



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

- COMBAR
- Chancery Bar Association
- The Association of Pension Lawyers
- The Property Bar Association

Publications

- **AG v Rosenlund** [2016] JRC 062 & 078; [2016] Lloyd's Rep. 495 – case note and commentary (with Nicholas Medcroft)
- **Public Aspects of Pensions Law** [2017] (with [Jonathan Hilliard QC](#))

Practice Overview

Jamie's practice encompasses all of Chambers' work, focussing around insolvency, trusts, commercial and civil fraud, and in particular in matters where one or more of these areas overlap.

Jamie appears as sole counsel and as a junior in both the High Court and County Court, for instructing solicitors based across the country and internationally; with significant experience working day-to-day in teams based in multiple time zones around the world. His principle practice areas are:

- Insolvency
- Commercial Litigation and Arbitration
- Civil Fraud
- Trusts, Estates & Probate
- Pensions Regulatory work
- Property, including Landlord & Tenant

Jamie recently spent a month in late 2018 on 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 instructions in contentious matters include:

- Acting for defendants in on-going £60m civil fraud proceedings in the Commercial Court alleging liability under foreign law for preventing the enforcement of a US\$200m NAI arbitration award (with [Jonathan Crow QC](#), [Elspeth Talbot Rice QC](#) and [Graeme Halkerston](#)) listed for trial estimated to last 3 weeks in July 2020.
- Acting for the claimant in on-going confidential LME arbitration proceedings seeking remedies including a multi-million pound award for breach of contractual delivery obligations (with [Alan Gourgey QC](#) and [Bobby Friedman](#)).
- As sole counsel successfully resisting in part an interim injunction, and obtaining fortification of the usual cross-undertaking, sought against respondent defendants to a claim brought by their tenant of commercial premises including allegations of fraud and claims for damages and lost profits in excess of half a million pounds. Jamie continues to act in this on-going matter with [Tiffany Scott QC](#).



Practice Overview continued

- Acting for the defendant appellants in the recently reported decision of *Devoy-Williams v Hugh Cartwright & Amin* [2018] 5 Costs L.R. 1105 concerning the relationship between a part 36 offer accepted 11 days after the proceedings were struck out for non-compliance with an unless order in circumstances that were found to be dishonest, and where that finding was made following ad hoc live evidence at an interim hearing (with [John Wardell QC](#)).
- Acting for claimants in an 8-day trial in March 2018 in confidential US\$60m ICC arbitration proceedings in Singapore, as part of an international team based in both Asia and the United States, concerning claims for breach of contract in relation to a petrochemical plant (with [Graeme Halkerston](#)).
- Acting for defendants to £13m civil fraud proceedings in 2017 in the Companies Court arising out of an insolvency (with [Marcia Shekerdermian QC](#)).
- Acting for Trustees in the pensions regulatory action concerning the Silentnight DB Scheme, which resulted in the reported decision of the Admin Court in *Grace Bay II Holdings v The Pensions Regulator* [2017] Pens L.R. 7 (with Monica Carss-Frisk QC, Fraser Campbell and [Jonathan Hilliard QC](#)).
- Acting for defendants in banking proceedings in Leeds District Registry of the Chancery Division arising out of a special administration pursuant to the Investment Bank Special Administration Regulations (with Nicholas Medcroft).
- Acting for foreign government claimants in civil fraud asset recovery proceedings in the Commercial Court, including seeking orders for preservation of assets and evidence (with [David Phillips QC](#) and [Nikki Singla QC](#)).

Insolvency

Jamie's practice as sole counsel is increasingly focussed around insolvency work. He regularly appears in the High and County court in insolvency matters and applications.

Jamie is often instructed in matters involving allegations of fraud or dishonesty. Most notably he worked with [Marcia Shekerdermian QC](#) in £13m civil fraud proceedings in 2017 in the Companies Court arising out of an insolvency, including allegations of conspiracy, dishonest assistance, knowing receipt, and claims pursuant to s213 and s214 of the 1986 Act.

Jamie recently spent a month in late 2018 on secondment to Ogier's offices in the Cayman Islands where he worked with Marc Kish, Ogier's head of insolvency in the Caribbean and Asia, and his team. This included in particular in a matter on behalf of joint liquidators at the relatively early stages of a potentially heavy liquidation of a Cayman company, investigating potential fraud claims against the company, the extent to which creditors could assert *Quistclose* or other trusts over the company's assets, and related *Berkeley Applegate* relief.

Notable recent work as sole counsel includes:

- Obtaining an urgent order that a UK company had satisfied the requirements of the *Companies (Cross-Border Mergers) Regulations 2007* for the purposes of a merger with its German parent.
- Obtaining s366 disclosure against the personal representative of a bankrupt's mother who had passed away intestate.
- Obtaining permission pursuant to *Schedule B1, s65 of the 1986 Act* for administrators to make a distribution of a balance of funds of £170,000 to non-preferential unsecured creditors, and a 4-month extension to their term of office.
- Obtaining an Insolvency Administration Order over a bankrupt estate, concerning a debt of £75,000 owed by the estate.
- Advising and acting in proceedings concerning the validity of a second charge granted after bankruptcy, defended on the basis that the lender did not have actual notice pursuant to *LRA 2002 s86*, and seeking disclosure in the same on the basis that documents held by a third party were in the control of the respondent pursuant to *North Shore Ventures v Anstead Holdings* [2012] EWCA Civ 11 and *Suez Fortune Investments v Talbot Underwriting* [2014] EWHC 2848 (Comm).



Insolvency continued

- Advising trustees in bankruptcy at the pre-action stage of a claim concerning a transfer at an undervalue of over £300,000 and a potential s366 application.
- Obtaining permission pursuant to s216 of the 1986 Act for persons to continue in office as directors of a new company with a similar name.
- Obtaining an order for specific disclosure against the former director of a company, as part of an on-going dispute between its shareholders.

Commercial

Jamie regularly acts as sole counsel and as a junior in commercial disputes, including civil fraud claims, in particular where these involve insolvency or trusts issues.

His more recent experience as sole counsel has predominantly involved acting and advising in insolvency applications and in contentious trusts and commercial trials.

His experience as a junior includes heavy commercial disputes on both claimant and defendant side in civil fraud proceedings and complex contractual disputes; with significant experience working day-to-day in teams based in multiple time zones around the world.

Jamie recently spent a month in late 2018 on secondment to Ogier's offices in the Cayman Islands where he worked extensively with Rachael Reynolds, who leads Ogier's Global Dispute Resolution team, and her team. This included in particular in a matter on behalf of a Cayman trust that has been named as a defendant in civil fraud proceedings in the (English) Commercial Court, and which was seeking to resist jurisdiction and to set aside service out.

Notable recent work as sole counsel includes:

- As sole counsel successfully resisting in part an interim injunction, and obtaining fortification of the usual cross-undertaking, sought against respondent defendants to a claim brought by their tenant of commercial premises including allegations of fraud and claims for damages and lost profits in excess of half a million pounds. Jamie continues to act in this on-going matter with [Tiffany Scott QC](#).
- Succeeding at trial before a Circuit Judge in January 2019 on behalf of a manufacturer of cold rolled steel in a battle of the forms case where the defendant relied on extensive witness evidence and the decision of the Court of Appeal in *Tekdata v Amphenol* (2010) (*Hadley v Mezzanine*).
- Appearing as sole counsel in 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.
- Appearing on behalf of a claimant seeking to enforce a c. \$40,000 debt in the terms of a Tomlin Order, which was successfully re-compromised at the hearing.
- Recovering £24,000 including costs against parties alleging that they were not bound by a Part 36 offer, and then resisting appeal, on issues of apparent authority.
- Acting for defendant seeking summary judgment on a claim for c. £22,000 by an investor in an offshore property development (settled shortly before hearing).
- Setting aside default judgment for c. £17,000 concerning tenant deposits transferred pursuant to contracts of sale of a number of properties, which were protected and governed by the MyDeposits rules.
- Successfully defending at trial a claim for breach of contract for c. £10,000 on the basis of promissory estoppel.
- Pleading claims:
 - for breach of a share option agreement concerning shares in a Cayman company, seeking the issue of a portion of shares worth in excess of US\$1m.
 - for breach of loan agreements, seeking over £500,000.
 - for breach of a compromise agreement concerning a UK casino, seeking £250,000.



Commercial continued

Notable recent work as a junior includes:

- Acting for defendants in on-going £60m civil fraud proceedings in the Commercial Court alleging liability under foreign law for preventing the enforcement of a US\$200m NAI arbitration award (with Jonathan Crow QC, Elspeth Talbot Rice QC and [Graeme Halkerston](#)) listed for trial estimated to last 3 weeks in July 2020.
- Acting for the claimant in on-going confidential LME arbitration proceedings seeking remedies including a multi-million pound award for breach of contractual delivery obligations (with [Alan Gourgey QC](#) and [Bobby Friedman](#)).
- Acting for the defendant appellants in the recently reported decision of *Devoy-Williams v Hugh Cartwright & Amin* [2018] 5 Costs L.R. 1105 concerning the relationship between a part 36 offer accepted 11 days after the proceedings were struck out for non-compliance with an unless order in circumstances that were found to be dishonest, and where that finding was made following ad hoc live evidence at an interim hearing (with [John Wardell QC](#)).
- Acting for claimants in an 8-day trial in March 2018 in confidential US\$60m ICC arbitration proceedings in Singapore, as part of an international team based in both Asia and the United States, concerning claims for breach of contract in relation to a petrochemical plant (with [Graeme Halkerston](#)).
- Acting for defendants to £1.3m civil fraud proceedings in the Companies Court arising out of an insolvency (with [Marcia Shekerdermian QC](#)).
- Acting for defendants in banking proceedings in Leeds District Registry of the Chancery Division arising out of a special administration pursuant to the Investment Bank Special Administration Regulations (with Nicholas Medcroft).
- Acting for foreign government claimants in civil fraud asset recovery proceedings in the Commercial Court, including seeking orders for preservation of assets and evidence (with [David Phillips QC](#) and [Nikki Singla QC](#)).
- Acting for defendants and drafting Requests for Information 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 etc in civil fraud proceedings for over £12m in the Commercial Court (with [Alan Gourgey QC](#)).
- Appearing as sole counsel for claimants in an unusual hearing to address some but not all defendants to civil fraud proceedings for over £1m in the Chancery Division having admitted the claim (with [Fenner Moeran QC](#)).

Arbitration

Jamie has acted in a number of high-value UK and international arbitrations. He has experience of advising on all stages of the arbitration process, and in working day-to-day in teams based in multiple time zones around the world.

Although the details are confidential, the type of work Jamie has been involved in includes:

- Acting for the claimant in on-going LME arbitration proceedings seeking remedies including a multi-million pound award for breach of contractual delivery obligations (with [Alan Gourgey QC](#) and [Bobby Friedman](#)).
- Acting for claimants in an 8-day trial in March 2018 in US\$60m ICC proceedings in Singapore, as part of an international team based in both Asia and the United States, concerning claims for breach of contract in relation to a petrochemical plant (Award pending).
- Advising claimants in UNCITRAL arbitration proceedings in HKIAC concerning trade mark breaches in China.



Arbitration continued

- Acting for claimants in a 1-day hearing in LME proceedings resisting an application by the respondent to strike out the part of the claim for an account of profits for breach of contract on the basis of *Attorney General v Blake* (Interim Award pending).
- Acting for claimants in a 2-day hearing in ICC proceedings on the preliminary issue of whether there had been an unreasonable withholding of consent to an assignment of the claims, which settled shortly before trial in 2017.
- Acting for claimants resisting a jurisdiction challenge.
- Advising on the appointment/removal of an arbitrator.
- Acting for party seeking to join further parties to extant ICC proceedings.
- Advising on the ability of a party to disclose the existence of arbitration proceedings to a third party as part of share sale negotiations.
- Acting for claimants in a costs dispute hearing in ICC proceedings.

Trusts, Tax, Probate and Estates

Jamie recently spent a month in late 2018 on secondment to Ogier's offices in the Cayman Islands where he worked extensively with Rachael Reynolds, who leads Ogier's Global Dispute Resolution team, and her team; including a number of contentious international trusts matters.

Jamie acts and advises as sole counsel on a wide range of trusts, will and probate matters, including:

- Settling pleadings and advising in proceedings concerning allegations of breach of trust and fiduciary duty with regard to a shared home estimated to be worth over £500,000.
- Settling pleadings and advising on proceedings alleging professional liability on the part of financial advisors concerning IHT payable by an estate.
- Advising concerning the compromise of possession proceedings where the defendant counterclaimed an interest in the property, the freeholder had lost capacity and a sale was necessary to pay for the freeholder's medical care, and the only available asset for a compromise was the provision for the defendant in the freeholder's will.
- Drafting pre-action correspondence and advising on proceedings concerning the proper construction of a will and seeking an account and alleging breach of trust as against the trustees of the will trust.
- Drafting pre-action correspondence and advising on proceedings concerning allegations of misconduct by executors, including claims against executors, applications for disclosure against executors, or the removal of executors.
- Settling pleadings and advising on proceedings concerning the validity of a will.
- Assisting with preparation for and appearing in proceedings in the Court of Protection on behalf of the Deputy for a heavily disabled man, concerning the assets settled on his behalf, seeking an order for the sale and reinvestment.
- Advising on claims pursuant to the 1975 Act.

Property

Jamie acts and advises as sole counsel on a range of property matters:

- As sole counsel successfully resisting in part an interim injunction, and obtaining fortification of the usual cross-undertaking, sought against respondent defendants to a claim brought by their tenant of commercial premises including allegations of fraud and claims for damages and lost profits in excess of half a million pounds. Jamie continues to act in this on-going matter with [Tiffany Scott QC](#).
- Assisting [Martin Hutchings QC](#) in advising a funder on the merits of an appeal to the Privy Council of a decision of the Court of Appeal of Trinidad & Tobago.



Property continued

- Possession hearings of all kinds in the County Court and High Court, whether concerning residential or commercial property, trespassers, or seeking or resisting forfeiture.
- Settling pleadings and advising in more complex or out of the ordinary possession claims.
- Advising concerning the compromise of possession proceedings where the defendant counterclaimed an interest in the property, the freeholder had lost capacity and a sale was necessary to pay for the freeholder's medical care, and the only available asset for a compromise was the provision for the defendant in the freeholder's will.
- Acting as an expert in foreign proceedings in Hong Kong on aspects of English conveyancing.
- Advising in a 1954 Act dispute that settled thereafter following exchange of evidence.
- Acting for defendant seeking summary judgment on a claim for c. £22,000 by an investor in an offshore property development (settled shortly before hearing).
- Setting aside default judgment for c. £17,000 concerning tenant deposits transferred pursuant to contracts of sale of a number of properties, which were protected and governed by the MyDeposits rules.
- Advising and acting for landlord seeking damages in a small claims trial against tenants seeking recovery of their deposit.
- Obtaining and resisting the grant of charging orders.
- Advising on the validity of commercial leases in a number of different contexts, including with regard to the 1954 Act, registration issues, proprietary estoppel, allegations of sham, and disputes with landlord's mortgagee and s99 of the 1925 Act.
- Advising on the proper construction of a number of residential leases with regard to liability for repairs and/or service charges.
- Advising at the pre-action stage on a potential claim concerning a Common Intention Constructive Trust over a family home.
- Advising at the pre-action stage on a potential claim to enforce freehold covenants against a developer.
- Advising on a leasehold enfranchisement dispute.
- Advising on a party wall act dispute.
- Appearing at CMCs, CCMCs and other directions hearings.

Pensions

Jamie has considerable experience acting in regulatory work, and the inter-related issues of pensions, insolvency and public law that this can involve. Notable cases include acting as part of the team including [Jonathan Hilliard QC](#) and Monica Carss-Frisk QC and Fraser Campbell of Blackstone Chambers for the Trustees in the judicial review proceedings brought against the Regulator's exercise of its moral hazard powers in 2016/2017, which resulted in the reported decision of the Admin Court in *Grace Bay II Holdings Sarl v The Pensions Regulator* [2017] Pens L.R. 7.

Although the details are confidential, the type of work Jamie has been involved in includes:

- Assisting in the preparation of and drafting responses to Warning Notices issued by the Regulator, in particular concerning its moral hazard powers.
- Advising on the application of the rules for PPF entry and exit.
- Advising on responses to s72 requests for information by the Regulator, including with regard to different types of privileged material.
- Resisting the grant of permission for Targets of a Warning Notice to judicially review the Regulator.