



Thomas Francis

Year of call: 2015

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Practice Summary

Thomas accepts instructions across Chambers' areas of practice, with a particular focus on public and administrative law, human rights and civil liberties, commercial, regulatory, and international law. He commenced practice in 2016, since when he has acquired extensive experience both as sole counsel and as part of larger teams. Thomas has appeared unled in the High Court, the County Court, and before several arbitral and regulatory tribunals, and as junior counsel before the Court of Appeal. His clients include individuals (ranging from detainees to businessmen), businesses, and government departments and other public bodies. Before training for the bar, Thomas worked for the United Nations and for several international NGOs, in Afghanistan, Egypt, and Lebanon, and has taught, written and presented on international law, from international investment law to international human rights and humanitarian law.

Some more recent and high-profile work includes acting on behalf of the Mayor of London through TfL in a public law challenge to the construction of cycle superhighways; acting for the Department for Environment, Food & Rural Affairs, defending a claim in excess of £100m brought by several produce growers; acting for the Ministry of Housing, Communities & Local Government in the Grenfell Tower Inquiry; and, as a pupil, assisting his supervisor with two claims before ICSID tribunals concerning the interrelationship of EU or other 'municipal' law and international law. On behalf of English PEN, Tom also co-authored the reply submission to the Law Commission Consultation Paper on reform of the Official Secrets Act.

Outside of practice, Thomas has been retained as an Expert Legal Consultant by the U.S. Department of Commerce Commercial Law Development Program ("CLDP") to train arbitrators from Afghanistan after the passage of that country's inaugural Commercial Arbitration Law. He is also a volunteer for the Bar Pro Bono Unit, Free Representation Unit, and North Kensington Law Centre, and, before training for the bar, worked for the United Nations and for several international NGOs in Afghanistan, Egypt, and Lebanon.

Chancery: Trusts and Probate

Drafting Particulars in respect of claims under a testamentary trust in relation to (1) an option clause and (2) a charging clause.

Commercial

Assisting his supervisor in a Commercial Court claim concerning breaches of a repurchase agreement in which there was uncertainty as to the quantum of damages;

On behalf of a leading biotech company, assisting his supervisor in a mediation concerning a licensee's breach of a manufacturing and development agreement;

Assisting his supervisor in two arbitrations (ICSID rules) under bilateral investment treaties concerning fair and equitable treatment, most-favoured nation clauses, and the interrelationship of EU or other 'municipal' law and international law in the context of a sovereign debt restructuring;

On behalf of an oil and gas exploration company, assisting his supervisor in two arbitrations under ICC rules concerning (1) the application of an "area of mutual interest" clause and (2) alleged breaches of a joint operating agreement;

Assisting his supervisor in a further ICC arbitration concerning the energy sector giving rise to complex questions of res judicata and issue estoppel; and

Assisting in an arbitration under LCIA rules concerning alleged breaches of an investment agreement by a juice concentrate company.

Professional Disciplinary

Providing advice in respect of recent decisions of the Solicitors Disciplinary Tribunal.

Public

Assisting his supervisor to prepare a public law challenge on the basis of assurances given by a public body over an 8-year period;

Acting pro bono for three distinguished international NGOs, drafting their reply submission to a Law Commission Consultation Paper on the protection of official data;

Acting for the requested person in a rare defence to extradition on Art. 6 ECHR grounds;

International Arbitration

As a pupil, Thomas assisted his supervisors in two multi-billion Euro claims before ICSID tribunals concerning sovereign debt restructuring, bond 'haircuts', and the interrelationship of EU or other 'municipal' law and international law. He also has experience of arbitrations under ICC, LCIA, and SCC rules, ranging in subject matter from farm-in clauses in the oil and gas sector to loan financing to claims by media networks. Outside of his practise, Thomas has been retained by the U.S. Department of Commerce Commercial Law Development Program to advise on the drafting of model rules, to coach teams for the Willem C. Vis International Commercial Arbitration moot, and to train arbitrators from Afghanistan after the passage of that country's inaugural Commercial Arbitration Act. Tom is also a member of the ICC Young Arbitrators' Forum, Young ICCA, and Young ICSID.

Education

- City, University of London, LL.B., Merit
 - Yale University, MA, Magna Cum Laude (Distinction)
 - SOAS, University of London, BA (Hons), First-class
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Scholarships & Awards

- Best Oralist Award (National Round), Telders Public International Law Moot Court Competition
 - Future Lawyers Award for Academic Excellence
 - Runner-up, 11KBW Essay Prize in Public Law
 - Overbrook Foundation Fellowship
 - Coca-Cola World Fund at Yale Fellowship
 - International Relations Student Summer Fund
 - Andrew W. Mellon Foundation Fellowship
 - Undergraduate Finalist School Prize
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Professional Memberships

- Bar Human Rights Committee
 - Constitutional and Administrative Law Bar Association (ALBA)
 - The Honourable Society of the Inner Temple
 - Human Rights Lawyers Association
 - ICC Young Arbitrators' Forum
 - JUSTICE
 - Liberty
 - Young ICCA
 - Young ICSID
 - Young Public Lawyers' Group
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Languages

- Arabic
 - French
 - Dari/Farsi (basic)
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Reported Cases

- R. (on the application of City of Westminster) v Transport for London (TfL) & Ors [2018] EWHC 2402 (Admin);
 - R. (on the application of Prudential Assurance Company Ltd) v Revenue and Customs Commissioners [2017] EWHC 1484 (Admin);
 - Dunhill v Hughmans (A Firm) [2017] 5 Costs L.O. 589;
 - Hughmans (A Firm) v Dunhill [2017] EWCA Civ 97
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