

Thomas Westwell

CALL 2018



Areas of Expertise

- Personal Injury • Clinical Negligence • Employment • Financial Mis-Selling & Consumer Credit
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Tom specialises in personal injury, clinical negligence, employment and consumer finance work. He appears regularly in courts and tribunals and has a thriving advisory practice. He is ranked by Legal 500 as a Band 3 Leading Junior in personal injury. He prides himself on his persuasive advocacy, clear drafting style, exceptional diligence and ability to research complex points of law to achieve results for his clients.

Tom has appeared in the Supreme Court and the Court of Appeal (led by other counsel) and in the High Court (as sole counsel). His appellate experience includes important cases in personal injury and consumer finance:

- *Hopcraft and ors v Close Brothers Limited and ors* [2025] UKSC 33, [2025] 3 WLR 423 – partial win for the claimants in the Supreme Court in these appeals concerning car finance commissions (led by Robert Weir KC and Jonathan Butters), one of The Lawyer magazine’s “Top 10 appeals of 2025”;
- *Griffiths v TUI UK Ltd* [2023] UKSC 48 – win for the claimant in the Supreme Court in appeal on fairness and the duty to cross-examine (led by Robert Weir KC and Stephen Cottrell); and
- *Miller v Irwin Mitchell LLP* [2024] EWCA Civ 53 – whether a firm owed duties to a personal injury claimant when advising via its free legal helpline (led by Robert Weir KC).

Before joining Devereux, Tom was the judicial assistant to Lord Wilson and Lord Burrows at the Supreme Court and was a solicitor at Freshfields for four years.

Recommendations

'He is incredibly quick on his feet and is an outstanding advocate. He is intelligent, astute and can assimilate a huge amount of information and process it for lay clients in a calm manner which leaves them feeling very reassured.' - Personal Injury, Legal 500 2026

'He has outstanding knowledge and his preparation is outstanding. He is tactically astute and an excellent negotiator.' - Personal Injury, Legal 500 2025

Expertise

Personal Injury

Tom has a specialist personal injury practice, acting for claimants and defendants, and is ranked as a Band 3 Leading Junior in Legal 500.

Tom has an ever-growing PI caseload on the multi-track and intermediate track. He has recently helped claimant and defendant clients achieve six-figure settlements in a number of cases. He has appeared in numerous fast-track trials in RTA, employers' liability, occupiers' liability and travel illness claims. Tom is also adept in CCMCs and interlocutory hearings, including in complex and high-value claims.

Tom has recently worked on the following matters as a junior to Robert Weir KC:

- Drafting the counter-schedule in a claim involving a traumatic brain injury, and appearing at the approval hearing where a settlement of more than £12m was approved (2026);
- Advising an insurer on issues arising under the Road Traffic Act 1988 in relation to the motor insurance liability cascade (2026);
- Drafting a £11m schedule of loss for a claimant with severe injuries following a road traffic accident (2025);
- Appearing in the Court of Appeal in *Miller v Irwin Mitchell LLP* [2024] EWCA Civ 53, [2024] 4 WLR 27 regarding the duties owed by a firm's free legal advice helpline to an injured claimant;
- Appearing (led also by Stephen Cottrell) in the Supreme Court in *Griffiths v TUI* [2023] UKSC 48, [2023] 3 WLR 1204 regarding fairness, expert evidence and the duty to cross-examine.

Tom also has experience of industrial disease and asbestos-related work. In 2026 he drafted submissions to the Supreme Court by the Royal Statistical Society as potential intervener in support of an application for permission to appeal in *Johnstone v Fawcett's Garage* (led by Robert Weir KC).

Tom is a member of the Personal Injuries Bar Association (PIBA) where he is a member of the

Executive Committee. He is also a member of the Association of Personal Injury Lawyers (APIL).

Clinical Negligence

Tom has experience acting for claimants in clinical negligence claims and is keen to continue to develop his practice in this area.

Tom has advised (led by Robert Weir KC) on settlement of a large claim for a child claimant with four-limb cerebral palsy, including a lump sum of almost £10m and an index-linked PPO for care and case management of £415k p.a. (2025).

Employment

Tom welcomes instructions on behalf of employees and employers. He regularly appears in multi-day employment tribunal hearings and has appeared unled in the High Court. He has conducted his own internal employment investigations. In all his employment work, Tom is able to draw upon his experience as a solicitor at Freshfields, where he advised multinational clients on a range of high-value and sensitive employment matters.

Recent highlights include:

- Advising an employer on a high-value contractual dispute involving a former employee's exercise of share options on IPO (2026)
- Successfully securing dismissal on time-limit grounds of a claimant's sex and age discrimination claims against a retailer (2025)
- Successfully representing a car manufacturer at a hearing to determine whether the claimant was disabled, and obtaining deposit orders (2024)
- Successfully representing a construction company in a four-day final hearing of a race discrimination claim, including securing an unreasonable costs order against the claimant (2024)
- Representing the claimant in the High Court on an application for an expedited trial of his claim against his former employer as to the enforceability of a non-compete clause: *Patricot v Adrian Lee & Partners* [2023] EWHC 2493 (Ch).

Tom is a member of the Employment Lawyers Association (ELA) and the Employment Law Bar Association (ELBA).

Consumer Credit

Tom represents consumers in motor finance commission claims and, before that, developed considerable experience in PPI claims.

On top of his extensive trial experience in this area, Tom has significant appellate experience:

- **Hopcraft and ors v Close Brothers Limited and ors** [2025] UKSC 33, [2025] 3 WLR 423 – partial win in the Supreme Court for the claimant consumers in these significant appeals concerning undisclosed commissions paid to car dealers arranging finance (led by Robert Weir KC and Jonathan Butters) – one of The Lawyer’s “Top 10 appeals of 2025”;
- **Orton v Barclays Bank (2025)** – acting (led by Robert Weir KC and Jonathan Butters) in the Court of Appeal in an upcoming appeal against a costs order for unreasonable conduct under CPR 27.14(2)(g) made against the claimant consumer in a PPI Plevin claim;
- **Self v Santander Cards UK Limited** [2024] EWCA Civ 1106 – assisting Jonathan Butters in the Court of Appeal in this significant appeal concerning the compromise of PPI Plevin claims. Tom was instructed on the claimant’s application for permission to appeal to the Supreme Court (led by Robert Weir KC and Jonathan Butters).

Tax

Tom’s recent tax experience includes:

- **CooperVision Lens Care Limited v HMRC** [2026] UKFTT 324 (TC) – win for the Revenue (led by Akash Nawbatt KC and Georgia Hicks) in this complex, high-value case concerning employment-related securities, the market value test and carelessness;
- **Putney Power Limited and anor v HMRC** [2026] UKUT 105 (TC) – win for the Revenue, in the FTT and the UTT, in this appeal concerning enterprise investment scheme (EIS) relief under the Income Tax Act 2007 and the commencement of trade (led by Christopher Stone KC);
- **York SD Limited and ors v HMRC** [2025] UKFTT 00877(TC) – win for the Revenue (led by Christopher Stone KC) in this case concerning EIS relief and the commencement of trade.

Academic

Bachelor of Civil Law (BCL), St Cross College, Oxford – Distinction

GDL and LPC, BPP Law School, London – Distinction

BA Classics, Brasenose College, Oxford – Double First

King’s College School, Wimbledon

Western Province Preparatory School, Cape Town

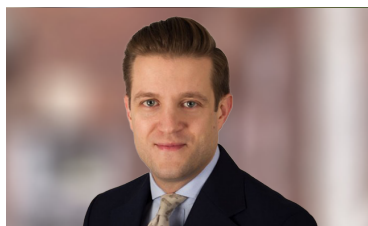
Memberships & Associations

APIL, PIBA (Executive Committee), ELA, ELBA

Awards



For enquiries & instruction please contact



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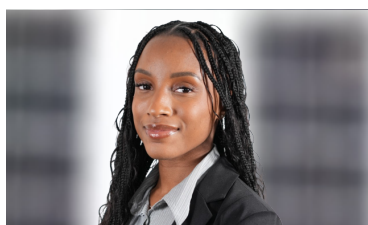
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