

# 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've been very impressed with all of your advice, as have a number of Partners and Solicitors within our Dept. I am an advocate of giving praise when it's due and my experiences with you have certainly led me to the conclusion it's due." *Solicitor, CE Ltd v MED Ltd & Q Ltd v H Ltd.*

"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. Having postponed his own wedding to July 2021, James is particularly well-placed to advise clients who have had weddings or other events cancelled or postponed as a



**Year of Call: 2013**

Contact Practice Manager

Joe Grimmer

[joe@lambchambers.co.uk](mailto:joe@lambchambers.co.uk)

020 7797 8307

VAT Reg No

258761859



result of the current restrictions and social-distancing measures. This includes termination, cancellation charges and postponements.

Contact [practicemanagers@lambchambers.co.uk](mailto:practicemanagers@lambchambers.co.uk) to book an appointment with James.

## 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

- P v B (2021) – succeeded at the trial of a Part 8 TOLATA claim in securing a very favourable distribution of jointly owned property and beating a Part 36 offer.
- V v N (2021) – 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. The renewal was granted at the hearing, including an order for execution of the lease by a Judge as the appointed personal representative would not engage.

- 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.
- 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.

