



James Mather

Year of Call: 2006

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Overview

"An exceptionally bright rising star of the Chancery Bar", James Mather won 'Insolvency Junior of the Year' at the prestigious Legal 500 Bar Awards 2018. His busy practice focuses on large-scale and complex litigation in the areas of insolvency, partnership and shareholder disputes; commercial fraud and asset recovery; and domestic and offshore trusts matters. Recent significant cases include two sets of proceedings arising out of the corrupt sale of Formula One, both of which featured in The Lawyer's top 20 cases of the year; the leading Court of Appeal authorities on, respectively, the law of privilege in personal insolvency and the threshold test for obtaining security for costs; a Privy Council decision on a novel point of BVI company law; a Commercial Court decision on the scope of the court's power to grant urgent injunctive relief in support of arbitration proceedings; and the first detailed consideration by the High Court of the procedural consequences of filing a late defence in the context of seeking default judgment.

Applications for the full range of commercial injunctions, whether in fraud, company or insolvency claims, are a central element of his practice. He has wide experience of seeking and defending novel forms of order to obtain information about wrongdoing and to locate and freeze assets. He has particular expertise concerning the issues posed by offshore structures for asset recovery and enforcement processes, as well as the interaction between civil and criminal proceedings. He is a member of the Serious Fraud Office's panel of counsel for recovery of the proceeds of crime and was formerly standing junior counsel to the Department of Business in directors' disqualification proceedings.

James is also *"a superb, trusted counsel in partnership matters"* and joint venture disputes. His experience extends to issues concerning shareholders of English and offshore companies, as well as members of LLPs and limited and traditional partnerships, in sectors encompassing financial services, property development and the full spectrum of professional services.

James was educated at the universities of Cambridge and Harvard and the Inns of Court School of Law. He is recognised as a leading junior in the legal directories, where in addition to his legal skills being described as *"extremely strong across the board"*, he is praised for being *"responsive, incisive and user-friendly"* and *"a good team player"* who is: *"Incredibly easy to talk to and very accessible. If I need a question answered, he will get back to me, and when you're involved in fast-paced litigation, that's what you need."*

Areas of expertise

- Civil Fraud
- Company
- Insolvency
- Partnership and LLP
- Commercial Litigation
- Trusts and Probate
- Chancery
- Professional negligence

Recommendations

Insolvency (Legal 500)

Chancery: Commercial and Partnership (Chambers and Partners)

Partnership (Legal 500)

Quotes

"He brings real intellectual firepower, rigour and tenacity to a case" Chambers & Partners

"He can be ruthless when he needs to be" Chambers & Partners

"Extremely strong across the board" Chambers & Partners

"A rising star...appreciated for his remarkable experience" Chambers & Partners

"he gives good strategic advice, and is an excellent barrister for his year of call." Chambers & Partners

...a "responsive, incisive and user-friendly" junior who impresses solicitors with his prescience. Chambers & Partners

Civil Fraud

Bayerische Landesbank v Constantin Medien [2017] EWHC 131 (Comm) Acted for Part 20 Defendant in Commercial Court claim for US\$130m arising out of bribery in relation to the sale of the Formula One group to CVC in 2006.

Avonwick v Castle [2016] EWHC 3832 (Ch) Unlawful means conspiracy claim for damages of US\$170m in relation to alleged transaction defrauding creditors (5 week trial in 2018).

Bestfort Developments LLP v Ras Al Khaimah Investment Authority [2016] EWCA Civ 1099 Security for costs application in connection with substantial fraud proceedings.

Gerald Metals v Timis [2016] EWHC 2136 (Ch); [2016] EWHC 2327 Applications for injunction and disclosure relating to dispute over energy assets in Africa.

Billington v Davies and Soane Capital [2016] EWHC 2969 (Ch) and [2016] EWHC 1919 (Ch) Freezing order application and various enforcement proceedings arising from substantial property fraud.

Constantin Medien AG v Bernard Ecclestone & Ors [2014] EWHC 387 (Ch) Acted for claimant in bribery claim relating to the sale of the Formula One business.

Ministry of Justice v LSM Partners & Ors [2012] EWHC 1280 (QB) Acted for defendant in multimillion fraud and breach of fiduciary duty claim brought by the Ministry of Justice against its property consultants.

Adelaide Partners & Ors. v Danison & Ors [2011] EWHC 4090 (Ch): Acted for claimants in a \$16 million financial fraud and dishonest assistance claim.

Al Rushaid Parker Drilling v Shekhar Shetty & Ors. [2011] EWHC 1460 (Ch) Acted for large Saudi Arabian oil services conglomerate in multi-jurisdictional proceedings raising allegations of secret profits and other wrongdoing against its former Chief Financial Officer.

Company

Royal Westminster Investments SA v Varma Acted for claimant in allegation of fraudulent misappropriation of shares in a BVI company; also involving dispute over scope of rectification proceedings which went to Privy Council ([2015] UKPC 2) and application for relief under s 25 CJA ([2012] EWHC 3439 (Ch)).

Waddington Ltd v Chan Chun Hoo Thomas [2008] HKEC 1498: appeal to Hong Kong Court of Final Appeal raising issues of reflective loss and multiple derivative actions.

Shing Lee Ho Chee v Unigreg Limited: acted for the Claimant in seven-day trial in Chancery Division raising issues relating to letters of credit and illegality under Chinese law.

Re a Company: acted in a petition under s 994 of Companies Act made on behalf of petitioner with c.US\$8m stake in company which he founded providing telecommunications solution.

Re Merit Holdings: acted for defendant in a shareholder dispute in relation to a freezing injunction and the substantive claim, raising issues of standing to bring a derivative claim.

World Clothes Holdings v Moschillo: acted for Claimant fashion company in claim raising issues of jurisdiction to bring derivative claim for wrongdoing against director domiciled abroad.

Insolvency

Shlosberg v Avonwick [2016] EWHC 1001 (Ch) Injunction restraining Dechert from acting due to receipt of privileged materials via bankruptcy trustee.

Re IG Limited [2016] Acted for former director of company in liquidation concerning acquisition of claims against former directors and other disputes arising from company's liquidation.

Yossifoff v Aviva Commercial Finance [2016] Defended Aviva against £50m claim arising from insolvency of group of care homes.

Secretary of State for Business v Townsend [2015-16] Acted for defendant director in disqualification proceedings and proceedings to act notwithstanding disqualification.

Re KJK Investments [2015] Acted for Secretary of State in contested public interest winding-up petition concerning circular pension release scheme with no prospect of returns to the investors.

Ash Regeneration Incorporated v Celtic Energy Limited [2014] Dispute relating to the terms of a restructuring of a series of coal mines in South Wales through offshore entities.

Re Lehman Brothers: acted for various US Lehman entities concerning the fate of a number of substantial pots

of Lehman monies held within its European structures.

Assisted HM Treasury in relation to issues arising from the financial assistance provided to Northern Rock plc.

Stonham v Ramrattan [2011] 1 WLR 1617: acted in insolvency appeal to Chancery Division concerning scope of discretion to make no remedial order in respect of a transaction at an undervalue.

Partnership and LLP

Advised and acted in numerous partnership and LLP disputes involving private equity firms, accountancy firms, law firms, medical practices and various informal business partnerships. Also wide experience of advising on and drafting partnership deeds and LLP members' agreements, retirement deeds and other partnership documents.

Re P Law [2016] Dispute in relation to alleged misappropriations from law firm, involving contested just and equitable winding up and parallel criminal proceedings.

Dadoun v Katri [2015] Partnership dispute in relation to hotel development venture.

Dutia v Geldof [2015-16] Partnership dispute in relation to private equity firm focused on investments in Africa.

A v B [2014] Acted for well-known professional services LLP defending an arbitration claim by a former member to a share in the proceeds of the sale of its business taking place after the date of his retirement on the basis of an alleged fraudulent misrepresentation.

Re W LLP [2014] Acted in dispute concerning departure of group of members from private equity firm involving allegations of fraud and other serious misconduct.

Marshall v Holt [2014] An unfair prejudice petition arising out of a property joint venture, raising issues as to scope of relief available under s 994 of the Companies Act 2006.

A partnership arbitration (with Philip Jones QC) relating to a dispute between members of a legal services LLP arising from a planned 'team move', raising issues of scope of fiduciary duties and repudiation of LLP agreement.

Rahimian v Tchenguiz & Ors (with Philip Marshall QC): acting for Claimant in claims asserting, inter alia, the informal creation of a partnership in relation to a large sub-prime mortgage lending enterprise.

Commercial Litigation

Bernie Ecclestone v Bayerische Landesbank [2016] Acting for Part 20 Defendant in Commercial Court claim arising out of bribery in relation to the sale of the Formula One group to CVC in 2006.

Avonwick v Castle [2016] Acting for Mikhail Shlosberg in conspiracy claim for damages of US\$170m.

Royal Westminster Investments SA v Varma Acted for claimant in allegation of fraudulent misappropriation of shares in a BVI company; also involving dispute over scope of rectification proceedings which went to Privy Council ([2015] UKPC 2) and application for relief under s 25 CJA ([2012] EWHC 3439 (Ch)).

Millward Brown v Metrixlab [2016] Acting in breach of confidence claim arising from move of senior employees

between advertising firms and alleged misuse of client lists.

Ash Regeneration v Celtic Energy [2015-16] Acted for Celtic Energy in relation to dispute over transfer of ownership of mines in South Wales to offshore entities.

SC DG Petrol Srl v Vitol Broking Ltd [2013] EWHC 2176 (Comm): acting for defendant in dispute relating to alleged fraudulent conspiracy against energy concerns in Eastern Europe.

Amoutzas v Tattersalls [2010] EWHC 1696: acted for Claimant in dispute concerning ownership of monies deposited with a bloodstock auctioneer and alleged assassination of a horse in Greece.

Working as part of a team (with David Blayney and others) advising a major retail bank on the legality of product charges under the Unfair Terms in Consumer Contracts Regulation 1999.

Assisting HM Treasury in relation to issues arising from the financial assistance provided to Northern Rock plc.

Trusts and Probate

Lady Henrietta St George et al v Sir Jack Haywood et al (with Frank Hinks QC and Jonathan Adkin): multimillion pound litigation in Bahamas and Cayman Islands relating to the ownership and control of Freeport Grand Bahama.

Alhamrani v Alhamrani (with Victor Joffe QC): advising in relation to adjournment on grounds of ill health of key witness in large piece of contentious trusts litigation in Jersey.

Re V R Trusts (with Giles Richardson): acting for the trustees of a substantial offshore trust in relation to alleged fraudulent misappropriation of trust assets.

Cawdron v Merchant Taylors' School [2009] EWHC 1722 (Ch): acting for Second Defendant in case concerning validity of trusts of a war memorial.

B v B (with Alan Boyle QC and Jonathan Russen): acting for the defendant in a dispute raising issues of proprietary estoppel, mental capacity and fraud in relation to the estate of a well-known nightclub owner.

Charman v Charman (with Alan Boyle QC and Dakis Hagen): advising on jurisdictional issues arising from the foreign enforcement of the decision of the English family court.

Qualifications

Gonville and Caius College, Cambridge - MA in History (Double First)
Harvard University, Graduate School of Arts and Sciences (John F Kennedy Scholar)
City University, London - Postgraduate Diploma in Law (Distinction)
Inns of Court School of Law - Bar Vocational Course (Outstanding)

Appointments

Junior Counsel to the Crown (C Panel) (2011-16)
Junior Counsel to the Department of Business for Directors' Disqualification hearings (2010-11)
Consulting Editorial Board, LexisPSL Corporate

Publications

"Directors' duties to creditors in the UK: Ripe for reform?" (with Lance Ashworth QC and Matthew Morrison) - International Insolvency & Restructuring Report 2018/19, Capital Markets Intelligence.

Co-editor with John Machell and Jennifer Haywood of *The LLP Legislation Handbook* (2010)

Co-author with Victor Joffe QC: *The Multiple Derivative Action*, [2009] Butterworths Journal of International Banking and Financial Law (Feb) 61

Fiduciairies and the Law of Limitation [2008] Journal of Business Law 244