



Jamie Holmes

Call: 2014

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Clerks' Details

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Qualifications and Appointments

- BCL, Balliol College, Oxford (awarded a scholarship by the Oxford Law Faculty)
- LLB, King's College London (1st Class, joint top of university) (awarded a scholarship by the King's Law Faculty)
- AKC, King's College London
- Awarded a number of university prizes including top overall marks in university in: second year LLB examinations, Property law, Tort law, IP law and Russian law
- Taught the law of trusts and wills at University College London
- Lincoln's Inn, Denning Scholar.
- Baker McKenzie Moot Competition, 1st place, King's (2011) – judged by Lord Clarke JSC

Memberships

- Commercial Bar Association
- Chancery Bar Association
- ConTrA
- Commercial Fraud Lawyers Association
- Asset Recovery Next Gen

Publications

- **Confidential Trust Information And Court Proceedings: Can Privacy Be Maintained?** [2020] (with [Edward Sawyer](#)) (soon to be published in *Trusts & Trustees*)
- **Singularis v. Daiwa and the Quincecare duty of banks: professional liability in the fraud and insolvency context** [2020]
- **Ways of quietly protecting trustees and sorting out a mess** [2019] (with [Michael Furness QC](#) and [Michael Ashdown](#))

Practice Overview

Jamie has a busy commercial chancery practice focussed around corporate and personal insolvency, trusts and probate, civil fraud (with extensive experience of freezing injunctions and other forms of interim relief) and commercial work (including international and London-based arbitrations). He appears frequently as sole counsel and as a junior in both the High Court and County Court, and in arbitrations, for instructing solicitors based across the country and internationally.

In late 2018 Jamie went on a secondment to Ogier's offices in the Cayman Islands where he worked with Rachael Reynolds, Mark Kish and Ulrich Payne and their team on a number of international civil fraud, insolvency and contentious trusts matters.

Notable recent work in contentious matters includes:

- Acting in on-going confidential c. €80m asset recovery proceedings offshore seeking a worldwide freezing injunction against an NYSE-listed public company.
- Acting for the defendants in €65m civil fraud proceedings in *KMG v Chen & CML* in the Commercial Court alleging liability under foreign law concerning the enforcement of a US\$200m NAI arbitration award; listed for a 3-week trial in July 2020 (with Jonathan Crow QC and [Graeme Halkerston](#)). This has involved a number of interlocutory hearings including most recently:
 - [2020] Bus. L.R. 133: concerning the rule against reflective loss and the conflicts of laws under *Rome II* and at common law.
 - [2019] EWHC 3634: on waiver of privilege and whether foreign law advice had been deployed.
- Acting for the successful claimants at trial in Summer 2019 in confidential multi-million-US\$ LME arbitration proceedings in London, concerning the supply of copper concentrate in China and SOGA, s51 (with [Alan Gourgey QC](#) and [Bobby Friedman](#)).
- Acting for the successful claimants in an 8-day trial in Spring 2018 in confidential ICC international arbitration proceedings in Singapore, concerning claims for breach of contract in relation to a petrochemical plant in Southeast Asia; with an award of over US\$40m (with [Graeme Halkerston](#)).
- Acting as sole counsel at short notice against a silk for one of the respondents and a third party to an application for freezing orders within bankruptcy proceedings, seeking an order as to the status of the third party's accounts.



Publications continued

- **The Potential impact of *Re Picard*** [2019] (with [James Bailey QC](#) and [Jack Watson](#))
- **'Human Rights & Private Sector Tenants'** (2017) *Wilberforce Property Update (Issue 3)* February 2017
- **Public Aspects of Pensions Law** [2017] (with [Jonathan Hilliard QC](#))
- **AG v Rosenlund** [2016] JRC 062 & 078; [2016] Lloyd's Rep. 495 – case note and commentary (with Nicholas Medcroft)

Practice Overview continued

- Acting as sole counsel in a jurisdiction challenge within VIAC proceedings claiming over half a million pounds for damages said to arise out of a contract to supply engines for specialist military equipment.
- Acting as sole counsel on behalf of a creditor presenting a bankruptcy petition for over £3.5m against an international businessman.
- Acting as sole counsel in successfully resisting in part an interim injunction (and obtaining fortification) involving allegations of fraud and claims for damages and lost profits in excess of half a million pounds.
- Acting for the defendant to £13m civil fraud proceedings in the Companies Court involving allegations of misfeasance, fraudulent and wrongful trading, dishonest assistance, knowing receipt, unjust enrichment, unlawful preference payments and *de facto*/shadow directorship (with [Marcia Shekerdermian QC](#)).
- Acting for the appellants in *Devoy-Williams v Hugh Cartwright & Amin* [2018] 5 Costs L.R. 1105, concerning the acceptance of Part 36 offer following allegedly dishonest non-compliance with an unless order (with [John Wardell QC](#)).
- Acting for the trustees in a pensions regulatory action, including the judicial review proceedings *Grace Bay II Holdings Sarl v The Pensions Regulator* [2017] Pens L.R. 7 (with [Monica Carss-Frisk QC](#), [Fraser Campbell](#) and [Jonathan Hilliard QC](#)).
- Advising a funder on the merits of an appeal to the Privy Council of a decision of the Court of Appeal of Trinidad & Tobago (with [Martin Hutchings QC](#)).
- Acting for a foreign government claimant in asset recovery proceedings in the Commercial Court, seeking orders for preservation of assets and evidence (with [David Phillips QC](#) and [Nikki Singla QC](#)).

Commercial

Jamie has a broad and busy commercial practice, with a particular interest in civil fraud claims and related applications for freezing injunctions and other forms of interim relief. He has experience of cases with significant multi-jurisdictional or offshore elements, including in the asset recovery or enforcement context, and in cases that involve insolvency-related issues or complex trust structures.

Jamie appears frequently as sole counsel and as a junior in both the High Court and County Court, and in arbitrations, for instructing solicitors based across the country and internationally.

Jamie spent a month in late 2018 on secondment to Ogier's offices in the Cayman Islands where he worked with Rachael Reynolds, Marc Kish, Ulrich Payne and their team. This included a matter on behalf of a Cayman trust that had been named as a defendant in civil fraud proceedings in the (English) Commercial Court, and that was seeking to resist jurisdiction and set aside service out.

Recent work as sole counsel includes:

- Acting at short notice against a silk for one of the respondents and a third party to an application for freezing orders within bankruptcy proceedings, seeking an order as to the status of the third party's accounts.
- Successfully resisting in part an interim injunction (and obtaining fortification) involving allegations of fraud and claims for damages and lost profits in excess of half a million pounds (settled before trial).
- Acting in a jurisdiction challenge to VIAC proceedings claiming over half a million pounds for damages said to arise out of a contract to supply engines for specialist military equipment.
- Succeeding at trial on behalf of a defendant managing agent of a large residential estate in Fulham as to its duties of care to tenants of the estate and the construction and effect of its on-site notices in light of the *Consumer Rights Act 2015*.
- Succeeding at trial on behalf of a claimant manufacturer of cold rolled steel in a battle of the forms case where the defendant relied on extensive witness evidence and the EWCA decision in *Tekdata v Amphenol* (2010).



Commercial continued

- Successfully defending at trial a claim for breach of contract on the basis of promissory estoppel.
- Acting for claimant former director shareholders of a company in a claim for over £2.75m against the present director shareholder, pursuant to an SPA and loan agreement.
- Acting on behalf of a defendant company in on-going proceedings seeking specific performance of an alleged agreement to acquire shares in a company, the business of which includes the promotion of medicinal uses of cannabis.
- Acting on behalf of a claimant casino operator and investor seeking to recover £250,000 pursuant to the terms of an agreement with a defendant casino developer and its sole director (settled before trial).
- Appearing as sole counsel at a CCMC for claimants seeking over £1m for breaches of fiduciary duty in a complex set of interrelated proceedings in the Business List (ChD) between the two shareholders of a number of companies.
- Successfully enforcing a Part 36 offer against defendants who alleged it had fraudulently been entered into without their authority, on the basis that it had been entered into with their apparent authority; and resisted an appeal.

Notable work as a junior includes:

- Acting in on-going confidential c. £80m asset recovery proceedings offshore seeking a worldwide freezing injunction against an NYSE-listed public company.
- Acting for the defendants in €65m civil fraud proceedings in *KMG v Chen & CML* in the Commercial Court alleging liability under foreign law concerning the enforcement of a US\$200m NAI arbitration award; listed for a 3-week trial in July 2020 (with Jonathan Crow QC and [Graeme Halkerston](#)). This has involved a number of interlocutory hearings including most recently:
 - o [2020] Bus. L.R. 133: concerning the rule against reflective loss and the conflicts of laws under *Rome II* and at common law.
 - o [2019] EWHC 3634: on waiver of privilege and whether foreign law advice had been deployed.
- Acting for the successful claimants at trial in Summer 2019 in confidential multi-million-US\$ LME arbitration proceedings in London, concerning the supply of copper concentrate in China and SOGA, s51; with an award of the full sum sought by the claimant as its primary relief. The proceedings involved a number of interlocutory hearings, including a successfully resisted strike out application in Spring 2019 concerning *Attorney General v Blake* (with [Alan Gourgey QC](#) and [Bobby Friedman](#)).
- Acting for the successful claimants in an 8-day trial in Spring 2018 in confidential ICC international arbitration proceedings in Singapore, concerning claims for breach of contract in relation to a petrochemical plant in Southeast Asia; with an award of over US\$40m (with [Graeme Halkerston](#)).
- Acting for the defendant to £13m civil fraud proceedings in the Companies Court involving allegations of misfeasance, fraudulent and wrongful trading, dishonest assistance, knowing receipt, unjust enrichment, unlawful preference payments and *de facto*/shadow directorship (with [Marcia Shekerdermian QC](#)).
- Acting for a foreign government claimant in asset recovery proceedings in the Commercial Court, seeking orders for preservation of assets and evidence (with [David Phillips QC](#) and [Nikki Singla QC](#)).
- Advising a funder on the merits of an appeal to the Privy Council of a decision of the Court of Appeal of Trinidad & Tobago (with [Martin Hutchings QC](#)).
- Acting for the appellants in *Devoy-Williams v Hugh Cartwright & Amin* [2018] 5 Costs L.R. 1105, concerning the acceptance of Part 36 offer following allegedly dishonest non-compliance with an unless order (with [John Wardell QC](#)).



Commercial continued

- Acting for defendants in banking proceedings in Leeds District Registry of the Chancery Division arising out a special administration under the Investment Bank Special Administration Regulations (with Nicholas Medcroft QC).
- Acting for defendants in proceedings in the Chancery Division for over £500,000 for breach of warranties in a share sale and purchase agreement (with [Max Mallin QC](#)).
- Acting for defendants and conducting a substantial document review for privilege and related issues in civil fraud proceedings for over £12m in the Commercial Court (with [Alan Gourgey QC](#)).