



# TOM OWEN KC

## Q&A

**Tom Owen KC was the youngest Silk ever to be appointed in modern times. Tom commands a formidable practice leading heavy and complex construction, energy, engineering, and professional negligence disputes in the High Court, Court of Appeal, Supreme Court, and in international arbitration.**

Tom was called in 2011, appointed as a Recorder in 2022, and took Silk in 2024.

He is described as "an outstanding advocate, fierce and dedicated when fighting your corner" (Legal 500), and "a tenacious advocate and a trusted adviser" (Chambers & Partners). Prior to taking Silk, Tom was Construction and Energy Junior of the Year (Legal 500 and Chambers & Partners), and recognised in 'Stars at the Bar' (Legal Week) and 'The Hot 100' (The Lawyer).

## Can you tell us about your road to becoming King's Counsel?

I had the fortune of an excellent education, the support and stability of my parents, my brothers, my loving wife and children, first-class clerking and loyal clients.

I attended Loughborough Grammar School from 2000-07 and then read law at the University of Cambridge, Downing College from 2007-10. I was called to the Bar by Middle Temple in 2011 and undertook my pupillage at Keating. My pupil supervisors were Gideon Scott Holland, Justin Mort KC, Jonathan Lee KC, and Jessica Stephens KC. I learned such a lot from each of them.

Starting out in 2012 I took every brief and opportunity that came my way. I was interested particularly in leading cases in my own right and appearing as the advocate. I prioritised this work. Sometimes it was not particularly glamorous or well-remunerated, but every trial, every hearing, every difficult brief was valuable experience. I developed a reputation for trial work, and soon was undertaking multi-day trials on a regular basis. These were typically specialist civil cases in construction, energy and professional negligence.

This often led to work outside of my comfort zone, and even more opportunities for advocacy. I recall fondly a criminal trial, defending a national housebuilder from a health and safety prosecution. After a hard-fought trial, my client was acquitted. The directors punched the air with an audible "yes!" and hugged me as the verdict was read out – a timely reminder of what our work means, and the importance of justice prevailing.

By 5 years' Call I was regularly conducting trials and substantial hearings in my own right in the High Court. My cases began to be reported.

By 10 years' Call I was routinely leading others in substantial cases against experienced Silks.

At 12 years' Call I applied for Silk and was successful in the competition. It was an honour to be appointed King's Counsel. I owe it all to my Clerks, clients and family. Their belief, support and trust is invaluable and sustaining. Along the way, like many others at the Bar, I have mentored, and continue to mentor aspiring barristers to join and succeed at the Bar. For me, this is the most rewarding of roles in our profession.

## You are known particularly for your cross-examination and trial work, what are the key points for success?

Cross-examination is an art. I cannot improve upon the foreword of the Rt. Hon. Sir Travers Humphreys to "Notable Cross-Examinations" by E.W. Fordham (1953). As a student on the Bar Course, I read various cross-examinations by Rufus Isaacs KC, Edward Carson KC, Patrick Hastings KC,



Charles Russell KC, and Edward Clarke KC. Invariably they asked short, closed questions. They dealt with what the witness said, examining the evidence further where appropriate; sometimes robustly. I was fortunate in my early years to observe others cross-examine lay and expert witnesses with great skill and control: Paul Darling OBE KC, Richard Fernyhough KC, Marcus Taverner KC, Steven Walker KC, Jessica Stephens KC, and Justin Mort KC. They deployed the same techniques.

I seek to utilise the techniques which I have observed in those who are truly excellent cross-examiners. In my experience, the key points are: (1) prepare meticulously to ensure knowledge (by heart) of the documents, the chronology and the hearing bundle; (2) listen carefully and precisely to what the witness says; (3) lead and control the process of examining and testing the evidence; (4) put the client's case fearlessly and with clarity; (5) do not let go when you are onto something!

Different witnesses will require different styles of questioning. More reluctant or reserved witnesses sometimes benefit from being given space in non-leading questions to open up. This is a matter of

experience and feel. Disputes in our fields tend, in my experience, to be won or lost on the evidence, and invariably the cross-examination and the documents.

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## Does appellate advocacy differ to trial work?

Yes, but it requires the same underlying rigour and preparation as trial work. I have appeared in the Court of Appeal on five occasions, and once in the Supreme Court. Each time at 10.25am, I experience the same energising feeling of anticipation, excitement and reverence. In my formative years at the Bar I had the privilege of observing others excel in the appellate arena: Fiona Sinclair KC, John Marrin KC, Alexander Nissen KC, Adrian Williamson KC, and Simon Hughes KC. They always displayed tenacity and never shied away from the difficult aspects of the appeal. They answered the questions from the bench head-on and clearly. I seek to do the same. Whilst that has served me well, it does not always guarantee success – I came second in the Supreme Court recently!

## You come recommended by your instructing solicitors for your outstanding advocacy. What other key skills do you think are most valuable to clients?

Total commitment to the case and the highest quality of service are key. I treat every case with the utmost diligence, respect and care. It is a tremendous responsibility and privilege to serve others as their advocate. It is invariably high stakes: substantial sums involved and/or the client's business, reputation, and livelihood on the line.

Nothing can be done in half measures. I see it as my professional duty to serve my solicitors and lay clients immediately with the highest quality advice, leadership and advocacy. It is all-consuming, and that is precisely what I would expect if it were my dispute.

## As a busy Silk, and when not in trial, is there such a thing as a typical day and, if so, what does that look like for you?

I wake up early and exercise. Typically I cover 5 miles each morning and strength train. It is a physically demanding profession so I seek to maintain high levels of fitness, physical strength and endurance. I work. Then Livi and I get the children up and ready, and take them to school. I tend to have consultations most days throughout the day, often on different cases. After reading to my children and putting them to bed, I work late into the evenings. It then starts again! I love my work and my family – I am incredibly lucky.

## You have been sitting as a Recorder since 2022, how has this impacted the way in which you approach cases as counsel?

It is a significant privilege to sit as a Recorder. It has reinforced for me the role that good advocates play in the operation of an efficient civil justice system; and the importance and significance that each and every case has for those involved.

## As a member of the pupillage committee at Keating Chambers, what advice would you give to someone who would like to become a barrister?

You can do this! Try to obtain the best academic grades you can. However, these do not define you. Intellectual ability and the skills required as an advocate go far beyond grades, important though they are.

In application forms: try to express yourself clearly and succinctly. Use short sentences. Use numbered paragraphs. Answer the question first, and then explain your reasoning.

In written assessments: do the same. Focus closely and accurately on the facts and the evidence when applying the law.

In interviews: be positive. Engage with the interviewers. Answer all questions directly. Be yourself.

To reiterate: you can do this!

