



James Anson-Holland

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

Barrister

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James Anson-Holland has a broad chancery practice, with a particular emphasis on private client, insolvency, property, and commercial disputes. He regularly appears in the High Court and County Court and is increasingly instructed to obtain or resist urgent injunctive relief within his areas of speciality.

Before transferring to the English Bar, James practiced law as a barrister and solicitor in New Zealand and as an attorney in the Cayman Islands. As a result, he has extensive trial and appellate experience beyond his year of call and has acted (both led and unled) in cases at various levels, including being led in the Judicial Committee of the Privy Council. He also has experience working collaboratively within large solicitor and counsel teams and is happy to accept instructions on that basis.

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 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 in several New Zealand Law Commission reports.

PRIVATE CLIENT

James accepts instructions concerning the full range of trust, wills, and estate disputes. He regularly represents trustees, personal representatives, beneficiaries, and various other interested parties in relation to the rights, liabilities, and obligations arising out of trusts, wills, and estates. This includes breach of trust claims, removal applications, blessing applications, statutory wills, mutual wills, lost wills, and various challenges to trusts and wills, including those involving elements of fraud and under the Inheritance (Provision for Family and Dependents) Act 1975. He also has experience with proprietary estoppel in estate disputes and professional negligence claims related to the drafting and execution

of wills.

Recent experience includes:

- Acting as sole counsel on behalf of a beneficiary before the High Court in a probate trial on the written evidence concerning a c.GBP3 million estate and issues of capacity, knowledge and approval, and undue influence
- Acting as sole counsel before the High Court on behalf of several 'disappointed' charity beneficiaries concerning a *White v Jones* professional negligence claim against a probate professional worth c.GBP1 million.
- Advising beneficiaries in relation to an urgent application to the Court of Protection for a statutory will involving a c.GBP1 million estate.
- Acting as junior counsel on behalf of minor and unborn beneficiaries 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)).
- Advising 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.
- Acting 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).
- Acting 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 accepts instructions concerning the full range of personal and corporate insolvency disputes, including those with a cross-border element. He regularly represents insolvency practitioners, creditors, and debtors in relation to bankruptcy and winding up petitions, administrations, and various other insolvency applications. This includes setting aside statutory demands, restraining the presentation of winding up petitions, disputed debt hearings, and claims involving breach of director duties, antecedent transactions, blessing applications, *Norwich Pharmacal* relief, and other urgent and ancillary applications and enforcement action.

Recent experience includes:

- Acting as sole counsel on behalf of various companies before the High Court seeking to urgently restrain the presentation of winding up petitions.
- Advising the creditors and joint trustees in bankruptcy of a (previously) HNWI on the lawfulness of certain transactions and the validity of several trusts based in Jersey and the Isle of Man.
- Advising the Cayman Islands based joint provisional liquidators of an NYSE listed company following an alleged USD700 million fraud.

PROPERTY

James accepts instructions concerning a range of property disputes. He regularly represents landlords, tenants, charge holders, and various other interested parties in relation to their rights, liabilities, and obligations. This includes disputes involving possession, forfeiture, the Party Wall Act, and the Trusts of Land and Appointment of Trustees Act.

Recent experience includes:

- Acting as sole counsel on behalf of a debtor before the County Court seeking an urgent without notice injunction preventing creditors from disposing of property.
- Acting as sole counsel before the County Court in a two-day trial concerning whether an individual was a secure tenant under the Housing

Act 1985.

COMMERCIAL

James accepts instructions concerning a range of commercial disputes, having previously worked for leading commercial law firms in New Zealand and the Cayman Islands. He has particular interest in and experience with commercial disputes that intersect with his private client, insolvency, and/or property practice.

Recent experience includes:

- Acting 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).
- Acting 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

POLICIES AND OTHER DETAILS

Read James’ [Privacy Notice](#), [Data Protection Policy](#) and [Disposal Policy](#).