

James Stuart

James specialises in commercial relationship and employment litigation, focussing upon more substantial and complex cases in which the parties are connected by some form of contractual or equivalent relationship, and associated professional negligence and professional disciplinary tribunal litigation. His practice covers cases involving Employees, Directors, Shareholders, Partners, LLP Members, Agents, Commercial Agents, Franchises, Contractors, Professionals, Banks and other regulated Financial Institutions and Contracting Parties generally. As his recently reported cases illustrate, James appears regularly in the Court of Appeal, all divisions of the High Court, the Employment Tribunals and EAT, and other Professional Tribunals.

James represents Individual and Corporate Claimants and Defendants or Respondents in such matters. In appropriate cases, he is prepared to undertake work on CFA and insurance-funded basis as well as the standard private payment basis.

James has built up considerable experience in recent years in conducting more protracted cases (especially those with substantial documentation or extensive witness evidence) and as a result of the nature of his practice he has developed a reputation for being able to deal with the most legally and factually complex disputes.

James also specialises in Consumer Law.

Further information

Qualifications

- MA (Law) Gonville & Caius College, Cambridge

Memberships

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

Insolvency

James is regularly instructed in personal and corporate and partnership insolvency matters, representing administrators, liquidators, companies, LLPs, creditors,



Year of Call: 1990

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company directors and individuals facing personal bankruptcy proceedings. He has significant experience in Company Directors Disqualification proceedings (dating back to representing the successful directors in a Carecraft procedure in *SSTI -v- Banarse* [1997] 1 BCLC 653). More recently he has advised liquidators and administrators in relation to assigning causes of action, valuing such choses of action and deeds of settlement between companies in administration or liquidation and the directors of those companies.

Examples of recent insolvency work

- Advising Liquidators upon, and drafting deeds of settlement and release and assignments of causes of action under ss.212/238/239 & 423 Insolvency Act 1986 and advising re s.246ZD IA 1986. [Feb 2018]
- Representing creditor in defending claim brought by liquidators of a company under s.127 Insolvency Act 1986 – monies paid by Company to creditor post-presentation of winding-up petition – advising upon the application of *Express Electrical Distributors Ltd -v- Beavis* [2016] EWCA Civ 465 [May 2018]
- Successfully representing company director in Company Director Disqualification Proceedings brought under s.5 CDDA 1986 – Court exercised discretion not to disqualify the director [May 2018]
- Advising Administrators upon methodology for valuing choses in action to be assigned [May 2018]

Seminars/Training

- Company Directors Disqualification Proceedings – A guide to process and assessment of length of disqualification.
- *Express Electrical Distributors Ltd -v- Beavis* – Claims under s.127 IA for void transactions.

