



## Thomas Graham

Call: 1985

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*"Tom's advocacy skills are second to none. He gets the job done in court."*

### **Chambers UK Bar 2017**

### **Practice Overview**

Thomas Graham is an enormously experienced and effective commercial chancery barrister who relishes the cut and thrust of the courtroom.

He has appeared in numerous cases in the Chancery Division, Commercial Court, Queen's Bench Division and Court of Appeal, as well as in commercial arbitrations.

Thomas's core practice focuses on business disputes, in the commercial, company, insolvency and partnership fields.

His Commercial practice includes purely contractual disputes, e.g. arising from business sales or from commercial contracts, frequently with an intellectual property element. He also handles fraud claims in a business context.

In Company law he has a particular strength in shareholder disputes, particularly minority shareholder actions (including for unfair prejudice) and share ownership disputes, and claims between companies and their directors, for breach of fiduciary duty, confidentiality and contract.

Directory acknowledgements include:

*"He is a fantastic advocate who has a very calm and collected approach but can turn up the heat when necessary."*

### **Chambers UK Bar 2016**

*"Clients love him as he is easy to deal with and delivers the goods in court."*

### **Chambers UK Bar 2015**

### **Commercial Litigation**

#### Typical recent work includes:

- Disputes in respect of joint venture agreements, media contracts, building contracts, and contracts for the sale of goods or supply of services, including financial services;
- Breach of warranty claims following business sales;
- Breach of commercial confidentiality;
- Disputed compromise agreements;
- Insurance claims;
- Passing off claims;
- Fraud in a business context.

### Recent cases include:

- An LCIA arbitration over intellectual property rights;
- A challenge to an Arbitrator's decision on jurisdiction for serious irregularity (*Maass v Musion Events*);
- Interim orders in a huge fraud case (appearances in the *JSC STA Bank v Ablyazov* litigation);
- A deceit claim by a woman whose ex-husband got her involved in a Ponzi scheme;
- A Commercial Court trial concerning bribes, in which Saudi Sharia law was applied (*Al Qahtani v Antliff*).

### Other High Court trials and/or Court of Appeal cases of interest have included:

- A dispute over the break-up of a London river-boat syndicate (*Thames Cruises*);
- A dispute over ownership of a vintage car collection, throwing up Part 36 issues (*Neave v Neave*);
- A dispute between rival porcelain manufacturers over confidential information and intellectual property (*X Ltd v Nowacki*);
- A dispute over a film screenplay based on the life of Grace Jones (*Artlamb v Goude*);
- A claim on a guarantee which resulted in a non-party costs order against the Claimant's director - a practising solicitor who had suppressed documents (*Goodwood Recoveries v Breen*);
- A commercial dispute over aircraft repairs in East Africa (*Transafrik v Venus*).

"He works very, very hard on his cases. He doesn't fear hard work and does all-nighters." "His style of drafting is very sophisticated."

Chancery: Commercial - **Chambers UK Bar 2016**

## Company & Partnership

### Typical work includes:

- Minority shareholder claims for unfair prejudice;
- Derivative claims by minority shareholders on behalf of companies against controlling wrongdoers;
- Just and equitable winding-up;
- Claims by companies against directors for breach of fiduciary duty (including business diversion and fraud), breach of covenant, and breach of commercial confidentiality;
- Claims to beneficial ownership of business;
- Business partnership claims with company elements;
- Insolvency applications.

### Recent cases include:

A range of unfair prejudice petitions involving quasi-partnerships, breaches of shareholder agreements/understandings, breaches of good faith, including by exclusion and abuse of dividends, and breaches of fiduciary duty;

- Shareholder claims for breach of fiduciary duties owed direct to shareholders;
- Fraud claims by companies against directors
- Appeal of permission granted to administrators to sell assets free of security, including breach of confidentiality embargo on draft judgment.

Other cases of interest have included High Court trials over beneficial ownership of company shares (*Singh v Anand*; *Hoyer Miller v Brooks*).

## Insolvency

### Typical work includes:

- Minority shareholder claims for unfair prejudice;
- Derivative claims by minority shareholders on behalf of companies against controlling wrongdoers;

- Just and equitable winding-up;
- Claims by companies against directors for breach of fiduciary duty (including business diversion and fraud), breach of covenant, and breach of commercial confidentiality;
- Claims to beneficial ownership of business;
- Business partnership claims with company elements;
- Insolvency applications.

**Recent cases include:**

A range of unfair prejudice petitions involving quasi-partnerships, breaches of shareholder agreements/understandings, breaches of good faith, including by exclusion and abuse of dividends, and breaches of fiduciary duty;

- Shareholder claims for breach of fiduciary duties owed direct to shareholders;
- Fraud claims by companies against directors
- Appeal of permission granted to administrators to sell assets free of security, including breach of confidentiality embargo on draft judgment.

Other cases of interest have included High Court trials over beneficial ownership of company shares (*Singh v Anand*; *Hoyer Miller v Brooks*).

## **Additional Information**

### **Qualifications / Education**

Cambridge University MA (Law) (1984)

### **Memberships**

Chancery Bar Association

COMBAR

London Common Law and Commercial Bar Association

### **Languages**

French (to A-level)

Spanish (to A-level)

#### **New Square Chambers**

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#### **Contact**

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