



## 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

- [Qualifying interests in possession: Restating the problem](#) [2021] (Wilberforce Chambers Private Client eBriefing)
- [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)

## 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 (and increasingly as the middle 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 QC, Mark Kish and Ulrich Payne and their team on a number of international civil fraud, insolvency and contentious trusts matters.

Jamie is Chambers' junior equality and diversity officer and is committed to increasing diversity and inclusion at the Bar and to modernising and improving the working practices of the profession.

### Notable current and recent instructions include:

- Acting for the applicant/plaintiff in on-going civil fraud proceedings in the Cayman Islands in *Raiffeisen v. Scully Royalty*, claiming over €40m under the Cayman *Fraudulent Dispositions Law* and in conspiracy (Jamie acts as the middle junior with [Tim Penny QC](#) and [Caspar Bartscherer](#)). This has involved a number of interlocutory hearings to date including: (a) successfully obtaining worldwide freezing and notification injunctions (For more details please see the summary [here](#)); (b) successfully resisting three separate challenges (by three separate defendants) to set aside service out of the jurisdiction; (c) two separate appeals to the Cayman Court of Appeal from (a) and (b) (one heard over 2 days in August 2021, one listed for November 2021); and (d) successfully obtaining an anti-suit injunction.
- Acting as sole counsel for the successful claimant/applicant for a £2.5m freezing order against the former principal employee of a supplier company, concerning a procurement/invoicing fraud as to over £13m of payments and breaches of fiduciary duty, conspiracy and dishonest assistance/knowing receipt.



## Publications continued

- ***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](#))
- ***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

- Acting as sole counsel for one of the Respondents to a s341 and s423 claim brought by a trustee in bankruptcy alleging the bankrupt (a former Premier League footballer) perpetrated a £1.6m Ponzi scheme. The recent judgment of ICCJ Jones clarified and made new law as to the relationship between limitation, submission to the jurisdiction and the *Insolvency Rules: re Rufus* [2021] EWHC 2124 (Ch).
- Acting as sole counsel on behalf of a debtor in bankruptcy proceedings concerning a £19.5m petition debt against an international businessman, raising a number of issues of Lebanese Law.
- Acting for the primary respondent-beneficiary to *Beddoe* proceedings brought by the interim administrators of an estate, who seek disclosure orders against a respondent outside of the jurisdiction.
- Acting for the claimants in *Morina & Ors v. Scherbakova & Ors* in conjoined proceedings in the Chancery Division concerning (a) a probate claim as to the multi-million pound estate of a Russian businessman, concerning the validity and revocation of a will, and as to domicile and residence; and (b) a claim as to the ownership of the shares in a BVI company, raising allegations of sham (Jamie acts as part of a team of juniors led by Elspeth Talbot Rice QC, with [Ben Faulkner](#) and Sparsh Garg). Both claims involve a number of conflict of laws issues (between England, Russia, Switzerland, Belgium and the BVI).
- Acting for the claimants in *Kingstar & Rosestar v. Hassans & Ors* in multi-million pound dishonest assistance proceedings in Gibraltar (with [Andrew Mold QC](#)).
- Advising as sole counsel on service of a multi-million pound bankruptcy petition outside of the jurisdiction.
- Advising and acting as sole counsel on behalf of a Saudi princess seeking s1782 relief in a US state.
- Advising as sole counsel on the perpetuities and accumulations consequences of the variation of a Jersey trust; and drafting amendments accordingly.
- Acting as sole counsel for the potential claimant in a breach of contract/negligence claim concerning an investment in a Cayman fund that was in the process of being wound up and dissolved.
- Advising and acting for the scheme company in a potential scheme of arrangement (with [Daniel Lewis](#)). The detail is necessarily confidential at this stage.
- Advising bondholders on steps they might take to resist a scheme of arrangement (with [Stuart Isaacs QC](#)).
- Acting for the claimants in a potential double-derivate claim concerning a multi-million pound breach of trust and fiduciary duty claim against the directors of a family business, and a related unfair prejudice petition (with [Clare Stanley QC](#)). The detail is necessarily confidential at this stage.
- Acting for claimant trustees in a professional negligence claim against the solicitors who drafted the trust (with [Clare Stanley QC](#)). This is at a pre-action stage and necessarily confidential.
- Successfully obtaining bankruptcy orders on behalf of petitioning creditors upon c. £4.5m and c. £3.5m petitions.

### Notable instructions in recent years include:

- 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: (a) [2020] Bus. L.R. 133: a strike out application concerning the rule against reflective loss and the conflict of laws under *Rome II* and at Common Law; (b) [2019] EWHC 3634 (Comm): waiver of privilege and whether foreign law advice had been deployed; and (c) [2020] EWHC 1203 (Comm): on foreign law expert evidence and amendments that were inconsistent with a case run to resist an earlier *forum* challenge.



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## Practice Overview continued

- Advising on a potential restructuring pursuant to *Part 26A* of the 2006 Act as introduced by *CIGA 2020* at a time when this may well have been the first such application (with [Lexa Hilliard QC](#)).
- 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.
- Acting as sole counsel in a jurisdiction challenge within VIAC proceedings claiming over £0.5m for damages said to arise out of a contract to supply engines for specialist military equipment.
- 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 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 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 £0.5m.
- 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 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 defendant to £13m civil fraud proceedings in the Companies Court involving allegations of misfeasance, fraudulent and wrongful trading, dishonest assistance, knowing receipt, unjust enrichment, preferences and *de facto*/shadow directorship (with [Marcia Shekerdermian QC](#)). Settled before trial.
- 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](#)).

## Trusts, Tax, Probate and Estates

Jamie acts and advises as sole counsel on both contentious and non-contentious trust, will and probate matters.

Jamie also acts as a junior in a broad range of contentious trust, probate and estate disputes, often 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 Rachael Reynolds QC and her team on a number of (necessarily confidential) contentious trust matters.

### Recent work includes:

- Acting for the primary respondent-beneficiary to *Beddoe* proceedings brought by the interim administrators of an estate, who seek disclosure orders against a respondent outside of the jurisdiction.
- Acting for the claimants in *Morina & Ors v. Scherbakova & Ors* in conjoined proceedings in the Chancery Division concerning (a) a probate claim as to the multi-million pound estate of a Russian businessman, concerning the validity and revocation of a will, and as to domicile and residence; and (b) a claim as to the ownership of the shares in a BVI company, raising allegations of sham (Jamie acts as part of a team of juniors led by Elspeth Talbot Rice QC, with [Ben Faulkner](#) and Sparsh Garg). Both claims involve a number of conflict of laws issues (between England, Russia, Switzerland, Belgium and the BVI).



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## Trusts, Tax, Probate and Estates continued

- Advising as sole counsel on the perpetuities and accumulations consequences of the variation of a Jersey trust; and drafting amendments accordingly.
- Acting for claimant trustees in a professional negligence action against the solicitors who drafted the trust (with [Clare Stanley QC](#)). This is at a pre-action stage and necessarily confidential.
- Advising as to and drafting as sole counsel 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 as sole counsel in proceedings concerning allegations of breach of trust and fiduciary duty with regard to a shared home estimated to be worth over half a million pounds.
- Advising as sole counsel as to and settling deeds of indemnity. Advising as to the impact of and procedural steps as to claims intimated against the trust.
- Settling pleadings and advising as sole counsel on proceedings alleging professional liability on the part of financial advisors concerning IHT payable by an estate.
- Advising and drafting as sole counsel 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 as sole counsel 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.