

Thomas Kidney

Called: 2022
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PROFILE

Thomas joined Chambers in August 2024 after completing a probationary tenancy. He is building a practice across all Chambers' Property Division areas.

Thomas completed pupillage at a civil and commercial chambers in Middle Temple. He gained exposure to a variety of commercial and civil areas, including housing and property work. Recently, Tom "devilled" to support two leaders in representing the second respondent in a successful application to resist a worldwide freezing injunction and asset disclosure order.

Before coming to the Bar, Thomas worked in educational fundraising for seven years where he successfully solicited life-changing gifts from alumni, trusts and foundations. Thomas was also an academic at Birmingham City University where his interests laid in Constitutional and Administrative Law, both in the UK and in the USA. He is especially passionate about opening the Bar to those like him who are the first in their family to attend university and has acted as a mentor to several students.

EXPERTISE

Social Housing

Thomas acts for housing associations, local authorities, individuals and companies across a wide range of housing and property matters.

Since joining Chambers, Thomas has received instructions in a wide variety of areas including:

- Acting at all stages of possession proceedings under both the Housing Acts 1985 and 1998, including

successfully resisting applications to suspend or stay of warrants of eviction. A recent highlight was successfully resisting an urgent application to suspend a warrant and inviting the judge to mark the application as “totally without merit”.

- Settling pleadings in possession claims.
- Injunctions under the Anti-Social Behaviour, Crime and Policing Act 2014, made both with and without notice. In a one-day trial, Thomas represented a housing association in which the court made a final injunction.
- Proceedings in which the capacity of defendants presented a live issue
- Injunctions seeking access and urgent works application.
- Acting in, drafting pleadings and advising on disrepair and dilapidation claims.
- Committal and breach of injunction proceedings.

Landlord and Tenant

Thomas has also received instructions from a private landlord where an occupier of the property applied to set aside a possession order made against the tenant. Thomas successfully defeated the application and had this application, along with an associated application, marked as totally without merit and a non-party costs order made against the occupier.

Public Law

Through his work in possession proceedings and his academic background in Public Law, Thomas is well versed in the relevant provisions of the Equality Act 2010, including the operation of the Public Sector Equality Duty, judicial review and the Human Rights Act 1998.

Thomas recently settled pleadings where issues of indirect discrimination under the Equality Act 2010 were raised, and the application of section 11 of the Children Act 2004/Article 8 was raised as part of an occupier's defence.

As part of his probationary tenancy, Thomas has gained exposure to homelessness work. Thomas produced written submissions on costs following the settlement of a judicial review claim in which the applicant sought to review a local authority's decision under sections 184 and 188 of the Housing Act 1996 and the interim duty to accommodate a homeless individual. Thomas is busy establishing a practice in this area.

Legal Experience

Thomas recently completed pupillage at a civil and commercial set in Middle Temple. Thomas gained exposure to a variety of commercial and civil areas, including housing & property. Recently, Thomas assisted two senior members of Chambers in representing the second respondent in a successful application to resist a worldwide freezing injunction and asset disclosure order.

From his teaching and research, Thomas has an in-depth knowledge of the principles of Administrative Law, including the application of the Human Rights Act 1998 and the public-sector equality duty.

Thomas is regularly instructed on a variety of county court trials and interim applications. Thomas has also settled pleadings in commercial disputes on behalf of one of the world's leading payment providers.

FURTHER INFO

Qualifications

- BA Hons History and Politics, Brasenose College, University of Oxford.
- PGDL in Law, Birmingham City University (Distinction)
- BPC – LLM, University of Law, Birmingham (BPC – Very Competent; LLM International Criminal Law & Technoethics – Distinction)

Scholarships & Prizes

- Benefactors' Scholarship, (Middle Temple-2020/21)
- Career Changers Scholarship (University of Law 2020/21)

Publications

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- **'Comparative Judicialism, Popular Sovereignty, and the Rule of Law: The US and UK Supreme Courts'** (co-authored with Professor Lissa Griffin), *77 Washington & Lee Law Review Online* 321 (2021)
- **"Originalism and the End of Stare Decisis"** (research ongoing)

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