



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

“Excellent, responsive, bright, personable and extremely knowledgeable.” **James Fagan** is a barrister with expertise in Insolvency, Commercial, and Private Client matters and dispute resolution.

He regularly appears in complex applications and trials in the High Court and County Court, having acted as sole advocate in both interim hearings and full trials. His cross-examination has been judicially described as *“effective and forensic.”*

James is dual qualified and was called to the Bar of England in 2019 and Wales and the Bar of Ireland in 2022. James regularly advises clients across his main practice areas including on cross-border and Irish law issues. In 2023, James was appointed to the Attorney General’s C Panel of Junior Counsel to the Crown.

James is recognised as a junior barrister in both leading directories as “up and coming” and a “rising star” for his expertise in insolvency and restructuring work. Client commentary includes

- *“James is excellent. He’s responsive, bright, personable and extremely knowledgeable.”* – Legal 500, 2026
- *“James is very good on his feet and is thorough and great in cross-examination.”* – Chambers and Partners, 2026
- *“He’s super responsive, very easy to work with, technically good and gets the commercials.”* – Chambers and Partners, 2026

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 in corporate and personal insolvencies. James also has experience of advising on various matters of company law. James is Consultant Editor on the forthcoming edition of Halsbury’s Laws of England – Personal Insolvency and Bankruptcy.

Matters James has worked on include:

- Represented the successful applicants in *Stacks Living Ltd v Shergill* [\[2025\] B.C.C. 309](#) a leading case on fraudulent trading and directors’ duties. In consequential litigation, James represented the applicants in obtaining a final charging order notwithstanding the intervening bankruptcy of the judgment debtor in [Stacks Living Ltd & Ors v](#)

[The Official Receiver & Anor \[2025\] EWHC 2478 \(Ch\).](#)

- Successfully defended a bankruptcy petition against a former company director relating to alleged directors' loans.
- Appearing in bankruptcy proceedings in England against an individual now resident in the Republic of Ireland with associated advice about cross border enforcement.
- Obtaining without notice injunctions against the presentation of winding up petitions on behalf of financial institutions including obtaining permission for service out of the jurisdiction.
- 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.

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:

- Advising on a cross-border Irish law commercial dispute relating to the UK branch operations of an Irish distributor.
- 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.

PRIVATE CLIENT

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

- Advising professional trustees on the interpretation and exercise of powers of disposition under the terms of a discretionary trust.
- Advising executors and beneficiaries on defending a mutual wills claim from pre-action through to successful settlement at mediation.
- Advising on cross-border estates on issues relating to domicile and property rights in Ireland.
- Representing a beneficiary on an inventory and account claim.
- Advising beneficiaries, executors and claimants in will disputes including in relation to testamentary capacity issues.
- Advising and representing parties in 1975 Act claims.
- Advising and representing parties in constructive trust and TOLATA claims arising out of co-ownership and cohabitation scenarios.
- 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

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

IRISH LAW

James has been instructed on several Irish law matters, recent examples include:

- Advised on and drafted pleadings for a £4.1m Irish law commercial contract claim (including advice on jurisdictional challenge issues).
- Acted in the enforcement of an English law directors' loan against an Irish resident former director which included jurisdiction advice and strategy on where to commence proceedings.
- Advised an international payment processing company on a dispute with an Irish bank pursuant to an Irish law governed contract.
- Advised executors regarding property vesting orders in the Irish courts

following the historic dissolution of an English company which owned property in Cork.

- Advised Belgian executors on English and Irish substantive and choice of law issues arising out of a will which selected Irish law pursuant to the EU Succession Regulation (EU No 650/2012).

RECOGNITION

- “James is excellent. He’s responsive, bright, personable and extremely knowledgeable.” (*Legal 500, 2026*)
- “He’s super responsive, very easy to work with, technically good and gets the commercials.” (*Restructuring/Insolvency, Chambers UK Bar 2026*)
- “James is very good on his feet and is thorough and great in cross-examination.” (*Restructuring/Insolvency, Chambers UK Bar 2026*)

QUALIFICATIONS

- STEP Diploma (Administration of Estates and Trusts, Taxation of Trusts and Estates, Trust Disputes) – Distinction – 2024
- 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 mooting competitions, becoming a finalist in the Shearman and Sterling Moot 2013 and winning the Atkin Chambers Moot 2013.

PUBLICATIONS

James is Consultant Editor on the forthcoming edition of Halsbury's Laws of England - Personal Insolvency and Bankruptcy. He has also written a number of case analysis articles for Lexis®PSL and a case report for Corporate Rescue and Insolvency, as below.

Lexis®PSL

- Quasi-partnership wound up notwithstanding offer to purchase shares (*Re Webb Estate Developments Ltd*) - June 2025
- Director liable for fraudulent trading must pay costs and expenses of liquidations (*Re Stacks Living Ltd (In Liquidation)*) - January 2025
- Court of Appeal clarifies when a dissolved partnership may bring litigation (*Flohr v Frontiers Capital I Ltd Partnership*) - December 2024
- Retrospective variation of Income Payments Agreements possible under section 310A of the Insolvency Act 1986 (*Re Lorrell (in bankruptcy)*) - March 2022

Corporate Rescue and Insolvency (2021) 2 CRI 67

- Case Reporter - *Re Seabrook Road Ltd* [2021] EWHC 436 (Ch)

POLICIES

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