



James Fox

Barrister

Call 2015



Scope of Practice

• Arbitration • Banking and Financial Services • Civil Fraud • Commercial Litigation • Company • Energy and Natural Resources • Jurisdiction and Conflict of Laws • Letters of Request

Overview

James Fox undertakes a broad range of commercial work in line with Chambers' practice areas. James has been engaged in a number of market leading civil fraud cases, with claims for in excess of £1 billion. These include the 93-day trial in the Autonomy litigation, which the Judge noted "*may rank amongst the longest and most complex in English legal history*" and resulted in a 1200 page judgment which "*may well be unparalleled*".

Recent instructions include:

Entain v SEM and Ors (Comm)

Acting (with James MacDonald KC) for the defendants in a claim for breach of warranty under an SPA following the sale of a betting and remote gambling business in the Netherlands. There is a counterclaim for sums due under deferred consideration provisions, and damages for breach of contract.

Kallakis v AIB [2023] EWHC 2148 (Comm)

Acting (with Neil Kitchener KC and Sandy Phipps) for the defendant bank in claims exceeding £300 million relating to the alleged fraudulent undervalue sale of a portfolio of mortgaged properties. The causes of action alleged included sale at undervalue, sale without authority, misrepresentation and unjust enrichment.

Autonomy v Lynch and Hussain [2022] EWHC 1178 (Ch)

Acting (with Laurence Rabinowitz KC, Patrick Goodall KC, Conall Patton KC and others) for Autonomy and others in fraud claims worth \$5 billion in relation to the acquisition of Autonomy by the HP group. The case featured in The Lawyer's "Top 20 Cases" for 2019. A 93-day trial concluded in January 2020, which Hildyard J noted "*may rank amongst the longest and most complex in English legal history*". The 1200 page (excluding schedules and appendices)

judgment on liability “*may well be unparalleled*”. Quantum to be determined in a later judgment.

SKAT v Solo Capital Partners LLP (in administration) and Ors (Comm)

Acted (led variously by Laurence Rabinowitz KC, Michael Fealy KC, Jamie Goldsmith KC and others) for the Danish Tax and Customs Administration in a claim relating to an alleged conspiracy involving fraudulent withholding tax reclaim applications in the sum of DKK 12 billion (approximately £1.5 billion). The case featured in The Lawyer’s “Top 20 Cases” for 2021. The case has been described by Foxton J as “*one of the largest and most complex pieces of litigation to be heard in the Commercial Court*”

FM Capital Partners v Marino and Ors [2018] EWHC 1768 (Comm); [2018] EWHC 2905 (Comm); [2018] EWHC 2612 (Comm); [2018] EWHC 2889 (Comm)

Acted (with Laurence Emmett) for the third defendant in a claim for dishonest assistance, conspiracy, knowing receipt and bribery in relation to structured products.

Examples of Recent Cases

Arbitration

- **SIAC arbitration (Singapore seat)**
Acted (with Laurence Rabinowitz QC, Nick Sloboda and others) for an oil and gas company in a claim for \$5.5bn for alleged fraud and breach of warranty under a SPA.
- **IFTA Arbitration (England and Wales seat)**
Settled (as sole counsel) a defence and counterclaim regarding a debt claim under a film distribution agreement. The case raised issues concerning implied terms and unjust enrichment.
- Assisted (during pupillage) Jamie Goldsmith in an SCC arbitration claim against a Russian bank concerning the assignment of shares.

Banking and Financial Services

- **Kallakis v AIB [2023] EWHC 2148 (Comm)**
Acting (with Neil Kitchener KC and Sandy Phipps) for the defendant bank in claims exceeding £300 million relating to the alleged fraudulent undervalue sale of a portfolio of mortgaged properties. The causes of action alleged included sale at undervalue, sale without authority, misrepresentation and unjust enrichment.
- **FM Capital Partners v Marino and Ors [2018] EWHC 1768 (Comm); [2018] EWHC 2905 (Comm)**
Acted (with Laurence Emmett) for the third defendant in a claim for dishonest assistance, conspiracy, knowing receipt and bribery in relation to structured products.
- **McGraw-Hill International v Deutsche Apotheker & Ors**
Acted for the investors (with Daniel Toledano QC, Jamie Goldsmith, Sharif Shivji and others) in a Commercial Court claim against a rating agency and a bank for alleged negligence and negligent and fraudulent misrepresentations arising from the sale of Constant Proportion Debt Obligations. The damages claimed exceeded €130m.

- Assisted (during pupillage) Conall Patton in a Commercial Court claim relating to a terminated Global Master Repurchase Agreement.

Civil Fraud

- **Kallakis v AIB [2023] EWHC 2148 (Comm)**
Acting (with Neil Kitchener KC and Sandy Phipps) for the defendant bank in claims exceeding £300 million relating to the alleged fraudulent undervalue sale of a portfolio of mortgaged properties. The causes of action alleged included sale at undervalue, sale without authority, misrepresentation and unjust enrichment.
- **Autonomy v Lynch and Hussain [2022] EWHC 1178 (Ch)**
Acting (with Laurence Rabinowitz KC, Patrick Goodall KC, Conall Patton KC and others) for Autonomy and others in fraud claims worth \$5 billion in relation to the acquisition of Autonomy by the HP group. The case featured in The Lawyer's "Top 20 Cases" for 2019. A 93-day trial concluded in January 2020, which Hildyard J noted "*may rank amongst the longest and most complex in English legal history*". The 1200 page (excluding schedules and appendices) judgment on liability "*may well be unparalleled*". Quantum to be determined in a later judgment.
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- **Blockchain and Petrochemical v LFE Market Ltd & Ors [2020] EWHC 2027 (Comm)**
Acting (with Orlando Gledhill KC) for the claimants in a claim for fraudulent misrepresentation, breach of contract, procuring breach of contract and conspiracy in relation to a start-up cryptocurrency project.
- **FM Capital Partners v Marino and Ors [2018] EWHC 1768 (Comm); [2018] EWHC 2905 (Comm)**
Acted (with Laurence Emmett) for the third defendant in a claim for dishonest assistance, conspiracy, knowing receipt and bribery in relation to structured products.
- **SIAC arbitration (Singapore seat)**
Acted (with Laurence Rabinowitz QC, Nick Sloboda and others) for an oil and gas company in a claim for \$5.5bn for alleged fraud and breach of warranty under a SPA.

Commercial Litigation

- **Entain v SEM and Ors (Comm)**
Acting (with James MacDonald KC) for the defendants in a claim for breach of warranty under an SPA following the sale of a betting and remote gambling business in the Netherlands. There is a counterclaim for sums due under deferred consideration provisions, and damages for breach of contract.
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Acting (with Neil Kitchener KC and Sandy Phipps) for the defendant bank in claims exceeding £300 million relating to the alleged fraudulent undervalue sale of a portfolio of mortgaged properties. The causes of action alleged included sale at undervalue, sale without authority, misrepresentation and unjust enrichment.

- **Blockchain and Petrochemical v LFE Market Ltd & Ors [2020] EWHC 2027 (Comm)**

Acting (with Orlando Gledhill KC) for the claimants in a claim for fraudulent misrepresentation, breach of contract, procuring breach of contract and conspiracy in relation to a start-up cryptocurrency project.

- **FM Capital Partners v Marino and Ors (freezing injunction) [2018] EWHC 2612 (Comm); [2018] EWHC 2889 (Comm)**

Acted (with Laurence Emmett) in relation to a post-judgment freezing injunction.

- **FM Capital Partners v Marino and Ors [2018] EWHC 1768 (Comm); [2018] EWHC 2905 (Comm)**

Acted (with Laurence Emmett) for the third defendant in a claim for dishonest assistance, conspiracy, knowing receipt and bribery in relation to structured products.

- **Michael O’Neill v AVIC International Corporation (UK) Limited (QB)**

Acted (as sole counsel) for the defendant company in both a CCMC and a disclosure hearing in the High Court relating to a debt claim under an alleged oral agreement. The fees claimed exceed £500,000.

- Advised (as sole counsel) a creditor seeking to claim under a guarantee against an insolvent guarantor, which gave rise to formalities issues under the Statute of Fraud.
- Assisted (during pupillage) Conall Patton in an application for a worldwide freezing injunction against a Russian citizen, which resulted in a successful committal application for contempt of court.
- Assisted (during pupillage) Conall Patton in relation to a claim concerning the alleged liability of a vendor under a Share Purchase Agreement for tax claims against the target.
- Assisted (during pupillage) Conall Patton in advising on the effect of a force majeure clause.
- Assisted (during pupillage) Jamie Goldsmith in a complex claim arising from investment in real estate assets, entailing claims for breach of fiduciary and directors’ duties, and fraudulent misrepresentation.
- Advised (as sole counsel) a supplier of freelance contractors in the IT industry about potential economic torts claims.

Company

- **Autonomy v Lynch and Hussain [2022] EWHC 1178 (Ch)**

Acting (with Laurence Rabinowitz KC, Patrick Goodall KC, Conall Patton KC and others) for Autonomy and others in fraud claims worth \$5 billion in relation to the acquisition of Autonomy by the HP group. The case

featured in The Lawyer's "Top 20 Cases" for 2019. A 93-day trial concluded in January 2020, which Hildyard J noted "*may rank amongst the longest and most complex in English legal history*". The 1200 page (excluding schedules and appendices) judgment on liability "*may well be unparalleled*". Quantum to be determined in a later judgment.

- **FM Capital Partners v Marino and Ors (freezing injunction) [2018] EWHC 2889 (Comm)**
Acted (with Laurence Emmett) in relation to a post-judgment freezing injunction. The issues considered included whether a freezing injunction covers the assets of a company in which the Respondent is a shareholder/director.
- Assisted (during pupillage) Jamie Goldsmith in relation to Insolvency Act proceedings for the winding up of a company on the just and equitable ground, and on the ground that the company was insolvent and unable to pay its debts.

Energy and Natural Resources

- **SIAC arbitration (Singapore seat)**
Acting (with Laurence Rabinowitz QC, Nick Sloboda and others) for an oil and gas company in a claim for \$5.5bn for alleged fraud and breach of warranty under a SPA.
- Assisted (during pupillage) David Wolfson QC and Conall Patton in a claim concerning liability under a Joint Operating Agreement for a pensions deficit, in the context of oil exploration, development and production activities.
- Assisted (during pupillage) Orlando Gledhill in advising on the construction of limitation and exclusion clauses in a contract for the sale of a power generator.
- Assisted (during pupillage) Orlando Gledhill in a claim arising from a contract for the distribution of devices to reduce water consumption in showers intended partly to fulfil British Gas's obligations under the Carbon Emission Reduction Target (CERT) scheme.
- Assisted (during pupillage) Orlando Gledhill in a pre-action disclosure application relating to a large claim arising out of the construction of a mine shaft in Russia.

Letters of Request

- **AFELMA v Actis SA [2017] EWHC 738 (QB)**
Acted (as sole counsel) for a Spanish trading body, seeking the production of a document from a non-party in the United Kingdom under EU Regulation 1206/2001.
- Assisted (during pupillage) Conall Patton in various matters relating to incoming letters of request from the United States under the Evidence (Proceedings in Other Jurisdictions) Act 1975.

Advocacy

James has appeared as sole counsel in both High Court and County Court proceedings. His High Court hearings have included CCMCs, a specific disclosure application, and an application for the production of documents by a party to Spanish litigation from a non-party in England under EU Regulation 1206/2001.

What the Directories Say

Ranked as a Leading Junior by Legal 500 (Fraud: Civil)

Education

- City Law School: BPTC (Outstanding) [2014-2015]
 - Harvard Law School: LL.M [2013-2014]
 - University of Oxford: BA (Jurisprudence, with senior status) (First Class Honours) [2011-2013]
 - University of Oxford: BA (Philosophy, Politics and Economics) (First Class Honours) [2008-2011]
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Other Academic Achievements

- Eastham Scholarship, Lincoln's Inn [2015]
 - Buchanan Prize, Lincoln's Inn [2015]
 - Hardwicke Entrance Award, Lincoln's Inn [2015]
 - Dean's Scholar award for Law and the International Economy, Harvard Law School [2014]
 - Ely Carter Prize, St Anne's College [2014]
 - Ruth Deech Prize, St Anne's College [2014]
 - Academic Merit Award, City Law School [2014]
 - Eric Bergsten Award for Best Claimant Memorandum, Vis East Moot [2014]
 - Second Place for Best Respondent Memorandum, Vis East Moot [2014]
 - Honourable Mention for oral advocacy (ranked 4th of 194), Vis East Moot [2014]
 - Lord Mansfield Scholarship, Lincoln's Inn [2013]
 - Highest mark (80%) in Jurisprudence finals paper, University of Oxford [2011]
 - Distinction in PPE preliminary exams, University of Oxford [2009]
 - Winner of World Schools Debating Championships, Washington DC [2008]
 - Winner of Oxford, Cambridge, Durham and Bristol Union school debating competitions [2007-2008]
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Awards



Contact Clerks



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