



## 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

'[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 [Bursells 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. His 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.
- *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.
- *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.



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## Memberships

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

## Pensions

James' pensions practice involves contentious and non-contentious matters relating to personal and occupational pension schemes (both defined benefit and defined contribution). In recent years, James had had particular experience of acting for the Pensions Regulator and in professional negligence.

### Recent instructions include:

- Advising and acting (led by Mike Tennet QC) in a professional negligence claim against a firm of solicitors in respect of advice given to a trustee of a scheme in respect of pension benefits liable to statutory indexation.
- Advising and acting for the employer of a Guernsey defined benefit scheme in respect of claims brought against it by scheme members, raising issues of the Imperial duty of mutual trust and confidence owed in circumstances of a closure of the scheme to future accrual.
- 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.
- Bloxwich Pension Scheme. James was instructed alongside Jonathan Hilliard QC to act for the defendant law firm facing professional negligence claims in relation to an alleged failure to equalise scheme benefits.
- The wide-ranging and substantial litigation concerning the BA pension schemes appeals from the pension ombudsman.

James also has a wide advisory practice in relation to matters concerning pensions. Recent examples include advice in respect of:

- appeals from the pension ombudsman.
- The recovery of pension payments made by mistake.
- Whether benefits under a pension scheme form part of a bankruptcy estate.