



James Bailey QC

Call: 1999

QC: 2019

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Clerks' Details

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Memberships

- Chancery Bar Association
- COMBAR

“Incredibly bright and is able to think beyond the box of the usual scenario with alacrity and charm that is a rare talent.”

Legal 500, 2021

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, international arbitration, 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.

Legal 500 2021 describes James as *"a complete star. He gets on top of complex facts and complex issues incredibly quickly."* *"He has bags of energy and is technically astute."* and *"Incredibly bright and is able to think beyond the box of the usual scenario with alacrity and charm that is a rare talent."*

Previous quotes include:

"James is my first choice of counsel for matters being dealt with in London. He is first class and well deserving of his recent elevation to silk. He can always be relied upon to meet deadlines, he's proactive when it comes to developing overall strategy, he has the confidence of the clients, and he is a brilliant advocate in court." (Chambers UK Bar 2020)

"He is technically astute, a very strong advocate and an excellent team player" (Chambers & Partners 2020)

"His common sense judgement and practical advice put him head and shoulders above his peers." (The Legal 500 2020)

Expertise/recent experience:

James's 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, North 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 acted for the claimant in a construction arbitration seated in Slovenia, and for two defendants in enforcement proceedings of a \$1.5 billion U.S. arbitration award in England arising out of a dispute in the steel industry.



Practice Overview continued

James is involved in the high profile Gray v Hurley litigation pertaining to disputed joint ownership of property in New Zealand, Italy and Switzerland.

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 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.

Commercial

James is renowned as "**first class**" and "**a brilliant advocate in court**" (Chambers UK Bar 2020). His recent commercial work covers a broad range of disputes stretching from urgent freezing orders (often involving fraud) to much longer document-heavy matters requiring detailed forensic analysis. The substantive scope of his work takes him into many different industries, including pharmaceuticals, travel and transportation, construction and engineering, sport, fund management, telecommunications and litigation funding to name a few.

"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).

Although James thrives being on his feet, he recognises the importance of early and clear advice and guidance in the search for a satisfactory outcome that does not demand the time and expense of a full trial. As was observed recently: **"He's very good in conference as he is very direct and doesn't sit on the fence. He very much works alongside you and is very supportive"** (Chambers UK Bar). A keen advocate of pragmatism and teamwork in complex litigation, **"he is enthusiastic, bright and increasingly impressive"** and **"offers excellent, clear commercial advice"** (Chambers UK Bar).

James is also instructed to advise on commercial transactions, including in particular share purchase agreements, with those instructs emanating from corporate departments as well as litigation departments of substantial law firms. His considerable experience of where contractual arrangements have gone wrong leave him well placed to assist in their drafting. **"His common sense judgement and practical advice put him head and shoulders above his peers"** (The Legal 500 2020).

Recent experience:

- James acts for Hamish Hurley in high profile litigation against Mandy Gray. Having obtained \$1.20million in divorce proceedings against her former husband, and embarked upon a six year relationship with Mr Hurley pursuant to which they jointly own property worth tens of millions, Ms Gray now claims sole ownership of the portfolio.
- In 2019 James acted for two defendants resisting the enforcement of a \$1.5bn US arbitration award pertaining to a dispute in the steel industry, and obtained by ArcelorMittal USA LLC. The case involved broad ranging freezing and search orders in England in circumstances where few, if any, assets were to be found in this jurisdiction (reported at [2019] EWHC 724 (Comm)).



Commercial continued

- In 2018, James acted as lead advocate in an international arbitration concerning the design and construction of a €65million hydroelectric dam and power plant in Eastern Europe. The case required a detailed understanding not only of engineering, but also of the foreign law governing the substantive contractual dispute.
- James's work will often involve jurisdiction issues and in 2018 he acted in the dissolution of a multinational architectural firm, which concerned legal structures in England, Dubai and the British Virgin Islands. The case required a three day hearing in the Chancery Division to determine the most appropriate forum for the parties to resolve their differences.
- James acted (also in 2018) for the consortium led by Canadian billionaire Lawrence Stroll in his acquisition for the Force India Formula 1 motor racing team, previous under the control of Indian billionaire Vijay Mallya. The transaction was not only exceptionally complex, but also ground-breaking and for the first time the FIA permitted the purchase of the assets and goodwill of an F1 team rather than requiring the purchase of the team company itself.
- James is frequently instructed in urgent applications to court to preserve not only assets, but also control of corporate vehicles. He appeared in the long-running and controversial *Thevarajah* litigation concerning an alleged fraud against the purchase of certain special purpose vehicles. The case took him to the Court of Appeal twice, and thereafter to the Supreme Court, serving as a powerful and successful illustration of the importance of making accurate strategic and substantive decisions when advancing interim applications.