2017) LTL 20/2/2017.

Tom is a member of COMBAR.

Financial Services Regulation

Tom is recommended by the Legal 500 as a leading junior in Banking and Finance.

Tom's financial services experience includes acting for 1) regulators, 2) regulated firms and 3) customers of those firms in both a) contentious (civil and regulatory) and b) non-contentious spheres.

Experience includes:

- Appearing before the Regulatory Decisions Committee of the FCA.
- Secondment at the FSA. Worked in the General Counsel Division redrafting parts of the Handbook in light of amended EU directives
- Further secondment at the FSA. Worked in the Enforcement division. Involved in drafting statutory notices.
- Claims against investment managers
- Claim against FOREX trader
- Claims against pensions advisers
- Claims against insurance brokers
- Claims against mortgage brokers
- Advising on the effect of a change of regulator (from a Middle East regulator to FCA/PRA) in the context of reinsurance
- Assisting FCA with amendments to FCA Handbook in light of 4th EU Capital Requirements Directive
- Claims involving FOS
- Claims involving FSCS

Tom has presented talks on:

- The jurisdiction of the Financial Ombudsman Service
- The Consumer Insurance (Disclosure and Representations) Act 2012

Tom is a member of the FSLA.

Insurance & Reinsurance

Tom has experience of acting as both Counsel and as a paper arbitrator in insurance matters. He acts for both policyholders and insurers. He is particularly familiar with professional indemnity, employers' liability, public liability and motor policies.

He has completed a secondment in Mayer Brown LLP's insurance department, helping him to understand insurance cases from an instructing solicitor's perspective.

Experience includes:

- Providing an expert determination in context of dispute between insured and insurer
- Advising on the effect of a change of regulator (from a Middle East regulator to FCA/PRA) in the context of reinsurance
- Junior to Anneliese Day QC in fire claim
- Junior to David Lord QC in coverage dispute relating to financial services company
- Junior to Ben Elkington QC in coverage dispute relating to FOREX trader raising notification issues
- Junior to Graham Eklund QC in coverage dispute raising FSCS issues
- Junior to Graham Chapman QC in coverage dispute relating to solicitor - [Rahim v Arch Insurance Co \(Europe\) Ltd](#) [2016] EWHC 2967 (Comm)
- Acting in dispute about responsibility for payment of insurance premiums against Clive Freedman QC
- Advising insurers in relation to construction project in Trinidad & Tobago
- *Pietro Gatto (T/A AG Avvocati Gatto) v Allianz SPA* (2017) LTL 6/2/2017
- *Pietro Gatto (T/A AG Avvocati Gatto) v Allianz SPA* (2017) LTL 20/2/2017

Authored articles for Insurance Law Monthly, including:

- Marine insurance: losses, claims and defences: *Clothing Management Technology Ltd v Beazley Solutions Ltd* [2012] EWHC 727 (QB)
- Duty of care: *Jones and Environcom Ltd* [2011] EWCA Civ 1152

Tom has presented talks on:

- The Consumer Insurance (Disclosure and Representations) Act 2012
- Classification of Terms

Tom is a member of BILA.

Costs

Tom has considerable experience in the field of costs, in both inter-partes and solicitor-client disputes. He appears regularly in detailed assessments, as specialist costs counsel at CCMCs dealing with budgeting issues and at appeals (e.g. *Cadwallader v Akzo Nobel UK* (2014) LTL 23/7/2014).

He has particular experience of the application of the fixed costs regime, recoverability of ATE premiums, enforceability of CFAs, the Solicitors Act 1974, applications for security for costs, costs budgeting, provisional assessments, non-party costs orders, Part 36 and assignment issues.

He presents talks on topical costs issues and has authored articles for Butterworths Civil Costs Newsletter.

Construction & Engineering

Tom has significant experience of construction disputes, both in litigation and arbitration. He has acted in employer-contractor disputes and in cases involving a variety of construction professionals.

Experience includes:

- Acting as junior counsel (led by Roger Stewart QC and Anneliese Day QC) in a claim by a joint venture in relation to a nuclear installation (arbitration)
- Acting for a contractor in a dispute relating to the retro-fitting of a Flue Gas Desulphurisation plant at a coal fired power station
- Various claims involving alleged negligence by architects (litigation and arbitration)
- Acting for a contractor in a claim against a sub-contractor relating to installation of water supply system (TCC)
- Acting for Third Party in TCC litigation about asbestos surveys

Sports Law

Experience includes:

- Acting as ad-hoc clerk to Court of Arbitration for Sport
- Advising British Horseracing Authority in relation to a potential inquiry

Cases in which Tom has acted as ad-hoc clerk to the CAS include:

- *Piorgorgio Bucci v Federation Equestre Internationale (FEI)* CAS 2010/A/2283

- and
- *Marin Cilic v International Tennis Federation* CAS 2013/A/3327
 - *International Tennis Federation v Marin Cilic* CAS 2013/A/3335
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Civil Fraud

Tom has significant experience in Civil Fraud matters.

Experience includes:

- Defending fraud claim against a firm of solicitors, as junior to Jamie Smith QC
- Successfully resisting application to add a claim of fraudulent misrepresentation against an insurer's alleged agent (Italian law) *Pietro Gatto (T/A AG Avvocati Gatto) v Allianz SPA* (2017) LTL 6/2/2017
- Defending allegations of dishonesty made against solicitor by insurer in *Rahim v Arch Insurance Co (Europe) Ltd* [2016] EWHC 2967 (Comm)
- Successfully resisting claims of conspiracy and corruption in a police force, as junior to Patrick Lawrence QC in *D & G Cars Ltd v Essex Police Authority* [2015] EWHC 226 (QB).
- Successfully resisting claim for conversion, causing loss by unlawful means and conspiracy as sole counsel in *Eyland & Sons Ltd v (1) TSL Turton (2014) Ltd (2) Steven Bond* [2015] EWHC 3942 (QB).
- Successfully pursuing unfair prejudice petition involving purported removal of petitioner's shareholding in *Re I Fit Global Ltd* [2013] EWHC 2090 (Ch).
- Quantum trial in claim involving breach of confidence, breach of fiduciary duty, inducement of breach of contract and conspiracy to injure by unlawful means.
- Claims against professionals arising from mortgage fraud.

Tom is a member of the CFLA.

Banking and Finance

"He is excellent and has expertise and wisdom beyond his years." - Legal 500, 2016: Banking and Finance

Tom is recommended by the Legal 500 as a leading junior in Banking and Finance.

Experience includes:

- Acting for a bank in a claim by a customer based on the Payment Services Regulations 2009
- Claims involving mortgages, guarantees, unsecured loans and other financial arrangements.
- Claims against investment managers
- Claim against FOREX trader
- Claims against mortgage brokers
- Claim by overseas Central Bank as junior to [John Powell QC](#)
- Assisting FCA with amendments to FCA Handbook in light of 4th EU Capital Requirements Directive

Clients include the FCA, Bank of Scotland Plc, Bradford & Bingley Plc, Mortgage Express, Egg Banking Plc, Nationwide Building Society, Clydesdale Bank Plc as well as individuals and corporates.
