



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

- [Freezing orders in the Cayman Islands pursuant to the Fraudulent Dispositions Law and a tortious conspiracy: *Raiffeisen International Bank AG v Scully Royalty Ltd* \[2020\]](#) (with [Tim Penny QC](#))
- [Confidential trust information and court proceedings: can privacy be maintained?](#) [2020] (with [Edward Sawyer](#)) (*Trusts & Trustees*, May 2020)
- [Singularis v. Daiwa and the Quincecare duty of banks: professional liability in the fraud and insolvency context](#) [2020]

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.

Jamie is ranked in The Legal 500 2021 as a "Rising Star" separately for both commercial litigation and offshore work, in which he is described as "**superb**", "**very thorough**", "**very commercial in dealing with clients**" and as a practitioner who "**extends his thinking to the next level**" and "**fits into a team well**".

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 includes:

- Acting for the applicant/plaintiff in civil fraud proceedings in *Raiffeisen v Scully Royalty* in the Grand Court of the Cayman Islands, claiming c. €44m under the Cayman *Fraudulent Dispositions Law* and in conspiracy (with [Tim Penny QC](#)). This has involved a number of interlocutory hearings including:
 - o Successfully obtaining worldwide freezing orders and notification injunctions against respondents including the NYSE-listed Cayman parent entity of the MFC Group, and successfully resisting a jurisdiction challenge by another Canadian defendant. For more details please see the summary on Chambers' website [here](#).
 - o Seeking an anti-suit injunction against Scully Royalty for proceedings it has subsequently brought in Malta.
- Acting for the defendants in €65m civil fraud proceedings in *KMG v Chen & CML* in the Commercial Court alleging liability under foreign tort law concerning the enforcement of a US\$200m NAI arbitration award, which settled ahead of a 3-week trial in July 2020 (with Jonathan Crow QC and [Graeme Halkerston](#)). This involved a number of heavily-contested interlocutory hearings including:
 - o [2020] Bus. L.R. 133: a strike out application concerning the rule against reflective loss and the conflicts of laws under *Rome II* and at Common Law.



Publications continued

- **Ways of quietly protecting trustees and sorting out a mess** [2019] (with [Michael Furness QC](#) and [Michael Ashdown](#))
- **The potential impact of *Re Picard*** [2019] (with [James Bailey QC](#) and [Jack Watson](#))
- **Human rights and 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 QC)

Practice Overview continued

- [2019] EWHC 3634 (Comm): waiver of privilege and whether foreign law advice had been deployed.
- [2020] EWHC 1203 (Comm): on foreign law expert evidence and amendments that were inconsistent with a case run to resist an earlier *forum* challenge.
- Advising on a potential restructuring pursuant to *Part 26A* of the *2006 Act* as introduced by *CIGA 2020* (with [Lexa Hilliard QC](#)).
- 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.
- Acting as sole counsel for a respondent to an unfair prejudice petition seeking over £750,000 pursuant to a s996 share sale.
- Advising and acting as sole counsel in potential proceedings on the indemnities within an SPA, claiming over £500,000.
- 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.
- Advising and acting as sole counsel in potential proceedings seeking damages for breach of a jurisdiction clause.
- Acting as sole counsel on behalf of a creditor in bankruptcy proceedings and successfully obtaining a bankruptcy order on a petition debt of 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 appellants to the Privy Council of a decision of the Court of Appeal of Trinidad & Tobago concerning title to land in Tobago and counter-allegations of fraud, which settled in 2019 (with [Martin Hutchings QC](#)).
- 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 a 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](#)).
- 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](#)).



Insolvency

Jamie has a broad and busy insolvency practice and frequently appears before the ICC Judges in the High Court, as well as in the County Court, on personal bankruptcy and corporate insolvency matters. Jamie is often instructed in cases involving allegations of fraud or dishonesty, and has experience acting in cases with a multi-jurisdictional or offshore element, complex trust or corporate structures, or in the enforcement or asset recovery context.

Jamie 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 complex 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.

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.
- Acting on behalf of a creditor in bankruptcy proceedings and successfully obtaining a bankruptcy order on a petition debt of over £3.5m against an international businessman.
- Acting in a series of on-going hearings on behalf of the trustee in bankruptcy of a civil fraudster; including successfully obtaining orders for s366 examination of the bankrupt's father in his capacity as the administrator of the bankrupt's mother's intestate estate.
- Successfully obtaining an order at less than 24 hours' notice for the retrospective appointment of joint administrators by the holder of a qualifying floating charge.
- Acting in on-going proceedings on behalf of the former corporate trustee of a Jersey trust disputing debts stat demanded by a former trustee, including on the basis of a cross claim concerning the trust's shareholding in a BVI company and the mismanagement of overseas proceedings concerning the same.
- Acting in a series of hearings concerning the validity of a second charge granted after bankruptcy, defended on the basis that the lender did not have notice pursuant to *LRA 2002*, s86, and seeking specific 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) (settled before trial).
- Successfully 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.
- Acting in on-going proceedings in which a company has been placed into MVL concerning whether monies paid to the company were by way of loan or an offer to purchase shares.
- Successfully obtaining permission pursuant to *Schedule B1*, s65 of the *1986 Act* for administrators to make a distribution of a balance of £170,000 to non-preferential unsecured creditors, and an extension to their term of office.
- Successfully obtaining an order allowing a company to be placed retrospectively into MVL, following an initial defective process, and to remove related documents from the Register.
- Successfully obtaining an Insolvency Administration Order over a bankrupt estate, concerning a debt of £75,000 owed by the estate.
- Successfully obtaining an order for specific disclosure against the former director of a company, as part of an on-going dispute between its shareholders.
- Advising trustees in bankruptcy on a potential claim concerning a transfer at an undervalue of at least £300,000, and a potential s366 application.
- Acting in a series of hearings for a petitioning creditor law firm in debt-recovery proceedings against their former client, which ultimately included bankruptcy proceedings, and resisting an application to set aside the statutory demand.



Insolvency continued

- Successfully 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.

Notable work as a junior includes:

- Acting for the applicant/plaintiff in civil fraud proceedings in *Raiffeisen v Scully Royalty* in the Grand Court of the Cayman Islands, claiming c. €44m under the Cayman *Fraudulent Dispositions Law* and in conspiracy (with [Tim Penny QC](#)). This has involved a number of interlocutory hearings including:
 - o Successfully obtaining worldwide freezing orders and notification injunctions against respondents including the NYSE-listed Cayman parent entity of the MFC Group, and successfully resisting a jurisdiction challenge by another Canadian defendant. For more details please see the summary on Chambers' website [here](#).
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- Advising on a potential restructuring pursuant to *Part 26A* of the 2006 Act as introduced by *CIGA 2020* (with [Lexa Hilliard QC](#)).
- Acting for the defendant to £13m civil fraud proceedings in the Companies Court involving allegations of misfeasance, fraudulent trading, wrongful trading, dishonest assistance, knowing receipt, unjust enrichment, unlawful preference payments and *de facto*/shadow directorship (with [Marcia Shekerdermian QC](#)).
- 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)