



## James Bailey

Call: 1999

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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



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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.

## Insolvency

Described as "**a formidable advocate, who is able to dominate a courtroom**" (The Legal 500), James has been instructed in high-profile insolvency and restructuring work including *Enron* (Cayman Islands), *Comet* and the *London Underground Public-Private Partnership*.

**"He is very hard-working and a real details man. He is also very strong on his feet and is an authoritative figure that judges listen to."** **"He is a very sensible operator who is able to take a pragmatic view."** (Chambers UK Bar, 2019)

He is also described as "**excellent in insolvency cases with a cross-border dimension**". (The Legal 500, 2019)

### Recent experience:

- In 2018, James acted for a consortium led by Canadian billionaire Lawrence Stroll in the successful acquisition of the Force India Formula 1 motor racing team from Indian billionaire Vijay Mallya. The transaction was exceptionally complex and involved a structure never previously used in Formula 1.
- James acted for the successful petitioning creditor in the matter of *Re Paul Baxendale-Walker (a bankrupt)*, a notorious piece of litigation arising out of negligent advice given by a former tax barrister and solicitor. Unusually the case concerned the appointment of an interim receiver, and thereafter the successful appointment of specifically named trustees in bankruptcy upon the making of a bankruptcy order.
- James is instructed by office holders, creditors and debtors alike which gives rise to a broad range of work, including the challenging of the inappropriate use of the insolvency regime. Examples include the abuse of the IVA procedure in the *Miss World* litigation.
- By way of sub-specialism, James's insolvency practice includes matrimonial insolvency. He has been instructed in various high value divorces and acted for the wife against her purportedly bankrupt husband in the "quite extraordinary" *Young v Young* litigation.
- James was instructed as an English law expert in proceedings before the Supreme Court of South Korea on a cross-border insolvency aspect pertaining to the "rehabilitation" (administration) of the Samsung Logix Corporation.