



## James Anson-Holland

Call: 2024 (England and Wales); 2022 (Cayman Islands);  
2017 (New Zealand)

### CONTACT

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Email

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Email Clerk  
clerks@radcliffechambers.com

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Telephone

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### ADDRESS

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11 New Square  
Lincoln's Inn  
London WC2A 3QB

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DX: 319 London  
Telephone: 020 7831 0081  
Fax: +44 (0)20 7405 2560

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James joined Radcliffe Chambers as a tenant in October 2024, following the successful completion of his pupillage. James accepts instructions across all of Chambers' core practice areas.

Before starting pupillage at Radcliffe Chambers, James practiced law in New Zealand and the Cayman Islands. He has experience with heavy private client, insolvency, and commercial disputes that often have a cross-border element. He has acted (both led and unled) in cases at various levels, including the Judicial Committee of the Privy Council.

James received an LLB with First Class Honours from the University of Canterbury. He more recently received an LLM from New York University, where he attended with the assistance of a Starr Foundation Global Law School Scholarship and served as a graduate editor of the New York University Journal of Law and Business. James is also working towards a STEP Diploma in Trusts and Estates, which includes an advanced certificate in trust disputes.

James authors several chapters in *Law of Trusts and Wills and Succession*, two leading LexisNexis New Zealand publications. He is also the general editor of *Practical Guidance (Trust Law)*, a LexisNexis New Zealand publication focused on the practical administration of trusts more generally. In addition, James regularly publishes a broad range of articles in leading peer-reviewed journals, including the New Zealand Law Review, New Zealand Universities Law Review, International Arbitration Law Review, and Trusts and Trustees. His academic work has been cited in decisions of the High Court and Court of Appeal of New Zealand and several New Zealand Law Commission reports.

### PRIVATE CLIENT

James has experience in dealing with a variety of trust, wills, and estate disputes. His experience includes breach of trust claims against trustees and executors, applications to remove and replace trustees and executors, blessing applications, mutual wills, lost wills, and various challenges to wills.

Some highlights are:

- Successfully acted as junior counsel before the Grand Court of the Cayman Islands in relation to a blessing application involving several trusts worth in excess of USD5 billion (*In re A Trust, B Trust, & C Trust* (20 December 2022) (FSD 213 of 2022)).
- Advised beneficiaries in relation to an application before the Grand Court of the Cayman Islands concerning a c.USD15 million estate seeking to revoke

an earlier will and prove a copy of a subsequent will and codicil.

- Successfully acted as junior counsel before the High Court of New Zealand in a trial concerning mutual wills, resulting in a leading first instance decision on the topic (*McNeish v McArthur* [2019] NZHC 3281, [2020] 2 NZLR 287).
- Successfully acted as junior counsel before the High Court of New Zealand in a trial concerning novel arguments about the distribution of property held in several family trusts following the breakdown of a relationship (*Wylie v Wylie* [2019] NZHC 2638).

## **INSOLVENCY**

James has experience with cross-border insolvency, having previously worked for a leading offshore law firm based in the Cayman Islands. His experience includes breach of director duties, antecedent transactions, blessing applications, *Norwich Pharmacal* relief, and other urgent and ancillary applications and enforcement action.

A highlight is having advised the Cayman Islands based joint provisional liquidators of an NYSE listed company following an alleged USD700 million fraud.

## **COMMERCIAL**

James has experience with a variety of commercial chancery disputes, having previously worked for a leading commercial law firm based in New Zealand and a leading offshore law firm based in the Cayman Islands.

Some highlights are:

- Successfully acted as junior counsel before the Judicial Committee of the Privy Council in an appeal involving two commercial property transactions and the novel application of the law of restitution (*HEB Enterprises Ltd v Richards* [2023] UKPC 7).
- Successfully acted as junior counsel before the High Court of New Zealand in a commercial debt recovery trial involving complex issues of agency, contract, property, and equity (*Powell v K 2 Investment Group Ltd* [2021] NZHC 2253).

## **QUALIFICATIONS**

- New York University, School of Law, New York, United States  
Master of Laws, May 2022
- University of Canterbury, School of Law, Christchurch, New Zealand  
Bachelor of Laws with First Class Honors, February 2017

## **PUBLICATIONS AND SPEAKING**

Selected texts:

- Practical Guidance (Trusts) (online loose leaf ed, LexisNexis New Zealand)
- Law of Trusts (online loose leaf ed, LexisNexis New Zealand), Pts 1, 2, and 7
- Wills and Succession (online loose leaf ed, LexisNexis New Zealand), Ch 9, Ch 12, and Ch 14

Selected articles:

- "Interests in possession: a critique of *Hall v HMRC*" (2023) 29(10) *Trusts & Trustees* 839
- "Inherent powers and their existence in adjudicatory tribunals in New Zealand and abroad" (2023) 26(3) *Int ALR* 161
- "The limits of settlement privilege in New Zealand: Distilling the guiding principles" [2022] 30 *NZULR* 79
- "Arbitration of trust disputes in New Zealand – A new frontier?" (2022)

#### 28(5) Trusts & Trustees 376

- “Once Privileged, Always Privileged?” (2021) 9 JCivLP 161
- “Powers and jurisdiction of the Family Court clarified: The decision in *Wihongi v Broad* reverses a concerning trend” (2020) 10 NZFLJ 76
- “Locked down but not detained” [2020] NZLJ 166
- “Who should pay, and when?” [2019] NZLJ 360
- “The Amenability of Private School Decisions to Judicial Review” (2019) 30(2) PLR 106
- “The corporate trustee safety net? [2019] NZLJ 211
- “The enforceability of arbitration clauses involving actions in rem: a critical analysis of the rationale in *Lawson v Gawith*” (2019) 38(1) *The Arbitrator & Mediator* 74
- “Fan Fiction: A New Zealand Copyright Perspective” [2018] NZ L Rev 1

#### Selected online notes:

- “A Trustee’s Fiduciary Duty to Meet Discretionary Beneficiary Needs?” *New York University Journal of Law & Business Online* (18 October 2022)
- “Confidentiality in Mediations and Settlements – The Second Circuit’s Perspective” *New York University Journal of Law & Business Online* (1 April 2022)
- “In Brief: Supreme Court to Determine Conflict of Laws Approach under the FSIA” *New York University Journal of Law & Business Online* (19 November 2021)

#### Selected speaking engagements:

- Presenter, Arbitrators’ and Mediators’ Institute of New Zealand (‘AMINZ’) Arbitration Day 2019
- Guest Lecturer, University of Canterbury, School of Law, August 2019