ONE ESSEX COURT

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James Gardner

Barrister
Call 2018

Scope of Practice

• Commercial Dispute Resolution • Civil Fraud • Banking and Financial Services • Commodities and International Trade

Overview

James has a diverse commercial practice across Chambers' full range of specialisms, with a particular focus on civil fraud, commodities, trade finance and other banking disputes. He has appeared in the High Court, most commonly the Commercial Court and the Chancery Division, as well as in the Court of Appeal and arbitral proceedings under a variety of rules (including LCIA, SIAC, UNCITRAL and LMAA).

James has significant experience in high value, complex commercial disputes, with recent cases including SKAT v Solo Capital Partners LLP & Ors, Bourlakova v Bourlakov & Ors, and various confidential arbitrations. He also regularly acts as sole counsel, both against other juniors and against opponents in silk.

James is frequently instructed in interim applications, which are often urgent, including for freezing injunctions, disclosure orders, debarring orders and orders in support of arbitral proceedings. He is especially familiar with making and resisting such applications against the background of allegations of fraud, having spent six months on secondment at a civil fraud litigation boutique in his first year of practice.

Recent instructions include:

- *A v B* **(2023-2024, LCIA arbitration)** – acted for a 33% minority shareholder bringing an unfair prejudice petition seeking a buy-out valuation of the subject company which was >£100 million greater than that contended for by the majority shareholders, based on (among other things) adjustments sought in respect of allegations of unlawful means conspiracy and fraudulent misappropriations by the majority shareholders. Settled one week before the commencement of a six week trial in February 2024. Led by Andrew Fulton KC.
- *AO Alfa-Bank v Kipford Ventures Limited* **(2023-, BVI Commercial Court)** – acting for the bank in relation to its claims for (among other things) US$140 million brought in various causes of action said to arise from the bank having been fraudulently induced to finance the purported acquisition of a coal mine, led by Paul Lowenstein KC.
- **(2021-, Commercial Court, Court of Appeal)** – acting for Mr Vik in relation to committal proceedings brought by Deutsche Bank for alleged breaches of a Part 71 order made in respect of a US$330 million judgment debt, including Mr Vik's appeal against the committal order in the Court of Appeal, led by Duncan Matthews KC and Rupert Hamilton.
- **(2020-2022, Chancery Division)** – acted for the defendant and summary judgment applicant in proceedings

by which the claimant alleged that the defendant, his brother, had fraudulently concealed the existence of a trust over monies in a Swiss bank account said to have been created by their late father, led by Conall Patton KC.

- *A v B* (2021, LCIA arbitration) – acted for a Chinese trading house claiming US$157 million for undelivered iron ore in two related LCIA arbitrations, led by Simon Milnes KC.
- *TOTSA Total Oil Services SA v (1) Zenrock Commodities Trading Pte Ltd (2) Hong Kong and Shanghai Banking Corporation Ltd* (2020-2021, Commercial Court) – acted for the bank defending a claim for rectification and counterclaiming US$16 million as assignee of its trade finance customer's rights under a contract for the sale of oil, led by Andrew Fulton KC.
- *A v B* (2021-, LMAA arbitrations) – acting as sole counsel for a Singaporean ship-owner in more than two dozen references arising from a long term contract of affreightment, including at a three day trial against a silk.

Examples of Recent Cases

Commercial Dispute Resolution

A v B (2023-2024, LCIA arbitration) – acted for a 33% minority shareholder bringing an unfair prejudice petition seeking a buy-out valuation of the subject company which was >£100 million greater than that contended for by the majority shareholders, based on (among other things) adjustments sought in respect of allegations of unlawful means conspiracy and fraudulent misappropriations by the majority shareholders. Settled one week before the commencement of a six week trial in February 2024. Led by Andrew Fulton KC.

AO Alfa-Bank v Kipford Ventures Limited (2023-, BVI Commercial Court) – acting for the bank in relation to its claims for (among other things) US$140 million brought in various causes of action said to arise from the bank having been fraudulently induced to finance the purported acquisition of a coal mine, led by Paul Lowenstein KC.

Wenda Co Ltd v Wang Jinhong & Ors (2022-, Commercial Court) – acting for a Chinese food ingredients manufacturer claiming approx. US$5 million against its previous finance director and her associated companies for the allegedly fraudulent operation of an invoice financing arrangement, including applications for freezing/proprietary injunctions and associated disclosure, led by Simon Milnes KC; obtained a third party disclosure order as sole counsel.

Deutsche Bank AG v Alexander Vik & Anor (2021-, Commercial Court, Court of Appeal) – acting for Mr Vik in relation to committal proceedings brought by Deutsche Bank for alleged breaches of a Part 71 order made in respect of a US$330 million judgment debt, including Mr Vik's appeal against the committal order in the Court of Appeal, led by Duncan Matthews KC and Rupert Hamilton.

A v B (2021, potential Commercial Court proceedings) – advised an individual threatened with an eight figure fraud claim on potential jurisdiction challenges under the post-Brexit regime and limitation defences.

A v B (2021, LCIA arbitration) – acted for a Chinese trading house claiming US$157 million for undelivered iron ore in two related LCIA arbitrations, led by Simon Milnes KC.

TOTSA Total Oil Services SA v (1) Zenrock Commodities Trading Pte Ltd (2) Hong Kong and Shanghai Banking Corporation Ltd (2020-2021, Commercial Court) – acted for the bank defending a claim for rectification and counterclaiming US$16 million as assignee of its trade finance customer's rights under a contract for the sale of oil (led by Andrew Fulton KC).

Civil Fraud

A v B (2023-2024, LCIA arbitration) – acted for a 33% minority shareholder bringing an unfair prejudice petition seeking a buy-out valuation of the subject company which was >£100 million greater than that contended for by the majority shareholders, based on (among other things) adjustments sought in respect of allegations of unlawful means conspiracy and fraudulent misappropriations by the majority shareholders. Settled one week before the commencement of a six week trial in February 2024. Led by Andrew Fulton KC.

AO Alfa-Bank v Kipford Ventures Ltd (2023-, BVI Commercial Court) – acting for the bank in relation to its claims for (among other things) US$140 million brought in various causes of action said to arise from the bank having been fraudulently induced to finance the purported acquisition of a coal mine, led by Paul Lowenstein KC.

Wenda Co Ltd v Wang Jinhong & Ors (2022-, Commercial Court) – acting for a Chinese food ingredients manufacturer claiming approx. US$5 million against its previous finance director and her associated companies for the allegedly fraudulent operation of an invoice financing arrangement, including applications for freezing/proprietary injunctions and associated disclosure, led by Simon Milnes KC; obtained a third party disclosure order as sole counsel.

Deutsche Bank AG v Alexander Vik & Anor (2021-, Commercial Court, Court of Appeal) – acting for Mr Vik in relation to committal proceedings brought by Deutsche Bank for alleged breaches of a Part 71 order made in respect of a US$330 million judgment debt, including Mr Vik's appeal against the committal order in the Court of Appeal, led by Duncan Matthews KC and Rupert Hamilton.

Margulies v Margulies (2020-2022, Chancery Division) – acted for the defendant and summary judgment applicant in proceedings by which the claimant alleged that the defendant, his brother, had fraudulently concealed the existence of a trust over monies in a Swiss bank account said to have been created by their late father, led by Conall Patton KC.

A v B (2021, potential Commercial Court proceedings) – advised an individual threatened with an eight figure fraud claim on potential jurisdiction challenges under the post-Brexit regime and limitation defences.

Daly v Ryan (2021, Chancery Appeals Centre) – acted as sole counsel for the respondents in an application for an order imposing conditions on the appellants' permission to appeal against an €8.5 million judgment debt in a fraud claim.

Ocean Holidays Ltd v Collins (2020, Queen's Bench Division) – acted for a travel company bringing proceedings against a fraudster-employee, first obtaining a freezing injunction (while on secondment, with Philip Riches KC) then settling pleadings as sole counsel.

Banking and Financial Services

AO Alfa-Bank v Kipford Ventures Limited (2023-, BVI Commercial Court) – acting for the bank in relation to its claims for (among other things) US$140 million brought in various causes of action said to arise from the bank having been fraudulently induced to finance the purported acquisition of a coal mine, led by Paul Lowenstein KC.

Wenda Co Ltd v Wang Jinhong & Ors (2022-, Commercial Court) – acting for a Chinese food ingredients manufacturer claiming approx. US$5 million against its previous finance director and her associated companies for the allegedly fraudulent operation of an invoice financing arrangement, including applications for freezing/proprietary injunctions and associated disclosure, led by Simon Milnes KC; obtained a third party disclosure order as sole counsel.

A v B (2021, potential Commercial Court proceedings) – advising a South-East Asian conglomerate facing a claim under a parent company guarantee as to its potential defences and rights of subrogation, led by Simon Milnes KC.

TOTSA Total Oil Services SA v (1) Zenrock Commodities Trading Pte Ltd (2) Hong Kong and Shanghai Banking Corporation Ltd (2020-2021, Commercial Court) – acted for the bank defending a claim for rectification and counterclaiming US$16 million as assignee of its trade finance customer's rights under a contract for the sale of oil (led by Andrew Fulton KC).

Acted for a Citigroup entity defending numerous County Court claims brought by PPI policyholders under section 140A of the Consumer Credit Act 1974, raising issues as to the application of section 32 of the Limitation Act 1980.

Commodities and International Trade

AO Alfa-Bank v Kipford Ventures Limited (2023-, BVI Commercial Court) – acting for the bank in relation to its claims for (among other things) US$140 million brought in various causes of action said to arise from the bank having been fraudulently induced to finance the purported acquisition of a coal mine, led by Paul Lowenstein KC.

A v B (2021, LCIA arbitration) – acting for a Chinese trading house claiming US$157 million for undelivered iron ore

in two related LCIA arbitrations, led by Simon Milnes KC.

A v B **(2021, LMAA arbitration)** – acted for a ship-owner at a 5-day trial defending a claim for cargo damage said to arise from the contamination of a cargo of potable ethanol, led by Julian Kenny KC.

TOTSA Total Oil Services SA v (1) Zenrock Commodities Trading Pte Ltd (2) Hong Kong and Shanghai Banking Corporation Limited **(2020-2021, Commercial Court)** – acted for a bank defending a claim for rectification and counterclaiming US$16 million as assignee of its trade finance customer's rights under a contract for the sale of oil (led by Andrew Fulton KC).

What the Directories Say

Chambers & Partners 2027 (Fraud: Civil) - "James is very diligent, very talented and has really good instincts."

Chambers & Partners 2027 (Fraud: Civil) - "James is hard-working, easy to work with and all over the papers."

Chambers & Partners 2027 (Fraud: Civil) - "James got on top of the detail quickly."

Legal 500 2027 (Commercial Litigation) - "A first-class junior who is no doubt a future star. No task is too small or big, and he is unflappable throughout."

Chambers & Partners 2026 (Fraud: Civil) - "James Gardner is formidable. He is incredibly hard-working and very clever and commercial."

Chambers & Partners 2026 (Fraud: Civil) - "His written work is second to none."

Legal 500 2026 (Fraud: Civil) - "A junior who clearly understands the nuances of fraud claims."

Chambers & Partners 2025 (Fraud: Civil) - "He is a really good, strategic barrister."

Chambers & Partners 2025 (Fraud: Civil) - "James is very detailed and his drafting is top notch."

Chambers & Partners 2025 (Fraud: Civil) - "James is very commercial, thorough and charming."

Legal 500 2025 (Fraud: Civil) - "He is a very diligent junior."

Education

- City Law School: BPTC, Very Competent (2018)
- City University, London: GDL, Distinction (2017)
- University of Oxford, Keble College: MSt English Literature (1550-1700) (2016)
- University of Oxford, Keble College: BA English Language and Literature, First Class (2015)

Awards / Scholarships / Prizes

- Hardwicke Entrance Award, Lincoln's Inn (2017)
- Lord Haldane Scholarship, Lincoln's Inn (2016)
- Academic Scholarship, City University, London (2016)
- Graduate Scholarship in Memory of John Keble, Keble College, Oxford (2015-16)

- Academic Scholar, Keble College, Oxford (2015)
- Nigel Smith Prize for English, Keble College, Oxford (2014)
- Winner: Inner Temple Inter-Varsity Moot (2017) , Inner Temple Magna Moot (2017)
- Runner up: City University GDL Moot (2017)
- Finalist: Lincoln's Inn Internal Moot (2017)

Awards

2027 Chambers Ranked in UK Bar
James Gardner

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