



## James Fagan

Call: 2019 (England and Wales); 2022 (Ireland)

### Barrister

---

#### CONTACT

---

Email  
jfagan@radcliffechambers.com

---

Email Clerk  
clerks@radcliffechambers.com

---

Telephone  
020 7831 0081

---

#### ADDRESS

---

11 New Square  
Lincoln's Inn  
London WC2A 3QB

---

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

---

James has a busy chancery practice across all of Chambers' core practice areas with a particular emphasis on Commercial, Private Client and Insolvency. James is regularly briefed as a sole advocate in the County Court and the High Court both in interim matters and at trial. James' cross examination has been judicially described as "effective and forensic". In addition to his practice in Chambers, in 2023, James was appointed to the Attorney General's C Panel of Junior Counsel to the Crown.

James is dual qualified and authorised to practice as a barrister both in England & Wales and Ireland.

Before joining the Bar, James trained and practised as a solicitor in the litigation department of a leading US law firm in its London and Hong Kong offices. During his time as a solicitor, James gained experience of advising clients on a variety of commercial disputes with international dimensions.

Between 2017 and 2018, James was a judicial assistant to Lord Hughes and Lady Black at the Supreme Court of the United Kingdom.

#### COMMERCIAL & FINANCIAL SERVICES

James is instructed in his own right as counsel in commercial claims and to advise on commercial law issues. Recent highlights include:

- Representing the successful claimant in a two day trial to recover damages for breach of contract arising out of defective building renovations.
- Representing the successful claimant at trial in a claim for unpaid consultancy fees and resisting a counterclaim for breach of contract.
- Representing the successful defendant at trial in a claim concerning the existence of a follow on storage contract after the end of a fleet hire agreement.
- Representing the successful defendant in a claim for agency commission fees
- Advising the successful claimant in obtaining unpaid fees in a building dispute and obtaining a final third party debt order
- Assisting the Financial Conduct Authority in an enforcement action in respect of unregulated mortgages and sale and rent back agreements.
- Representing financial institutions in PPI claims at both interim and final hearings

James also has extensive commercial law experience from his time as a solicitor including:

- Advising a US based private equity house specialising in energy investments on a dispute concerning its operating rights in a UK based chemicals plant.
- Advising a UK property manager in relation to threatened proceedings arising out of an uncontrolled datacentre shutoff.
- Advising a Dutch holdco (in a private equity fund structure) in a HKIAC arbitration concerning fraud and misrepresentation allegations in the establishment of its parent fund and the subsequent acquisition of the target company by the Dutch holdco.
- Advising causes of action, on remedies, and jurisdiction issues in an investment dispute for a global insurance company
- Advising on discrete matters arising in the negotiations of mergers and acquisitions.
- Managing disclosure reviews on large commercial litigation cases.

### **INSOLVENCY AND COMPANY LAW**

James has appeared as sole advocate in the High Court and County Court in relation to winding up petitions, bankruptcy petitions and other insolvency applications. James also has experience on advising on various matters of company law.

Matters James has worked on include:

- Acting for the successful liquidator in a misfeasance claim against a former director who misappropriated company funds.
- Advising Cayman and Hong Kong liquidators on recovery of assets in England and financial services regulatory issues following the failure of a firm which provided foreign exchange services to a Cayman SPC.
- Obtaining a retrospective variation of an interim payment order on behalf of a trustee in bankruptcy (Re Lorrell (in bankruptcy)) [2022] EWHC (Ch)
- Obtaining a rescission of a winding up order for a medical services company
- Advising on strategy relating to issuing statutory demands against a property development company.
- Successfully obtaining an order pursuant to sections 234 and 236 of the Insolvency Act 1986 requiring delivery up of company papers and records and requiring former directors to attend for public examination.
- Advising an investor on the recovery of their investment in the context of a member's voluntary winding up
- Appearing in applications for extensions to administrations
- Advising on the acquisition of good title to shares in the context of a previously undisclosed trust document.
- Advising the directors of a family company on pre-emption rights and share transfers following the death of the managing director and majority shareholder.

### **PRIVATE CLIENT**

James has a busy and growing private client practice covering estate and trusts matters including:

- Acting for the successful executors in a three day High Court trial to recover the proceeds of life assurance policy nominations and lifetime transfers on the basis that they were nominations and transfers on trust for the benefit of the estate's beneficiaries.
- Advising on shareholder and company law issues faced by personal representatives.
- Advising on setting off debts owed by beneficiaries to an estate
- Advising on creditor claims to estates and against personal representatives and creditor grants of probate

- Advising and representing parties in applications for inventories and accounts
- Advising on the proper construction of wills and will trusts including charitable gifts

## **PROPERTY**

James regularly advises on property law issues (including landlord and tenant). Recent highlights include:

- Representing the successful defendant in an application to the First Tier Tribunal concerning the existence of a parking easement
- Advising a defendant and drafting pleadings in a service charge challenge in the First Tier Tribunal
- Advising house purchasers on potential claims in misrepresentation arising out of answers to Property Information Forms
- Advising on negligence claims against property surveyors
- Representing landlords and property owners in residential possession proceedings against tenants and trespassers

## **QUALIFICATIONS**

- STEP Advance Certificate in Administration of Trusts (England & Wales), Distinction (2023)
- STEP Advance Certificate in Administration of Estates (England & Wales), Distinction (2023)
- Barrister at Law, The Honorable Society of King's Inns, Ireland (2022)
- BTT, BPP College of Law (2019)
- LPC, University Of Law (Distinction) (2013 – 2014)
- BCL, Mansfield College, University of Oxford (Restitution of Unjust Enrichment, Commercial Remedies, Corporate Insolvency Law and Principles of Civil Procedure) (2012 – 2013)
- BCL International (First Class Honours, First in Class), University College Dublin (2008 – 2012)

Between 2017 and 2018, James was a judicial assistant to Lord Hughes and Lady Black at the Supreme Court of the United Kingdom. During this time, he assisted the Justices in a range of high-profile cases across many different areas of law and observed and discussed leading cases including:

- *Ivey v Genting Casinos (UK) Ltd* [2017] UKSC 67 (landmark case on the test for dishonesty)
- *Steel and another v NRAM Limited* [2018] UKSC 13 (concerning solicitors' liability to lenders for negligent misstatement)
- *Goldman Sachs International v Novo Banco SA* [2018] UKSC 34 (concerning the European Bank Recovery and Resolution Directive 2014/59/EU)
- *Rock Advertising Limited v MWB Business Exchange Centres Limited* [2018] UKSC 24 (leading case on 'no oral modification' clauses)

James has also taught as a Teaching Fellow in Commercial Law at University College London.

## **MEMBERSHIPS**

- Chancery Bar Association
- Society of Trust and Estate Practitioners (STEP)
- Financial Services Lawyers Association

## **SCHOLARSHIPS**

- Freshfields Bruckhaus Deringer Scholarship (University of Oxford) (2012)
- James C. Brady Memorial Medal for 1st Place in Equity and Trusts (University College Dublin) (2012)

- CALI Excellence for the Future Award for 1st Place in International Trade Law (DePaul College of Law, Chicago, Illinois) (2011)
- Bank of Ireland Tort Essay Bronze Medal (University College Dublin) (2009)
- Butterworths Law Prize (University College Dublin) (2009)
- Stage 1 Scholarship (University College Dublin) (2009)
- High Achievers Award (University College Dublin) (2008)

During his legal studies, James participated in a number of moot competitions, becoming a finalist in the Shearman and Sterling Moot 2013 and winning the Atkin Chambers Moot 2013.

## **POLICIES**

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