



Thomas Cordrey
Year of Call: 2006



Thomas specialises in the fields of employment and professional negligence with particular experience in the appellate courts and dealing with complex litigation. He is familiar with procedure in the tribunals and civil courts and regularly appears against leading counsel.

Thomas has been ranked in the directories for over a decade. Legal 500 has described that he has "amazing attention to detail and is wonderful with clients" (Legal 500 2024) as well as knowing the law "inside out, including very technical/niche points" (Legal 500 2023).

Chambers UK describes Thomas as "a wonderful lawyer and so easy to work with" (Chambers UK 2024) as well as "great at narrowing a case down from something complex and he works his magic in court" (Chambers UK 2022). Also noted are Thomas' "very impressive advocacy skills and the ability to navigate complex technical legal arguments" (Chambers UK 2021) as well as "immaculate preparation and excellent advocacy. He is very calm, measured and reassuring to work with." (Chambers UK 2020).

Recommendations

Thomas has been ranked in the leading legal directories for over a decade, comments have included:

"Thomas has amazing attention to detail and is wonderful with clients." - Employment, Legal 500 2024

"He is a wonderful lawyer and so easy to work with." - Chambers UK 2024

"He is great at narrowing a case down from something complex and he works his magic in court; he always gets his style right by adapting to the client." - Chambers UK 2022

"Thomas is also very good on his feet, convincing in his submissions and tenacious, and will not let a point go." - Legal 500 2022.

"He's very able, intelligent and tactical; he has very impressive advocacy skills and the ability to navigate complex technical legal arguments." - Chambers UK 2021

"Technically excellent and very quick thinking on his feet." - Employment, Legal 500 2021

"Immaculate preparation and excellent advocacy; he is very calm, measured and reassuring to work with." - Chambers UK 2020

"Very approachable, clever and a pleasure to deal with." - Legal 500 2016

"He is credited by sources for his impressive style of advocacy; very good on discrimination cases, he's able to absorb and analyse a lot of complex detail very quickly." - Chambers UK 2014

Employment

Appellate Cases

Thomas has appeared around thirty times in the Employment Appeal Tribunal in England and Scotland, and has acted both led and un-led in the Court of Appeal. He regularly appears against leading counsel.

His cases include:

- Manning v Walker Crips [2023] IRLR 729 (led by Bruce Carr KC)
- Harris v East Lancashire Hospitals NHS Trust [2022] EAT 41
- Gould v St John's Downshire Hill [2020] IRLR 863
- E.ON Control Solutions v Caspall [2020] ICR 552
- Grange v Abellio London Ltd [2019] ICR D2
- Srivatsa v Secretary of State for Health [2018] EWCA Civ 936, [2018] ICR 1660
- Xerox UK Ltd v Jahan Zeb [2017] EWCA Civ 2137
- Eiger Securities LLP v Korshunova [2017] IRLR 115
- De Souza v Vinci Construction (UK) Ltd [2017] EWCA Civ 879, [2017] IRLR 844
- Bridging Loans Ltd v Toombs [2017] EWCA Civ 205
- Gould v Trustees of St John Downshire Hill [2017] 10 WLUK 88
- Chawla v Hewlett Packard Ltd [2015] IRLR 356
- General Dynamics v Carranza [2015] IRLR 43 EAT.
- Brown-Quinn v Equity Syndicate Management Ltd [2012] EWCA Civ 1633, [2013] 1 WLR 1740, led by Colin Wynter KC
- McFarlane v Relate Avon Plc [2010] ICR 507

Complex Tribunal Litigation

Thomas is regularly instructed in highly complex Tribunal litigation. In *De Souza v Vinci Construction Ltd*, Thomas was instructed in relation to five ET claims which resulted in three Preliminary Hearings, lengthy split liability and remedy trials, a costs hearing, eight appeals to the EAT and two hearings in the Court of Appeal. Thomas has also acted for Hewlett Packard and BNP Paribas amongst other clients in highly complex multi-claim cases (the latter involving a claim in which the list of issues initially ran to 80 pages).

High Court and County Court

Thomas is experienced in civil litigation and is familiar with the CPR, drafting High Court pleadings, dealing with

interlocutory matters in front of the masters and case management and costs case management conferences and appearing in multi-day civil trials. As well as claims which have settled prior to a hearing, his cases include: *Simmonds v Salisbury Foundation NHS Trust* (Queen's Bench, Unreported, 31 March 2021); *Grainger v North East London NHS Foundation Trust* [2017] IRLR 981; *Srivatsa v Secretary of State for Health* [2017] ICR D5; and *Brown Quinn v Equity Syndicate* [2011] EWHC 2661 (Comm), High Ct; [2012] 1 All E.R. 778.

High-Profile Clients and Sensitive Cases

Thomas is particularly used to acting for high profile clients including in relation to sensitive cases such as those involving historical sexual harassment allegations. Thomas is author of a leading text covering anonymity orders and restricted reporting. Recent high-profile clients include a top Premier League football club, a well-known King's Counsel, a household-name UK billionaire, a tier 1 Barristers' Chambers and an ultra high net worth Kuwaiti employer.

Investigations and Reports

Thomas is an experienced investigator. He has particular experience handling sensitive and complex allegations by C-suite executives, including into whistleblowing and sexual harassment, and in the regulated financial services context.

England, Scotland, Wales

Thomas has practised in England, Scotland and Wales. Thomas is familiar with the different procedural position in Scotland, having acted in numerous trials in Scottish ETs, including Inverness and Glasgow, and having appeared several times in the Scottish EAT.

Mediation and ADR

Thomas is available for instruction in relation to judicial mediation and other forms of ADR including joint-settlement meetings and private mediations.

Human Rights

Thomas specialises in the application of human rights laws to a range of areas with a particular focus on the right to **freedom of religion** and the right to **freedom of expression**. Thomas is currently acting in remedy proceedings for the former CEO of Scotland's largest charity, having won the liability trial and established that he was dismissed for discriminatory reasons relating to his Christian beliefs, protected by Article 9. The case attracted coverage in *The Times* and other news outlets. Thomas also represented Noah Carl, the Cambridge academic dismissed from his post after students protested about his right-wing views. Thomas has advised numerous charities on issues arising from the Equality Act 2010 and other legislation such as the Marriage (Same Sex Couples) Act 2013, considering their effect on religious service providers. He has advised the **Metropolitan Police Service** on the correct approach to its **uniform policy** in light of the Equality Act and has advised on the application of **Articles 9 & 10** of the European Convention on Human Rights to judicial review of decisions

restraining freedom of religious expression.

Examples of Thomas' cases include: acting for a church defending a claim by a vicar in one of the few marriage discrimination claims to reach the EAT: *Gould v St John's Downshire Hill* [2020] IRLR 863. In that case Thomas appeared against Karon Monahan QC. The same case had previously been to the EAT (*Gould v Trustees of St John Downshire Hill* [2017] 10 WLUK 88) where Simler P described Thomas' "able assistance" both "orally and in writing". Another President of the EAT, Underhill P, described Thomas' submissions as "cogent" and "clear and helpful" in the leading Article 9 discrimination case of *McFarlane v Relate Avon Plc* [2010] ICR 507.

In other proceedings Thomas represented a Christian teacher who was under threat of being struck off after making public posts on Facebook, some of which related to his religious beliefs (*Evans v General Teaching Council for Wales* (2014)) and in *Amachree v Wandsworth LBC* [2010] EqLR 254 ET he represented a claimant in a multi-day unfair dismissal and religious discrimination claim relating to proselytism. He has recently advised on an appeal concerning a public body dismissing an employee for their refusal to use the chosen pronouns of transgender service-users.

Thomas is co-author of a report on freedom of speech and freedom of religion which the then Prime Minister, Theresa May, referred to during PMQs in the House of Commons, welcoming the report and quoting Thomas' words that freedom of religion is a 'jealously guarded principle'. The report received coverage in the Telegraph and other national press. Thomas was previously author of Bloomsbury Professional's Discrimination Law chapter on religious exceptions to the Equality Act 2010 and he sat on the Bar Council's Equality & Diversity Committee for a number of years – he is now part of the **Bar Council's Legislation & Guidance Committee**. Thomas drafted the Bar Council's briefing on the Equality Act 2010 and the Bar Council's Tackling Sexual Harassment Guide. He has spoken internationally on the topics of human rights and religious discrimination and has spent time working with NGOs at the **UN Human Rights Council** in Geneva.

Thomas also has extensive media experience in this field and has been interviewed on BBC1, BBC News 24, CNN and Channel 4 and on Radio 4's Today Programme and Radio 5 Live. He was featured in **The Lawyer**, commenting on the European Court of Human Rights' landmark decision in *Eweida*.

Commercial Litigation

Thomas has experience of advising on and acting in a range of commercial proceedings in both the Court of Appeal, High Court and County Courts.

Thomas is regularly instructed in High Court and County Court breach of contract disputes, representing both claimants and defendants, often with a cross-over into his employment specialism. Recent cases include acting for a former CEO seeking damages for breach of contract following a power struggle for control of the company. The claim covered granting and vesting of share options, salary and other emoluments. In another recent case Thomas acted for another former CEO seeking to recover bonus payments under a complex contractual arrangement with a franchisee. Thomas is experienced in ADR and negotiating settlements through mediations and round-table discussions. He also has experience advising on restrictive covenant issues including (in the business to business context) advising a prestigious 5 Star London Hotel and advising a leading estate agency brand. He has advised on springboard injunctive relief, non-solicitation and non-dealing clauses and the drafting of clauses to protect legitimate business interests.

Thomas is also experienced in multi-day High Court trials and was instructed by the Secretary of State for Health in a three day High Court breach of contract estoppel and res judicata case (*Srivatsa v Secretary of State for Health* [2016] EWHC 2916 (KB); [2017] ICR D5): a decision which has been applied by the High Court in other cases including *Treetop Investment LLC v Falmouth House Freehold Co Ltd* [2017] EWHC 674 (Ch). Thomas continued to act unled when the case went to the Court of Appeal: *Srivatsa v Secretary of State for Health* [2018] EWCA Civ 936, [2018] ICR 1660. In the same case Thomas appeared in several interlocutory hearings before High Court Masters and an appeal in the High Court. In another case, Thomas acted, again unled, in a four day High Court breach of contract trial (*Grainger v North East London NHS Foundation Trust* [2017] EWHC 2254 (QB); [2017] IRLR 981).

Thomas also has extensive professional negligence experience. He is currently instructed by a corporate claimant

in a High Court action involving alleged negligence by a Big Four firm in relation to an iTunes royalty compliance examination. Other recent cases include representing a multi-million pound property company counter-claiming in negligence against solicitors, and acting for a CEO in a claim against an international law firm – both of which were successfully settled at mediation. Thomas has also recently acted as junior to Jolyon Maugham KC in a complex tax case relating to accountancy advice on intangibles relief. In 2017 Thomas appeared in the Court of Appeal as junior counsel in *Toombs v Bridging Loans* [2017] EWCA Civ 205, instructed by a lender in a case arising out of a valuer's negligence. The case concerned the Nykredit line of authority, considering the largely untested question of how to assess the date of damage in security valuation claims. Thomas previously appeared, unled, in the High Court appeal (*Bridging Loans Limited v Toombs* [2014] EWHC 4566 (QB)) and at the first instance hearing in front of the High Court Master.

In 2016 Thomas was instructed in a High Court dispute concerning the refusal of a global insurance company to allow an insured to instruct an international law firm under the terms of before-the-event legal expenses insurance. This is one in a long series of cases Thomas has acted in following his instruction as junior counsel at both High Court (*Brown Quinn v Equity Syndicate* [2011] EWHC 2661 (Comm); [2012] 1 All E.R. 778) and Court of Appeal in *Brown-Quinn v Equity Syndicate Management Ltd* [2012] EWCA Civ 1633; [2013] 1 WLR 1740, described by Burton J as a "test case" on the application of LEI. The case created widespread interest in the legal market and media including articles in *The Lawyer*, *Law Gazette* and *The Post Online*.

Further cases in which Thomas has acted include *W v HC* where he represented the executor of an estate in a High Court breach of contract claim which resulted in a six figure settlement; *Aslam v Camelot plc* in which he represented the Defendant in a Norwich Pharmacal application by the Claimant for disclosure of the details of a National Lottery winner; *Penycate v Wembley National Stadium* in which he represented Wembley stadium in a County Court breach of contract claim; and *Revenue & Customs Comrs v Benchdollar* [2009] EWHC 1310 (Ch) [2010] 1 All E.R. 174 in which he acted as second junior counsel for HMRC at the pre-trial stages of a multi million pound NIC claim.

Thomas also has experience of acting in cases under the Arbitration Act 1996 and has received in-house arbitration training and in-house mediation training.

Thomas previously sat for many years on the COMBAR Equality & Diversity Committee and has previously attended the COMBAR North America conference, assisting Colin Edelman QC speaking on the topic of the Bermuda Form.

Insurance & Reinsurance

Thomas advises and acts in a range of insurance disputes. He has acted in a series of cases on the scope of an insured's right to choose their own lawyer under a policy of legal expenses insurance. In the most high profile of these, described by Burton J as a "test case" in the LEI field, Thomas was instructed to appear in the High Court in a dispute concerning the refusal of a global insurance company to allow an insured to instruct an international law firm under the terms of before-the-event legal expenses insurance. Thomas was junior counsel, led by **Colin Wynter KC**, acting for the Claimants in the 2 day High Court trial of *Brown Quinn v Equity Syndicate* [2011] EWHC 2661 (Comm); [2012] 1 All E.R. 778. Thomas remained instructed as junior counsel when the Defendants appealed to the **Court of Appeal** where the Law Society received permission to intervene on behalf of the Claimants, and three of Europe's leading insurance companies intervened on behalf of the Defendants. The decision by the appellate court (*Brown-Quinn v Equity Syndicate Management Ltd* [2012] EWCA Civ 1633; [2013] 1 WLR 1740) remains the leading domestic authority and attracted widespread interest in the legal market and media including in articles in *The Lawyer*, *Law Gazette* and *The Post Online*.

Thomas has also recently acted as junior counsel on a Commercial Court professional indemnity coverage claim relating to a Guernsey offshore trust management company. The claim settled successfully shortly before trial. Other examples of Thomas' insurance law practice include advising a Claimant on his position under the Third Parties (Rights Against Insurers) Act 2010 (including in relation to the complicated transitional provisions and the insurer's right to rely on a notification defence). Thomas has also represented Allianz Insurance plc at a contested hearing in the Mercantile Court and advised Arag plc on a defence to a claim relating to an untested provision of the Insurance Companies (Legal Expenses Insurance) Regulations 1990 (*Hardwicke Motor Company Limited v Arag plc* (3YM24927)).

Other examples of Thomas' cases include advising in relation to losses recoverable under a home insurance policy following the insurer's efforts to avoid the policy for non-disclosure. The advice covered complex matters around recoverability of remote losses and the limits of recovery under the Ombudsman scheme. Separately he has issued an application under section 18 of the Arbitration Act 1996 on behalf of a client following an insurer's refusal to pay out for damage to vintage cars assessed by a joint expert.

Thomas formerly sat on the COMBAR Equality & Diversity Committee and has previously attended the North American COMBAR conference, assisting Colin Edelman KC with an address on the Bermuda Form.

Professional Negligence

Thomas acts in a range of professional negligence disputes, some involving a cross-over with his employment specialism. Thomas is currently instructed by a corporate claimant in a High Court action involving alleged negligence by a **Big Four firm** in relation to an iTunes royalty compliance examination. Other recent cases include representing a multi-million pound property company counter-claiming in negligence against solicitors, and acting for a CEO in a claim against an international law firm – both of which were successfully settled at mediation. Thomas has also recently acted as junior to **Jolyon Maugham KC** in a complex tax case relating to negligent accountancy advice on intangibles relief. A common source of instruction relates to failure to meet limitation periods in the short timescale of statutory employment claims. In another 2021 case, Thomas has been instructed by the **Bar Mutual Indemnity Fund** in defending a wasted costs application against a member of the Bar arising from alleged negligent representation.

Thomas was instructed as junior counsel in the Court of Appeal in *Toombs v Bridging Loans* [2017] EWCA Civ 205 in a case in which he had appeared unled at the first instance hearing in front of the **High Court Master** and in the appeal before **HHJ Seymour QC** ([2014] EWHC 4566 (QB)). In that case Thomas was instructed by the lender in a claim which arose out of **valuer's negligence**. The case concerned the **Nykredit** line of authority, and considered the question of how to assess the **date of damage** in security valuation claims.

Thomas is experienced in drafting **letters of claim and response, particulars of claim and defences** and advising on the **prospects of success** in, for example, PI claims covering **solicitors** and **valuers**. Issues commonly addressed cover duty, breach, causation and contributory negligence in relation to various transactions and loans, raising questions of interpretation of the terms of deeds, facility letters and other contractual documentation.

Thomas has lectured on potential claims against **intermediaries / brokers** and specifically looked at the possible expansion in the role of **breach of fiduciary duty** in this context. He has also spoken at seminars on **current developments** in lawyer's negligence claims and on the complex **SAAMCO litigation** – and has advised **an investment company** considering an action against a law firm for negligence in relation to a large transaction.

Thomas has previously acted in relation to **surveyors**. An example of cross-over from his employment practice is *Richardson v Copley Clark & Bennett LLP* (UKEAT/0866/09) in which Thomas won **permission to appeal** from HHJ Peter Clarke in a case centring on the reasonable standards expected of a solicitor in a complex conveyance. Thomas also has experience of advising vis-a-vis the practice of solicitors in **personal injury** work - most recently considering failure to plead certain heads of loss in a valuable claim. In other areas Thomas has, for example, represented a defendant payroll provider in a County Court claim alleging failure to meet the reasonable standards of that profession (*Irenicon v Integrated Solutions*).

Thomas is a member of the **PNBA**.

Memberships and Associations

ELA, ELBA, PNBA

Awards and Scholarships

Kemp-Gooderson Scholarship

Lincoln's Inn Hardwicke Scholarship

Lincoln's Inn Tancred Studentship

Cambridge University Squire Scholarship

Adderley Prize for Law

Mrs Payne (1610) Scholarship

Education

Bar Vocational Course at BPP Law School, London

MA (Law) (Cantab) at St Catharine's College, University of Cambridge

Personal Interests

Thomas is a member of the Lawyers' Christian Fellowship: "Seek justice, love mercy, walk humbly with God" (Micah 6:8)