Radcliffe Chambers



James Morgan KC

Silk: 2017 | Call: 1996 (England and Wales); 2024 (BVI)

King's Counsel

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James Morgan KC is a highly-regarded commercial practitioner, with particular expertise in the fields of restructuring and insolvency, company and commercial dispute resolution. He has a wealth of trial experience (including cross-examining experts) and considerable expertise in applications for interim relief, including freezing orders and injunctions. James is featured as a leader in his fields of expertise by both *Chambers UK Bar* and *The Legal 500 UK Bar*. James has sat as a Deputy High Court Judge (Chancery) and sits as a Recorder of the County Court. James is called to the Bar of the Eastern Caribbean Supreme Court, British Virgin Islands

James is experienced in dealing with cross-border issues in commercial and insolvency litigation. He has recently appeared in the Privy Council on an appeal from the Eastern Caribbean CA (BVI) concerning the interaction of arbitration and insolvency law. He has appeared in the Commercial Court and CA of the Eastern Caribbean Supreme Court and the Gibraltar Court of Appeal. James has been involved in applications for recognition of foreign insolvencies in England and is used to working closely with local lawyers in foreign jurisdictions. He has also acted in ICC and LCIA arbitrations.

COMMERCIAL

James is instructed in a wide variety of business disputes in the Business and Property Courts. He is ranked for his commercial expertise in both *Chambers UK Bar* and *The Legal 500 UK Bar* being described as a "Incisive, innovative, strategic and collaborative" and "James is bright, friendly and well prepared for his cases. He makes fair points very eloquently".

His recent work includes:

- *A v B* – acting for respondents to a multi-million pound procuring / breach of contract claim proceeding in the LCIA arising out of an agreement for services in connection with the marketing and promotion of an international sport
- *Magomedov v TPG Group Holdings (SBS) LP* [2025] EWHC 1996 (Comm) – application concerning confidentiality club orders and disclosure of non-party funders
- *Jaffe v Greybull Capital LLP* [2024] EWHC 2534 (Comm) – acting for the

claimants in a claim in deceit raising issues of choice of law under Rome II
- *Magomedov v Kuzovkov* [2024] EWHC 2527 (Comm) – acting for applicants for a Norwich Pharmacal order involving choice of law and cross-border issues in the context of a large-scale conspiracy claim
- *Sian Participation Corp v Halimeda Int Ltd* [2024] UKPC 16 – appearing in a significant appeal from the BVI in which the Privy Council held that Salford Estates v Altomart should no longer be followed: the presence of a generally worded arbitration or exclusive jurisdiction clause should not lead to the stay or dismissal of a creditor's winding-up petition unless the debt was genuinely disputed on substantial grounds.
- Acting for assignees of a company in liquidation pursuing a multi-million pound misfeasance claim arising out of the failure of a cryptocurrency business and involving the fraudulent transfer of Bitcoin
- *Mussa v Issa* [2024] EWHC 763 (Ch) – successfully acting for defendants in a challenge to the jurisdiction of the English courts on the basis that the proceedings were abusive and Malawi was the forum conveniens for trial of the claims
- X v Y – advising a specialised industrial services provider in relation to a multi-million pound contractual dispute with a well-known food producer
- Castle Trust Management Services v Wild: appearing in the Gibraltar Court of Appeal in connection with an appeal against the making of an administration order against a trust management company
- *X v Y* – appearing for the respondent to a multi-million pound claim proceeding in the ICC Court of Arbitration (London) arising out of the supply of petroleum products in West Africa, which settled shortly prior to the final hearing
- *Primus v Triumph* [2020] EWCA Civ 1228 – appearing for the appellant in a case in which the Court of Appeal considered the legal meaning of "goodwill" in a share purchase agreement
- *Uavend v Adsaax & Vistra* [2020] EWHC 2073 (Comm) – acting for an international trust company in defending an unusual claim for procuring a breach of a commercial contract
- *Triumph v Primus* [2019] EWHC 2216 (TCC), [2019] EWHC 2722 (TCC) – acting for an international company in relation to an assessment of damages in a multi-million dollar share warranty dispute arising out of a business sale
- *Jones v Hamilton* [2019] EWHC 877 (Ch) – 5-day hearing in the Business and Property Courts to establish an account of profits arising out of a profit sharing agreement requiring complex expert accountancy evidence
- *Magomedov v TPG Group Holdings (SBS) LP* [2025] EWHC 1996 (Comm) – acting for respondents to an application to disclose the identity of litigation funders with issues as to the existence and form of any confidentiality club

COMPANY

James has a busy and well-established company law practice and is ranked for expertise in the area by both *Chambers UK Bar* and *The Legal 500 UK Bar* it being said that *"James' knowledge of company law is wide and he provides, good, sensible advice both dealing with any issues in dispute and how to progress in the future", "James is a seasoned litigator and contentious insolvency expert. He provides much-welcomed balanced and pragmatic advice" and "He is my favourite silk – incisive, innovative, strategic and collaborative. Need I say more?"*

His work includes:

- BNM Parkstone LLP v Khazai [2022] EWHC 345 (Ch) – acting for defendants in a 2-week trial concerning allegations of breach of fiduciary duty in the context of membership of an LLP and a form of joint venture agreement
- A range of substantial shareholder (including s.994) and joint venture disputes
- *Northampton Borough Council v Cardoza* [2019] EWHC 26 (Ch) – Successfully acting for the claimant in a high profile 10-day misfeasance trial arising out of the affairs of a football league club

- *Dickinson v NAL Realisations (Staffordshire) Ltd (in liquidation)* [2017] EWHC 28 (Ch) – Acting for defendants facing claims for breach of duty, under s.423 and under the Companies Act 2006
- *Chubb v Rafidain Bank* [2017] 7 WLUK 701 – Acting for an Iraqi bank in relation to an application for a declaration regarding the effect of a scheme of arrangement
- *Harris v SSBIS* [2014] 1 BCLC 447 – Appearing in a case concerning the principles to be applied on an application for permission to act under sections 1A and 17 of the Company Directors Disqualification Act 1986.

INSOLVENCY

James has a leading reputation for handling a wide range of restructuring and insolvency matters. A client quoted in *Chambers UK Bar 2024* describes him as *"He's fantastic. The sort of person you can pick up the phone to: very responsive, clever and good with clients".*

James' work in this area includes:

- *Re Ho Wan Kwok* (ongoing) – acting for a US trustee in bankruptcy in relation to multi-million pound asset recovery claims in the BVI and England arising out of Chapter 11 proceedings in New York
- *Re Ziglu Ltd* (7/7/25, unreported) – successfully acting for the directors in obtaining a special administrator order pursuant to the Payment and Electronic Money Institution Insolvency Regulations 2021 and resisting a creditor's choice of special administrator
- *FS Capital Ltd v Adams* [2025] EWCA Civ 53 – appeal from decision at trial involving insolvency, trusts and assignment, which is the leading decision on English and Jersey law as to whether a transaction entered into for an improper purpose was void or voidable
- *Noal SCSp v Novalpina Capital LLP* [2025] EWHC 54 (Ch) – appearing on an application concerning the jurisdiction of the court to appoint an additional liquidator in an MVL under sections 108 and 112, IA 1986
- *Sian Participation Corp v Halimeda Int Ltd* [2024] UKPC 16 – appearing in a significant appeal from the BVI in which the Privy Council held that Salford Estates v Altomart should no longer be followed: the presence of a generally worded arbitration or exclusive jurisdiction clause should not lead to the stay or dismissal of a creditor's winding-up petition unless the debt was genuinely disputed on substantial grounds.
- Acting for assignees of a company in liquidation pursuing a multi-million pound misfeasance claim arising out of the failure of a cryptocurrency business and involving the fraudulent transfer of Bitcoin
- *Adams v FS Capital Ltd* [2023] EWHC 1649 (Ch) – leading Josh Lewison in a 2-week trial involving trusts, constructive trusts, assignments, the meaning of an "insolvent trust" and the application of the decision in *Sequana* as a matter of Jersey law
- *Re Lyphe Group Ltd* [2023] 12 WLUK 427 – acting for administrators in obtaining an urgent order under paragraph 71, Schedule B1 confirming that, in light of their obligations under the Money Laundering, Terrorist Financing and Transfer of Funds Regs 2017, they did not have to proceed with the highest bid for the company's assets
- Acting for BVI liquidators in obtaining a recognition order under the Cross-Border Insolvency Regulations 2006 in the context of an international Ponzi scheme
- Acting for a large action group of investors in relation to a complex disclaimer / vesting order application arising out of a failed development scheme where fraud is alleged
- *Re Li Shu Chung* [2021] EWHC 3346 (Ch); [2022] BPIR 507 – leading Katie Longstaff in successfully acting for Hong Kong trustees in bankruptcy in resisting an application for security for costs and then obtaining a recognition order under the Cross-Border Insolvency Regulations 2006
- *Re Fowlds* [2021] EWHC 2149 (Ch); [2022] 1 WLR 61 – leading Andrew Brown on an appeal before Trower J, which is the leading decision on

"change of position" as a defence to avoidance claims in insolvency
- Acting for a national firm of insolvency practitioners in successfully resisting a substantial claim for professional negligence arising out a trading administration and dealings with ROT goods
- *Elston v King* [2020] EWHC 55 (Ch); [2020] BPIR 501 – Successfully acting for a trustee in bankruptcy in relation to the operation of the doctrine of common mistake in the context of an income payment agreement entered into by the bankrupt
- *Baltic House Developments Ltd v Wing Keung Cheung* [2018] Bus LR 1531 – Appearing in a contested application for an administration order
- *Re TPS Investments (UK) Ltd* [2018] EWHC 360 (Ch); [2019] 1 BCLC 61 – Successfully acting for administrators in defeating an application to remove them on the grounds of a conflict of interest
- *Re Capital Funding One Ltd* [2017] EWHC 3567 (Ch) – Successfully acting for a company in establishing that administrators were invalidly appointed
- *Ready Rentals Ltd (in liquidation) v Ahmed* [2016] EWHC 1996 (Ch) – Appearing in a notable case considering the interaction of POCA 2002 and insolvency law in the context of a payment into court
- *Re Cosy Seal Insulation Ltd (in administration)* [2016] EWHC 1225 (Ch) – Successfully acting for an administrator in obtaining a judgment from HHJ Behrens for over £1m against a director and connected party for breach of duty and a transaction at an undervalue
- Advising as to the interaction of insolvency and shipping law in the context of the administration of travel companies with various cross-border issues
- Successfully acting for an Irish liquidator in bringing proceedings in the High Court in England in reliance on the provisions in the EC Insolvency Regulation
- *Power v Hodges* [2015] EWHC 2931 (Ch), [2015] EWHC 2983 (Ch) – Obtaining summary judgment and suspended orders for committal on behalf of the liquidators in substantial misfeasance proceedings
- *Sharma v Top Brands* [2015] EWCA Civ 1140 – Appearing in a case, in which the Court of Appeal upheld the trial judge's finding that the breach of duty claim against a former liquidator was not barred by reason of illegality.
- *Top Brands v Sharma* [2014] EWCA Civ 761 – Acting in an expedited appeal, where the decision upheld the first instance judge's finding that a former liquidator had no standing to challenge the status of the applicants as creditors, thereby meaning that their misfeasance claim against the former liquidator should proceed
- *Re Casa Estates Ltd* [2014] BCC 269 – Appearing in a Court of Appeal case (on a second appeal) concerning the meaning and effect of the "cash flow" and "balance sheet" insolvency tests in section 123 of the Insolvency Act 1986 following the decision of the Supreme Court in Eurosail
- *Masters v Furber* [2014] BPIR 263 – Decision of HHJ Purle KC that a supervisor of an IVA could, relying in part on a Power of Attorney in his favour, obtain a mandatory injunction requiring the debtor to comply with the terms of the arrangement in relation to the realisation of certain motor vehicles for the benefit of creditors as a whole.
- *Re GP Aviation Ltd* [2014] 1 WLR 166 – Acting in a case concerning whether a bare right to appeal was "property" within the meaning of the Insolvency Act 1986 in the context of an application by liquidator for directions as to whether he should assign the right to conduct a tax appeal to the directors of the company.

RECOGNITION

- *"James is able to assimilate large volumes of evidence in a short period of time and easily distil the critical issues. His drafting is first class and he is an excellent advocate."* (The English Bar Offshore: Commercial Disputes, *Legal 500 UK Bar 2026*)
- *"James is highly intelligent, unflappable under pressure and a measured and compelling advocate. He is also very quick and a real pleasure to work with."* (Insolvency, *Legal 500 UK Bar 2026*)

- *"He is highly intelligent but also very down to earth and approachable."* (Restructuring/Insolvency, *Chambers UK Bar 2026*)
- *"Good, fair and someone who can be relied upon to take the right points."* (Chancery: Commercial, *Chambers UK Bar 2026*)
- *"A great trial advocate who is especially effective in his cross-examination of witnesses in highly charged cases."* (Chancery: Commercial, *Chambers UK Bar 2026*)
- *"James is an extremely effective and impressive lawyer. He does his homework and is calming while also being direct and assertive."* (Restructuring/Insolvency, *Chambers UK Bar 2025*)
- *"James is very good – assured and measured."* (Restructuring/Insolvency, *Chambers UK Bar 2025*)
- *"He is bright and takes a measured approach."* (Restructuring/Insolvency, *Chambers UK Bar 2025*)
- *"James is particularly strong on complex and very technical points. He is incredibly bright but also really gets into the detail and thinks around issues. Whilst being a deep thinker, he is also very alive to commercial agendas. Very user-friendly and responsive."* (Insolvency, *Legal 500 UK Bar 2025*)
- *"Incisive, innovative, strategic and collaborative."* (Commercial Dispute Resolution, *Chambers UK Bar 2024*)
- *"James provides balanced and pragmatic advice."* (Commercial Dispute Resolution, *Chambers UK Bar 2024*)
- *"James is bright, friendly and well prepared for his cases. He makes fair points very eloquently."* (Commercial Dispute Resolution, *Chambers UK Bar 2024*)
- *"He is very sharp and capable in front of judges and knows when to push and pull back."* (Restructuring/Insolvency, *Chambers UK Bar 2024*)
- *"He's fantastic. The sort of person you can pick up the phone to: very responsive, clever and good with clients."* (Restructuring/Insolvency, *Chambers UK Bar 2024*)
- *"James is a seasoned litigator and a contentious insolvency expert. He provides much-welcomed, balanced and pragmatic advice."* (Restructuring/Insolvency, *Chambers UK Bar 2024*)
- *"James is technically very sound: cerebral, a deep thinker and a details man who gets into the weeds of documents."* (Restructuring/Insolvency, *Chambers UK Bar 2024*)
- *"James is a seasoned litigator and contentious insolvency expert. He provides much-welcomed balanced and pragmatic advice."* (Chancery, *Chambers UK Bar 2024*)
- *"He is my favourite silk – incisive, innovative, strategic and collaborative. Need I say more?"* (Chancery, *Chambers UK Bar 2024*)
- *"James' knowledge of company law is wide and he provides, good, sensible advice both dealing with any issues in dispute and how to progress in the future."* (Company, *Chambers UK Bar 2024)*
- *"James has consistently demonstrated an extremely knowledgeable yet commercial approach."* (Restructuring/Insolvency, *Chambers UK Bar 2024*)
- *"He is extremely strong in his analytical ability and presentation in court. He provides a great deal of assurance that he can deep-dive and turn around an opinion with tight deadlines."* (Restructuring/Insolvency, *Chambers UK Bar 2024*)
- *"He is a fantastic barrister and our favourite choice for complex matters."* (Restructuring/Insolvency, *Chambers UK Bar 2024*)
- *"James is very knowledgeable on the law and the practicalities that go with litigation."* (Restructuring/Insolvency, *Chambers UK Bar 2023*)
- *"When you instruct James you know that he will approach things in a methodical manner and that his advice will be on point."* and *"He is very cerebral, bright and really good on paper. He can cut through the technical issues in a very user-friendly way."* (Restructuring/Insolvency, *Chambers UK Bar 2022)*
- *"Technically he's fantastic and he's always well prepared. He's also very persuasive and has the ear of the judges."* (Restructuring/Insolvency, *Chambers UK Bar 2021*)

- *"He has a great intellect and never loses sight of the client's commercial objectives." "Very approachable and good with clients."* (Company, *Chambers UK Bar 2019*)
- *"An excellent operator who instils confidence with his technical knowledge and user-friendly manner."* (Restructuring/Insolvency, *Chambers UK Bar 2019*)
- *"Very good at insolvency – he's one of the go-tos. He's extremely intelligent and his knowledge of the law in that area is second to none. He is good with clients and highly approachable. He's happy to speak to the clients and find a commercial solution." "He is very, very good; just very tidy and highly efficient."* (Chancery, *Chambers UK Bar 2019*)
- *"He's well organised, reassuring, knowledgeable and always brilliantly well prepared."* (Commercial Dispute Resolution, *Chambers UK Bar 2019*)
- *"A consummate courtroom performer."* (Commercial, Banking, Insolvency and Chancery law, *Legal 500 UK Bar*)

PUBLICATIONS

James is a contributor of two chapters to the *Encyclopaedia of Banking Law* (unfair terms and Quistclose trusts) and frequently speaks and writes on his areas of interest. His articles include:

- *"Trust, not distrust": can Quincecare apply to cryptocurrency transactions on exchanges?* Journal of International Banking and Financial Law, 2024, 39(2), 108-110
- *Wrongful trading claims: a central plank or dead in the water?* Recovery Magazine, Winter 2022
- *International commercial litigation after Brexit: uncertainty in a new world*. PLC Mag. 2021, 32(2), 22-23
- *Commercial Rent Arrears Recovery and Administration: Questions as to Timing, Security and Priorities*. Insolvency Intelligence 2020, 33(4) 115-119
- *Directors' duties in the insolvency context*. Insolvency Intelligence 2015, 28(1), 1-5
- *The relevance of loss in preference type misfeasance claims*. CR&I 2014, 7(3), 123-124
- *Preference – when is the decision made?* CR&I 2011, 4(3), 75-76
- *4Eng v Harper – an unjustified change?* CR&I 2010, 3(1), 5-8

QUALIFICATIONS

- MA Law (Cantab), Jesus College, Cambridge
- Jesus College Foundation Scholar (1994)
- Inner Temple Major Scholar (1995)
- Bar Vocational Course – Outstanding (1996)
- Attorney-General's Panel of Provincial Advocates (appointed 2002; reappointed 2007 and 2012)
- Recorder of the County Court (2010) with chancery ticket (2013)
- Deputy High Court Judge (2019-2025)

MEMBERSHIPS

- INSOL
- R3 – Association of Business Recovery Professionals
- IWIRC
- COMBAR
- London Court of International Arbitration (LCIA)
- Chancery Bar Association
- Midland Chancery & Commercial Bar Association

POLICIES AND OTHER DETAILS

- Read James' Privacy Notice, Data Protection Policy and Disposal Policy