

James Stuart



James Stuart is an English barrister, specialising in commercial dispute resolution and litigation. He is currently the Head of the Commercial Litigation Team at Lamb Chambers, Temple, London. His practice now focuses upon shareholder disputes, company and insolvency, partnerships, franchises, employment, insurance, guarantees, banking and supply of goods and services. James represents individual and corporate Claimants and Defendants, and has built up considerable experience in recent years in conducting more protracted cases, often with an international element. He regularly deals with applications for Freezing Orders and other injunctions in restrictive covenant, confidentiality and similar disputes.

Recently for example, in JSC BM Bank -v- Kekhman 2018 EWHC 791 (Comm) James represented the Defendant in a 5 week Commercial Court trial involving a £200m+ claim by Bank of Moscow, including issues of commercial fraud and Russian law.

James is a member of COMBAR, Employment Law Bar Association, Employment Lawyers Association, and TECBAR.

Further information

Qualifications

- MA (Law) Gonville & Caius College, Cambridge

Memberships

- COMBAR, Employment Law Bar Association, Employment Lawyers Association, TECBAR, Bar Golfing Society

Commercial

James deals with disputes covering a wide range of commercial areas, including specifically supply of goods and services and construction, sale and carriage of goods (domestic and international), partnerships, franchises, public procurement, commercial agency, agents, consumer credit, insurance, guarantees, banking and mortgages and COBS regulations.

In relation to Company and Insolvency litigation, over the past few years he has been instructed in substantial cases (including long trials, interlocutory and appellate work) for



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both personal and corporate clients, including shareholder disputes, minority shareholders' claims, directors' duties and directors disqualification proceedings.

In the Professional Negligence field, James's practice covers claims involving solicitors, accountants, financial advisors, surveyors and architects.

James also has considerable recent experience in relation to many areas of Professional Disciplinary Tribunal work – including barristers, solicitors, legal executives, property professionals and valuers.

James regularly deals with cases requiring Urgent Interlocutory Relief applications in commercial cases, including applications for Freezing Orders and other injunctions in restrictive covenant, confidentiality and similar disputes.

By way of some recently reported examples of James's current practice:

He recently represented the successful Appellant in *Kudos Catering (UK) Ltd –v- Manchester Central Convention Complex Ltd* [2013] EWCA Civ 38 in the Court of Appeal – a case involving the provision of services under a 5-year venue catering services agreement where the central issue involved the contractual interpretation of exclusion of liability clauses.

He also represented the Appellant in *Crinion –v- IG Markets Ltd* [2013] EWCA Civ 587 in the Court of Appeal, which involved issues regarding Regulated Financial Services trading, powers of attorney and classification under COB/COBS rules.

In *Cooke –v- Hopper* [2012] All ER (D) 66 Court of Appeal – James represented the successful property agents, in a case where the Court of Appeal considered the quantum meruit remedy.

James represented the successful Claimant in *Rodliffe –v- Rodliffe* [2012] EWHC 917 Ch – which involved a long trial of a shareholder dispute between family members and an unfair prejudice petition. In another shareholder dispute, *Cuatrecasas –v- Bergman* [2012] EWHC 1672 Ch – the Court considered the issues arising where one party challenges an expert determination for manifest error.

In *Greaves –v- Stolkin* [2013] EWHC 1140 Ch – James represented the successful Claimant in a 2 week Chancery Division trial which concerned the validity of a codicil and testamentary capacity.

James's recent involvement in regulatory cases involving solicitors and others has included *Mireskandari –v- SRA*



[2013] EWHC 907 – an appeal from the Solicitors Disciplinary Tribunal involving complex security for costs issues; and Baxendale-Walker –v- Law Society [2012] EWCA Civ 1864 – a case dealing with the relatively new and unusual provisions of CPR 3.11 relating to Civil Restraint Orders.

Related cases of interest

Kudos Catering (UK) Ltd –v- Manchester Central Convention Complex Ltd [2013] EWCA Civ 38 — James recently represented the successful Appellant in the Court of Appeal – a case involving the provision of services under a 5-year venue catering services agreement where the central issue involved the contractual interpretation of exclusion of liability clauses.

Crinion –v- IG Markets Ltd [2013] EWCA Civ 587 (Court of Appeal) — Regulated Financial Services trading – powers of attorney and classification under COBS rules

Mireskandari –v- SRA [2013] EWHC 907 — Solicitors Disciplinary Tribunal appeal and security for costs

Greaves –v- Stolkin [2013] EWHC 1140 Ch — James represented the successful Claimant in a 2 week Chancery Division trial which concerned the validity of a codicil and testamentary capacity

Cuatrecasas –v- Bergman [2012] EWHC 1672 Ch — Shareholder dispute, challenging expert determination for manifest error

Rodliffe –v- Rodliffe [2012] EWHC 917 Ch — James represented the successful Claimant in a long trial of a shareholder dispute between family members and an unfair prejudice petition

Cooke –v- Hopper [2012] All ER (D) 66 CA — James represented the successful property agents, in a case where the Court of Appeal considered the quantum meruit remedy

Baxendale-Walker –v- Law Society [2012] EWCA Civ 1864 — Solicitors – CPR 3.11 Civil Restraint Orders

Sagal –v- Atelier Bunz [2010] 1 All ER [Comm] 104 (CA) — commercial agents

