



## 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

## “A brilliant technical and strategic thinker.”

The Legal 500, 2022

### Memberships

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

### Publications

- The pensions chapter of Lightman & Moss

### Practice Overview

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

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

#### Chambers & Partners 2022:

Commercial Dispute Resolution *"Brainy and incredibly thorough, he is a fantastic team player."*

Pensions *"His ability to distil vastly complex fact patterns into practical advice is extremely impressive."*

#### The Legal 500 2022:

Commercial *"James provides laser-focused and practical advice; he cuts to the heart of the matter quickly and confidently. His written work is exceptional."*

Professional Negligence *"A brilliant technical and strategic thinker. He is particularly well-suited to large and complex cases and will get on top of the facts quickly."*

Pensions *"James is respected for his acumen and raw intelligence, particularly in actuarial or financial matters."*

#### Chambers & Partners 2021:

Commercial Dispute Resolution: *"He is incredibly logical and will look at things very thoroughly from all angles."*

Pensions: *"He is exceptionally good – extremely bright and hard-working."* *"He always adds value when considering difficult areas of contract law."*

#### The Legal 500 2021:

Commercial litigation: *"Extremely hard-working, on top of the papers, and has a fierce intellect."*



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## Practice Overview continued

Pensions: *"Very knowledgeable of pensions and more general civil procedure, demonstrating really considered advice that gives you confidence that he has the right answer."*

Professional negligence: *"He is extremely detailed oriented and has an absolute mastery of the law."*

## Commercial

James is recommended in both Chambers & Partners and The Legal 500 for his commercial disputes work and is described as **"brainy and incredibly thorough, he is a fantastic team player."** **"James provides laser-focused and practical advice; he cuts to the heart of the matter quickly and confidently. His written work is exceptional."** His experience in this area (which covers the range from fraud claims to more straightforward contractual disputes) includes for example:

- *Renova Industries v Emmerson International Corporation* in the BVI Commercial Court.
- A large shareholder dispute including allegations of breach of director's duty concerned with the ownership of a supermarket business.
- Claims for director misappropriation of assets in relation to a French development company and related claims for professional liability.
- Acting for the Claimant in *Sabbagh v Khoury*, in the successful jurisdiction appeal, anti-arbitration injunction appeal, and main proceedings.
- A large multi-jurisdictional fraud claim with multiple court proceedings and arbitrations concerned with Chinese investment in a Cayman fund.
- Claims in relation to Government funding under a shareholders agreement of a large offshore defined benefit pension scheme.
- A licence and termination dispute settled shortly before trial in 2020.
- A claim for injunctive relief and compensation arising out of a pension liberation fraud.
- A large IT contract termination dispute relating to pension scheme administration (settled after mediation).
- A termination and fees dispute in relation to distribution licences.
- Acting in an expedited commercial arbitration concerning the interpretation of a payment clause.
- Acting for the Defendants in the case of *Khoudj 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).



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## Commercial continued

- 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.
- Arbitration proceedings in respect of an option to licence agreement relating to pharmaceutical patents. Case settled prior to arbitration.