



## James Bailey

Call: 1999

jbailey@wilberforce.co.uk

### Clerks' Details

+44 (0)20 7306 0102  
tcjqcsj@wilberforce.co.uk

### Memberships

- Chancery Bar Association
- COMBAR

*“An excellent advocate who commands a courtroom; he is very bright and good with clients.”*

Chambers & Partners, 2019

## Qualifications and appointments

- Dual Qualifications
- 2003–2006 - Elected member of the Bar Council, Education and Training Committee, Young Barristers' Committee
- 2000–2001 - Finals Examiner at London School of Economics (Commercial Law)
- 2002 - M.A. (Oxon) [Law]
- 2001 - Called to the Cayman Island's Bar
- 1998–2001 - Law Tutor; London School of Economics (Commercial Law)
- 1997–98 - B.C.L. (Oxon)
- 1993–97 - B.A. (Hons.) - Brasenose, Oxford [Law]
- 1988–93 - Winchester College

## Practice Overview

James Bailey has developed a successful practice focused on commercial chancery, civil fraud, insolvency and company matters. Regarded as **"approachable, very thorough and conscientious"**, James is said to have **"an exceptional eye for detail"** (The Legal 500). He is also noted for his advocacy: **"Strategically strong and pragmatic"**, **"the impressive James Bailey"** (The Legal 500) is praised for his **"really attractive style in court"** (Chambers UK Bar).

James is consistently recommended in the leading legal directories in the Commercial Litigation, Commercial Chancery, Company and Restructuring & Insolvency categories. Recent quotes include:

**"A well-regarded practitioner who has a strong practice encompassing commercial chancery, company and insolvency law. He frequently plays a key role in major, high-profile cases. He is frequently involved in cases concerning misfeasance and wrongful trading claims and has considerable expertise handling contentious recovery work."** (Chambers UK Bar 2019)

**"An excellent advocate who commands a courtroom; he is very bright and good with clients."** (Chambers UK Bar 2019)

### Expertise/recent experience:

James experience relates to all levels of court in England. His work also has a significant international dimension including cases relating to the Cayman Islands, the Bahamas, the U.S., Switzerland, Slovenia, Macedonia Italy, South Korea, Hong Kong and Japan. James has been instructed as an expert on matters of English law in courts abroad and his commercial work includes international arbitration.

He was involved in the long-running and controversial *Thevarajah* litigation, which twice came before the Court of Appeal and thereafter the Supreme Court. His cases often include jurisdictional challenges and he is experienced in litigation where the governing law is not that of England and Wales.

James's commercial practice includes a significant amount of fraud work and he is regularly instructed in applications for freezing orders, Norwich Pharmacal orders and Bankers Book Evidence Act relief.

He has a substantial insolvency practice which sits alongside his fraud work, and he is regularly instructed in high-profile matters. Historically he has acted for the Cayman Islands' liquidators of *Enron* and appeared in the *Comet* administration. In 2018, he acted



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## Practice Overview continued

for Lawrence Stroll, who led a consortium to successfully acquire the Force India Formula 1 racing team. James is a contributor to Tolley's Insolvency Law Service.

James's practice also encompasses a broad range of company work, including in particular claims pertaining to directors' discharge of their duties to their companies, minority shareholder relief, and just and equitable winding up petitions. He also appeared in the seminal *Fort Gilkicker* litigation, which established the existence of multiple derivative claims in English law after the coming into force of the Companies Act 2006.

## Civil Fraud

"A go-to counsel for complex matters" (The Legal 500), James is **"regarded as a strong commercial litigator who enjoys the full support of the market"**.

James's **"confidence boosting"** (Chambers UK Bar) commercial work ranges from acting for public limited companies to small and medium sized businesses.

James acted in the long-running and controversial *Thevarajah* litigation concerning an alleged fraud against the purchase of certain special purpose vehicles. Twice listed for trial and now having been the subject of two Court of Appeal decisions on separate points ([2014] C.P.Rep19; [2015] EWCA Civ 41; The Times, 26th March 2015), the part of the case pertaining to the Jackson Reforms and the decision in Mitchell was determined by the Supreme Court in 2016.

James's commercial work often involves asset preservation, in particular urgent injunctive relief, and asset tracing and recovery. **"He is a barrister who can rescue the client from a tight corner"** who **"has a really attractive style in court and is clearly very brainy"** (Chambers UK Bar). A keen advocate of pragmatism and teamwork in complex litigation, **"he is enthusiastic, bright and increasingly impressive... a well-respected junior in both domestic and international courts"** and **"offers excellent, clear commercial advice"** (Chambers UK Bar).