

## JAMES MCWILLIAMS

Call: 2011



James has a broad commercial practice which regularly sees him instructed in high-value commercial disputes and arbitrations.

The directories have ranked him as one of the top ten commercial juniors under eight years' call at the Bar for two consecutive years (Legal 500, 2016; Legal 500, 2017), describing him as: **"Bright, tenacious and not afraid of a challenge – a star of the future"** and **"A rising star with huge potential"**. He is regarded as: **"Incredibly user-friendly, thoughtful and forensic in his approach to commercial disputes"** and **"In terms of call, he is beyond his years in the way he presents his advice"** (Chambers and Partners, 2018).

His experience includes business agreements and contractual disputes of all kinds, civil fraud, banking and financial services related litigation, company, partnership and insolvency matters, fiduciaries and professional negligence. Much of his work has an international element, involving multiple jurisdictions or questions as to the appropriate choice of law or jurisdiction.

Some of his recent cases include:

- **Cyprus Popular Bank v Vgenopoulos & Ors** [2018] EWCA Civ 1 – led by Charles Samek QC – acted for the appellant on an appeal which confirmed, first, the applicability of the registration process under the European jurisdictional materials to worldwide freezing orders granted by the courts of member or contracting states and, second, that notification of such orders to third parties does not constitute enforcement
- **Barone v DHR International Inc** [2017] EWHC 2419 (Ch) – as sole counsel – acted for the respondent to an appeal against an order setting aside permission to serve out of the jurisdiction a claim which involved an attempt to enforce a judgment by means of piercing the corporate veil
- **Abela v Baadarani** [2017] EWHC 269 (Ch) – led by Charles Samek QC – acted on application to set aside a search order made, unprecedentedly, against non-cause of action respondents on the grounds that the court lacked jurisdiction to make the order it did
- **Arab v MerchantBridge** – led by Ali Malek QC and David Lascelles – acted for the Claimant in a US\$31m Commercial Court fraud claim in relation to a share sale and purchase agreement which settled at the conclusion of the trial

James read History at Peterhouse, University of Cambridge where he received several academic prizes and graduated with First Class Honours in 2009. That same year, he won the Maitland Advocacy Prize. He completed both the Graduate Diploma in Law and the BPTC at City, University of London during which time he was awarded the Inner Temple Major and Princess Royal Scholarships.

## Commercial Litigation

James acts, as sole counsel or as part of a larger legal team, in commercial disputes and arbitrations of all kinds.

He has been twice ranked by Legal 500 as one of the top ten commercial juniors under eight years' call at the Bar for commercial litigation, where he is described as "**Bright, tenacious and not afraid of a challenge – a star of the future**" (2016 edition) and "**A rising star with huge potential**" (2017 edition). James is also ranked as a leading junior for commercial dispute resolution by Chambers and Partners, where he is described as "**Incredibly user-friendly, thoughtful and forensic in his approach to commercial disputes**" and "**In terms of call, he is beyond his years in the way he presents his advice**" (2018 edition).

James has particular experience of disputes with an international element, whether that be applications for or challenges to permission to serve out, multi-jurisdiction disputes, questions as to the appropriate choice of law or recognition and enforcement of foreign judgments.

Some of his recent cases include:

- **A v B** – as sole counsel – acting for the claimant in an LCIA arbitration concerning a luxury condominium development in the Philippines
- **Re Capital City Service Limited** – as sole counsel – acting for the respondent in a dispute concerning a highly successful VOIP telecommunications company
- **Cyprus Popular Bank v Vgenopoulos & Ors** [2018] EWCA Civ 1 – led by Charles Samek QC – acted for the appellant on an appeal which confirmed, first, the applicability of the registration process under the European jurisdictional materials to worldwide freezing orders granted by the courts of member or contracting states and, second, that notification of such orders to third parties does not constitute enforcement
- **A v B** – as sole counsel – acting for a claimant in a misrepresentation claim relating to a substantial investment made in a bio-energy project pursuant to the terms of an investment agreement
- **Barone v DHR International Inc** [2017] EWHC 2419 (Ch) – as sole counsel – acting for the respondent to an appeal against an order setting aside permission to serve out of the jurisdiction a claim which involved an attempt to enforce a judgment by means of piercing the corporate veil
- **PJ Caterers Limited & Ors v Q21 PJ Limited & Ors** – as sole counsel – acting for the defendant in a claim for breach of warranties contained in a share purchase agreement
- **Alexandroff v Credit Suisse International** – led by Charles Samek QC – acting for an introducer in a claim relating to fees payable on two debt restructuring transactions each worth several hundred million dollars.
- **Guan Siang Chiang & Ors v Graham & Rosen & Ors** – as sole counsel – acting for a large group of international claimants, all investors in a series of London hotel developments, in a professional negligence action against their former solicitors
- **Arab v MerchantBridge** – led by Ali Malek QC and David Lascelles – acting for the claimant in a US\$31m Commercial Court fraud claim in relation to a share sale and purchase agreement which settled at the conclusion of the trial
- **A v B** - led by Jonathan Cohen QC – acting for a successful e-commerce business in a claim against a card services provider arising out of alleged PCI DSS non-compliance

- **Seakom Limited v Knowledgepool Group** [2013] EWHC 4007 (Ch) – led by Jamie Riley – acting for the claimant in a claim concerning the proper construction of a commission contract

## Civil Fraud

James is frequently instructed on complex, international and high-value fraud litigation.

He has extensive experience, as sole counsel and as part of a larger legal team, of applications for interlocutory relief in this context including worldwide freezing orders, search orders, relief in support of foreign proceedings pursuant to s. 25 CJA 1982, proprietary injunctions, bench warrants and tipstaff orders, Norwich Pharmacal and Bankers Trust disclosure applications and orders for cross-examination on asset disclosure.

James' recent cases include:

- **A v B** – as sole counsel – acting on an application for worldwide freezing order relief pursuant to s. 25 CJA 1982 in support of foreign proceedings concerning a substantial fraud in the oil and gas sector
- **A v B** – as sole counsel – acting on a series of applications for Norwich Pharmacal relief against various financial institutions in London in order to identify and trace assets subject to a worldwide freezing order
- **Cyprus Popular Bank v Vgenopoulos & Ors** [2018] EWCA Civ 1 – led by Charles Samek QC – acted for the appellant on an appeal which confirmed, first, the applicability of the registration process under the European jurisdictional materials to worldwide freezing orders granted by the courts of member or contracting states and, second, that notification of such orders to third parties does not constitute enforcement
- **Abela v Baadarani** [2017] EWHC 269 (Ch) – led by Charles Samek QC – acting on application to set aside a search order made, unprecedentedly, against non-cause of action respondents on the grounds that the court lacked jurisdiction to make the order it did
- **Arab v MerchantBridge** – led by Ali Malek QC and David Lascelles – acting for the Claimant in a US\$31m Commercial Court fraud claim in relation to a share sale and purchase agreement which settled at the conclusion of the trial
- **Sheikh Saoud Bin Abdullah M. Al-Thani v Affat** – led by Charles Samek QC – acting for the claimant, the victim of a sophisticated property fraud, in a series of successful applications for worldwide freezing order and proprietary injunction; a passport order and bench warrant; an order for cross-examination and default judgment
- **Aylesford v Ahern** – led by Charles Samek QC – acting for the defendants on an application to discharge a worldwide freezing order on the grounds of material non-disclosure
- **FM Capital Partners v Marino** – led by Tim Penny QC – acting for the defendant and respondent to a worldwide freezing order in a US\$60m claim for breach of fiduciary duty involving allegations that substantial secret commissions had been paid and received

## Banking & Financial Services

James is frequently instructed in claims by and against banks, hedge funds, private equity houses and high net worth individuals.

His experience spans a broad range of banking and financial services disputes and includes claims concerning investment management agreements, introducer and 'Finders' agreements, collective investment schemes,

facility agreements, guarantees, mortgages and other forms of security, 'vishing' and 'phishing' scams, recovery of mistaken bank payments and card processing services agreements

His recent experience includes:

- **A v B** – as sole counsel – acting for a substantial investor in a claim for breach of an investment management agreement
- **Alexandroff v Credit Suisse International** – led by Charles Samek QC – acting for an introducer in a claim relating to fees payable on two debt restructuring transactions each worth several hundred million dollars
- **A v B** – led by Jonathan Cohen QC – acting for a successful e-commerce business in a claim against its card services provider arising out of alleged PCI DSS non-compliance
- **Moonshift Investments Limited v Bayridge (Isle of Man) Limited** – as sole counsel – acting for the claimant in a claim to recover substantial sums due under a facility agreement
- **Cyprus Popular Bank v Vgenopoulos & Ors** [2017] QB 453 – led by Charles Samek QC – acting for the special administrator of Cyprus Popular Bank, what was the second largest banking group in Cyprus, in €3.79bn litigation against its former chairman, Andreas Vgenopoulos
- **FM Capital Partners v Marino** – led by Tim Penny QC – acting for the former director of a hedge fund in a US\$60m dispute concerning allegations of breach of fiduciary duty arising out of his management of the fund

## Company & Partnership

James has acted in all types of company and partnership disputes, including shareholder disputes, claims by and against directors, unfair prejudice proceedings, derivative claims and partnership dissolution proceedings.

His recent experience includes:

- **Re Capital City Service Limited** – as sole counsel – acting for the respondent to an unfair prejudice petition concerning a highly successful VOIP telecommunications company operating in Moldova
- **FM Capital Partners v Marino** – led by Tim Penny QC – acting for the former director of a hedge fund in a US\$60m dispute concerning allegations of breach of fiduciary duty
- **A v B** – led by Jamie Riley – acting for the defendant in partnership account proceedings where the scope of the partnership and the assets to which it extended is in dispute

## Corporate & Personal Insolvency

James is regularly instructed on corporate and personal insolvency matters by officeholders, creditors and debtors. He has extensive experience of transaction avoidance claims, enforcement powers under the Insolvency Act 1986 including search orders and arrest warrants, applications for administration orders, all aspects of winding-up orders, setting aside statutory demands, bankruptcy petitions and applications for possession and sale of bankrupts' homes.

His recent experience includes:

- **Re Eurodale Limited and Topplan Estates Limited** – as sole counsel – acting for the applicant officeholders in a multi-million pound claim for dishonest breach of fiduciary duty against the former

directors of a property development company.

- ***Hellenic Capital Investments v TrainFX Limited*** [2016] BCC 493 – acting for the applicant on a heavily contested administration application which turned on the proper construction of a business services and royalty agreement
- ***Re Pikeville Investments LLP*** – as sole counsel – acting for the receivers appointed over the membership interest in an LLP by way of equitable execution in the ***JSC VTB Bank v Skhurikhin*** litigation in a successful application for an administration order involving difficult questions as to solvency
- ***Franses v Hay*** [2016] BPIR 355 – as sole counsel – acting for the supervisor of an individual voluntary arrangement on an application for directions as to the effect of a notice of termination in circumstances where there was doubt as to the effect of the R3 standard IVA conditions

## Arbitration

As a leading commercial junior, James is experienced in acting in arbitrations of all kinds. He is currently instructed as sole counsel on a substantial LCIA arbitration concerning a luxury condominium development in the Philippines.

## Memberships

- COMBAR
- Commercial Fraud Lawyers' Association
- Chancery Bar Association
- Insolvency Lawyers' Association
- Young International Arbitration Group