

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

Personal 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."*

- 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 acts for and advises private individuals and insolvency practitioners on all aspects of the bankruptcy process and regularly appears before the Insolvency and Companies Court Judges. His experience includes applications to set aside statutory demands, claims for transaction avoidance, IVAs, rescission, annulment and associated applications.

A selection of his most significant cases:

- A three-day trial of a bankruptcy petition presented by HMRC involving a jurisdictional challenge under s.265 of the Insolvency Act 1986. Issues involved whether HMRC was entitled to obtain flight records under s.29 of the Data Protection Act 1998 and whether the respondent had carried on a business in the jurisdiction in the relevant period.
- Successfully resisting an application to set aside a statutory demand arising out of a mezzanine finance agreement for a substantial property development.
- Acting for the Trustee in Bankruptcy in proceedings involving the execution of bench warrants (at Heathrow airport, as the bankrupts sought to leave the jurisdiction) and subsequent conduct of three-day private examination. The upshot was the discovery of numerous assets and bank accounts in India.
- *Nowak v Funding Circle Trustee (2019)*: representing the successful husband and wife on an application to annul bankruptcy orders that had been obtained against them without their knowledge. The case involved serious procedural irregularities and issues of service.
- *Shareef & Co v Fast Track Investments Ltd [2019] 5 WLUK 618*: the court considered the extent to which pre-judgment factors could be taken into account by the court when disappling the statutory scheme under s.183 Insolvency Act once a company went into liquidation. The court granted the final interim charging orders sought, where not to do so would be extremely unfair and prejudicial to the claimant in the context of the long drawn out proceedings and in light of the whole course of the litigation.
- Representing a group of opposing creditors on a highly contentious and complex bankruptcy matter involving competing claims and issues of priority between three separate firms of solicitors in respect of unpaid legal fees. The case involved undertakings given in related proceedings in the Family Division and a jurisdictional challenge on the grounds of collateral purpose and improper motive.
- *Ariel v HMRC [2016] EWHC 1674 (Ch)*: acting for a trustee in bankruptcy on an application under s.303 of the Insolvency Act 1986 relating to the service by HMRC of a third-party information notice under Sch 36 Finance Act 2008. This was the first time HMRC had served such a notice on an insolvency practitioner, notwithstanding that the power had existed for c.20 years.
- Acting for a group of opposing creditors (solicitors firms who were owed substantial fees) who objected to bankruptcy petition on the grounds of collateral purpose and improper motive. Confidential settlement achieved.
- Successful application to annul a 6-year old bankruptcy order on the grounds of lack of capacity (owing to a long-term chronic mental impairment, which included an irrational phobia of opening mail).
- *Chadwick v Burling [2015] 3 Costs LR 589*: acting for the successful trustee in bankruptcy on an appeal against an order for possession and sale of two properties, subsequent to an unsuccessful application for relief from sanctions by the respondent. Warren J held that the fact that the respondent was a litigant in person could be a relevant factor only at the margins of the third stage under *Denton*.
- Acting for a trustee in bankruptcy on a successful claim to recover a property and substantial transfers into an Egyptian bank account.
- Defending a claim by a trustee in bankruptcy in relation to the alleged sale at an undervalue of a property subsequent to a deed of settlement and related issues involving a property and funds held in Andorra.
- Acting for the respondent to a statutory demand for c.€49m issued by an Irish Bank.
- Obtaining an order for the disclosure and production of documents by a bankrupt, and a warrant for the bankrupt’s arrest following non-compliance with the order.
- Acting for joint trustees appointed under an Insolvency Administration Order, in a claim to recover substantial sums paid as transactions at an undervalue.
- Acting for Heritable Bank plc (in administration) on an application to set aside a statutory demand for £1.3 million. Issues included a claim against the Bank for alleged interference with LPA receivers.



NEW SQUARE

- *Sands & Treharne v Wright* [2010] BPIR 1437: defending an application by a trustee under s.284 IA for a declaration that payments made by a bankrupt were void.

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