



James Ayliffe QC

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QC: 2008

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Qualifications and Appointments

- First in Philosophy Politics & Economics
New College, Oxford
- Distinction in Diploma of Law.
City University, London

“Simply excellent. He’s hugely intelligent, hard-working and a master tactician. Superb on his feet, hugely persuasive and always a real pleasure to work with.” Chambers & Partners 2022

Memberships

- Chancery Bar Association
- COMBAR
- Commercial Fraud Lawyers Association
- Professional Negligence Bar Association
- Property Bar Association
- Member of the Bar of the British Virgin Islands

Publications

- [Transaction Avoidance in Insolvencies](#), OUP (2012)
- [Hill and Redman’s Law of Landlord and Tenant](#) (2016) Specialist Editor

Practice Overview

James is an experienced QC providing advice and advocacy services across a wide range of commercial fields, including business and financial contracts, banking, company, insolvency, financial services, civil fraud, professional negligence, real estate and contentious trust matters.

Disputes and issues arising, directly or indirectly, from the ownership or exploitation of real property assets feature particularly prominently in James’s work.

Much of James’s work has an international dimension with cases involving jurisdictions as diverse as BVI, Cayman Islands, Channel Islands, Cyprus, South Africa, Netherlands, Isle of Man, Gibraltar, New York and Ukraine.

James is currently ranked in the legal directories (Chambers & Partners, Chambers Global and/or Legal 500) in the following fields:

- Commercial (Chancery)
- Financial Services
- Real Estate Litigation
- Professional Liability
- International & Offshore.

The 2022 edition of Chambers and Partners describes James as *“simply excellent. He’s hugely intelligent, hard-working and a master tactician. Superb on his feet, hugely persuasive and always a real pleasure to work with.”* He’s *“a very calm barrister who wears his intelligence lightly,”* with *“a fantastic mind. He brings together the financial and real estate worlds seamlessly.”* *“He is a superb, technically outstanding barrister.”*

While Legal 500 2021 describes him as *“hardworking. An excellent team player. Cautious but proactive, with strategic ideas and suggestions. Paperwork is very clear and precise, and work is produced on time.”* *“James has good broad commercial practice and is highly experienced.”*



Practice Overview continued

Comments in past directories include: "excellent"; "exceptionally intelligent" with a "brilliant ability to analyse contractual situations", providing "very balanced and measured advice"; "the epitome of the modern QC"; "an excellent legal brain"; "a real team player" who "works alongside everyone to achieve the right result"; "always adopts a practical commercial approach"; "superb at anything", "excellent", "a fine barrister with a charming manner", "very good with clients", "a first rate intellect with a user-friendly manner that engenders confidence", "has the ability to digest information and advise coherently on the most complex of legal arguments", "an excellent communicator who provides supremely intelligent advice", "very confident in implementing the advice he gives", "a real specialist", "his advocacy is fantastic and he is able to sway the judge's mind", "a great guy to work with", "fantastic", "dynamic", "level-headed and focused", "easy to deal with", "always on top of his cases", "a splendid understated style", "held in high regard", "widely respected", "meriting the most notable compliments", "intellectually tough", "will stand up to anyone", and "a star of the commercial Bar".

James also acts as an arbitrator, mediator and expert.

Commercial

James's experience in the commercial field includes:

- banking & finance;
- civil fraud;
- company;
- financial services;
- insolvency;
- joint ventures & partnership.

See separate pages for further details on the above practice areas.

Some examples of other commercial cases handled by James include:

- advising major provider of outsourcing services regarding termination and 'step-in' issues;
- advising private equity firm regarding issues arising under an agreement for the sale of shares in a Turkish retail business;
- acting for local authority in dispute with major waste recycling business regarding the proper interpretation of their respective obligations under long-term contract for recycling of waste;
- acting for well-known FTSE 100 company in LCIA arbitration concerning operation of complex £2bn re-financing arrangements;
- advising private equity firm regarding contractual rights against vendor of software business;
- advising packaging company in relation to dispute with its logistic services supplier regarding proper performance of its contractual obligations;
- acting for printing company defending a multi-million pound claim by a government agency for breach of contractual duties to protect confidential material from theft;
- acting for hotel owner in multi-million pound LCIA arbitration relating to alleged breaches of operating and management agreement in respect of a major hotel in Saudi Arabia;
- advising Russian investment bank in relation to claim by executive recruitment firm for fees for alleged services in connection with the recruitment of top executives;
- representing provider of share and bond trading services in multi-million pound dispute with IT suppliers;



Commercial continued

- representing licensor in defence of US\$80m LCIA arbitration regarding alleged breach of international licence agreement governing use of well-known brand and trademark in connection with sale of handbags;
- advising manufacturer of street cleaning vehicles on contractual claim against company responsible for the cleaning of London boroughs;
- Acting for international financial services group defending £20m claim for alleged fraudulent misrepresentation in relation to the sale of insurance business;
- representing vendors of air conditioning business in claim for deferred consideration for sale of shares;
- advising local health authority in relation to issues arising under complex contractual outsourcing arrangements;
- acting for licensor in US\$20m claim for alleged repudiation of an international licence for the use of a well-known brand in connection with the sale of watches.

James has been listed in the directories for commercial chancery work for many years.

Chambers & Partners 2022 describes James as "*simply excellent. He's hugely intelligent, hard-working and a master tactician. Superb on his feet, hugely persuasive and always a real pleasure to work with.*"

Chambers & Partners 2021 describes him as "*Simply top notch - he is able to assess complex situations and devise highly effective strategies. He inspires confidence in clients, is first class on his feet and a pleasure to deal with.*" "*He's measured, understated and thoughtful in his advice.*"

Chambers & Partners 2020 notes the breadth of his commercial chancery practice and describes him as "*simply outstanding; he's very bright and user-friendly. He provides measured and balanced advice and is a persuasive advocate.*" "*He's a very good, strong QC. He's shown himself to be pretty adept at handling the commercial strategy as well as the law.*"

Much of James's commercial work has offshore or cross-border elements. Some representative cases include:

- acting for Russian joint venture partner in successful defence of BVI proceedings for alleged misrepresentations in relation to establishment of joint venture vehicle;
- acting in BVI proceedings for setting aside of statutory demand served on joint venture company on grounds of prospective inability to pay US\$6 million loan note;
- acting for Dubai and Brunei investors in LCIA arbitration concerning alleged breaches of hotel management agreement in respect of hotel in Saudi Arabia;
- acting for defendant to US\$30m claim by Cayman- and Netherlands Antilles-based hedge fund vehicles;
- advising Jersey financial regulator regarding responsibility of overseas firms operating through serviced offices and other facilities in Jersey;
- advising in relation to alleged misappropriation of Ukrainian media interests and enforcement of US judgment against Cypriot company (owned by Channel Islands trust) to which such interests had been transferred.

The international dimension in James's commercial work is reflected in his listing for offshore work in the directories. The Legal 500 2022's offshore section notes that "**James has good broad commercial practice and is highly experienced.**"



Banking & Finance

James experience of banking and finance matters includes:

- loan agreements;
- mortgages and charges;
- guarantees and other forms of security (e.g. bills of sale, performance bonds);
- appointment of receivers;
- bondholder disputes;
- syndication disputes;
- investment management disputes;
- disputes and issues arising out of settlement and clearing services;
- claims against professional advisers in the banking context.

James has a particular familiarity with banking disputes concerning real estate – eg disputes regarding the creation, interpretation or enforcement (by way of sale, receivership or otherwise) of mortgages and charges over land.

Some representative cases include:

- acting for court-appointed representative noteholder in proceedings brought by security trustee of £1bn mortgage securitisation structure;
- acting for borrower under £60m investment loan facility in dispute arising out of alleged breaches of LTV covenants;
- acting for bank on claim to recover losses on a property development loan facility
- acting for UK property group on a multi-million pound claim against its principal bankers for duress and intimidation arising out of withdrawal of £100m loan facilities;
- advising borrowers on interest rate swap and other hedging instrument 'misselling' claims;
- advising Irish bank regarding issues arising out of the winding up of its deposit-taking business;
- acting on a dispute regarding the priority of equitable charges in favour of different lenders;
- acting on successful strike out of high profile claim arising out of allegedly wrongful enforcement of a mortgage over the largest stately home in England;
- acting for defendant to £50m claim arising out of financing arrangements in respect of the development of a shopping centre;
- advising bank regarding enforceability of 'shared appreciation mortgages' (SAMs); and
- advising department store regarding £100m claim against bank in respect of breaches of agreement regarding branded store and credit cards.

Civil Fraud

James has experience of claims involving:

- deceit, breach of fiduciary duty, knowing receipt/assistance, unlawful means conspiracy claims;
- asset tracing;
- setting aside 'sham' transactions and arrangements;
- avoidance of transactions defrauding creditors; and
- freezing injunctions and other interim relief.

Some representative cases include:



Civil Fraud continued

- representing Russian joint venture partner defending claim for fraudulent misrepresentation in connection with establishment of BVI joint venture vehicle;
- acting for shareholder in property investment company on claim for fraud, breach of fiduciary duty, and conspiracy against other shareholders/directors in connection with sale of company assets to themselves at a substantial undervalue;
- acting for tax authorities of foreign state seeking to set aside fraudulent transactions entered into by tax debtor in efforts to prevent enforcement of £200m tax debt;
- acting for defendant to £50m claim arising out of the operation of a corporate Ponzi scheme;
- representing City trader in defence of claim for the recovery of £20m of AIM-listed company shares allegedly misappropriated by him;
- acting for European car parts distributor in claim against former directors/ employees for fraud and unlawful means conspiracy;
- setting aside "sham" trust established by Hong Kong businessman to shield his assets and prejudice creditors.

Company

James has experience of a wide range of company law matters such as:

- disputes arising from share/asset sale agreements;
- claims for breach of directors' duties;
- interpretation and enforcement of shareholder agreements;
- unfair prejudice and just and equitable winding up disputes;
- issues as to validity and enforcement of company charges;
- miscellaneous Companies Act issues;
- corporate insolvency issues.

Some representative cases include:

- acting for a firm of solicitors alleged to be liable pursuant to s 36C Companies Act 2006 for a £20m property contract entered into by company which had not yet been incorporated (*Royal Mail Estates v Maples Teesdale* [2016] 1 WLR 942);
- advising regarding restoration to register of dissolved company holding £15m property asset;
- acting for a 50% shareholder in dispute with US partner over control of vertical transportation services company;
- acting for defendant to £200m claim arising out of the takeover of a listed company involving issues regarding stock exchange rules, the takeover code, and the duties of professionals involved in advising on takeovers;
- acting for former chairman of Chestertons estate agency in multi-million pound shareholder dispute (*Jafari-Fini v Skillglass*);
- acting for director of property investment company accused of complicity in setting up "poison pill" to deter company takeover (*Criterion Properties plc v Stratford UK Properties LLC*);
- acting for purchaser of paint manufacturing company on multi-million pound claim for breach of warranty in share sale agreement;
- advising directors of well-known healthcare company in administration;
- acting for company providing support services to private equity industry in successful opposition to claim for rectification of its share register;
- acting for creditors on successful application to restore company to register to enable pursuit of indemnity rights (*Stanhope Pension Trust Ltd v Registrar of Companies*).



Insolvency

James has wide experience of insolvency issues and disputes, both corporate and individual, and a particular expertise in property-related insolvency. He is co-author of *Transaction Avoidance in Insolvencies*, OUP, 3rd ed (2018), and the specialist editor of the insolvency chapter in one of the principal practitioner texts on landlord and tenant law, *Hill & Redman's Law of Landlord & Tenant*.

Some representative cases include:

- advising landlord of valuable retail premises regarding potential challenge to CVA of well-known restaurant chain tenant;
- acting for creditor in bitterly contested proceedings to set aside statutory demand based company debtor's prospective inability to pay a US\$6 million loan note;
- acting for property group in proceedings for resurrection of dissolved group companies to pursue £100 million claims against a third party and appointment of a receiver of the claims with authority to commence legal proceedings to protect against potential limitation defences pending resurrection of companies;
- advising trustee in bankruptcy and liquidators of well-known property investor and his companies in attempts to recover assets worth in excess of £100m for the benefit of creditors;
- acting for administrators of HMV in defence of proceedings by its landlords for permission to retake possession of its flagship Oxford Circus store and other stores;
- acting for tax authorities of foreign state seeking avoidance of transactions by which insolvent tax debtor transferred more than £100m into offshore tax havens;
- obtaining a vesting order in favour of guarantor to help mitigate substantial on-going costs following disclaimer of lease by liquidator of insolvent tenant;
- advising lender regarding voidability of proposed transactions under ss 238–239 Insolvency Act 1986;
- advising landlords regarding entitlement to payment of rent as an expense in the tenants' administration;
- acting for well-known car dealership in a complex dispute arising out of the conduct of company administration;
- advising the purchasers of apartments in a luxury development regarding their options following insolvency of the developer/landlord.

Chambers & Partners notes that James **"is the man for brain teasers at the interface of property and insolvency law"**.

Financial Services

James has experience of a wide range of financial services disputes and issues, including:

- FSMA perimeter, compliance and enforcement issues;
- advice and 'misselling' claims;
- investment mismanagement claims;
- issues relating to collective investment schemes;
- life assurance;
- with profits;
- pensions.

Some representative cases include:

- advising FCA regarding issues arising in relation to crowd-funding;
- acting for action group of investors in proceedings to recover £45 million of pension funds which were invested in a failed Caribbean beachfront resort;



Financial Services continued

- acting for SIPP beneficiary in proceedings against trustee for recovery of misapplied funds;
- acting for SIPP trustees and/or operators in several claims involving alleged breach of duties in relation to range of permitted investments;
- advising financial services firm regarding authorisation requirements for SIPP trustees and managers;
- advising regarding the proper interpretation and operation of FCA rules relating to collective investment schemes for investment in real property;
- advising independent expert appointed in relation to the introduction by Royal London of a new form of with profits product ('profit share accounts');
- advising trustees of employee benefit trusts regarding claims against investment advisers in relation to losses on failed Lehmans fund;
- advising FCA regarding issues arising in relation to consumer debt management;
- acting for Policyholder Advocate appointed to represent the interests of policyholders of Commercial Union and Norwich Union (both now part of Aviva) in relation to the reattribution of its £5bn inherited estate;
- advising Channel Islands financial regulator regarding issues relating to trading of overseas firms through use of serviced offices and other facilities;
- acting for Equitable Life in high-profile litigation regarding 'guaranteed annuity rates' culminating with the House of Lords decision in Equitable Life v Hyman;
- advising 'nationalised' bank regarding financial services issues arising from the impact of a collapse in its share price on staff incentive arrangements;
- acting for SIPP managers on appeal against Pensions Ombudsman determination;
- advising Pensions Regulator in relation to a 'failure to agree' between trustees and employer under Part 3 of Pensions Act 2004;
- successfully representing the Pension Protection Fund in its first court case involving a winding up petition against an employer based on a contingent s. 75 debt;
- advising trustees of large occupational pension scheme regarding assessment of employer's ability to satisfy its potential s. 75 liability;
- advising trustees of large occupational pension scheme regarding interpretation and effect of key provisions of the Investment Regulations;
- acting for wealthy investor on multi-million pound claim in respect of losses arising from investment in capital redemption contracts;
- advising ACD regarding exposure to claims from mismanagement of ICVCs;
- acting for pension fund trustees on multi-million pound claim for mismanagement of core fund investment;
- acting for investors seeking to recover investments following the collapse of the Bahamas-based Imperial Consolidated Alpha Plus Fund;
- advising on claims arising from the misselling of split capital investment trusts;
- advising major life office in relation to potential claims exceeding £300m regarding advice in respect of changes to pension arrangements;
- acting for custodian trustee of Docklands property enterprise trust in a successful defence of claims by investors.

James was ranked for his financial services work in the Legal 500 2020 which describes him as **"a great QC to have in a crisis, and is more than willing to roll up his sleeves and get stuck in."**



Joint Venture & Partnership

James has wide experience of issues and disputes relating to joint ventures and partnership arrangements of all types (contractual, corporate, LLP, LLC, trust etc), including

- enforceability of JV/partnership agreements,
- breach of JV/partnership agreements;
- breach of fiduciary and other duties owed by JV/partnership members;
- claims for mismanagement of JV/partnership assets;
- claims for misappropriation of JV/partnership assets (including knowing receipt/assistance claims);
- termination and winding up of JV/partnership arrangements.

James's experience in the field includes a particular familiarity with disputes concerning joint ventures or partnerships for the acquisition, development or other exploitation of real property assets.

Some representative cases include:

- advising landowner regarding dispute with joint venture partner arising out of proposal for re-development of valuable land in North London into £200 million block of ultra-prime apartments;
- advising property unit trust in relation to expert determination of disputes arising in relation to joint venture for re-development of city centre shopping centre;
- advising pension fund trustees in relation to dispute with joint venture partner in relation to marketing and sale of their interest in the joint venture;
- representing member of LLP for property investment/development in £10m claim for damages for breach of fiduciary and other duties and recovery of 'secret profit' made by partner;
- advising property developer facing £40m claim by former JV partner for account of profits from acquisition and development of valuable land site;
- representing corporate vehicle for investment of Euro 60m in shopping malls in Eastern Europe in defence of multi-million pound claim by one of investors;
- acting for one of two 50/50 shareholders in dispute relating to joint venture for sale of agricultural equipment in the former CIS;
- advising investor in joint venture for establishment of a private jet hire business regarding dispute with other investors.

International Arbitration

James has wide experience of international (and domestic) arbitration as well as other forms of alternative dispute resolution, including mediation, expert determination and early neutral evaluation.

Some representative cases include:

- acting for FTSE 100 company in LCIA arbitration concerning the proper interpretation and operation of complex contractual arrangements for the disposal of properties within a large UK real estate portfolio;
- acting for Dubai and Brunei investors in multi-million pound LCIA arbitration relating to alleged breaches of operating and management agreement in respect of a major hotel in Saudi Arabia;
- acting for a UK property fund in relation to expert determination of issues relating to profit share arrangements with a development partner.
- representing licensor in defence of US\$80m LCIA arbitration claim for alleged breach of international licence agreement governing use of well-known brand and trademark in connection with sale of handbags;
- acting for licensor in US\$20m claim for alleged repudiation of international licence agreement relating to use of brand in connection with sale of watches;



International Arbitration continued

- representing a successful and long-established firm of accountants in an arbitration concerning the rights of a retiring partner to dissolve the firm.

James also acts as an arbitrator, mediator and expert himself.

Professional Liability

James has extensive experience of professional liability matters, including matters relating to:

- solicitors;
- barristers;
- accountants;
- financial advisers;
- investment managers;
- trustees and fiduciaries;
- company directors;
- pension professionals (including actuaries and benefit consultants);
- surveyors and valuers;
- construction professionals (including architects and quantity surveyors).

James's experience includes not merely claims for negligence but also claims for breach of fiduciary duties, breach of trust, breach of warranty of authority, and contravention of regulatory and professional rules and regulations.

James also advises on professional indemnity insurance issues such as interpretation of policy provisions, aggregation of claims, declinature of cover, conflicts of interest/separate representation, and confidentiality/privilege issues.

James has been ranked in the field for many years. Chambers and Partners 2022 comments that he is *"simply excellent. He's hugely intelligent, hard-working and a master tactician. Superb on his feet, hugely persuasive and always a real pleasure to work with."* *"A very calm barrister who wears his intelligence lightly,"* *"a superb, technically outstanding barrister."* Chambers & Partners 2020 comments that he is *"simply outstanding; a persuasive advocate who provides measured and balanced advice."* Chambers & Partners 2019 comments that he is an *"experienced practitioner who regularly takes on high-value professional negligence cases"*, that he is *"particularly active on cases arising in the property and legal sectors"* but *"also handles claims relating to accountants, actuaries and financial advisors, among others"*, and that he is *"very, very good to work with"*. The Legal 500 2019 notes that he is also *"pro-active and hardworking"*. Past editions of the directories have said of him that he is *"a very talented individual" in the field*, *"his advocacy and written work is excellent"*, he *"provides very balanced, measured advice"*, is *"incredibly detailed"* and *"brings everything to a logical conclusion by the way he approaches problem solving"*. They also note in relation to his professional negligence practice that he is *"superb at anything with a trusts angle"* as well as being *"good for technical pension cases"* and that he *"calms the clients down"* whilst also being *"prepared to stick his neck out when it's the right thing to do"*.

Some representative cases include:

- advising a private equity firm regarding £40m claim against well-known accountants for negligence in conduct of due diligence engagement;
- defending City solicitors facing £5m claim arising out of contract for sale of valuable development land in Kensington, London;
- defending financial services firm against claim by investor for breach of duty in relation to SIPP investment;



Professional Liability continued

- defending well-known accountants against a multi-million pound claim for losses arising out of a PPP/PFI project;
- advising claimant on £40m claim against solicitors and counsel in relation to advice regarding settlement of legal proceedings;
- acting for bank on multi-million pound claim against construction professionals in relation to losses on a failed property development project;
- acting for Channel Islands trustees in defence of multi-million pound claim for alleged negligence in management of substantial investment portfolio;
- defending leading commercial QC against £6m claim in relation to conduct of litigation relating to commercial property development;
- advising liability insurers of company directors facing US \$200m claims for breach of duties owed to the company in relation to the management of failed investment fund;
- defending City solicitors against complex claim by pension scheme trustees arising out of failure to implement equalisation of retirement ages;
- acting for accountancy firm facing £50m claim arising out of allegedly negligent audit work in failing to detect that company was being run as a Ponzi scheme;
- acting for well-known firm of solicitors against £55m claim for alleged negligence in relation to grant of options for development of airspace above a portfolio of petrol filling stations;
- acting for pension fund administrators in relation to a claim by pension scheme trustees for losses arising out of failure to implement Barber equalisation;
- advising City solicitors regarding mitigation options in relation to a multi-million pound negligence claim in relation to advice regarding acquisition of property;
- advising indemnity insurer on coverage issues arising from multiple claims by lenders for losses arising out of mortgage frauds;
- defending City solicitors against multi-million pound claim for allegedly negligent implementation of tax saving scheme;
- acting for accountancy firm facing US\$30m claim by a hedge fund arising out of failure to warn of fraud in relation to proposed investment by the fund;
- defending City solicitors against £200m claim arising out of advice given in connection with the takeover of listed company;
- defending solicitor trustee against complex multi-million pound claim for negligence and breach of duties in management of trust assets over more than 20 years;
- acting for bank on a multi-million pound claim against well-known firm of valuers in relation to losses on development loan facility;
- acting for wealthy individual on multi-million pound claim against accountants/tax advisers in relation to negligent tax advice and failure to disclose 'secret commissions';
- advising pension fund trustees regarding a multi-million pound claim against City solicitors for alleged negligence in relation to advice regarding property acquisition;
- representing leading tax QC in defence of £10m claim for allegedly negligent advice in relation to a container leasing tax scheme;
- defending leading commercial QC in defence of a multi-million pound claim for alleged negligence regarding conduct of commercial litigation;
- defending solicitors against substantial claims arising out of failed litigation over ownership of shares in Bonham's auction house; and
- acting for banking syndicate on a £100m claim against City solicitors in relation to advice regarding title to the 'Pointwest' property development.



Property

James has extensive experience of property matters, including:

- contracts for the sale or grant of interests in land;
- options;
- restrictive and other covenants affecting land;
- easements;
- adverse possession;
- land registration;
- landlord & tenant;
- mortgages and charges; and
- trusts of land.

James also has particular expertise in relation to property-related insolvency. He is the editor of the insolvency chapter of Hill & Redman's Law of Landlord & Tenant (Lexis/Nexis) and a co-author of *Transaction Avoidance in Insolvency, OUP*, 3rd ed (2018).

Reflecting his wider commercial experience, much of James's property work is of a commercial nature or involves other areas of law such as banking, company, insolvency, financial services, professional negligence or trusts.

James has been ranked in the directories for real estate litigation for many years. Chambers & Partners 2022 describes James as having **"a fantastic mind. He brings together the financial and real estate worlds seamlessly."** The Legal 500 2022 commends James as **"hardworking. An excellent team player. Cautious but proactive, with strategic ideas and suggestions. Paperwork is very clear and precise, and work is produced on time."** Chambers & Partners 2020 describes him as **"methodical"** and **"he is very bright and user-friendly and provides measured and balanced advice"**. The Legal 500 2020 edition notes that he **"understands the need to bring the client along with him in the direction of his advice"**. Chambers & Partners 2019 states that he is **"much praised for his approach to property cases and his effectiveness as a communicator"**, **"regularly handles high-value property disputes"**, has **"a fantastic mind"**, and **"brings together the financial and real estate worlds seamlessly"**. The Legal 500 2019 similarly describes him as **"very commercial and great with clients"**. Past editions of the directories have commented in relation to his real estate litigation practice that he is **"a very safe pair of hands"**, **"exceptionally intelligent"**, **"the man for brain teasers at the interface of property and insolvency law"**, **"an excellent specialist property barrister"**, **"superb"**, **"very bright"**, **"very good at putting people at ease"**, and **"a real team player, who really works alongside everyone to achieve the right result"**.

Some representative cases include:

- representing major US engineering company on successful strike out of claim for damages for repudiation of agreement for sale and purchase of land for construction of new manufacturing facility;
- acting for property group facing claim by former joint venture partner for breaches of agreement for acquisition of development of land now alleged to be worth £80m;
- acting for a well-known FTSE company in connection with issues and disputes arising under a £2bn sale and leaseback of portfolio of 6,000 properties;
- acting for defendant facing claim for alleged repudiation of £20m contract for sale of former Royal Mail sorting office in Kensington (*Royal Mail Estates v Maples Teesdale* [2016] 1 WLR 942);
- advising co-owner of retail park in relation to dispute with its co-owner regarding sale of its interest in the retail park;
- providing expert evidence regarding English property law in Dutch proceedings regarding the enforceability of agreement for sale of Euro 8m office building in Utrecht;



Property continued

- advising property unit trust regarding its rights under CVA entered into by tenant of one of its retail units;
- representing partner in a property joint venture in multi-million pound dispute arising out of failures by other partner to disclose personal interests and profits from dealings with joint venture vehicle;
- acting for defendant in successful defence of a £55m claim concerning alleged breach of options to grant leases of the airspace above a portfolio of UK petrol filling stations (*Ridgewood Properties v Valero Energy* [2013] 6 EG 105);
- acting for the administrators of HMV in relation to proceedings by landlords for possession of its flagship Oxford Circus store and other stores;
- acting for vendor in a claim for specific performance of contract for sale of multi-million pound factory premises involving difficult issues regarding s 2 Law of Property (Miscellaneous Provisions) Act 1989;
- representing guarantor seeking a vesting order in respect of a commercial lease following insolvency of tenant so as to mitigate against £2.5m yearly rental liabilities;
- advising landlords of retail premises with insolvent tenants regarding entitlement to payment of rent as an expense of the tenants' administration;
- advising residents of a luxury development in wide-ranging dispute with developer/freeholder
- advising a well-known supermarket chain regarding claims arising out of the disposal of portfolio of stores;
- acting for a well-known car dealership on a complex claim for the recovery of valuable leasehold land following dissolution of the tenant company and disclaimer of lease;
- acting for trustees of a property unit trust in dispute regarding priority of competing interests in £28m warehouse premises (*Dominion Trustees v Capmark Bank Europe* [2011] 2 EGLR 87);
- advising owner of valuable advertising sites regarding the status and priority of its rights;
- acting for vendor in dispute regarding enforceability of contract for sale of development property in west London (*Best Beat v Maurant & Co* [2009] PLSCS 1);
- acting on dispute regarding the operation and effect of section 28 Land Registration Act 2002 (*Halifax v Curry Popeck* [2009] 1 P&CR 7);
- acting for well-known house-builder in multi-million pound dispute regarding enforceability of overage provisions in contract for sale of development property;
- advising London borough regarding easements in connection with the multi-million pound development of a well-known London landmark.

Trusts, Tax, Probate & Estates

Although not a 'private client' practitioner, James has extensive experience of complex, high-value contentious trusts and estates disputes, where his wide commercial experience is often invaluable.

Some representative matters include:

- acting for action group of investors on claim against Channel Islands trustee company for recovery of £45 million invested in failed beachfront development in St Lucia;
- acting for trustees of substantial Channel Islands trust in defence of multi-million pound claim for alleged breach of trust in relation to management of investment portfolio;



Trusts, Tax, Probate & Estates continued

- representing an international bank trustee company in contested application by beneficiary for appointment of judicial trustee in respect of UK and offshore trusts;
- acting for principal beneficiary of trust of large landed estate in wide-ranging dispute with trustees and others regarding validity of trust and her rights as a beneficiary;
- advising trustees of Isle of Man trust regarding potential claim against investment advisers in respect of losses suffered on investments in a failed Lehmans fund;
- advising trustee in bankruptcy of well-known UK property tycoon in proceedings to recover hundreds of millions of pounds owing to creditors from assets held in Channel Islands trusts;
- acting for well-known trust/tax consultant on application for removal and replacement of Belizean trustee of multi-million pound trust;
- acting for South African judgment creditor seeking to 'break open' a trust structure established across a number of offshore jurisdictions in order to enforce against hundreds of millions of pounds of assets transferred into trust by the judgment debtor;
- acting for trustees of a Jersey property unit trust in dispute as to priority of their rights of indemnity and associated lien against trust property;
- acting for trustee facing a multi-million pound claim alleging breach of trust in relation to his dealings with trust property comprising shares in a real estate company;
- advising well-known firm of solicitors facing a multi-million pound claim arising out of a disastrous Beddoe application;
- acting for a high-net worth individual seeking to set aside trusts set up for the purpose of mitigating tax and to claim damages and an account of 'secret profits' from the advisers involved in setting up the trusts;
- advising a settlor regarding avoidance of a multi-million pound Bermudan trust on the grounds of mistake;
- acting for a firm of solicitors in successful defence of wide-ranging claims by beneficiary in relation to conduct of earlier trust litigation;
- acting for Hong Kong bank in proceedings to set aside a multi-million pound 'sham' trust established with a view to defrauding creditors; and
- advising on issues arising out of dispute between Russian oligarchs involving challenges to the validity of trust and nominee arrangements.