



## Tom Stafford

Call: 2018

### Overview

Tom joined chambers in 2019, after the successful completion of his pupillage under the supervision of Dr Peter Ellis, Imran Benson, and Nicholas Peacock.

Tom's practice spans professional negligence, commercial, insurance, medical and personal injury disputes.

Tom appears frequently as sole counsel in the High Court and County Courts.

Prior to coming to chambers, Tom graduated with a Double First in Law from Queens' College Cambridge. After graduating, Tom worked in the professional and financial disputes team of a leading city law firm, completed an LLM at the University of Edinburgh, and worked as a Research Assistant at the Scottish Law Commission.

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### Professional liability

Since completing pupillage, Tom has been involved in a number of professional negligence claims. These have included:

- Applying to strike out a £250,000 claim issued in the Chancery Division of the High Court against a firm of solicitors and 12 other Defendants.
- Representing a firm of criminal solicitors in a claim brought by a claimant who alleged they had been wrongfully convicted.
- Drafting pleadings in numerous claims relating to alleged over-payment of SDLT.
- Drafting the pleadings in, and advising on, claims involving data breaches. These have included allegations of breach of confidence, misuse of private information, and breaches of the Data

Protection Act 1998 and Data Protection Act 2018.

- Defending a claim brought against a firm of accountants, who it was alleged had failed to advise correctly on the availability of child tax credits.
- Defending a claim brought against a surveyor appointed under the Party Wall Act 1996, whom it was alleged had failed to discharge their statutory duties under that Act.
- Defending a negligence action against a firm of solicitors who had allegedly failed to draw the client's attention to the various footpaths dissecting a property prior to a conveyance.
- Defending a claim against property agents whom it was alleged had installed a fence beyond the boundary of their property.
- Drafting numerous strike out/summary judgment applications on the basis that claims are an abuse of process, or statute barred.
- Furthermore, Tom has advised on, and applied for, numerous Civil Restraint Orders against vexatious litigants.

Prior to coming to Chambers, Tom worked in the professional and financial disputes team of a leading city law firm, where he regularly dealt with a range of professional negligence claims against a range of professionals, in particular solicitors. These frequently included claims relating to defects in leases; claims from dissatisfied beneficiaries under wills; claims relating to failures to conduct searches; alleged under-settlements of personal injury claims; and, SDLT claims.

Furthermore, Tom has a particular interest in breach of warranty of authority claims, after dealing with a number of such claims in-house, and having written his master's dissertation on the subject.

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## **Commercial law**

Tom has a particular interest in Commercial Disputes; in particular insurance disputes, contractual claims, and costs disputes.

Since and during pupillage, Tom has been involved in the following claims:

- (As sole counsel) advising and drafting a referral to the Financial Ombudsman in a £750,000 insurance claim. Tom was instructed by a property management company, who were responsible for managing a block of flats, the roof of which was defective and required replacement. The management company wished to obtain the costs of replacing the roof under the building insurance policy, after the insurer had declined cover.
- (As sole counsel) obtaining a third-party costs order against a company who had not been a party to litigation but had exerted a controlling influence over the claimant in that litigation.
- (As sole counsel) representing a party in a contractual dispute over the proper construction of an offer made on a 'full and final basis', and whether the sum offered ought to include an interim payment that had already been made.
- (As sole counsel) representing an IT consultancy providing Search Engine Optimisation (SEO) services to another company, in a claim for unpaid fees.
- (As sole counsel) defending a recruitment agency in a claim in which the claimant alleged that

they had terminated the contract in breach of their contractual obligations.

- (As sole counsel) defending an online course provider in a claim alleging that they had provided inadequate teaching services to a student who had subsequently failed their exam.
- (As a pupil) assisting with a coverage dispute between an insurer and a policyholder in which it was alleged that the insurer had unlawfully denied cover on the policy-holder's corporate legal expenses policy.
- (As a pupil) assisting with a claim involving double insurance, in which one policyholder held two separate policies with the same insurer, both of which appeared to cover the loss, but where the deductible under each policy differed significantly.
- Tom also assisted in the discovery phase of *Liverpool v New Balance* [2019] EWHC 2837 (Comm), in which a fellow member of chambers was instructed as junior counsel.

Furthermore, whilst at the Scottish Law Commission, Tom worked on the 2017 Discussion Paper on Contractual Remedies, and produced the initial draft of Chapters 8, 9 and 10; dealing with gain-based remedies, transferred loss, and contributory negligence respectively. The paper is available [here](#).

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## Medical law

Tom is regularly instructed in claims for and against medical professionals. He has drafted numerous pleadings, appeared in a variety of interlocutory applications, and conducted a number of CCMCs.

Tom's experience to date has included:

- A claim against a maxillo-facial surgeon who had removed a facial lesion, which it transpired was cancerous, using a dangerous and inappropriate method.
- A claim for psychiatric injuries against a Registrar who had removed a patient's fingernail without administering the correct level of analgesia.
- A claim involving a delayed diagnosis of a scaphoid fracture.
- A claim involving an alleged failure to manage an empyema appropriately.
- (As a pupil) assisting with a claim involving a delayed diagnosis of necrotising fasciitis.
- (As a pupil) assisting with a claim involving a delayed diagnosis of Cushing's Syndrome.

Furthermore, Tom frequently advises on procedural issues related to clinical negligence claims, and costs budgeting at CCMCS.

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## Regulatory

Whilst Tom was being supervised by Nicholas Peacock during pupillage, Tom saw a number of GMC and GDC proceedings. These included final hearings, interim orders hearings, and an appeal against a final decision in the High Court.

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Tom has a particular interest in this area and would be very keen to develop a disciplinary practice.

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## **Personal injury**

Tom frequently represents claimants and defendants in personal injury proceedings, from claims arising from accidents at work, or road-traffic accidents.

Tom is very familiar with the JC Guidelines and Ogden Tables, and frequently advises on quantum issues.

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## **Education**

City Law School, BPTC (Very Competent) (2017-2018)

The University of Edinburgh (LLM) (2016-2017)

Queens College Cambridge, BA Hons Law (Double 1st) (2011-2014)

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## **Prizes and scholarships**

Gray's Inn, Prince of Wales Scholarship

George Lang Prize in Roman Law, Cambridge Law Faculty

Queen's College, Foundation Award

Edinburgh EU/UK Scholarship

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## **Further information**

ICO Data protection registration number: **ZA524961**

Tom Stafford is a barrister regulated by the Bar Standards Board. [Click here to view Tom Stafford's Privacy Notice](#)

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## **Quotes**

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Hailsham Chambers fields an “excellent selection of leading and junior counsel” and is noted for its “great strength in depth”.

**Legal 500, 2022**

"The barristers are approachable and down to earth. I always get good advice and they are very experienced."

**Chambers UK 2020**

“Hailsham is a strong set for professional negligence, with a large number of outstanding advocates”.

**Legal 500, 2022**