



James Mather

Year of Call: 2006

"Fearless and stands up to the judge." "He is very impressive, bright and on top of everything."

"Extremely personable and easy to work with." "Clever, thoughtful and incisive, his reputation continues to grow."

Chambers and Partners

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Practice Overview

"An exceptionally bright rising star of the Chancery Bar", James won 'Insolvency Junior of the Year' at the Legal 500 Bar Awards 2018. His practice focuses on large-scale and complex litigation in the areas of insolvency; commercial fraud and asset recovery (including through the use of domestic or international insolvency processes); partnership and shareholder disputes; 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; and a Commercial Court decision on the scope of the court's power to grant urgent injunctive relief in support of arbitration proceedings. He is a highly experienced advocate equally at home in trials and complex interim applications and is noted for his forthright and fearless advocacy often against more senior opponents. 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 funds 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.

He is recognised as a leading junior in the legal directories where, in addition to being praised for his *"razor sharp mind"* and legal skills that are *"extremely strong across the board"*, he is described as *"responsive, incisive and user-friendly"*

” and “a good team player” who is “incredibly easy to talk to and very accessible.”

Areas of Expertise

Civil Fraud

Ward v Savill [2020] EWHC 1534 (Ch) Acted for Defendant in relation to tracing claim asserted against valuable London property, successfully establishing that Claimants could not rely on declarations obtained in earlier related proceedings.

Alokozay v Alkozay [2019] EWHC 1631 (Ch) Successfully acted on behalf of wealthy Middle Eastern businessman in five-day trial establishing claims in deceit in relation to various disputed transfers.

Re Gerald Smith [2019] EWHC 2598 (Comm) Acting on behalf of Serious Fraud Office in heavy, multi-party, and multi-jurisdictional litigation connected with the enforcement of the largest ever UK confiscation order obtained by the SFO.

Bayerische Landesbank v Constantin Medien [2017] EWHC 131 (Comm) Acted for Part 20 Defendant in Commercial Court claim for \$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.

Insolvency

State Bank of India v Mallya [2020] EWHC 96 (Ch) Acting for former chairman of Kingfisher Airlines in defending attempted bankruptcy proceedings in context of multi-jurisdictional enforcement process.

Re Supercapital Ltd [2020] EWHC 1685 (Ch) Acted for Administrators of insolvent FCA-regulated payment services provider in novel application seeking court's approval of a distribution plan on the basis of statutory trust principles.

Re Gerald Smith [2019] EWHC 2598 (Comm) Acting on behalf of Serious Fraud Office in heavy, multi-party, and

multi-jurisdictional litigation connected with the enforcement of the largest ever UK confiscation order obtained by the SFO.

Lady Moon v Petricca [2019] EWHC 439 (Ch) Attempt to wind up allegedly insolvent Italian investment fund in the English court on the basis that it was analogous to a trust. Successfully disputed the court's jurisdiction.

Re Webinvest [2017] EWHC 2446 (Ch) Examination of principles on sharing documents between insolvency estates where overlap in the officeholders.

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 and interaction between partnership/LLP law and insolvency.

Malik v Hussain [2020] EWHC 2334 (Ch) Acted for dispute as to existence and winding up of a substantial Indian restaurant and wedding venue business.

Sternberg Reed v Harrison [2020] Ch 223 Solicitors' firm dispute raising issue as to operation of the without prejudice rule.

Schillings v Scott [2019] EWHC 2657 (Ch) Dispute over partner's retirement from a law firm, including disputed injunction proceedings.

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.

Company

Malik v Hussain [2020] EWHC 2334 (Ch) Acted for petitioner in unfair prejudice petition relating to a substantial Indian restaurant and wedding venue business.

Hut Group v Zedra Trust [2019] EWHC 2191 (Comm) Dispute relating to right to access accounting information on basis of term of sale and purchase agreement; also disputed application to inspect company register ([2017] 11 WLUK 112)

Simonon v Simonon [2019] EWHC 844 (Ch) Dispute over entitlement to sell shares in a company receiving royalty income under terms of a divorce agreement.

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.

Commercial Litigation

Ward v Savill [2020] EWHC 1534 (Ch) Acted for Defendant in relation to tracing claim asserted against valuable London property, successfully establishing that Claimants could not rely on declarations obtained in earlier related proceedings.

Hut Group v Zedra Trust [2019] EWHC 2191 (Comm) Dispute relating to right to access accounting information on basis of term of sale and purchase agreement; also disputed application to inspect company register ([2017] 11

WLUK 112)

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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.

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.

Private Client 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.

Chancery

Professional Negligence

Recommendations

Chancery: Commercial and Partnership (Chambers and Partners)
Partnership and Insolvency (The Legal 500)

Quotes

"Extremely personable and easy to work with." "Clever, thoughtful and incisive, his reputation continues to grow." (Chambers & Partners, 2019)

"Fearless and stands up to the judge." "He is very impressive, bright and on top of everything." (Chambers & Partners, 2019)

"He is developing a solid reputation for partnership and LLP matters." (The Legal 500, 2019)

"He is good on paper, in court and with clients." (The Legal 500, 2019)

"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." "James has great skill and always stays calm and measured." (Chambers & Partners, 2018)

"A considered yet also instinctive counsel whose advocacy is incredibly powerful, persuasive and most effective." "Offers intellectual firepower and quick, very elegant thinking. He can be ruthless when he needs to be." (Chambers & Partners, 2018)

"Clever, thoughtful and incisive. His reputation continues to grow." "He's particularly solid on partnership and boardroom disputes." (Chambers & Partners, 2017)

"A superb, trusted counsel in partnership matters." (The Legal 500, 2017)

"An exceptionally bright rising star of the Chancery Bar who is developing a solid reputation for partnership and LLP matters." "Clever and incisive, he's a good team player." (Chambers & Partners, 2016)

"Very responsive, incisive and user-friendly." (Chambers & Partners, 2015)

Publications

Co-author with Joel Seager (Enyo Law) of *The Position of Insolvency Officeholders and Privilege - Shlosberg v Avonwick* (2018) *The Commercial Litigation Journal*

Co-author with Lance Ashworth QC and Matthew Morrison of *Directors' duties to creditors in the UK: Ripe for reform?* (2018/2019) *International Insolvency & Restructuring Report*, 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

Fiduciaries and the Law of Limitation [2008] *Journal of Business Law* 244

In the Press

"[Tricia Ronane, ex-wife of the Clash bass guitarist Paul Simon, loses bid to sell half of royalties](#)" *The Times*, 22 March 2019

"[The Clash's manager loses fight to sell share of band royalties company set up after her divorce from Paul Simon](#)" *NME*, 21 March 2019

"[SHE FOUGHT THE LAW & LOST - Wife of The Clash bassist Paul Simon loses £5million divorce fight to be 'free' of the punk rocker](#)" *The Sun*, 21 March 2019

"[A decision with important implications for how companies handle wrongdoing](#)" *The Times*, 5 July 2018

Education & 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

Serious Fraud Office Proceeds of Crime (B Panel) (2017)

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

Contributing Editor, Butterworths Corporate Law Service
