

## Thomas Robinson

Call: 2003  
 Education: Classics MA (Oxon); PG Diploma Law (City)  
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Thomas has a strong commercial / chancery practice with particular emphasis on insolvency, commercial and pensions-related litigation. Recently he has been involved in litigation under the moral hazard powers of the Pensions Act 2004, High Court litigation concerning reservation of title clauses and a dispute before the Court of Appeal contesting the use of arrest warrants under the Insolvency Act 1986. His six month secondment with 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 to achieve practical and commercial resolutions of disputes.

Thomas was graded Outstanding in Advocacy during his Bar Vocational Course and was awarded third place in Lincoln's Inn's Gluckstein Advocacy Prize for 2004. In 2005 he spent a legal term as a Judicial Assistant to the Court of Appeal, Civil Division. From June to December 2006 he was seconded to the Commercial Litigation department of AO Hall Advocates in Guernsey, working on trust and banking litigation, shareholder disputes and the enforcement of restrictive covenants.

Thomas has written on insolvency for International Corporate Rescue (Chase Cambria) and has been published on Complinet, the online resource for compliance professionals. 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 led client seminars on security for costs, managing litigation and recent commercial case law. In October 2008 he was a speaker at the 10th Anniversary Jordans Insolvency Conference and in 2009 spoke at the R3 SPG conference in Warwick.

### Commercial Litigation:

Thomas practises a broad range of commercial litigation and advisory work, including disputes regarding pension schemes, company and contractual disputes, consumer credit claims, unfair prejudice petitions under section 994 Companies Act 2006 and issues in relation to commercial property. He is instructed by the Pensions Regulator (and led by Raquel Agnello QC) in 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 is also instructed in relation to asset based lending and invoice finance agreements. He has experience of obtaining freezing injunctions (most recently in the Commercial Court), Norwich Pharmacal orders, injunctions and other pre-action applications. Clients include banks, finance houses, publicly listed companies and commercial landlords.

Thomas has been involved in mediations both as junior and sole counsel.

### Recent Commercial Cases:

- [2010] Instructed (with Alan Gourgey QC) for a major retail corporation in TCC proceedings for declarations concerning the interpretation of provisions of a complex relationship agreement and matters relating to receivables platforms. Trial listed for July 2010.
- [2009] Instructed (with Alan Gourgey QC) in adjudication of two multi-million pound contractual disputes. Issues included rectification, the law of set-off and construction.
- [2009] Instructed (with Jane Giret QC) in arbitration of surveying dispute under LCIA Rules. 2009] Instructed (with Jane Giret QC) in arbitration of surveying dispute under LCIA Rules.

- [2008] Instructed (with Adrian Salter) in three way dispute arising out of defective steel for automotive production. Claim for £473,000.
- [2008] Successful resistance of application for security for costs against partnership; no reported authority on whether jurisdiction exists for such an order.
- [2008] Successful summary judgment application on behalf of property management company raising issues on utility procurement agreement and validity of Deed of Novation.
- [2007] Instructed to defend finance house against claim for breach of debt purchase agreement.
- [2007] Instructed in Guernsey in claim of misselling Traded Endowment Policies worth £400,000.
- [2007] Instructed on behalf of company supplying IT system in claim for breach of supply contract and counterclaim for loss of profits. Claim settled at mediation.
- Instructed in Guernsey as Junior on two complex shareholder disputes involving the taking of evidence abroad and hard-fought issues on forum and jurisdiction.

### Insolvency:

Thomas practises a wide range of corporate and personal insolvency work. In corporate insolvency Thomas 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.

He is instructed at all stages of the winding up process: obtaining the appointment of provisional liquidators, obtaining injunctions against presentation or advertisement of winding up petitions, striking out petitions, obtaining validation orders, hearings of petitions and applications by and against liquidators including for Block Transfer Orders.

In personal insolvency Thomas advises both Trustees and individuals and appears before the Bankruptcy Registrars and courts on applications from setting aside statutory demands through disputed bankruptcy petitions to applications for possession and sale of properties, for Bankruptcy Restriction Orders and for the avoidance of transactions.

Thomas has recently contributed to International Corporate Rescue (Chase Cambria). 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 individual firms.

### Recent Insolvency Cases:

- *Re Millrise Limited* [2010] Successful two day application by Liquidator under ss. 212 & 238 Insolvency Act 1986.
- *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* [2009] Dispute before Chief Registrar Baister over interpretation of CVA.
- *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 represented the petitioner at first instance and on appeal, successfully on both occasions.
- *CKE Engineering Ltd (in administration) v Coseley Galvanizing Ltd (in administration)* [2007] BCC 975 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. Led by Jonathan Crow QC & Raquel Agnello. Representing Trustee in Bankruptcy in appeal from High Court's grant of arrest warrant under s.364 Insolvency Act 1986.

- [2007] Junior in hotly contested application for approval of liquidators fees worth some £500,000.

### Banking:

Thomas has been involved with banking work since his pupillage with banking specialists at 3 Verulam Buildings, Gray's Inn. His experience includes cases of recovery of payments by mistake, recovery under guarantees, banking fraud, freezing injunctions and claims for breach of mandate. Since joining 11 Stone Buildings his practice has grown to include a wide range of banking and insolvency work, drafting and advisory work for claims of undue influence and claims by financial institutions in relation to asset finance and factoring agreements. He has worked for several major banks both in the UK and when based in Guernsey on secondment. Thomas recently acted (together with Raquel Agnello QC) for a high street bank in a claim worth some £500,000 for fraudulent misrepresentation to obtain increased overdraft facilities.

### Employment:

Thomas practises a broad range of commercial litigation and advisory work, including personal and corporate insolvency, employment and contractual disputes. Thomas is a member of the Employment Law Bar Association. Recent instructions include acting on behalf of supplier of medical engineering personnel in claim against departing staff for account of profits for breaches of fiduciary duties. Proceedings in both the Employment Tribunal and High Court.