

## Tom Asquith

Call: 2007

+442078222000    t.asquith@4newsquare.com

**Clerk: James Barrass**

j.barrass@4newsquare.com

+442078222047    +447715859771



*Very diligent and focused on achieving the client's commercial objectives.*

- Legal 500

Tom Asquith specialises in commercial litigation and arbitration. He is an experienced trial advocate whose caseload includes issues of jurisdiction and foreign law (e.g. Caribbean, Italian, Middle Eastern, Swiss and US) across his areas of expertise.

Chambers & Partners says that Tom “commands a lethal mix of being on top of the detail and great at strategy. He's very good in court and his cross-examination was particularly good.” “He's a tenacious advocate and is exceptionally easy to work with.”

Legal 500 characterises Tom as “Extremely bright, has a charming manner with clients and is a strong advocate.” “Technically strong and applies his advice in a practical manner.” “He gets involved in the detail yet retains the ability to work on strategic issues taking a commercial view.”

### Privacy Policy

Click here for a [Privacy Policy](#) for Tom Asquith.

## Areas of Expertise

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### Banking & Financial Services

**“A tenacious advocate, his written work is consistently sound and he is incredibly user friendly.”** – Legal 500, 2021: Banking & Finance

**“Very thorough and he really goes that extra mile to do a brilliant job.”** – Legal 500, 2021: Financial Services

**“Extremely bright, has a charming manner with clients and is a strong advocate.”** – Legal 500, 2020: Banking & Finance

**“Technically strong and applies his advice in a practical manner.”** – Legal 500, 2020: Financial Services

Tom's financial services experience includes acting for regulators, regulated firms and customers of those firms in both civil and regulatory spheres. He has appeared for the regulated against the FCA before the RDC. He has been both seconded to and instructed by the FSA/FCA.

He has acted in claims involving FOREX traders, investment managers, mortgage brokers and pension advisers.



He also acts regularly in banking matters, including claims relating to loans, guarantees, mortgages, Consumer Credit legislation and the Payment Services Regulations 2009.

Cases include:

- *Dimopoulos v Giannikopoulos* [2018] EWHC 1280 (QB) (whether agreement to repay monies had been reached)
- *Two Right Feet Ltd v National Westminster Bank Plc, Royal Bank of Scotland Plc, KPMG LLP* [2017] 6 Costs LO 735 (indemnity basis costs order after discontinuance of a claim)

## Commercial

Tom's commercial practice encompasses disputes of all kinds involving domestic and international businesses and property, including claims for breach of contract, warranty and misrepresentation claims, claims in respect of licence agreements, share purchase agreements, joint venture agreements, agency agreements and success fees, unfair prejudice petitions, claims for breach of fiduciary duty, deceit claims, conspiracy claims, breach of confidence claims, supply/sale of goods disputes, restitutionary claims, pursuing and resisting injunctions, and pursuing and resisting enforcement actions.

He has appeared as sole counsel in trials in the Chancery Division, Commercial Court and the Queen's Bench Division, as well as in arbitrations.

Cases include:

- *Axis Football Investments Ltd v (1) Lee Power (2) Swinton Reds 20 Ltd (3) Seebeck 87 Ltd* [2020] EWHC 1171 (Ch) (application for injunction regarding potential sale of football club).
- *Michael Standing v Lee Power* [2020] EWHC 1173 (Ch) (application for fortification of injunction).
- *Beverley Goldman & ors v (1) Zurich Insurance Plc (2) East West Insurance Co Ltd* [2020] EWHC 192 (TCC). (application for strike out of fraud claim, led by Jeffrey Chapman QC).
- *Dimopoulos v Giannikopoulos* [2018] EWHC 1280 (QB) (whether agreement to repay monies had been reached).
- *Two Right Feet Ltd v National Westminster Bank Plc, Royal Bank of Scotland Plc, KPMG LLP* [2017] 6 Costs LO 735 (indemnity basis costs order after discontinuance of claim).
- *Pietro Gatto (T/A AG Avvocati Gatto) v Allianz SPA* [2017] EWHC 955 (Comm) (resisting application to add a claim of fraudulent misrepresentation against an insurer's alleged agent).
- *Rahim v Arch Insurance Co (Europe) Ltd* [2016] EWHC 2967 (Comm) (defending allegations of dishonesty made against solicitor by insurer in Commercial Court trial, led by Graham Chapman QC).
- *Eyland & Sons Ltd v (1) TSL Turton (2014) Ltd (2) Steven Bond* [2015] EWHC 3942 (QB) (defending claim for conversion, causing loss by unlawful means and conspiracy as sole counsel).
- *D & G Cars Ltd v Essex Police Authority* [2015] EWHC 226 (QB) (resisting claims of conspiracy and corruption in a police force, as junior to Patrick Lawrence QC).
- *Re I Fit Global Ltd* [2014] 2 B.C.L.C. 116 (unfair prejudice petition involving purported removal of petitioner's shareholding).
- *Makar v Russell Jones & Walker* [2012] EWHC 3681 (Comm) (application to strike out professional liability claim).

## 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, particularly engineers and architects.

Cases include:

- *Beverley Goldman & ors v (1) Zurich Insurance Plc (2) East West Insurance Co Ltd* [2020] EWHC 192 (TCC) (claim relating to inspections by building guarantee inspectors and subsequent cover notes, led by Jeffrey Chapman QC).
- *Zagora and ors v Zurich Insurance Plc and ors* [2019] EWHC 140 (TCC); 182 Con LR 180) (claim relating to Final Certificates produced by Building Control).
- *A v B* (arbitration relating to a nuclear facilities project, led by Roger Stewart QC).



## Insurance & Reinsurance

Tom has experience of acting as both Counsel and as a paper arbitrator in coverage matters. He acts for both policyholders and insurers. He is particularly familiar with reinsurance, professional indemnity and property 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. He has also spent time at Lloyd's shadowing underwriters.

Cases include:

- *Beverly Goldman & ors v (1) Zurich Insurance Plc (2) East West Insurance Co Ltd* [2020] EWHC 192 (TCC) (application for strike out of fraud claim relating to cover notes, led by Jeffrey Chapman QC).
- *Isaac Sarayah v Royal and Sun Alliance & Ors* [2018] EWHC 3437 (Ch) (appeal relating to an application for a third party disclosure order against an insurer).
- *Pietro Gatto (T/A AG Avvocati Gatto) v Allianz SPA* [2017] EWHC 955 (Comm) (resisting application to add a claim of fraudulent misrepresentation against an insurer's alleged agent).
- *Rahim v Arch Insurance Co (Europe) Ltd* [2016] EWHC 2967 (Comm) (defending allegations of dishonesty made against solicitor by insurer in Commercial Court trial, led by Graham Chapman QC).

## International Arbitration

Tom has broad experience of International Arbitration as junior counsel, sole counsel and tribunal secretary (to the Court of Arbitration for Sport). He has acted as sole counsel at several final hearings, including against leading counsel. He is also experienced in challenging and seeking enforcement of arbitration awards. He is on the arbitral panel of Sport Resolutions.

## Professional Liability

***“An enviably talented junior barrister. He is exceptionally good on his feet. He has good analytical skills and is able to draw together threads to formulate sound and reasoned arguments and advice.”*** – *Legal 500, 2021: Professional Negligence*

***“He commands a lethal mix of being on top of the detail and great at strategy. He’s very good in court and his cross-examination was particularly good.” “He’s a tenacious advocate and is exceptionally easy to work with.”*** – *Chambers & Partners 2020: Professional Negligence*

Tom is instructed by both claimants and defendants across a wide range of professions. He has particular experience in claims relating to accountants/financial advisers, construction professionals and lawyers. Cases include:

- *Trainer v Cramer Pelmont (a firm)* [2020] PNLR 3 (limitation appeal – s.14A).
- *Zagora and ors v Zurich Insurance Plc and ors* [2019] EWHC 140 (TCC) (sole counsel in a four week trial against a Building Regulations approved inspector).
- *Rumfitt v Burgess Hodgson (a firm)* [2018] EWHC 4000 (QB) (strike out of accountants' negligence claim – tax advice issues).
- *Godfrey Morgan Solicitors (a firm) v Mr Michael Armes* [2017] PNLR 30 (limitation – CPR 19).
- *Pietro Gatto (T/A AG Avvocati Gatto) v Allianz SPA* [2017] EWHC 955 (Comm) (application to amend in Italian lawyer's coverage claim).
- *Seery v Leathes Prior* [2017] PNLR 14 (trial of claim against solicitor's firm – underlying unfair prejudice petition).
- *Rahim v Arch Insurance Co (Europe) Ltd* [2016] EWHC 2967 (Comm) (trial of solicitor's claim for coverage – dishonesty issues).
- *Makar v Russell Jones & Walker* [2012] EWHC 3681 (Comm) (strike out application).

Tom is a member of the PNBA.

## Sports Law

Cases include:



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- *Axis Football Investments Ltd v (1) Lee Power (2) Swinton Reds 20 Ltd (3) Seebeck 87 Ltd* [2020] EWHC 1171 (Ch). Application for injunction regarding potential sale of football club.
- *Michael Standing v Lee Power* [2020] EWHC 1173 (Ch). Application for fortification of injunction.
- Advising British Horseracing Authority in relation to a potential inquiry
- Acting pro bono in challenge to penalty against British Horseracing Authority
- Acting for rugby player in dispute with former agent

Tom is on the arbitral panel of Sport Resolutions. He also has significant experience of acting as ad-hoc clerk to the Court of Arbitration for Sport.

## Qualifications & Memberships

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BA (Oxon.) (Classics); Lord Mansfield, Lord Brougham, Hardwicke and Hubert Greenland scholarships from Lincoln's Inn.

## Insights

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### **Information v advice: inadequate labels but important principles**

31 May 2019

Matthew Bradley and Tom Asquith consider the recent Court of Appeal decision in *Manchester Building Society v Grant Thornton UK LLP* in the context of financial advice, providing points of note for practitioners looking to draw a line between taking responsibility for a decision and merely providing information which feeds into that decision.

### **Duty of care: Jones and Environcom Ltd [2011] EWCA Civ 1152**

30 November 2012

### **Marine insurance: losses, claims and defences: Clothing Management Technology Ltd v Beazley Solutions Ltd [2012] EWHC 727 (QB)**

30 March 2012