



## James McCreath

Call: 2009

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### Clerks' Details

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### Qualifications and Appointments

- BA Oxon (First Class), DipLaw (City) (Distinction)
- Major Scholar (Inner Temple), Scholar (Balliol College, Oxford)

*“He masters complex cases with relative ease”*

Chambers & Partners, 2016

## Memberships

- Chancery Bar Association
- Commercial Bar Association

## Publications

- Co-editor (with Andrew Mold) of the negligence section of *Cordery on Legal Services*
- Contributor to Atkins' Court Forms (Restrictive Covenants)

## Practice Overview

James has a growing reputation as an up and coming junior in Chambers' core areas, with a practice focusing on commercial disputes, property, pensions, trusts, and associated professional liability. He has been recommended in Chambers & Partners 2015 and 2016 for Commercial Chancery work (the first junior of his call to be ranked in this field), and in Chambers & Partners 2016 for Pensions. The directories noted his communication skills, his ability to get on top of the details of a case, and his attention to client service. He was also "highly recommended" in Legal Week's 2016 'Stars at the Bar'.

His recent highlights include acting as junior Counsel for the successful appellant in *Cavendish Square Holdings BV v Makdessi* [2015] UKSC 67, [2015] 3 WLR 1373, in which the Supreme Court redefined the test for identifying a contractual penalty. That was his second appearance in the Supreme Court in two years, having previously appeared for the successful appellant in *Manchester Ship Canal Company Ltd v United Utilities Water Plc* [2014] UKSC 40, [2014] 1 WLR 2576.

James' practice combines both advisory and litigious work and he has a busy practice acting in cases as junior to silks inside and outside Chambers, often in cases involving an international element or proceedings in several different jurisdictions. Alongside these, he also undertakes his own substantial cases and regularly appears as an advocate, appearing at all levels up to and including the Court of Appeal.

He has been recommended in the directories in the following terms:

- Chambers and Partners 2016, Chancery: Commercial: *"A notable young junior who has a growing reputation among solicitors and peers alike", "He is thorough and articulate and demonstrates very good research skills."*
- Chambers and Partners 2016, Pensions: *"He masters complex cases with relative ease, and is always helpful no matter what the demands of the case are."*
- Chambers and Partners 2016, Chancery: Commercial: *"He has an excellent grasp of detail and is very user-friendly and available."*



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## Professional Liability

James has a considerable amount of experience of professional liability work, primarily but by no means exclusively, in the context of property, estates, and pensions, acting for both defendants and claimants. His recent cases include:

- Acting (as junior to [Joanna Smith QC](#)) in the defence of a liquidator accused of having sold millions of pounds worth of assets belonging to third parties (*Euromex Ventures Ltd v BNP Paribas & Others* [2013] EWHC 3007 (Ch)). The defence was wholly successful, and the claimants were ordered to pay indemnity costs.
- Acting (as junior to [Michael Furness QC](#)) for the defendants in a substantial professional negligence claim relating to an alleged failure validly to effect equalisation in four pension schemes.
- Acting for the claimant in multi-million pound proceedings brought against the solicitors and investment advisers to a pension scheme for advice given regarding the scheme's investment strategy.
- Acting (as junior to [Joanna Smith QC](#)) for the Claimant in a multi-million pound claim against solicitors for allegedly negligent drafting and advice in relation to the overage provisions in an agreement for the purchase of a substantial London office building.
- Acting as sole counsel in a wide range of matters, including in matters relating to solicitors (for negligence in among other things conveyancing, inheritance matters, and the conduct of litigation), barristers, financial advisors, surveyors and managing agents, and architects.