

Thomas Robinson

Call: 2003
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Thomas has a strong commercial / chancery practice with particular emphasis on insolvency, commercial and pensions-related litigation. He has been recommended as a leading junior by Legal 500 and Chambers & Partners since 2010 and in January 2012 *The Lawyer* featured one of his cases in their Top 20 for 2012.

His six month placement with the Commercial Litigation department of a firm in Guernsey in 2006 has given him experience of off-shore litigation as well as experience working directly with a wide range of clients.

Thomas was graded Outstanding in Advocacy during his Bar Vocational Course. In 2005 he spent a legal term as a Judicial Assistant in the Court of Appeal, Civil Division. He is a member of the Chancery Bar Association and the Association of Pension Lawyers.

Commercial litigation

Thomas practises a range of commercial litigation and advisory work, including disputes regarding pension schemes, telecoms and information technology litigation, company and contractual disputes, and unfair prejudice petitions under section 994 of the Companies Act 2006. Thomas has been involved in mediations both as junior and sole counsel.

Recent commercial cases

- Instructed for **House of Fraser** in TCC proceedings for declarations concerning the interpretation of provisions of a complex relationship agreement and IT matters relating to receivables platforms. Led by Alan Gourgey QC, case settled (2010).
- Instructed in adjudication of two multi-million pound contractual disputes. Issues included rectification, the law of set-off and construction. Led by Alan Gourgey QC (2009).
- Instructed in arbitration of surveying dispute under LCIA Rules. Led by Jane Giret QC (2009).
- Successful resistance of application for security for costs against partnership; no reported authority on whether jurisdiction exists for such an order (2008).

Pensions

Thomas is instructed by the Pensions Regulator in several complex multi-jurisdictional commercial cases seeking Financial Support Directions and Contribution Notices under the Pensions Act 2004, raising issues of commercial and insolvency law. He was led by Raquel Agnello QC and appeared with Jonathan Hilliard in the case of Nortel Networks, in which the Regulator decided to issue a Financial Support Direction to 25 companies in the Nortel Group in support of a deficit in the UK pension scheme of the Nortel Group that is estimated at £2.1bn. He appeared as part of the same counsel team in the case of Lehman Brothers, in which the Regulator decided to issue an FSD to companies in the Lehman Group in support of the UK Lehman pension scheme. He was also instructed in the case of Michel van de Wiele NV, in which the Regulator decided to issue its first ever Contribution Notice and in which the Upper Tribunal in 2011 dismissed an application by the target company to strike out the Regulator's case. He has been instructed as a clerk to the Determinations Panel of the Pensions Regulator.

Recent pensions cases

- **Re Nortel GmbH and Others** [2011] EWCA Civ 1124 & [2010] EWHC 3010. Successful resistance of application by administrators of Nortel and Lehman Brothers for declaration that FSD and CN issued under Pensions Act 2004 to insolvent companies did not give rise to any right to recovery. Briggs J. held they

gave rise to administration expenses. Upheld by Court of Appeal in October 2011. Permission granted to appeal to the Supreme Court. Acted for the Pensions Regulator. Listed by the Lawyer in their Top 20 cases 2012.

- **Lehman Brothers.** Decision of the Determinations Panel, 17.9.10. Acted for Pensions Regulator with J. Hilliard, led by R Agnello QC (2010).
- **Nortel Networks.** Decision of the Determinations Panel, 25.6.10. Acted for Pensions Regulator with J. Hilliard, led by R Agnello QC (2010).
- **Michel van de Wiele.** Decision of the Determinations Panel, 14.5.10. Acted for Pensions Regulator. First ever Contribution Notice, in sum of £5m (2010).
- **Michel van de Wiele.** First decision of the Upper Tribunal concerning the exercise of the Pensions Regulator's moral hazard powers. Acted for the Regulator on the target's unsuccessful application to strike out the Regulator's case (2011).

Insolvency

Thomas practises a wide range of corporate and personal insolvency work. In corporate insolvency he acts for office-holders, creditors and companies. He has conducted two reported High Court decisions on retention of title clauses as sole counsel, and advises on issues from the interpretation of CVAs to administration expenses. Together with other members of Chambers' Insolvency team he contributes monthly case law updates to Corporate Rescue and Insolvency, published by Lexis Nexis. He has also provided Insolvency Update seminars to LawNet, R3, Jordans and solicitors' firms.

Recent insolvency cases

- **Re Nortel GmbH and Others** [2011] EWCA Civ 1124 & [2010] EWHC 3010. See above.
- **Re Millrise Limited.** Successful two day application by Liquidator under ss. 212 & 238 Insolvency Act 1986 (2010).
- **Tanks & Vessels Industries Ltd v Devon Cider Company Ltd** [2009] EWHC 1360 (Ch); [2009] All ER (D) 16 (Jul). Sole counsel in four day retention of title dispute.
- **Re Plaswood Products Limited.** Dispute before Chief Registrar Baister over interpretation of CVA (2009).
- **Smedley v Brittain** [2008] BPIR 219. Leading case on applications by Bankrupts to remove their Trustee, under section 298 Insolvency Act 1986. Also considered Human Rights implications of mail redirection orders under s.371. **Bank of Baroda v Patel** [2008] EWHC 3390 High Court appeal. Considered issues of standing of bankrupt's wife under s.303 Insolvency Act 1986.
- **Cornelius v Casson** [2008] LTL 26/3/08 High Court appeal against lower court refusal to set aside statutory demand for post IVA debts. Tom successfully represented the petitioner both at first instance and on appeal.
- **CKE Engineering Ltd (in administration) v Coseley Galvanising Ltd (in administration)** [2007] BCC 975. LTL 3/10/2007 Reservation of title clause; tracing into mixed goods.
- **Neil Francis Hickling v Timothy Baker** [2007] 1 WLR 2386, [2007] 4 All ER 390, Court of Appeal.

What others say

Tom is recommended by Chambers & Partners and Legal 500 as a leading junior for insolvency. Legal 500 also recommends Tom as a leading junior for pensions. The directories quote:

Finally at the set, Thomas Robinson is hailed as an up-and-coming star of the future. His votaries say that "he offers a very supportive service," has an excellent work rate and is "very good at handling a massive caseload." (*Insolvency - Chambers UK 2012*)

Thomas Robinson has "great attention to detail"; ... (*Insolvency - Legal 500 2011*)

Raquel Agnello QC and Thomas Robinson at 11 Stone Buildings are well versed in handling insolvency and regulatory aspects of pensions cases. (*Pensions - Legal 500 2011*)

Also winning the market's approval, Thomas Robinson is "an excellent advocate with a fine academic mind". Clients like his "detailed and thoughtful opinions" and his "friendly, approachable manner". (*Insolvency - Chambers UK 2011*)