



James Bailey QC

Call: 1999

QC: 2019

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Clerks' Details

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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



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.

Company

James is regularly involved in acting for both directors and shareholders in company disputes and is ranked by Chambers UK Bar and Chambers Global.

"His technical ability is excellent, and he is very good at complex and detailed cases involving lots of numbers" (Chambers UK Bar).

"He is really easy to deal with, thorough, responsive and very knowledgeable" (Chambers UK Bar).

He appeared in the seminal case of *Re Fort Gilkicker* [2013] Ch. 551; [2013] W.L.R. 164; [2013] 3 All.E.R. 546; [2013] B.C.C. 365 in which he successfully contended (against the position of Lord Millett writing extra-judicially) for the continued existence of multiple derivative actions in English company law after the coming into force of the Companies Act 2006.

James's company work includes advising directors on their duties generally, and is often involved in "split board" cases where he has assisted private equity and hedge funds. **"He is highly intelligent, hard-working and insightful"** (Chambers Global). He was instructed in the British Universities and Colleges Sport matter over the construction of certain articles of association, a dispute which picketing students brought into the public eye.

James is also regularly involved in minority shareholder cases where his strong mathematical background makes him a favourite in cases involving complex forensic accounting.