



## James Fox

Barrister  
Call 2015



## Scope of Practice

- Arbitration • Banking and Financial Services • Civil Fraud • Commercial Litigation • 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 is recognised as a leading junior in Civil Fraud by Legal 500, and has been engaged in a number of market leading civil fraud cases.

Recent instructions include:

### **Novitas v AmTrust (Comm)**

Acting (with Sonia Tolaney KC and Saul Lemer) for the claimant in multi-million pound proceedings concerning a claim under an indemnity related to a litigation financing business. The dispute includes claims in restitution.

### **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*".

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## **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.

### **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.

### **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)**

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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

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Acting (with Sonia Tolaney KC and Saul Lemer) for the claimant in multi-million pound proceedings concerning a claim under an indemnity related to a litigation financing business. The dispute includes claims in restitution.

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- **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.

- Advised (as sole counsel) a supplier of freelance contractors in the IT industry about potential economic torts claims.

## 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.

## 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.

## 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.

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## Notable Decisions

- **Kallakis v AIB** [2023] EWHC 2148 (Comm) – 5-week Commercial Court trial
- **Autonomy v Lynch and Hussain** [2022] EWHC 1178 (Ch) – 9-month Chancery Division trial
- **Blockchain and Petrochemical v LFE Market Ltd & Ors** [2020] EWHC 2027 (Comm) – freezing injunction, strike-out, duty of full and frank disclosure
- **FM Capital Partners v Marino and Ors** [2018] EWHC 2612 (Comm); [2018] EWHC 2889 (Comm) – post-judgment freezing injunction decisions
- **FM Capital Partners v Marino and Ors** [2018] EWHC 1768 (Comm); [2018] EWHC 2905 (Comm) – 3-week Commercial Court trial and consequentials decisions
- **AFELMA v Actis SA** [2017] EWHC 738 (QB) – production of a document for Spanish litigation under EU Regulation 1206/2001

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## What the Directories Say

*'He is an exceptional technical lawyer'* Legal 500 2025 (Fraud: Civil)

Ranked as a Leading Junior by Legal 500 2024 (Fraud: Civil)

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## 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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