



Thomas Mallon

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## Thomas Mallon

Call 2019

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Thom accepts in instructions across the range of Chambers' practice areas.

He has extensive trial experience, having appeared successfully in his own right in the High Court, Country Courts, and the criminal courts, and has wide litigation experience in the High Court and the Court of Appeal, including large group action litigation.

He is the winner of both the Oxford International IP Moot, and the Middle Temple Rosamund Smith Moot. After earning a distinction on the GDL he was granted the prestigious Quatercentenary Scholarship by Middle Temple to fund his BPTC studies. He completed pupillage at a criminal set where he defended across the South East.

Before qualifying as a barrister Thom completed his undergraduate studies at the University of Oxford, and then worked on trading desks in New York and Tokyo for several multinational banks. While in Japan he earned an MA in Economics from the University of Tokyo, and speaks fluent Japanese.

## Commercial

Thom has experience across a range of high-value commercial matters, including share-holder disputes, issues of contractual interpretation and exclusions clauses, breaches of fiduciary duty, and allegations of fraud.

He was most recently involved in a multi-jurisdictional claim in unjust enrichment, arising out of the Cameroonian capital gains tax regime.

He accepts all commercial instructions.

## Finance and Insurance

Thom has experience in claims involving the Consumer Credit Act 1974 and the application the FCA Handbook, as well as the specific requirements of interpretation of contracts of insurance.

Amongst other cases, Thom has assisted leading Counsel in a claim in which the Claimant sought to take action against their insurer using legal insurance provided by that very insurer.

He also regularly handles claims arising out of allegations of mis-sold PPI insurance.

Thom also has significant personal experience in the financial sector, having worked as a trader for several years.

## Group Actions and Product Liability

Thom has assisted on some of the largest product liability and group action disputes, including the Volkswagen NOx Emissions litigation.

He also has experience in group action claims under the Data Protection Act 2018, the interplay between the duties of data controllers and processors, as well as in the tort of misuse of private information.

## Employment

Thom has appeared before the Employment Tribunal in claims for unfair dismissal and discrimination, and has a strong knowledge of the case law surrounding those issues.

Given his significant trial experience for a barrister of his call, he has particular strength in claims that require adept witness handling and cross examination.

## Intellectual Property

Thom has won at trial before the Intellectual Property Enterprise Court, dealing with claims for breach of copyright, design right, and fiduciary duty,

Most recently, he successfully defended a renowned Scottish boat designer, where the case turned on alleged technical similarities between competing designs for personal high-speed watercraft.

He is also the winner of the Oxford International IP Moot, the largest mooting competition dealing with IP law. This is an area in which he has a keen intellectual interest.

## Personal Injury

Thom has assisted leading counsel in high-value claims in negligence, advising on all areas of liability and quantum.

He recently assisted in the defence to a multi-jurisdictional group action claim arising out of allegations of assault and false imprisonment in two African countries, and has particular knowledge about quantum in international claims in tort.

## Property

Thom regularly appears in both residential and commercial possession claims, as well as applications for injunctions, and accepts all property-related instructions.

He recently appeared in a commercial possession proceeding that turned on the construction of the Coronavirus Act 2020, and can advise on the pitfalls both for claimants and defendants likely to arise in the coming months as the stay on most possession proceedings under that act comes closer to being lifted.

He has also assisted leading counsel on claims involving assignments of real and movable property in multiple jurisdictions, and the circumstances in which English courts will make or recognize in rem declarations of ownership.

## Health & Safety

Thom has assisted in a range of Health and Safety work, mostly involving fatal accidents. He has an in-depth understanding of the regulatory framework, as well as the special duties and requirements arising as a result of construction contracts.

He also has extensive criminal trial experience in his own right, and has extensive grounding in all aspects of criminal procedure, from the magistrates courts up to the Court of Appeal, allowing him to give accurate and effective advice to clients.

In his own right he recently forced a prosecuting authority to abandon a prosecution entirely, by challenging the legality of a summons in light of the new Criminal Procedure Rules 2020, and the special duties now placed on private prosecutors.

He has also represented companies and individuals facing prosecution under the Town and County Planning Acts and can assist both tactically in the early stages, and at trial.

## Education

- BPTC, City University
- Middle Temple Quatercentenary Scholarship
- GDL, City University (Distinction)
- MA Economics, University of Tokyo
- Japanese Government MEXT Scholarship
- BA (Hons) English, University of Oxford