



James Morgan QC

Silk: 2017 | Call: 1996

Queen's Counsel

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RECOMMENDATIONS

"He has a great intellect and never loses sight of the client's commercial objectives."

Company, Chambers UK Bar 2019

James Morgan QC 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 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 also sits as a Recorder of the County Court, and has recently been appointed as a Deputy High Court Judge.

RESTRUCTURING AND INSOLVENCY

James has a leading reputation for handling a wide range of restructuring and insolvency matters. A client quoted in *Chambers UK Bar 2019* describes him as "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."

James' recent work in this area includes:

- *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) - 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]

MEMBERSHIPS

- Chancery Bar Association
 - Midland Chancery & Commercial Bar Association
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POLICIES AND OTHER DETAILS

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

COMPANY

James has a busy and well-established company law practice and is ranked for expertise in the area by both *Chambers UK Bar 2019* and *The Legal 500 UK Bar 2019*.

His recent work includes:

- *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, which is an important authority on the applicability of the duty to creditors when the company is facing a contingent claim

- Advising on two multi-million-pound shareholder disputes that settled shortly before trial and he continues to act on a range of shareholder (including s.994 and just and equitable winding up) and joint venture disputes
- *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.

BUSINESS DISPUTES

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 2019* and *The Legal 500 UK Bar 2019*.

His recent work includes:

- *Triumph v Primus* [2019] EWHC 2216 (TCC) – Acting for an international company in a multi-million dollar share warranty dispute
- Appearing in 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
- Acting in a multi-million pound contractual dispute arising out of an agreement for the supply of maintenance services
- Appearing in a trial in the Chancery Division for a mortgagee concerning a £3m property portfolio
- Acting in a trial in the Mercantile Court for a major energy company
- Successfully obtaining a freezing order for a bank
- Making injunction applications for various franchisors
- *Pooni v Nazran* [2015] EWHC 1899 (QB) – Acting for a defendant to a claim for breach of warranty/guarantee arising out of a property investment in Dubai.

RECOGNITION

- *“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, *The Legal 500 UK Bar*)