



Lord Thomas of Cwmgiedd

E: lordthomas@essexcourt.com

Full time arbitrator (2018 – Present)

President, Qatar International Court (2018 – Present)

Lord Chief Justice of England and Wales (2013-2017)

President of the Queen's Bench Division (2011-2013)

Judge of Court of Appeal (2003-2017)

High Court Judge, Queen's Bench, Commercial Court (1996-2003)

Queen's Counsel (1984-1996)

Practising Junior Barrister (1972-1984)

Lord Thomas read law at Trinity Hall, Cambridge (graduating in 1969) and then at the University of Chicago Law School as a Commonwealth Fellow (graduating in 1970 with a J.D). Lord Thomas was called to the Bar in 1969 (Gray's Inn, of which he became a Bencher in 1992). He commenced practice in commercial law at what is now Essex Court Chambers in 1972. In 1984 he was appointed a Queen's Counsel and in 1987 a Recorder.

In 1992 he was appointed by the Department of Trade to inquire into the affairs of Mirror Group Newspapers when owned by Mr Robert Maxwell and its IPO.

In 1996, he was appointed to the High Court Judge as a judge of the Commercial Court; he was judge in charge in 2002-3. In 2003, he became a Lord Justice of Appeal. He was Senior Presiding Judge of England and Wales from 2003 to 2006. In 2008, he was appointed Vice-President of the Queen's Bench Division and, in 2011 President of the Queen's Bench Division. In 2013 he was appointed Lord Chief Justice of England and Wales and was created a life peer, as Lord Thomas of Cwmgiedd. He retired as Lord Chief Justice in October 2017.

He was President of the European Network of Councils for the Judiciary from 2008 to 2010, having participated in its founding in 2003/4

Between December 2017 and October 2019, he was Chairman of the Commission on Justice in Wales, tasked by the Welsh Government with examining the delivery of justice, legal services and legal education in Wales and issues relating to devolution. Its report, *Justice in Wales for the People of Wales*, was published in October 2019.

He was the Law Foundation of New Zealand Distinguished Fellow in 2019; his lectures examined the effect of the digital revolution on the law, the courts, legal practice, and legal education.

Current positions:

- President of the Qatar International Court
- Arbitrator

- Chairman of the Financial Markets Law Committee, a body established for the advancement of the understanding of financial markets law and promoting a sound legal and regulatory structure.
- First Vice President of the European Law Institute (ELI), based in Vienna. He was a Founding Fellow of ELI which provides draft model laws, comments on EU legislative proposals and gives practical guidance in the field of European and EU legal development. He jointly chairs a project with the American Law Institute on *Principles for a Data Economy – data rights and transactions*.
- Member of the House of Lords, UK Parliament; EU Financial Affairs Sub-Committee
- Chancellor of Aberystwyth University

Associations

- President of ARIAS (UK) (the AIDA Reinsurance and Insurance Arbitration Society) of which he was a founder in 1991.
- Vice-President of the London Shipping Law Centre, Past President of the British Insurance Law Association, a Vice-President of the British Maritime Law Association
- Honorary Fellow of Trinity Hall, Cambridge and a Fellow of the Universities of Cardiff, Aberystwyth, Swansea and Bangor, and Honorary Doctor of Law of the Universities of Wales, South Wales, the West of England and Cardiff Metropolitan University
- Fellow of the Learned Society of Wales
- Founding Member and Patron of the International Law Book Facility

Recent Principal lectures include:

He lectures and speaks frequently at Universities, legal and arbitration conferences and seminars. His lectures which have been published either in hard copy or on the web, include:

Commercial Law:

- Dubai International Financial Centre Academy of Law annual lecture: *Commercial Justice in the Global Village: the role of Commercial Courts*, February 2016
- 4th BAILII Lecture: *Developing Commercial Law through the Courts: rebalancing the relationship between the courts and arbitration*, London March 2016
- Singapore Academy of Law Annual Lecture: *Cutting the cloth to Fit the Dispute: Steps to better procedures across the jurisdictions*, September 2016. (2017) 29 SAclJ 1
- *Essays in Memory of Professor Jill Poole: Essay: Keeping Commercial Law up to date (March 2017)* ((Informa Law, 2019)
- Grand Court of the Cayman Islands Annual Guest Lecture: *Giving Business what it wants: a well-run court for commercial and business disputes*, March 2017
- Bank of England, Banking Standards Board Conference: *Worthy of Trust? Law ethics and Culture in Banking*, March 2017

- Beijing National Judges College Lecture: *Commercial Dispute Resolution: Courts and Arbitration*, April 2017
- Max-Planck-Institut Für auslaendisches und internationales Privatrecht, Hamburg: Guest Lecture, *The Common Law in Private Dispute Resolution's Shadow*, July 2018. (Rabels Journal of Comparative and International Private Law, Vol 83, 487 July 2019)

Constitutional law:

- Institute for Government, London: *The Judiciary, the Executive and Parliament: Relationships and the Rule of Law*, December 2014
- University College, London: Constitution Unit: *Judicial Leadership: overhauling the machinery of justice*, June 2015
- Hebrew University of Jerusalem, Lionel Cohen Lecture: *The Judiciary within the State- (I) governance and cohesion of the judiciary*, May 2017; 51 Israel Law Review 127
- Palace of Westminster, Michael Ryle Memorial Lecture: *The judiciary within the State- (II) the relationship between the branches of the state*, June 2017.
- 31st Sultan Azlan Shah Lecture, November 2017, Kuala Lumpur: *The Rule of Law, the Executive and the Judiciary*
- British Academy: *Challenges to Judicial Independence in a time of Crisis: Judicial Impendence, the need for constant vigilance*, March 2018
- Queen Mary University of London: *Reflections on the Changing Position of the Judiciary*, June 2018
- National University of Malaysia (UKM): 3rd Chancellor Tuanku Muhriz Lecture, December 2018, *Whither the Rule of Law?*
- Hay Literary Festival 2019: *The West, The East and the Rule of Law*
- UK Statute Law Society, Renton Lecture. *Thinking Policy through before legislating – Aspirational Legislation*. (November 2019)

Other subjects:

- UK Society for Computers and the Law: *IT for the Courts: Creating a Digital Future*, May 2014
- University of Munster: *An aspect of the Common Law: Judicial law-making in the development of the Law*, January 2015
- New Zealand Legal Research Foundation, *The Legacy of Magna Carta: Justice in 21st Century*, September 2015
- Sixth Scarman Lecture: *Law Reform Now in 21st Century Britain: Brexit and Beyond*, June 2017
- European Law Academy, Trier. *The authority of European Law: Do we still believe in it? Essay: The Viewpoint from the UK* (Springer, 2019)
- Slynn Foundation Lecture, March 2018: *The approach to the complex issues that arise in the context of Brexit and of the importance of legal services and dispute resolution to the UK economy*

- Australasian Institute of Judicial Administration: Brisbane, May 2018 *The use of technology in dispute resolution*

Judgments

Commercial Court

As a judge of the **Commercial Court**, he gave numerous first instance judgments in cases relating to the entire range of commercial disputes, including arbitration, international commercial arbitration, aviation, banking and financial services, civil fraud, commodities, conflicts of law and private international law, energy law, insurance and reinsurance, professional negligence and shipping.

Principal appellate judgments include:

- *R (Binyam Mohamed) v Secretary of State*, Divisional Court, [2009] 1WLR 2579 and 2652; constitutional law in relation to disclosure of documentation and national security issues
- *Deutsche Bank v Sebastian*, Court of Appeal [2011] 2 All ER (Comm) 245; jurisdiction clauses in related agreements on ISDA and other standard forms for trading in equities and foreign exchange (FX).
- *Barclays Bank v Nylon Capital*, Court of Appeal [2011] 1 All ER Comm 912, review by court of expert determination of amounts due under hedge fund agreement
- *Gard v Tunncliffe*, Court of Appeal, [2011] 2 All ER Comm 208, jurisdictional dispute under Lugano Convention on excess of loss reinsurance
- *Fortis Bank v Indian Overseas Bank*, Court of Appeal [2011] 2 All ER Comm 288, discrepancies and the duties of banks under the UCP and documentary credits
- *Assange v Swedish Prosecution Authority*, Divisional Court [2011] EWHC 2849. Case on the extradition of Julian Assange to Sweden; scope of the offence of rape and classification of prosecutors as a judicial authority
- *R (Woolas) v Parliamentary Election Court*, Divisional Court [2012] QB 1, constitutional law on review of disqualification of an MP as a result of impermissible electoral practices in a general election
- *Sucafina v Rotenberg*, Court of Appeal, [2102] 2 All ER Comm 952, [2012] EWCA Civ 637, interim and partial awards by a trading association under the Arbitration Act 1996
- *R (Rawlinson and Hunter, Robert Tchenguiz) v Serious Fraud Office*, Divisional Court [2013] 1 WLR 1634, [2013] Lloyd's Rep FC 132; review of evidence on which warrants were issued after an investigation of dealings, accounting practices and the role of professional trustees in the financial and offshore markets.
- *R(Omar) v Foreign Secretary*, Divisional Court, [2013] 1 All ER 16, disclosure of documentation and national security issues
- *R (Barclay) v Secretary of State for Justice (no 2)*, Divisional Court [2014] 1 WLR 415; implication for judicial independence of a power of the legislature to reduce judicial salaries.
- *Agricultural Sector (Wales) Bill*, UK Supreme Court, [2104] 1 WLR 2622; constitutional law on the legislative competence of Welsh Parliament in relation to agricultural wages

- *Recovery of Medical Costs for Asbestos Diseases (Wales) Bill*, UK Supreme Court [2015] AC 1016; constitutional law on the legislative competence of Welsh Parliament because of the issue of compatibility of legislation for reimbursement of medical costs in treating asbestosis with Article 1 of Protocol 1 to the Human Rights Convention. Dissenting judgment.
- *Guardian News and Media v Incedal*, Court of Appeal, [2016] 1 WLR 1767; The entitlement of the media to disclosure
- *Bank Mellat v HM Treasury*, Court of Appeal [2017] QB 67; Bank's right as a majority shareholder as "victim" under Human Rights Convention for damages for loss of business and profits by subsidiary
- *R (Miller) v Secretary of State for Exiting the European Union*, Divisional Court, [2018] AC 61, [2016] EWHC 2768(Admin). Brexit case on powers of the executive and Parliament in relation to the giving of notice under Article 50 of EU Treaty
- *R v Blackman (Marine A case)*, Court of Appeal [2017] EWCA Crim 190; appeal by a marine convicted of murder during the course of a military engagement in Afghanistan
- *Qatar Financial Centre Regulatory Authority v First Abu Dhabi Bank* [2019] QIC (A) 3; appeal relating to jurisdiction of Regulatory authority over a Bank with a branch in Qatar.