

# Tom Shepherd

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*"He is extremely able, thorough and organised. He's adept at distilling vast amounts of complex information and has meticulous attention to detail. His advice is always very clear and clients love him."*

- Chambers & Partners 2021

**Tom Shepherd is ranked as a leading junior in the fields of (i) Commercial/Chancery litigation, (ii) Restructuring/Insolvency and (iii) Professional Liability. His cases often have a fraud angle and he has experience of Company, Partnership and Financial Services disputes. Tom's attributes have been recognised in the legal directories since 2012:**

- **A relentless will to win:** *"thorough, energetic and unrelenting in pursuit of the best outcome possible"; "a will to win in every case, however tricky"; "extremely sharp, committed and focussed on the result"; "meticulous in his preparation and completely dedicated to the case"*
- **A compelling advocate:** *"a very tenacious and skilful advocate"; "very punchy"; "an unbelievably good advocate for his level of call"; "aggressive when he needs to be and sensible in his deliveries in court"; "he has the ear of the judge and is a very strong advocate"*
- **A first-class lawyer:** *"combines a ferocious appetite for work with a really very sharp legal mind"; "extremely good on the law"; "extremely able, thorough and organised"; "intelligent and first rate on the law"; "very authoritative"*
- **A strong tactician:** *"always keeps a commercial outlook and has very strong tactical judgement"; "approachable, practical and commercial"; "picks up the smallest detail with a view to eliminating litigation risk and advises accordingly"; "adept at distilling vast amounts of complex information and has meticulous attention to detail"*
- **A modern outlook:** *"tech savvy with his no-paper approach to litigation"; "very user-friendly and good at staying in touch and being practical"; "Tom is very good to work with – he's approachable, practical and commercial"*
- **A collaborative approach:** *"His advice is always clear and clients love him"; "extremely personable, which impresses clients and makes a big difference in cases"; "extremely accessible, very responsive and very good in court"; "very strong on his feet and has a good client manner"; "a pleasure to work with"*

Tom is an experienced trial advocate who is not afraid to back his judgment. He enjoys working as part of a team and is currently involved in a number of high-profile, high-value pieces of litigation. Tom also appears in his own right in the Court of Appeal, High Court and before professional regulatory panels. Tom is a sophisticated negotiator who is frequently instructed to act at mediation and in other forms of ADR. Tom was appointed as Junior Counsel to the Crown (Attorney General's A Panel) in August 2021 and



is currently instructed by the Secretary of State for Business, Innovation and Skills on a number of significant directors disqualification matters.

Further details of Tom's practice areas can be found via the links at the bottom of this page. Recent highlights include:

- *Volpi v Volpi* [2021] EWHC 2143 (Ch): trial of a CHF 6m loan claim involving allegations of forgery, against the background of a longstanding family dispute.
- *Bhattacharya v Oaksix Holdings Ltd* [2021] EWHC 1326 (Ch): acting for the successful Appellant in relation to the limitation period applicable for a claim for repayment of monies under FSMA.
- *YJB Port Ltd v M&A Pharmachem Ltd* [2021] EWHC 42 (Ch): acting for the successful Defendants to a claim for breach of a non-compete clause and breach of confidence relating to a thickening compound used to treat dysphagia. Led by Paul Mitchell QC at quantum trial; acting as sole advocate on contested interim applications [2020] EWHC 2239 (Ch) and at liability trial [2019] EWHC 2117 (Ch).
- *Burns v Burns* [2021] EWHC 75(Ch): QROPS pension fraud claim, involving allegations of dishonest assistance, unlawful means conspiracy and deceit.
- *Mosley v Associated Newspapers Ltd* [2020] EWHC 3545 (QB): claim for malicious prosecution arising out of the sending of a "dossier" of evidence to the CPS intending that C be investigated for alleged perjury. Led by Paul Mitchell QC.
- *Willers v Joyce* [2018] EWHC 3424 (Ch): representing the successful defendants in the first case in English legal history of alleged malicious prosecution of civil proceedings since the recognition of the tort by the Supreme Court [2016] UKSC 43. Five-week trial before Rose J. Extensive trial preparation and conducting cross-examination of factual and expert witnesses. Led by Paul Mitchell QC. Subsequent litigation involved a successful application on the admissibility of certain without prejudice communications [2019] Costs L.R. 781 (Andrews J), a non-party costs application against solicitors and counsel [2019] EWHC 2183 (Ch) (Rose J) and an application to cross-examine the judgment debtor in relation to his assets both in and beyond the jurisdiction [2019] EWHC 1278 (Ch).

## Privacy Policy

Click here for a **Privacy Policy** for Tom Shepherd.

## Public Access

Tom is available to accept instructions on a public access basis in each of his listed areas of expertise, where appropriate. Please see the Public Access Guidance for Lay Clients on the Bar Standard's Board website by clicking [here](#).

## Areas of Expertise

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### Commercial Dispute Resolution

Tom is ranked as a leading junior in Chambers and Partners in the field of Chancery : Commercial (2021): *"He is extremely able, thorough and organised. He's adept at distilling vast amounts of complex information and has meticulous attention to detail. His advice is always very clear and clients love him"*. *"A very effective practitioner – robust and a good advocate"*.

Tom's practice covers all aspects of commercial and corporate litigation. His practice draws on his experience in the fields of insolvency and company law, professional liability, civil fraud and banking / financial services. He has recently acted as junior counsel in several high-value pieces of litigation but also has considerable experience of trial advocacy on his own account. Some of his more recent cases have focused on the pharmaceutical and information technology sectors but have also involved more



traditional actions including unfair prejudice petitions, derivative claims and claims between shareholders.

Reported cases include:

- *YJB Port Ltd v M&A Pharmachem Ltd* [2021] EWHC 42 (Ch): acting for the successful Defendants to a claim for breach of a non-compete clause and breach of confidence relating to a thickening compound used to treat dysphagia. Led by Paul Mitchell QC at quantum trial; acting as sole advocate on contested interim applications [2020] EWHC 2239 (Ch) and at liability trial [2019] EWHC 2117 (Ch).
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- *Sogexia S.A.R.L. v R Raphael and Sons Plc* [2020] EWHC 2775 (Ch): application by payment-services intermediary for an injunction to restrain the respondent bank from making a share distribution and entering into a members’ voluntary liquidation.
- *Willers v Joyce* [2018] EWHC 3424 (Ch): representing the successful defendants in the first case in English legal history of alleged malicious prosecution of civil proceedings since the recognition of the tort by the Supreme Court [2016] UKSC 43. Five-week trial before Rose J. Extensive trial preparation and conducting cross-examination of factual and expert witnesses. Led by Paul Mitchell QC. Subsequent litigation involved a successful application on the admissibility of certain without prejudice communications [2019] Costs L.R. 781 (Andrews J), a non-party costs application against solicitors and counsel [2019] EWHC 2183 (Ch) (Rose J) and an application to cross-examine the judgment debtor in relation to his assets both in and beyond the jurisdiction [2019] EWHC 1278 (Ch).
- *Rollerteam Ltd v Riley* [2018] EWHC 1065 (Ch): claim against shadow director for alleged misappropriation of gate receipts of the Sherlock Holmes Museum and dispute arising out of settlement agreement. Tom acted on various successful interim applications relating to the release of monies held in escrow and the sale of a substantial property under the settlement agreement, before appearing at the trial / inquiry at which the applicants’ claims succeeded in full. Led by Neil Hext QC.
- *Breckons & Ors v Powerscourt Services Ltd & Ors* [2015] EWHC 1330 (Ch): acting for the defendants to a claim alleging fraud and deceit in relation to an investment in farmland in Argentina. Successfully applying to strike out the claim and discharge a freezing order on the ground of material non-disclosure.
- *Sharma v Sharma* [2014] BCC 73, [2013] EWCA Civ 1287: successfully representing the Respondent in the Court of Appeal, subsequent to a two-week High Court trial [2012] EWHC 2529 (Fam) relating to the ownership of a multi-million pound dental business and associated allegation of breach of fiduciary duty and diversion of corporate opportunities.

A selection of other recent cases:

- A claim for repayment of an alleged loan totalling CHF 6 million, involving allegations of forgery.
- Hostile litigation arising out of the aborted takeover of a pharmaceutical company by a major competitor.
- A dispute between family members arising out of a property development business, dating back to the early 1990s. Successful strike-out of key parts of defence and resisting appeal against the same.
- A dispute between members of a substantial property consortium with a portfolio worth in excess of £20m, involving difficult issues of expert valuation evidence. Led by David Halpern QC.
- Acting for a reseller of telecommunications services in a substantial breach of contract claim (worth c.£6m) for failure to pay sums due in respect of the purchase of a large customer base and consequential losses. Led by Neil Hext QC.
- Successful pursuit of injunctive proceedings for a R&D tax specialist which had launched the first ever UK Championship of ‘Brit Pong’ – the UK version of Beer Pong – against the marketing company it had instructed to promote the event.
- A substantial partnership dispute relating to a waste oil collection and sale business. Obtained judgment subsequent to five-day trial and taking of an account, including the cross-examination of forensic accountants.
- Successfully defending a claim brought under a personal guarantee by a commercial money lender. Three-day trial involving expert handwriting evidence, the proper construction of the document under question and penalty clauses.
- Acting for a well-known high street retail pawnbroker and loan provider in a dispute arising out of a series of franchise agreements.
- Successfully defending a claim brought by a well-known bloodstock auctioneer relating to the sale of a racehorse (instructed as sole counsel). Three-day multi-track trial involving multiple claims and defendants.
- A claim brought by a well-known classic car dealer in relation to the alleged sale of a Porsche 911 1973 RSR. Three-day



multi-track trial.

- A claim by a former partner against a major accounting firm for misrepresentation and negligent misstatement. Issues involved the proper construction of an LLP Deed and whether the claim was barred by the rule in *Henderson v Henderson*.
- Acting for the former agent of a well-known professional footballer in a \$2.5 million claim relating to the exploitation of the player's image rights and connected claims for inducing breach of contract and conspiracy.
- Advising a major software developer in relation to a dispute arising out of a multi-billion pound government contract. Settled under confidential terms.

## Qualifications & Memberships

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Tom is a member of the Chancery Bar Association and of COMBAR.

Tom read Law and French at Bristol University and graduated with First Class Honours in 2006. He then undertook the BCL at St Hugh's College, Oxford. During his undergraduate studies, he won the Stephenson Harwood prize for the best performance in Contract Law and also won the ESU National Mooting Competition and the University of Bristol Mooting Competition. He was awarded major scholarships by Lincoln's Inn and graded 'outstanding' on the Bar Vocational Course.