



## 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 on-going €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 non-delivery of goods 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 located in Southeast Asia; with an award of over US\$40m (with [Graeme Halkerston](#)).
- 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.



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## 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)

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## Practice Overview continued

- 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 the appellants in *Devoy-Williams v Hugh Cartwright & Amin* [2018] 5 Costs L.R. 1105, concerning an accepted Part 36 offer and 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 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](#)).

## Trusts, Tax, Probate and Estates

Jamie acts and advises as sole counsel on a broad range of contentious and non-contentious trusts, will and probate matters.

### Recent work includes:

- Advising as to and settling deeds transferring the assets of two discretionary family trusts to a single new trust, in addition to a number of distributions and satisfaction of debts.
- 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 and drafting a compromise of proceedings for the possession of residential property in circumstances where the defendant had 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 any compromise was provision for the defendant in the freeholder's will.
- Acting in proceedings in the Court of Protection on behalf of the Deputy for a severely-disabled man, concerning the assets settled on his behalf, seeking and obtaining an order for sale and reinvestment.
- Advising on claims pursuant to *The Inheritance (Provision for Family and Dependents) Act 1975*.
- Settling pleadings and advising on proceedings concerning the validity of wills.
- 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.