

Thomas Francis

Year of Call: 2015

Practice Summary

Tom has a broad practice across Chambers' main areas of work, with a focus on public law, regulatory law, commercial litigation and arbitration and public international law.

He has appeared unled before every division of the High Court and before the County Court, First-tier Tribunal, disciplinary panels and tribunals constituted under a range of institutional rules. He has experience of working as part of larger teams before the Investigatory Powers Tribunal, Court of Appeal and Judicial Committee of the Privy Council.

His clients range from detainees to businessmen, NGOs to government departments and statutory regulators to international and multinational organisations. He pairs his commercial work with a substantial *pro bono* practice.

In public law, Tom acts for and against public bodies, with particular expertise in judicial review, inquiries, education and local government law, including adult health and social care. His civil liberties and human rights practice is both domestic and international in nature, ranging from claims under the HRA to violations of international law. Recent highlights include authoring a report on crimes against the Yazidis and advising an NGO on libel risk arising from a report on the international arms trade. On behalf of English PEN, Tom also authored a response to the Law Commission's September 2020 review of the Official Secrets Act, to which the Commissioner devoted a chapter in her report and whose recommendations she adopted.

In the commercial sphere, Tom is regularly instructed by financial services regulators and regulated firms/individuals both in the UK and overseas. He has been seconded to the Enforcement division of the Financial Conduct Authority and has worked with its General Counsel's Division and Litigation and Legal Review team.

His wider commercial experience includes agency agreements; commercial contracts; conflict of laws; insurance; interim remedies including anti-suit and freezing injunctions; joint ventures;

pensions; private equity; real property; the sale of goods; the sale of shares; securities; and regulatory investigations into financial crime, money laundering and the fraudulent transfers of assets.

Highlights of such work include claims under ICSID Rules concerning bond ‘haircuts’ in the context of sovereign debt restructuring; arbitrations under ICC Rules concerning upstream oil & gas companies; a mediation between a Euronex NV-listed company and a major pharmaceutical company concerning damages for breach of a manufacturing and development agreement; a Commercial Court claim concerning breaches of a repurchase (‘repo’) agreement where the assets in question were illiquid and unmarketable; a matter before the Dubai Land Department arising out of the liquidation of a cancelled real estate project; a provisional claim under the Iraq-Japan bilateral investment treaty for recovery under a testamentary trust; and drafting for a joint venture company an investors’ agreement providing management services in the energy, infrastructure, project development and EPC (engineering, procurement, and construction) sectors. Tom has also taught international commercial arbitration as part of the U.S. Department of Commerce’s Commercial Law Development Program.

Before training for the Bar, Tom worked for the United Nations in Lebanon and for NGOs in Afghanistan and Egypt. As such, he has extensive experience of working – both in a commercial and human rights context – with the application of foreign law. In addition to England & Wales, Tom has rights of audience before the Abu Dhabi Global Market Courts and the Astana International Financial Centre Court. He speaks Arabic to a professional standard.

Tom is on the Attorney General’s civil ‘C’ panel.

Reported Cases

R. (on the application of Vijay Mallya) v Government of India & Anor [2019] EWHC 1849 (Admin) (assisting Claire Montgomery QC and Ben Watson)

R. (on the application of City of Westminster) v Transport for London (TfL) & Ors [2018] EWHC 2402 (Admin) (with Timothy Straker QC)

R. (on the application of The Prudential Assurance Company Ltd) v The Commissioners for Her Majesty’s Revenue and Customs [2017] EWHC 1484 (Admin) (assisting Daniel Margolin QC)

Dunhill v Hughmans (a firm) [2017] EWHC 2073 (Ch) (assisting Steven Gee QC)

Bank of Cyprus Public Company Limited v. Hellenic Republic (ICSID Case No. ARB/17/4) (assisting Jonathan Dawid)

Hughmans (a firm) v Dunhill [2017] EWCA Civ 97 (assisting Steven Gee QC and Katherine Blatchford)

Memberships

- Bar Human Rights Committee
- British Institute of International and Comparative Law (BIICL)

- Constitutional and Administrative Law Bar Association (ALBA)
- Court of Protection Bar Association
- Financial Services Lawyers Association (FSLA)
- Human Rights Lawyers Association
- IBA
- JUSTICE
- Young ICCA
- Young Public Lawyers' Group

Qualifications

- SOAS University of London: First Class BA (Hons) in History; Undergraduate Finalist School Prize
- Yale University: MA International Relations; Andrew W. Mellon Fellow; Coca-Cola World Fund at Yale Fellow; Overbrook Foundation Grantee
- City, University of London: GDL; BPTC (Very Competent); Future Lawyers Award for Academic Excellence; Best Oralist (National Round), Telders Public International Law Moot Court Competition; Runner-up, 11KBW Essay Prize in Public Law

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Education

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Areas of Expertise

- Administrative Public Law
- Human Rights Equalities
- Commercial
- Employment
- Inquiries And Inquests
- International Arbitration
- Investigations And Resolutions
- Professional Discipline And Regulatory
- Adult Social Care