

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

Corporate Insolvency

Tom is ranked as a leading junior in the directories:

- Chambers and Partners: Restructuring/Insolvency (2022): *"He is extremely bright, very good and has a brilliant reputation at the Bar."*
- Chambers and Partners: Restructuring/Insolvency (2021): *"Tom is very good to work with – he's approachable, practical and commercial." "He absorbs vast quantities of material swiftly and picks up the smallest detail with a view to eliminating litigation risk and advises accordingly." "He is extremely accessible, very responsive and very good in court. He has the ear of the judges and is a very strong advocate." "He is personable, determined, intelligent and first rate on the law."*



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- Legal 500: Insolvency (2022): *“Thorough, energetic and unrelenting in pursuit of the best outcome possible.”*
- Legal 500: Insolvency (2021): *“Tech savvy with his no-paper approach to litigation; very user-friendly.” “He is adept at distilling vast amounts of complex information into key elements which fit together whilst ensuring that this is completely accessible.”*

Tom is frequently instructed in high-value, contentious insolvency matters, often with elements of fraud. Tom has appeared before the Court of Appeal (as sole counsel) and in numerous High Court trials and contested applications. Tom has experience of dealing with a wide range of corporate insolvency matters, including winding-up petitions, administrations, CVAs, injunctions to restrain presentation and advertisement of winding-up petitions, validation orders, and disputes involving transactions at an undervalue and preferences. He has particular expertise of cases involving cross-border fraud and acting in defence of claims against insolvency practitioners. Tom is happy to consider acting on a Conditional Fee Agreement, where appropriate.

Tom was appointed as Junior Counsel to the Crown (Attorney General’s B Panel) in June 2016 and has significant experience of acting for and against the Secretary of State in directors’ disqualification proceedings.

A selection of his most significant cases:

- Defending a claim (purportedly) for in excess of £30m arising out of a complex restructuring of certain group companies.
- Acting for the Joint Liquidators in the trial of a successful claim against the former directors of a construction company for misappropriation of company funds, in the absence of books and records which (it was claimed) had been destroyed in a flood.
- Defending a misfeasance claim by the liquidators of an insolvent insurance broker against a former director, arising out of the alleged unauthorised writing of policies of insurance.
- Acting for the respondent to a claim by liquidators relating to a property portfolio worth in excess of £4 million. The claim involved allegations of forgery (including expert documentary evidence relating to Deeds of Trust), alleged transactions at an undervalue and the enforceability of security obtained pursuant to related ongoing litigation in Nigeria (including whether the English Court could go behind orders obtained in the High Court, Plateau State).
- Defending a claim by a liquidator arising out of the insolvency of a residential care-home business. Issues involved alleged *de facto* directorship, misfeasance and preferential payments.
- Acting for the former director of a company which specialised in the adaptation and film production of Shakespeare plays for children, in defence of claims for alleged misfeasance, transactions at an undervalue and preferences.
- Acting on an application by a partnership to for the striking out of, and to restrain advertisement of, a winding-up petition presented by a partner arising out of the restructuring of the partnership affairs.
- Advising a commercial lender in relation to the enforceability of certain security documentation arising out of the takeover of a well-known professional football club.
- Acting on a hotly contested, urgent pre-pack administration application involving a manufacturer and retailer of luxury handmade mobile phones.
- Defending a claim against the former administrator of a company under para 75 of Sch B1 arising out of a pre-pack sale of assets and book debts at an alleged substantial undervalue.
- Representing the Secretary of State for Business, Energy and Industrial Strategy in directors disqualification proceedings subsequent to a £6m+ insolvency, arising out of the collapse of a plc which provided cash collection, counting, processing and banking services to a wide range of cash businesses.
- Acting on an application to restrain presentation of a winding-up petition against a substantial telecoms company.
- Advising the operating company of a major and well-known professional sports league in relation to certain prescribed consequences on the happening of an insolvency event.
- Advising a landlord on a prospective challenge to a CVA involving issues of guarantee stripping and the provision of incomplete financial information at the meeting of creditors.
- Acting for the liquidator in a successful claim to recover a yacht transferred by the company for nil consideration.
- Acting for the liquidator on a successful transaction at an undervalue and misfeasance claim: fully contested multi-track trial.
- *Blue Monkey Gaming Ltd v Hudson, Bushby & Bower* [2014] All ER (D) 222: successfully defending the joint administrators of a nationwide chain of amusement arcades against a multi-million pound claim in conversion brought by a supplier of gaming machines. Two-week High Court trial.
- *Bristol Alliance (No 1) Ltd & others v Bennett & Cadwallader* [2013] EWCA Civ 1626: an appeal to the Court of Appeal concerning the entitlement of various parties to funds in excess of £0.5 million held in escrow by a landlord.

- Defending the director of a property services company against allegations of fraudulent and wrongful trading and breach of fiduciary duty arising out of the alleged wrongful declaration of dividends.
- *Re Sidley Sports Club* (Registrar Derrett, unreported, 26 July 2013): obtained a winding-up order of a sports and social club pursuant to the Court's equitable jurisdiction.
- Advising the liquidator of a former development agency as to the status of certain funds and grants in excess of £3 million. Involved an alleged *Quistclose* trust and issues of tracing.

Public Access – Winding-Up Petitions

If you are owed £750 or more by a company and are able to prove that the company cannot pay you, you may be able to apply to a court to close or 'wind-up' the company. Tom Shepherd can advise you on the process of issuing a winding-up petition and represent you at the court hearing. If you are company which has had a winding-up petition issued against you, Tom can also advise you on the process of defending it and represent you at the court hearing.

Timescales

Timescales may vary depending on factors such as Tom's availability, the need for additional documents and court waiting times. However, as a guide the courts tend to have a hearing date eight to ten weeks after a winding-up petition is issued.

Fees

Tom may charge fixed fees (which means that he will charge you a set amount of money for the work) or on hourly rate. Below are some estimates based on fixed fees and hourly rate fees. All fees include VAT (where applicable).

If the matter is particularly complex, your fees may also be higher than the estimates below. There are also likely to be additional costs for work not covered by the initial estimate.

If you are issuing a winding-up petition, you should also note that even if the company is wound up, you might not get all or any of the money you are owed.

Stage of case

Ranges of fixed fees (estimates)

Advice on issuing or defending winding-up petition – £600 – £1,800

Assistance with completion of forms and all necessary steps to take – £600 – £1,800

Preparation for and attendance at court hearing – £1,200 – £3,000

Hourly rate

Advice on issuing or defending winding-up petition – £300/hr, £600 – £1,800 (2-6 hours)

Assistance with completion of forms and all necessary steps to take – £300/hr, £600 – £1,800 (2-6 hours)

Preparation for and attendance at court hearing – £300/hr, £900 – £3,000 (3-10 hours)

Contact Us

All information is correct as of January 2020, but fees are estimates only. For a quotation, please contact the clerks on clerks@4newsquare.com.

Qualifications & Memberships

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



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awarded major scholarships by Lincoln's Inn and graded 'outstanding' on the Bar Vocational Course.