



## James Walmsley

Call: 2007

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### Clerks' Details

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### Qualifications and Appointments

- Maths & Philosophy MA (Oxon) 1995-1999 – top in year
- Graduate Diploma in Law 2005-2006 – distinction
- BVC 2006-2007 – outstanding
- Fellow of All Souls College Oxford 1999-2014

*“He’s extremely clever, easy to work with and makes himself available”*

Chambers & Partners, 2017

## Practice Overview

James has a broad commercial chancery practice including general commercial litigation and arbitration, trusts, pensions and professional liability.

He is consistently recommended in Chambers & Partners and in The Legal 500 for his pensions work.

In the latest editions he is described as *“extremely bright”* and *“very hardworking”*. He is *“a growing presence in the pensions field”*, and *“highly intelligent”*. He is considered *“one of those who can turn his hand to a lot of different things”*, as well as being *“good on the technical aspects of the law... extremely hard-working, responsive and very easy to work with”*. Recommended by Chambers & Partners, 2016 as *“a very solid junior who would be a serious contender for smaller cases that require a high-quality junior to appear without leading counsel”* and The Legal 500, 2015 note that he is *“able to understand the challenges that might be facing the client”*.

In the 2013 edition of Chambers & Partners he was featured as one of the ten stars at the Bar (five years call and under).

## Memberships

- Association of Pension Lawyers
- Chancery Bar Association
- Commercial Bar Association

## Publications

- [‘Exoneration clauses and self-dealing: Barnsley v Noble’](#) (2014) *Wilberforce Legal Digest* (Issue 1) March 2015
- The pensions chapter of Lightman & Moss



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## Commercial

Much of James' work is of a "general commercial" kind. Much of his work in this area also has an intellectual property aspect to it. His experience covers the Commercial Court, Chancery Division and arbitration, and includes:

- Acting in an expedited commercial arbitration concerning the interpretation of a payment clause.
- Acting for the Defendants in the case of *Khouj v ACP & Anor* [2016] EWHC 2120 (Comm), concerned with circumstances in which a person will be treated as an agent of another so as to give rise to duties of accounting/disclosure.
- Acting for Samsung in the Ericsson/ Unwired Planet/ Samsung/ Huawei FRAND litigation, including in relation to passthrough licences, the proper interpretation of the scope of certain cross-licences, and related analyses in equity.
- Acting for the Claimant entity in an Isle of Man fraud claim arising out of property related investments made by an AIM listed entity in the Baltic States.
- Acting for the Defendant Nokia in a £100m Commercial Court claim founded on an alleged breach of warranty in connection with the sale of a technology business, and in Nokia's counterclaim that the private equity purchaser had rigged the tendering process through which it purchased the business in the first place.
- A £200m international arbitration concerning the failed purchase of a large stake in an Indonesian power station, which included issues as to the proper interpretation of project finance security documentation.
- A BVI shareholder dispute connected to a Russian agricultural machinery business. (Successful at first instant in the Eastern Caribbean Court of Appeal.
- The Coward/Ambrosiadou litigation which included a three-week Chancery Division trial giving rise to amongst other things copyright issues, directors duties issues, partnership issues and the ownership of intellectual property used by a business. A decision of the Court of Appeal on an appeal on costs in one of the leading authorities on Calderbank discretion. The litigation also involved proceedings in Cyprus, Monaco and the BVI.
- *BC Capital v Societe Generale & Ors*. Large scale Commercial Court litigation relating to the interpretation of and market practice in relation to structured hedge fund products and, amongst other things, termination and redemption rights thereunder. This case was listed in *The Lawyer* as one of the top cases of 2011 but settled pre-trial.
- Assisting in the *Renova v Gilbertson Faberge* Cayman proceedings
- *Yukos/Rosneft*. An application to discharge a Chabra-type freezing order in the Commercial Court. A leading authority on the Chabra-jurisdiction.
- The *Odnoklassniki* case. High Court Chancery Division litigation surrounding the then leading Russian social networking website, raising issues of copyright, database right, confidential information, breach of fiduciary duty and breach of employment contract, constructive trusts, tracing, knowing receipt and the proper scope of 1978 Act contribution claims. Settled after start of trial.
- The *easyJet* brand licence case. High profile High Court Chancery Division litigation connected to *easyJet's* brand licence. Settled after a two-week trial.
- *GSK/Abbott*. Blockbuster drug Chancery Division litigation concerned with the proper interpretation of a royalty clause. Settled after three week trial.
- Proposed arbitration proceedings in respect of an option to licence agreement relating to pharmaceutical patents. Case settled prior to arbitration.
- Large-scale sale of goods disputes in the Commercial Court.
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