

Tom Shepherd

Call: 2008
 Education: LLB (Bristol); BCL (Oxon)
 Languages: French
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Tom regularly appears in the High Court and County Court, both as sole advocate and led. He has experience in commercial litigation, banking & finance and corporate & personal insolvency.

In 2011 Tom undertook a six-week placement in the Banking & Finance department at Matthew Arnold & Baldwin LLP and acted (as counsel) on behalf of major banks in relation to a wide range of matters including loan agreements, guarantees and mortgages.

Tom is currently on the Junior Panel to the Department for Business, Innovation and Skills and acts for the Secretary of State in relation to Directors' Disqualification hearings.

He read Law and French at the University of Bristol and l'Université de Caen, graduating with First Class Honours in 2006. He then undertook the BCL at St Hugh's College, Oxford, studying Corporate Insolvency, Corporate and Business Taxation, Personal Taxation and Restitution. Tom was graded 'outstanding' on the Bar Vocational Course and returned to the University of Bristol as a visiting tutor during 2007-08.

Tom was awarded the Denning and Eastham Scholarships, the Buchanan Prize and the Hardwicke Entrance Award. Tom won the English Speaking Union and Essex Court Chambers Mooting Competition in 2004 and the University of Bristol Mooting Competition in 2003.

His experience can be summarised as follows:

Commercial litigation

- Acting as junior counsel for a major software developer in an ongoing multi-billion pound dispute.
- Acting for a Kazakh-based Defendant in a multi-million pound fraud claim brought by a Kazakh Bank against seventeen Defendants.
- Advising, drafting pleadings and obtaining permission to continue a derivative claim against the directors of a radio station: hearing before HHJ Behrens, Leeds District Registry.
- Advising and drafting proceedings in relation to a £100m shareholders' dispute involving unfair prejudice and just and equitable winding-up (led by Jane Giret QC).
- Instructed to represent the Defendant in a six-day multi-track trial relating to the alleged mis-selling of a garage and car rentals business.
- Obtaining urgent ex-parte injunctive and continued relief in relation to the wrongful closure of a banqueting hall: hearings before Floyd J and Peter Smith J.
- Resisting an application for injunctive and other interlocutory relief arising out of the alleged wrongful obtaining of a customer database: one-day hearing before Maddison J.
- Defending a claim for the payment of commission by an estate agent in respect of the sale of a family ironmongers' business: fast track trial involving issues of undue influence, misrepresentation and unfair contract terms.
- Resisting an application for summary judgment in a dispute arising out of the construction of a national employment agency's terms of business.
- Drafting pleadings and advising in relation to a dispute between an Italian film production company and

two major British film studios.

- Appearing at CMCs and interim applications in the High Court and County Courts.
- Providing written advice on the enforceability of guarantees, sale of goods, and consumer credit agreements.

Banking & Finance

- Acting as sole counsel for Barclays Bank plc in a mortgage dispute involving allegations of fraud, undue influence and misrepresentation.
- Frequently appearing on behalf of major banks and financial institutions in the County Courts and High Court in relation to the enforcement of guarantees, loan agreements and hire purchase agreements, claims for possession and other applications.

Corporate insolvency

Tom has acted or advised for / against the directors of a former international telecommunications company, a major British broadcasting company, a large construction company and many other firms.

His expertise covers:

- Acting as sole counsel for the joint administrators of a well-known chain of amusement arcades in relation to claims by and against the joint administrators (including a claim for the alleged conversion of assets up to £4m in value).
- Advising the liquidator of a former development agency as to the status of certain funds and grants in excess of £3m (involved Quistclose trusts and issues of tracing).
- Advising, drafting proceedings and acting for the liquidator (led by Max Mallin) in an action against former directors involving allegations of misfeasance and fraudulent and wrongful trading.
- Advising and appearing on behalf of a major satellite television broadcaster in relation to the insolvency aspects of a Commercial Court claim.
- Representing the liquidator in proceedings against the directors of a former taxi firm for declarations that certain payments were transactions at an undervalue under s.238 IA.
- Representing seven applicants for validation orders under s.127 IA arising out of the liquidation of a major building contractor.
- Obtaining winding-up and administration orders (including disputed administration applications).
- Obtaining, interim and final injunctive relief in relation to disputed winding-up petitions.
- Junior Counsel to the Secretary of State for Business, Innovation and Skills for Directors Disqualification hearings. Also defending such proceedings on behalf of directors and associated applications under CDDA 1986.
- Acting for the Secretary of State for Business, Innovation and Skills in an application under s.8A CDDA 1986 to set aside a disqualification undertaking.
- Successfully negotiating a reduced disqualification period from eight years to three and a half years.

Personal insolvency

Tom has acted for or advised private individuals on their insolvency matters. A few examples are:

- **Sands 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.
- Regularly appearing before the Bankruptcy Registrars and in the County Court on all aspects of the bankruptcy process, including applications to set aside statutory demands, bankruptcy petition hearings (including disputed petitions), annulment applications and applications by Trustees and Supervisors.
- Appearing in proceedings challenging a Trustee's remuneration, resisting an application for the sale of a bankrupt's home and obtaining an order for the annulment of the bankruptcy.
- Obtaining an order for the disclosure and production of documents by a bankrupt, subsequent to a public examination.