



## James Goodwin

Call: 2013

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### Clerks' Details

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### Qualifications and Appointments

- MA in Law, University of Cambridge, graded First (1st in University)
- LLM, University of Cambridge, graded First (1st in University)
- Awarded a number of University and college prizes, including the Chancellor's Medal for English Law and Tapp Scholarship
- Taught contract law at several colleges in the University of Cambridge
- Bedingfield Scholar of Gray's Inn

## Publications

Contributing author, **Kerr & Hunter on Receivership & Administration (21st Edition)**

'**AIB v Redler**' (2014)  
*Wilberforce Legal Digest*  
(Issue 1) March 2015

'Where there's a will there's a way: **Marley v Rawlings**'  
[2015] *Modern Law Review*  
140-150

'Purpose Trusts: Doctrine Policy' [2013] *King's Law Journal* 102-110

'Reflexive Effect and the Brussels Regulation' [2013]  
*Law Quarterly Review* 317-320

'A Remotely Interesting Case'  
[2013] *Law Quarterly Review*  
485-488

'Failure of Basis in the Contractual Context' [2013]  
*Restitution Law Review* 24-45

'Secret Profits, Opportunities, and Constructive Trusts'  
[2013] *Restitution Law Review* 85-92 (with Edward Granger)

'The last Defence of **Wednesbury**' [2012] *Public Law* 445-467

'Contract, Unjust Enrichment, and Risk' [2012] *Law Quarterly Review* 503-507

## Practice Overview

James is a commercial and chancery specialist. He is ranked in The Legal 500 as a 'Rising Star' (Tier 1) in Private Client: Trusts and Probate, being described as "*very intelligent, commercial and sensible*" with "*meticulous attention to detail*" and "*very good with clients*". James' principal practice areas are:

- Commercial litigation (in particular civil fraud)
- Trusts (offshore and onshore)
- Property
- Insolvency
- Pensions
- Professional negligence

In the UK, James regularly appears in the High Court, the County Court and before arbitral tribunals, both as sole counsel and as part of a larger team. Much of James' work has an international element. In recent years, James' instructions have involved cases in Cayman, The Bahamas, BVI, Nevis, TCI, Guernsey, Liechtenstein, and Malta.

### Recent notable instructions include:

- Ad Hoc Arbitration. James acts (led by [John Martin QC](#) and [Fenner Moeran QC](#)) for the claimant beneficiary in a multi-billion dollar trusts dispute, concerning a contested distribution of the entirety of the trust assets to the settlor-beneficiary. The proceedings raise issues of rectification, mistake, breach of trust, dishonest assistance and unconscionable receipt.
- *Morina and others v Scherbakova and others*. James (led by Giles Richardson) acts for the widow of a deceased Russian businessman in high value international probate litigation and related proceedings concerning the ownership of shares in a BVI company.
- *Al-Dowaisan v Al-Salam*. James (led by [Nikki Singla QC](#)) acted for the Claimants in a wide-ranging commercial dispute. The judgment contains important guidance on fiduciary duties, the duty to account, and the defence of illegality in the context of tax evasion. See [2019] EWHC 301 (Ch).
- *Meridian v Batista*: James acts (led by [Graeme Halkerston](#)) for the successful applicant in the Cayman Islands, obtaining a Worldwide Freezing Order against the Brazilian oil magnate and sometime 7th richest man in the world, Eike Batista. The case makes new law in respect of the circumstances in which a court will grant WFOs against non-residents and in support of 'treble damages' claims.



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## Memberships

- Chancery Bar Association
- Commercial Fraud Lawyers Association
- The Commercial Bar Association (COMBAR) membership
- Property Bar Association
- Association of Pension Lawyers (associate member)

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## Practice Overview continued

- *Deutsche Bank v SHI and Vik; SHI v Sarek et al*: James acts (led by [Tim Penny QC](#)) for Receivers appointed over assets of a Turks and Caicos Islands company previously controlled by Alexander Vik. James has appeared as sole counsel in the English High Court, and has acted in litigation in England, Guernsey, and the TCI. See e.g. [2017] EWHC 3265 (Comm)
- The Pensions Regulator: James regularly acts both for TPR and for Targets in respect of regulatory action brought by the Regulator. The nature of such projects is often confidential, but James has significant experience of the Regulator's powers to impose Financial Support Directions and under s. 231 of the Pensions Act 2004.

## International Arbitration

James has experience in arbitrations under LCIA and UNCITRAL Rules, acting both as sole counsel and as a junior as part of a larger team. James' experience spans a number of industry sectors, including start-up companies, telecommunications, and oil and gas. Further, James has acted and advised in relation to the intersection between civil proceedings and arbitration, including parallel litigation, and interim relief in support of arbitral proceedings.

### Recent instructions include:

- Acting (as sole counsel) for the Claimant in an LCIA arbitration concerning:
  - ◇ Specific performance of a contract for the grant of shares;
  - ◇ Allegations of breach of fiduciary duty; and
  - ◇ Valuation of the shares in private companies.
- Acting (alongside [John Martin QC](#) and [Fenner Moeran QC](#)) for the Claimant in a UNCITRAL arbitration of a multi-billion dollar trust dispute, concerning issues related to:
  - ◇ Rectification;
  - ◇ Mistake;
  - ◇ Breach of trust;
  - ◇ Dishonest assistance and knowing receipt;
  - ◇ Reconstitution of trust assets and equitable compensation; and
  - ◇ Replacement of trustees.