

OUR PEOPLE

Thomas Ogden

CALL 2008

LEGAL 500

""A class act. Intellectual but cool, calm and collected. A natural advocate.""

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Thomas Ogden's practice encompasses a wide range of litigation and arbitration both domestically and abroad, with a particular focus on commercial disputes, civil fraud, professional liability, construction and engineering, information technology and banking and financial services disputes.

Tom is ranked as a Leading Junior in Chambers and Partners and Legal 500.

Recent comments include: "Tom is excellent and is my go-to junior of choice. He is bright, easy to work with, an exceptional lawyer, and a thoroughly nice person." "Always quick to respond and easy to communicate with. He has a very good grasp of the issues in the case and is very forthcoming with suggested next steps and tactics in tricky situations." (Chambers & Partners, 2023) "Thomas is a class act. Intellectual but cool, calm and collected. A natural advocate with a charming courtroom manner. A true team player." (Legal 500, 2022) "Efficient, practical, good with clients, doesn't sweat the small stuff." (Legal 500, 2022) "A reassuringly calm demeanour and the ability to rise to a challenge. His attention to detail is superb." (Chambers and Partners, 2022) "He's everything I want when I introduce counsel to client." (Chambers and Partners, 2022) "Very insightful and considered in his expression of his views on legally and evidentially complex issues." (Chambers and Partners, 2021) "He consistently manages to pick out the key points from a complex dispute quickly and efficiently" (Legal 500, 2021).

Tom's recent caseload includes:

- Acting in a number of contractual and fraud claims arising out of the sourcing, sale and purchase of PPE during the COVID-19 pandemic including acting for the successful Defendant in *RSW International Limited v Purple Surgical Manufacturing Limited* [2022] EWHC 2258 (Comm).
- Acting in an LCIA arbitration concerning COVID-19, force majeure clauses and payment guarantees in the hospitality sector.
- Acting in a jurisdiction challenge relating to a US\$1billion fraud and conspiracy claim against a prominent Dubai family: *Haddad v Rostamani* [2021] EWHC 1892.
- Acting in disputes in the Bermuda Commercial Court including (i) a claim against directors and the effect of company indemnities and waivers: *Global Distressed Alpha Capital I Limited v AAF Management Limited* [2021] SC (Bda) 83 Civ; and (ii) a claim arising out of the sale of shares in mining companies.
- Acting on behalf of the former CFO of a PLC under investigation by the FRC.
- Acting in a claim against a firm of accountants concerning tax planning arrangements: *Necessity Supplies Ltd v PricewaterhouseCoopers LLP* [2021] EWHC 1479 (Ch)
- Acting in a breach of warranty dispute in the Qatar International Court and Dispute Resolution Centre.
- Acting in a dispute concerning floating oil and gas production and storage vessels located off the coast of Brazil.
- Acting in a high-value IT LCIA arbitration arising out a European Government IT Project.
- Acting in a SIAC arbitration concerning the performance of a power plant in Pakistan.
- Acting in various IT disputes arising out of the termination of IT contracts relating to area networks, disaster recovery

systems, public broadband initiatives and software development.

Further details of Tom's practice and experience can be found below.

Further Information

Before joining Chambers, Tom worked in the Credit Exotics and Hybrids Operations Division at JP Morgan Chase, dealing with credit derivatives and interest rate swaps.

Privacy Policy

Click here for a [Privacy Policy](#) for Thomas Ogden.

Expertise

International Arbitration

Tom has significant arbitration experience (domestic and international). He has acted in a wide range of commercial disputes under various institutions (including LCIA, ICC, SIAC, BCDR, DIFC-LCIA) in claims involving private individuals, companies and governments. His experience includes acting in large-scale and long-running arbitrations relating to construction and IT projects and civil fraud claims (including those arising out of Russia and the CIS).

Tom also has experience of challenging arbitral awards pursuant to the Arbitration Act 1996 (both as sole and junior counsel) and acted in one of the few examples of a successful challenge under s.68 of the Arbitration Act (*The Secretary of State for the Home Department v Raytheon Systems Limited* ([2014] EWHC 4375; [2015] EWHC 211).

Featured International Arbitration cases

- Acting as sole Counsel in an LCIA arbitration arising out of a contractual dispute involving issues of force majeure and COVID-19.
- Acting as sole Counsel in a DIFC-LCIA dispute arising out of the termination of a joint venture project in the Middle East.
- Acting as sole Counsel in a SIAC arbitration concerning a construction project in South Asia.
- Acting (led by Roger Stewart QC) in a high-value IT dispute arising out of a European Government project.
- Acting (led by Justin Fenwick QC) in an ICC arbitration concerning the sale and purchase of Russian/CIS companies.
- Acting as sole Counsel in an LCIA arbitration in a dispute between two prominent Russian individuals relating to an alleged conspiracy to misappropriate assets.
- Acted (between 2014 and 2016) in a claim by a joint venture in relation to a nuclear installation (led by Roger Stewart QC and Anneliese Day QC).
- Acting (as sole counsel) in a challenge to an arbitral award (under the Arbitration Act 1996) made in a dispute concerning the sale and installation of wind turbines.
- Acted (between 2011 and 2015) as junior counsel (led by Roger Stewart QC and Leigh-Ann Mulcahy QC) for the UK Government in an LCIA arbitration concerning a £800 million contract for the design, development, testing and support of a complex IT system. The award was successfully set aside in the important decision of *The Secretary of State for the Home Department v Raytheon Systems Limited* ([2014] EWHC 4375; [2015] EWHC 211) on the basis of serious irregularity.
- Acting in a claim against a firm of auditors in the Bahrain Chamber for Dispute Resolution (BCDR-AAA).

Tom is a contributor to Lexis PSL on Arbitration.

Commercial Dispute Resolution

Tom has a broad commercial practice (court and arbitral). He is regularly instructed to advise and represent a wide range of clients involved in commercial disputes both as sole and junior counsel. His clients include private companies, wholesale and retail banks, retailers, private individuals and government bodies. A number of his cases have an international dimension and he has experience of disputes in jurisdictions including Bermuda, BVI, Cayman Islands, Dubai Hong Kong, Qatar and Saudi Arabia.

He has experience of acting in claims involving general contractual disputes, breaches of trust and fiduciary duty, economic torts, civil fraud, breach of warranty claims, mis-selling, conflict of laws and jurisdiction, asset tracing, sale of goods and the supply of goods and services, banking/financial services disputes, shareholder disputes, employee bonus claims, breach of the Data Protection Act, breach of confidence, misuse of private information and the Gambling Act.

He also has experience of obtaining injunctions and interim relief including freezing and proprietary injunctions, third party disclosure, security for costs and Norwich Pharmacal and Bankers Trust orders.

Featured Commercial Dispute Resolution cases

- A number of disputes arising out of the sourcing, sale and purchase of PPE during the COVID-19 pandemic including (i) contractual disputes; (ii) fraud claims and (iii) obtaining urgent injunctions to freeze and recover assets.
- Acting as junior Counsel (to Justin Fenwick QC) in a jurisdiction challenge relating to a US\$1 billion fraud claim against a prominent Dubai family. *Haddad v Rostamani* [2021] EWHC 1892 (Ch)
- Acting as sole Counsel in a dispute concerning floating oil and gas production and storage vessels located off the coast of Brazil.
- Acting as sole Counsel in a claim for the recovery of vintage cars.
- Acting as sole Counsel in a fraud claim brought against a Chinese technology company.
- Acting as sole Counsel in a disputes concerning power plants in South Asia.
- Acting in disputes in the Bermuda Commercial Court including (i) a claim against directors and the effect of company indemnities and waivers: *Global Distressed Alpha Capital I Limited v AAF Management Limited* [2021] SC (Bda) 83 Civ; and (ii) a claim arising out of the sale of shares in mining companies.
- Acting (led by Graham Chapman QC) in a conspiracy claim relating to the ownership of a Bulgarian telecommunications business (*LIC Telecommunications SARL v VTB Capital Plc and Others* [2018] EWHC 169 (Comm)).
- Acting (led by Roger Stewart QC) in the Construction Industry Vetting Information Group Litigation concerning allegations of blacklisting in the construction industry.
- Acting (led by Stephen Dennison QC) in a high-value PFI dispute relating to the construction and management of waste disposal facilities.
- Acting (as sole Counsel) for an employer in a claim brought by an employee for a US\$11 million bonus following the sale of aircraft parts to the Indonesian Air Force.
- Acting in claims for injunctive relief to prevent the taking, retaining and use of confidential information by former employees and business partners arising out of failed joint ventures, licence agreements and employee theft.
- Acting on behalf of a well-known estate agency group in a fraud claim against former employees.
- Acting (as sole Counsel) in a partnership/joint venture relating to the ownership of an award winning local internet supplier. The claim involved threats to terminate the partnership/joint venture and seize assets.

Construction, Energy & Natural Resources

“Thomas provides good, structured, strategic legal advice.” – *Legal 500, 2023*

“Thomas is a class act. Intellectual but cool, calm and collected. A natural advocate with a charming courtroom manner. A true team player.” – *Legal 500, 2022*

“Calm, intelligent, analytical and with an approachable manner.” – *Legal 500, 2021*

Tom is regularly instructed by employers, contractors and sub-contractors in a wide range of disputes both domestic (including

adjudications) and international. He has experience of various international institutions including LCIA, ICC, SIAC, DIFC and BCDR.

Featured Construction & Engineering cases

- Acting in a dispute over the performance of combined-cycle power plant in South Asia.
- Acting as sole Counsel in a dispute concerning floating oil and gas production and storage vessels located off the coast of Brazil.
- Acting as sole Counsel in an international arbitration concerning an advanced metering network in the Middle East.
- Acting as sole Counsel in a two week trial in the High Court defending an architect alleged to have negligently designed a “floating cinema” (*Freeborn v Marcal 2019 EWHC 454 (TCC)*)
- Acting (led by Stephen Dennison KC) in a high-value PFI dispute relating to the construction and management of waste disposal facilities.
- Acting (led by Fiona Sinclair KC) in a dispute about the construction of delivery warehouses used by Amazon
- Acting (led by Anneliese Day KC) in a claim brought by Barnsley College against its professional advisors and main contractors arising out of the construction of a new campus building.
- Acted (between 2014 and 2016) in a claim by a joint venture in relation to a nuclear installation (led by Roger Stewart QC and Anneliese Day KC).
- Acted (led by Roger Stewart KC) in a dispute over a £20m restoration of a Grade II listed country house. The dispute concerns defective performance and delay.
- Acted (led by Anneliese Day KC) on behalf of the main-contractor in a claim against a firm of civil and structural engineers arising out of the construction of a supermarket.
- Acting (led by Anneliese Day KC) in a £40m dispute concerning a cabling upgrade to London Underground.

Regulatory & Disciplinary

Tom has acted in a range of disciplinary and regulatory matters covering solicitors (SDT), accountants (FRC) and financial services professionals (RDC).

Featured Regulatory & Disciplinary cases

- Acting for the former CFO of a PLC under investigation by the Financial Reporting Council.
- Acting (led by Ben Hubble QC) in a complaint against a solicitor arising out of the conduct of litigation.
- Acting for the FCA before the Upper Tribunal in relation to its refusal to grant permission to an individual to carry on regulated activities: *Abi Fol Consulting Ltd v Financial Conduct Authority* [2016] UKUT 49 (TCC)
- Instructed by the AADB/FRC in relation to its investigation into Ernst & Young following the collapse of Lehman Brothers.
- A secondment in the Enforcement Division of the Financial Conduct Authority.

Financial Services Regulation

Tom has a particular experience in financial services regulatory work. Before coming to the Bar Tom worked in the Credit Exotics and Hybrids Operations Division at JP Morgan Chase, dealing with credit derivatives and interest rate swap. He has also completed a secondment in the Enforcement Division of the Financial Conduct Authority.

Featured Financial Services Regulation cases

- Appeared on behalf of the Financial Conduct Authority in an appeal to the Upper Tribunal by an applicant which had been refused permission under Part 4A of the Financial Services and Markets Act 2000 to carry on a range of regulated activities. *Abi Fol Consulting Ltd v The Financial Conduct Authority* [2016] UKUT 49 (TCC).
- Acting for the former CFO of a PLC under investigation by the Financial Reporting Council.
- Instructed by a number of SMEs and individuals in relation to the mis-selling of interest rate swaps
- Instructed by AADB/FCR in relation to its investigation into Ernst & Young arising out of the collapse of Lehman Brothers.
- Acting on behalf of a defendant against a Provisional Decision of the Financial Ombudsman.

- Advising a Saudi Arabian wholesale bank on its rights and remedies under a Revolving Short Term Loan Agreement and related securities.
- Instructed with Nicholas Davidson QC in a claim by a private company against a major retail bank in respect of the withdrawal of its business funding facility.
- Tom has also undertaken a secondment in the Enforcement Division at the FSA (as then was). During the secondment Tom worked on FSA investigations into the promotion and sale of Unregulated Collective Investment Schemes (UCIS) by IFAs and the conduct of mortgage lenders. He advised on various aspects of the Financial Services and Markets Act 2000 and the FSA Handbook, conducted interviews of witnesses, drafted warning notices and helped prepare cases for the Regulatory Decisions Committee.

Tom is a member of the FSLA.

Insurance & Reinsurance

Tom has experience of acting in matters involving material non-disclosure, inducement, incorporation of terms, waiver and notification under the terms of a professional indemnity policy. He acts for both Claimants and Defendants.

Featured Insurance & Reinsurance cases

- Advising on coverage issues following fire damage to a sports hall
- Acting in claim arising out of the destruction of goods in the course of an international employee relocation;
- Acting for the claimant following fire damage caused by a fire in adjacent premises

Professional Liability

“Tom is excellent and is my go-to junior of choice. He is bright, easy to work with, an exceptional lawyer, and a thoroughly nice person.” – *Chambers & Partners, 2023*

“He is a clear and organised barrister and can turn his hand to all aspects of litigation. He’s everything I want when I introduce counsel to client.” “A reassuringly calm demeanour and the ability to rise to a challenge. His attention to detail is superb.” – *Chambers & Partners, 2022*

“He consistently manages to pick out the key points from a complex dispute quickly and efficiently.” – *Legal 500, 2021*

“An astute judge of where the strengths and weaknesses of a case lie.” – *Legal 500, 2020*

“He is deft at distilling obscure legal and technical issues into clear strategic advice, and really is an excellent team player.” – *Legal 500, 2019*

Tom has wide experience in the field of professional liability. His experience includes claims involving, amongst others, accountants, auditors, tax advisors, valuers, lawyers, financial services professionals, construction professionals and insurance brokers. He also has experience of defending wasted costs orders.

Tom has experience of claims involving professions in other jurisdictions including Bahrain, Bermuda, BVI and Hong Kong.

Further information can be found by following the links in respect of individuals professions.

Tom is an editor of Jackson & Powell on Professional Liability (7th and 8th Editions) and is a member of the PNBA.

Accountants, Auditors & Actuaries

Tom has wide experience of acting both for and against accountants and auditors in civil disputes. He also has experience of regulatory proceedings.

Featured cases

- Acting in a claim against PwC concerning tax planning arrangements: *Necessity Supplies Ltd v PricewaterhouseCoopers LLP* [2021] EWHC 1479 (Ch)
- Acting (as sole Counsel) in a claim against accountants and auditors arising out of the collapse of a restaurant business.
- Acting (led by Graham Chapman QC) for the defendant firm in a claim brought by a high-profile football manager in relation to various tax schemes.
- Acting in a claim by a Bank against a leading firm of auditors in the Bahrain Chamber for Dispute Resolution following the collapse of the Bank (BCDR-AAA).
- Acting for the former CFO of a PLC under investigation by the Financial Reporting Council.
- Acting (with David Turner QC) in a claim against a firm of accountants arising out of a CGT roll-over relief scheme.
- Acting in a claim against a firm of accountants arising out of an AIM listing and EIS/VCT relief.
- Defending a claim brought by a QC against a firm of accountants arising out of the preparation and filing of the QC's income tax and VAT returns.
- Acting (with Fiona Sinclair QC) in a claim against a firm of tax advisors arising out of tax planning advice given in relation to the restructure and disposal of a family business.
- Instructed by The Accountancy and Actuarial Discipline Board (as it then was) in relation to its investigation into a Big Four firm arising out of the auditing of Lehman Brothers prior to its collapse.

CONSTRUCTION PROFESSIONALS

Construction Professionals

Tom has experience both of pure construction disputes and disputes against construction professional.

Featured cases

- Acting as sole Counsel in a dispute concerning floating oil and gas production and storage vessels located off the coast of Brazil
- Acting as sole Counsel in dispute concerning power plants in South Asia.
- Acting (led by Fiona Sinclair QC) in a dispute about the construction of delivery warehouses used by Amazon.
- Acting on behalf of the Defendant architect in a claim relating to the design and construction of a swimming pool outhouse and cinema room. (*Freeborn v da Almeida Marcal* [2017] EWHC 3046 (TCC))
- Acting (led by Anneliese Day QC) in a claim brought by Barnsley College against its professional advisors and main contractors arising out of the construction of a new campus building. The substance of the claim related to the installation of a heating and cooling system (which was said to be defective) and the quantum of the remedial works.
- Acting in a claim against M&E engineers arising out of the refurbishment of a health and fitness centre.
- Acted (led by Roger Stewart QC) in an ongoing dispute over a £20m restoration of a Grade II listed country house. The dispute concerns defective performance and delay.
- Acted (led by Anneliese Day QC) on behalf of the main-contractor in a claim against a firm of civil and structural engineers arising out of the construction of a supermarket. The claim concerned allegations of professional negligence against a firm of engineers in relation to its consideration of ground conditions and the appropriateness of the subsequent foundations.
- Acting on behalf of a firm of architects in relation to their role as project managers of a residential redevelopment.

Financial Services Professionals

Tom has a particular interest in claims involving financial services professionals and has first-hand experience of the financial sector having worked in the Credit Exotics and Hybrids Operations Division at JP Morgan Chase, dealing with credit derivatives and interest rate swaps, before coming to the Bar.

Tom has also undertaken a secondment in the Enforcement Division at the FSA (as then was). During the secondment Tom worked on FSA investigations into the promotion and sale of Unregulated Collective Investment Schemes (UCIS) by IFAs.

Featured cases

- Acting with Graham Chapman QC in a claim arising out various tax planning schemes.
- Acting as sole counsel in a claim against an IFA in relation to self-invested personal pension schemes

Insurance Brokers & Agents

Featured cases

- Acting with Ben Hubble QC on behalf of a firm of insurance brokers in a claim arising out of a fire at a casino in Blackpool.
- Acting with Ben Hubble QC and Muhammed Haque QC in a claim against a firm of insurance brokers arising out of damage to a golf club caused by tree roots.
- Acting with Ben Hubble QC on behalf of a firm of insurance brokers in a claim arising out of a fire at commercial premises.

Lawyers

Featured cases

- Acting (led by Roger Stewart QC) in a claim by a renewable energy company against a firm of City solicitors concerning the drafting of a joint venture agreement.
- Acting (with Justin Fenwick QC) in a claim concerning the sale of distressed assets in the CIS region.
- Acting in relation to claim arising out of an alleged failure to serve proceedings prior to the expiry of the limitation period.
- Acting in a claim arising out of negligent advice in respect of a loan agreement.
- Acting (with Graeme McPherson QC) for the defendant firm of solicitors in a claim brought by a lender against valuers and solicitors arising out of the valuation and mortgage of a Grade II listed building.
- Acting on behalf of a firm of solicitors in a lost litigation claim concerning the limitation period applicable to a claim for breach of a banking mandate

Patent Agents

Tom edited the chapter on Patent Attorneys and Trade Mark Attorneys in Jackson & Powell on Professional Liability (7th Edition).

Surveyors & Valuers

Tom has acted in a large number of valuation disputes.

Featured cases

- Acting in a claim arising out of the valuations of premium London residential property.
- Acting in a claim arising out of the valuation of a consultancy company.
- Acting with Ben Hubble QC in a claim arising out of the valuation of commercial land and buildings (including an aerodrome) in the north of England.

- Acting with Ben Patten QC in claims arising out of the valuation of residential and retail sites in North London.
- Acting as sole counsel in a claim arising out of the valuation of a farm and surrounding land in the south of England.
- Acting with Ben Hubble QC in a claim arising out of the purchase and development of a technology park.
- Acting with Graeme McPherson QC in a claim arising out of the valuation and mortgaging of Grade II listed country house.

Information Technology

Tom is ranked as a Leading Junior for IT and Telecoms in the directories.

“Always quick to respond and easy to communicate with. He has a very good grasp of the issues in the case and is very forthcoming with suggested next steps and tactics in tricky situations.” – *Chambers & Partners, 2023*

Legal 500 describe him as **“efficient, practical, good with clients, doesn’t sweat the small stuff”** (2022), **“an expert in the field of IT disputes; efficient, calm, realistic”** (2021), **“an efficient and responsive barrister.”** **very hardworking, knowledgeable and provides sound advice”** (2019), **“well respected for high-value IT arbitrations”, “an astute and insightful junior”** with a **“wonderful drafting style and superb attention to detail.”**

Tom is the editor of the chapter on Information Technology Professional in Jackson & Powell on Professional Liability (8th Edition).

Featured Information Technology cases

- Acting (led by Roger Stewart KC) in a high-value dispute arising out of a European Government IT project in the healthcare sector.
- Acting in a dispute about the theft of Bitcoin from the owner of an online platform
- Acting as sole Counsel in relation to claims arising out of software developed for the automobile industry.
- Acting as sole Counsel in a dispute arising out of the implementation of an enterprise resource planning system for an online food retailer.
- Acting (led by Graham Chapman QC) in a conspiracy claim relating to the ownership of a Bulgarian telecommunications business (*LIC Telecommunications SARL v VTB Capital Plc and Others* [2018] EWHC 169 (Comm)).
- Acting (as sole counsel) for the Claimant (a network and broadband specialist) in its claim for damages arising out of the Welsh Government’s public sector broadband initiative.
- Acting as sole Counsel in a claim brought by Microsoft alleging the wrongful use of licensed products.
- Acting (as sole counsel) for the Claimant in a claim arising out of the termination for non-performance and delay of a contract to deliver a disaster recovery system to a global insurance firm (*TNTG v Tokio Marine Kiln*).
- Acting in a dispute between business partners about the ownership of an award winning local internet service provider. The concerned the ownership of assets and the termination of the business arrangement.
- Acting for a fibre broadband provider in relation to a dispute about the provision of broadband to a firm of patent attorneys
- Acted (between 2011 and 2015) as junior counsel (led by Roger Stewart QC and Leigh-Ann Mulcahy QC) for the UK Government in its claim arising out of the termination of an £800 million contract for the design, development, testing and support of a complex IT system. The award was successfully set aside in the important decision of *The Secretary of State for the Home Department v Raytheon Systems Limited* ([2014] EWHC 4375; [2015] EWHC 211) on the basis of serious irregularity.
- Acting as sole counsel in relation to a dispute between a German publishing company and a U.S developer in relation to a license agreement for the development and sale of an online game.
- Involved in Mercantile Court proceedings on behalf of a UK software developer and supplier in respect of claims made by a European IT integration company arising out of onward sales of software to a North African Government pursuant to a reseller agreement.

Tom is a member of the Society for Computers and Law and TECBAR.

Awards



Qualifications

Memberships

Tom is a member of COMBAR, PNBA, FSLA, SCL and TECBAR.

Education

Tom graduated from Jesus College, Cambridge with a first class degree in History. He subsequently completed his legal studies at City University (CPE, Distinction) and BPP Law School (BVC, Outstanding). He was awarded the Hardwicke, Lord Brougham, Lord Denning and Megarry Scholarships as well as the Buchanan Prize by Lincoln's Inn in the process.