



Patrick Tomison

Year of call
2018

Email
patrick.tomison@outertemple.com

Patrick Tomison accepts instructions across all areas of work undertaken in chambers, including employment, commercial and chancery, pensions, clinical negligence and personal injury and public law. Patrick joined Outer Temple in September 2019 upon successful completion of his pupillage.

Prior to pupillage, Patrick worked in the Court of Appeal as the judicial assistant to Sir Ernest Ryder, the Senior President of Tribunals. He assisted the Senior President with appeals in a wide range of fields, including employment, clinical negligence, public law, commercial and immigration.

He holds a first class degree in Law with German Law from Oxford University (University College).

Patrick has been praised for his “calm, professional” manner and lay client has described him as “very reassuring” and “brilliant”.

London

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Employment & Discrimination

Patrick acts for both Claimants and Respondents in preliminary and final hearings in all areas of employment and discrimination law, in addition to providing written advice and drafting pleadings.

During pupillage, Patrick was supervised by Andrew Allen. He was exposed to a wide range of employment matters, including appellate hearings in the EAT and Court of Appeal.

Examples of Patrick's recent instructions include:

- Acting a junior counsel (led by Saul Margo) in a complex whistleblowing claim listed for 15 days
- Advice on liability and quantum in a disability discrimination claim involving consideration of entitlement to benefits under a public sector pension scheme (instructed by the GLD as a junior junior)
- Successful representation of a Claimant who was dismissed for alleged misconduct. He received the full value of his Schedule of Loss (almost £30,000)
- Successful representation of a company (FTSE 100-listed) facing an unfair dismissal claim by an employee dismissed for misconduct, including breach of Financial Conduct Authority's conduct rules

Whilst working as a judicial assistant, he assisted the Senior President of Tribunals and Lady Justice Simler (who was then the President of the EAT) with several appeals in the employment field, including:

- **Royal Mencap Society v Tomlinson-Blake** [2018] EWCA Civ 1641 (concerning the issue of whether "sleep-in" workers are entitled to National Minimum Wage)
- **Romero v Nottingham City Council** UKEAT/0303/17/DM (concerning the impact of multiple Early Conciliation certificates on time limits).

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Personal Injury and Clinical Negligence

Patrick practises in the fields of personal injury and clinical negligence, including drafting pleadings, advisory work, trials and interim applications. During pupillage, Patrick experienced wide range of personal injury and clinical negligence claims while under the supervision of Daniel Clarke. In particular, he gained a grounding in the Package Travel Regulations and accidents abroad. He welcomes instructions in these areas.

Examples of Patrick's recent instructions include:

- A bereavement claim following alleged clinical negligence involving the treatment of a patient in hospital with mental health problems
- Advising on quantum in road traffic accident claims
- Representation at CCMC in a multi-track claim involving an accident in Spain
- Advice in a cross-border personal injury claim
- Representation at an application for relief from sanctions in a multi-track claim
- Pro bono representation at an inquest involving a hospital's treatment of the deceased's mental health problems
- Representation at trial in a fast-track Occupiers' Liability claim

As a judicial assistant, Patrick assisted the Court of Appeal with two clinical negligence appellate cases:

- **EH v Dorset Healthcare University NHS FT** [2018] EWCA Civ 1841 (concerning the whether certain heads of damage were irrecoverable on grounds of illegality and applying the case law in *Gray v Thames Trains Ltd* and *Patel v Mirza*)
- **Manzi v King's College Hospital NHS FT** [2018] EWCA Civ 1882 (concerning factual findings in a clinical negligence trial).

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Commercial & Chancery

Patrick is developing a broad commercial practice and has appeared in court in a variety of contractual claims. Patrick's advisory and drafting work has covered breach of contract, insolvency and restitution claims. He was supervised by David E Grant during pupillage, with whom he was exposed to a broad range of commercial and chancery matters.

Examples of recent instructions include:

- A contentious probate dispute (led by David E Grant) which involved issues of undue influence, testamentary capacity and fraudulent calumny (which settled before trial).
- Advice on liability and drafting of pleadings in a breach of contract claim against the former director of a company which had been dissolved
- Advisory work on breach of contract claims involving issues of contractual interpretation

Patrick recently completed a secondment to a leading firm of solicitors in London working with their commercial litigation department. Patrick assisted with two large group actions involving professional negligence and fraud and, in particular, is assisting with the procedural issues arising from the management of large group actions.

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Pensions & Trusts

Whilst in pupillage, Patrick was supervised by David E Grant, and assisted him with several pensions cases, including the rectification claims in **Nomura** and **ColArt**.

Patrick also has experience of professional negligence claims through his secondment to the commercial litigation department of a leading firm of solicitors in London.

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Appointments & Memberships

- Industrial Law Society

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Awards

- The Cynthia Terry award (Gray's Inn, 2016)
- BPP Excellence Award (2016)
- Alan Urbach Memorial Prize for Jurisprudence (for highest mark in the paper in University College, Oxford) (2014)
- Rowley Prize for Land Law (for highest mark in the paper in University College, Oxford) (2014)
- Exhibition (awarded by University College, Oxford, for academic achievement) (2011-2014)

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