

James Culverwell

James joined Lamb Chambers at the start of 2020 having commenced his practice at a common law set in the Temple. James' expertise encompasses a broad range of work with a particular emphasis on matters involving property, construction disputes and commercial litigation. James appears in the High Court and County Court at first instance and on appeal.

James has comprehensive oral advocacy skills having started his career with a common law practice covering Civil, Crime and Family. He is also well-experienced in drafting pleadings and has been praised for his advisory work. Commended for his personable style putting clients at ease and engaging tribunals, James brings a practical and common-sense approach to his work translating complex legal matters into comprehensible advice.

"I am delighted with the services provided by chambers and particularly that of James; there is no question that he went above and beyond. His diligence, efficiency and clear ability to sort wheat from chaff was invaluable and to top it all a thoroughly nice chap." – *H Ltd v TBDS, lay client*

"Another very thorough and well-thought out advice. Thank you." – *Solicitor, F v E Council*

COVID-19

During the COVID-19 pandemic, James' experience means he is able to advise on the altered regime for residential possessions and forfeiture of commercial leases as well as the connection with alternative remedies such as insolvency and bankruptcy.

James' commercial and general civil background mean he can provide expert advice and representation in cases involving contracts that have been affected by coronavirus or the government's response. With a wedding currently planned for the summer, James is particularly well-placed to advise clients who have had weddings or other events cancelled or postponed as a result of the current restrictions and social-distancing measures. This includes termination, cancellation charges



Year of Call: 2013

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and postponements.

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Further Information

Before commencing pupillage, James worked in a top-ranked city law firm with the Litigation and Dispute Resolution team on large-scale commercial disputes as well as assisting the Real Estate Disputes and Contentious Construction teams. James then spent two years as a County Court Advocate gaining extensive experience in the areas of landlord and tenant law, mortgage repossessions, insolvency, contract, personal injury as well as all manner of procedural hearings across the litigation process.

Qualifications

- Bar Professional Training Course – Very Competent
- LLB (Hons) – First Class

Memberships

- Honourable Society of the Inner Temple
- Property Bar Association
- Chancery Bar Association
- Technology & Construction Bar Association (TECBAR)

Interests

James is a keen skier and a follower of the Hampshire and England cricket teams, as well as Harlequins and England rugby teams. He is also an enthusiastic cook and enjoys good food and drink.

Property

James acts for landlords and tenants in possession claims, claims for recovery of service charges, and deposit protection disputes. James also advises and represents clients in other property matters including leasehold renewal, extension and enfranchisement, trespass, mortgage repossessions, boundary disputes and TOLATA claims.

Recent Cases

- R v S (2021) – obtained a strike out at trial of a claim for damages by a tenant for refund on rental payments arising from alleged disturbance to his occupation.
- V v N (2020) – advised a leaseholder and drafted papers for a renewal of a lease in circumstances where the landlord had died intestate and there was no grant of letters of administration.

- Re PRA (2020) – advised a Residents Management Company on their obligations under their (outdated) articles of association in relation to notifying members as to meetings in the context of the pandemic and exercising powers of sale of land.
- C Ltd & C Ltd v M (2020) – advising proposed claimants involved in a complex property ownership scheme on restrictions, notices and the prospect of a damages claim.
- P v 8 Ltd (2020) – advising on and drafting standardised documents in a claim for damages arising from unprotected deposits on rolling, multi-tenant agreements.
- Re B (2020) – advising on the details and process of an unusual application for a lease extension
- J v F (2020) – advising the prospective claimant in a long-running multi-million pound dispute over a series of investments and loans issued in respect of successive property developments.
- L v D (2020) – advising the joint owner of commercial premises in a dispute over a contract for sale and the most advantageous method of achieving resolution following the winding up of the parties' company.
- B v B (2020) – advising and representing the prospective claimant in a dispute with his brother over the joint ownership of the family home before and after the demise of their parents, and a mortgage secured thereon solely for the benefit of the prospective defendant.
- SN Ltd v CR (2019) – advising a freeholder company in respect of compliance with both landlord and tenant repairing covenants as well as apportionment and non-payment of service charges.
- H v I (2019) – provided advice and drafted pleadings for a wrongful forfeiture claim seeking injunctive relief and damages. The dispute centred around a sub-lease for restaurant premises which the defendant conceded following cross-examination at trial. Also acted in subsequent enforcement hearings.
- RC v M & M (2019) – representing a specialist lender in a long-running possession dispute arising from large loans secured against a number of properties.
- S v Y-H (2018) – represented the claimant freeholders in a trial for recovery of ground rent and service charges. The claimants were awarded all of the sums claimed and recovered costs under the lease.
- SS v AP (2018) – defeated an application to set aside judgment and obtained a possession order for the lender on a mortgage of large commercial premises.
- G & Ors v K & Ors (2018) – acting for freeholders in a claim for injunctive relief and damages relating to interference with an easement by multiple neighbouring landowners.

- A v L (2018) – represented the landlord in a difficult section 8 possession claim and advised on how to remedy defects as well as service of a section 21 notice following the change in regulations.
- EP Ltd v P – successfully represented the claimant in an application for an interim possession order over part of retail premises on which trespassers had taken up residence.
- S & T v N (2017) – provided advice and representation in relation to TOLATA issues in a dispute between joint owners of property previously the subject of an agreed order for sale.
- A v G (2017) – advised and represented a Landlord in a deposit protection dispute which centred around the definition of an assured shorthold tenancy and whether the rooms let to the claimant formed ‘part of a building’. A favourable settlement was negotiated part-way through the hearing.

Commercial

James has appeared in the County Court and in the High Court in insolvency and bankruptcy matters as well as general contractual disputes, and has a wealth of experience in, matters arising under the Companies Act, debt claims, PPI claims and issues of general tortious liability.

Recent Cases

- H Ltd v TBDS (2020) – advised and represented a company in an urgent claim for an injunction against a Business Development Scheme relating to transferred or novated contracts and ownership of Christmas lighting equipment. A favourable settlement was negotiated for the client thus also allowing the Christmas lights to be switched on.
- Re PRA (2020) – advised a Residents Management Company on their obligations under their (outdated) articles of association in relation to notifying members as to meetings in the context of the pandemic and exercising powers of sale of land.
- A v B (2020) – assisted on a large international arbitration involving breach of a distribution agreement and misuse of confidential information and trade secrets.
- H v I Ltd (2020) – Defeated a claim against a provider of financial market spread-betting turning on interpretation of the terms and conditions.
- KG v E (2020) – Succeeded in legal argument on the principles applicable to loss of use of a fleet vehicle as well as preventing awards on interest on other heads and costs.
- EE Ltd v ZH Ltd (2020) – advising an engineering firm in a claim for non-payment of numerous

invoices for materials and services rendered against the firm's former client with a complex corporate structure.

- J v F (2020) – advising the prospective claimant in a long-running dispute over a series of investments and loans issued in respect of successive property developments.
- MR v HMRC (2019) – advised and represented the debtor in an application to set aside a statutory demand. The debt arose from allegations of deliberately inaccurate company returns and penalties issued against the debtor as director.
- RC v M & M (2019) – acting for a specialist lender and petitioner in bankruptcy proceedings connected with significant unpaid loans secured against properties in negative equity.
- O Ltd v B Ltd (2019) – acted for a company defending a claim for unpaid invoices and fees which centred on the interpretation of a non-compete clause. The matter was settled on advice following a Pre-trial Settlement Hearing.
- O v O (2019) – negotiated full concession at trial by defendant for order for sale in repayment of a series of loans. Subsequently succeeded on an application to take carriage of sale of a property following the failure by the defendant to perform its obligations under the order.

Construction

James regularly advises on significant commercial construction disputes as well as residential renovation cases. James has had a number of cases requiring a careful and technical application of implied payment terms under the Scheme for Construction Contracts and the Housing Grants, Construction and Regeneration Act 1996. James is also experienced in drafting pleadings and providing representation in the High Court and County Court at all stages of litigation and ADR (in particular, adjudication).

Recent Cases

- I Ltd v DHH Ltd (2021) – providing advice and settling a defence and counterclaim in a case involving multiple construction sites and a detailed application of the Scheme for Construction Contracts.
- F v E Council (2020) – advising on the requirements of the Community Infrastructure Levy and Planning Act 2008 including an analysis of 'material operations'.
- A v E (2020) – advising in a professional negligence claim centred around valuations for stage payments and causation and remoteness of loss.

- J Ltd v J (2020) – settling a defence and counterclaim in a residential dispute relating to quality of work and unpaid fees.
- S Ltd v O Ltd (2020) – acting for the main contractor in a dispute with a sub-contractor over payment terms and quality of work including successfully defending an application for summary judgment.
- N Ltd v A Ltd (2020) – advising and drafting an adjudication response resulting in a successful defeat of a claim for unpaid fees based on interpretation of the Scheme for Construction Contracts.
- C v U Ltd (2020) – advising and drafting pleadings in a claim for breach of contract and negligence arising from construction of a dwelling. The claim involved multiple limitation periods and amendments after expiry.
- H v D (2020) – acting for a construction firm in a claim for recovery of unpaid fees involving disputes over the identity of parties and ownership of land.
- J Ltd v J (2020) – drafting a defence and counterclaim in a construction dispute alleging breach of contract and negligence.
- S v S (2020) – advising a building contractor in a Claim and Counterclaim arising from unpaid fees and a dispute over the quality of the work. The dispute grew in complexity when several sub-contractors were joined.
- H v PC Ltd (2019) – advising a family embroiled in domestic construction dispute following termination of a construction contract. The matter involved disputes over quality of work, contractual interpretation and the measure of damages, and was eventually resolved through adjudication.

Personal Injury

James is regularly instructed in road traffic accident, credit hire, and holiday sickness claims, which include advising on quantum and drafting pleadings.

Recent Cases

- K v M&B Ltd (2020) – successfully represented a claimant at trial in an employer's liability claim in the face of multiple witnesses for the defence.
- M v SR (2019) – defeated an application for relief from sanctions at trial and succeeded on all points in a credit hire dispute resulting in the claimant refunding part of an interim payment.
- L v S Ltd (2019) – acting for a claimant in an employer's liability claim alleging unsafe exposure to vibrations.
- O v H (2019) – succeeded in obtaining a generous award for general damages on behalf of a child

beating a part 36 offer.

- L v S Ltd (2018) – successfully appealed against a decision to refuse permission to substitute parties after expiry of limitation. The claim was wrongly issued against a previous employer and both the first instance application and appeal involved issues of employer's liability, TUPE transfers, limitation and QOCS.
- M v T Ltd (2018) – acted for the claimant defending an application for a finding of fundamental dishonesty after discontinuance.