



James Bailey QC

Call: 1999

QC: 2019

jbailey@wilberforce.co.uk

Clerks' Details

+44 (0)20 7306 0102

practicemanagers@wilberforce.co.uk

Memberships

- Chancery Bar Association
- COMBAR

“He is technically astute, a very strong advocate and an excellent team player.”

Chambers & Partners, 2020

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. Recent 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)

“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.

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.



Practice Overview continued

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.

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.

"James gives good advice and is excellent in court" (Chambers UK Bar 2020).

"Fantastic attention to detail, energy, and a good manner in court" (The Legal 500 2020).

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.