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## James Ruddell

Barrister

Call 2015



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## Scope of Practice

• Arbitration • Banking and Financial Services • Civil Fraud • Commercial Litigation • Company and Insolvency • Energy and Natural Resources • Insurance and Reinsurance • Jurisdiction and Conflict of Laws • Professional Liability • Restitution • Restrictive Covenants, Non-Compete and Team Moves

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## Overview

**James Ruddell has a broad practice across the full spectrum of commercial disputes, with a particular focus on commercial litigation, banking & finance, civil fraud and international arbitration.**

James has experience in complex High Court litigation, from pre-action advice and interim injunctions through to trial and appeals to the Court of Appeal and Supreme Court. He has been instructed in some of the most substantial litigation before the English courts (including several of The Lawyer's "Top 20" cases) and has particular recent experience in acting for and against foreign states (or state-related entities) and in significant civil fraud claims.

In arbitration, James has experience in disputes administered pursuant to LCIA, SIAC, and UNCITRAL rules, and in bringing arbitration claims before the Commercial Court.

In addition to his work as part of a larger counsel team, he also acts as sole counsel in litigation/arbitration and has both trial and interlocutory advocacy experience.

Prior to coming to the English bar, James practised for 2 years as a commercial litigation barrister and solicitor in New Zealand. He graduated top of his year in both his undergraduate (University of Auckland, LLB(Hons)) and graduate (University of Oxford, BCL) studies. His academic work has been cited with approval by the English Court of Appeal.

Current and recent instructions include:

- **Philipp v Barclays Bank UK Plc (UKSC)**

Acted (with Sonia Tolaney KC) for UK Finance in a Supreme Court appeal concerned with the novel and significant issue of whether a bank's *Quincecare* duty applies in the context of authorised push payment fraud. UK Finance is the trade body representing the banking and finance industry in the UK and was given permission to make written and oral submissions as intervener. The case was identified by The Lawyer as a "Top 10 Appeal" for 2023.

- **Skatteforvaltningen v Solo Capital Partners LLP (in administration) & Ors (Comm, EWCA, UKSC)**  
Acting (as part of a wider team) for the Danish Tax and Customs Administration in a claim brought against c.100 defendants. The claim is in respect of an alleged conspiracy involving fraudulent withholding tax reclaim applications in the sum of DKK 12 billion (approximately £1.5 billion). James has appeared successfully as sole advocate in interlocutory matters. 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", and was identified by The Lawyer as a "Top 20 Case" for 2021 and a "Top 10 Appeal" for 2022.
- **General Dynamics United Kingdom Limited v The State of Libya (Comm, EWCA)**  
Acting (with Daniel Toledano KC) for the claimant in proceedings to enforce an arbitral award against Libya. The issue of service under section 12 of the State Immunity Act 1978 went to the Court of Appeal in 2019 and the Supreme Court in 2021, after which a final order for enforcement was made by the Commercial Court in 2022.
- **Maroil Trading Inc & Ors v Cally Shipholdings Inc & Ors (Comm)**  
Acting (with Sonia Tolaney KC) for Burford Capital and Daniel Hall (the Third Parties) in complex and high profile proceedings for sums in excess of US\$85 million. The Third Parties are alleged to have committed breaches of confidence and made fraudulent misrepresentations. The case is listed for a 9-week trial commencing in January 2024, and was identified by The Lawyer as a "Top 20 Case" for 2022.
- **Hashwah & Ors v Qatar National Bank (QPSC) & Ors (Comm, KB)**  
Acting (with Daniel Toledano KC) for the First Defendant in two sets of proceedings brought by alleged victims of terrorism during the Syrian civil war. The claimants allege a terrorist financing arrangement involving various Qatari officials and institutions, including the First Defendant. The first claim was dismissed on state immunity grounds in 2022 and the second claim remains pending.
- **Vale v Steinmetz & Ors (Comm, EWCA)**  
Acted (with Sonia Tolaney KC, Sebastian Isaac KC and Adam Rushworth) for the claimants in substantial (c.US\$1.7 billion) civil fraud proceedings arising out of a JV to exploit mining rights in Guinea. The claimants alleged that the licences had been procured by bribery and corruption of Guinean government officials. James appeared successfully in the Court of Appeal defending a summary judgment application and in the Commercial Court obtaining orders for specific disclosure.
- **Simon v Taché (Comm)**  
Acted as sole counsel for the defendant art consultants in a claim brought in relation to advisory services for the purchase of valuable artwork. The defendants successfully challenged the jurisdiction of the English court in an application giving rise to a number of novel legal issues.

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## Examples of Recent Cases

## Commercial Litigation

- **Hashwah & Ors v Qatar National Bank (QPSC) & Ors (Comm, KB)**

Acting (with Daniel Toledano KC) for the First Defendant in two sets of substantial proceedings brought by alleged victims of terrorism during the Syrian civil war. The claimants allege a terrorist financing arrangement involving various Qatari officials and institutions, including the First Defendant. The first claim was dismissed on state immunity grounds in 2022 and the second claim remains pending.

- **Skatteforvaltningen v Solo Capital Partners LLP (in administration) & Ors (Comm, EWCA, UKSC)**

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- **Federal Deposit Insurance Corporation v Barclays & Ors (Comm)**

Acted (with Sonia Tolaney QC, Nehali Shah and Owain Draper) for Deutsche Bank in a claim brought by the FDIC against LIBOR panel banks and the British Bankers’ Association for alleged anti-competitive behaviour, deceit and conspiracy in connection with the alleged “lowballing” of USD LIBOR during the global financial crisis.

- **Kian Gwan (Thailand) Plc v Meyer (Comm)**

Acted as sole counsel for the claimants in proceedings brought for repayment of c. £2 million advanced by the claimants under alleged oral loan agreements.

- **Simon v Taché (Comm)**

Acted as sole counsel for the defendant art consultants in a claim brought in relation to advisory services for the purchase of valuable artwork. The defendants successfully challenged the jurisdiction of the English court, in an application giving rise to a number of novel legal issues.

- **ABB Limited, Seoul v Myung Se Oh & Ors (Comm, QB, Ch)**

Acted as sole counsel for the claimant in proceedings to enforce a c. £42m South Korean judgment in England. The judgment was successfully enforced in Commercial Court proceedings and charging orders and orders for sale were subsequently obtained in the Queen’s Bench and Chancery Divisions.

- **A v B (Channel Islands)**

Acted for the claimant in professional negligence proceedings against a “Big 4” auditor for alleged negligence in failing to detect substantial fraud.

- **Gens v Goldenberg & Ors (Comm)**

Acted (with Anneliese Day QC) for the claimants in two sets of related proceedings between high net worth Russian businessmen (and their corporate vehicles) seeking the repayment of c. US\$150m alleged to be due under oral loan agreements.

- **Agrivert Renewables Ltd v Jones & Ors (Comm)**

Acted as sole counsel for the claimant in proceedings concerned with an investment in an organic waste treatment business.

- **Capreon (UK) Limited v Winnersh Holdings LP (Comm)**

Acted (with Edmund Nourse QC) for the defendants in a claim for alleged breach of exclusivity and reasonable endeavours obligations in a Heads of Terms regarding the sale and purchase of a business park in Reading. The proceedings were settled shortly before trial.

- **Deutsche Bank v Unitech (Comm)**

Acted (with Sonia Tolaney QC and Adam Sher) for Deutsche Bank in a claim to enforce a swap transaction, which is defended on the basis of alleged misrepresentations and/or implied terms as to suitability and LIBOR manipulation.

- **Flyington Freighters Ltd v Airbus SAS & Ors (Comm)**

Acted (with Sonia Tolaney QC and Christopher Bond) for Airbus in a \$50 million dispute with an Indian freight airline over a sale and purchase agreement for aircraft (settled on the eve of a four-week Commercial Court trial).

- **Deutsche Bank v Banca Intermobiliare Di Investimenti E Gestioni SPA (Comm)**

Acted (with Orlando Gledhill QC) for the claimant bank in proceedings seeking payment of fees under an engagement letter.

- **Sir Owen Glenn v Watson & Ors (ChD)**

Acted for the Third and Fourth Defendants (led by Anna Boase QC and later as sole counsel) in respect of claims brought in the Chancery Division arising out of a failed c. £125m joint investment venture. The claims against the Third and Fourth Defendants were based on fraudulent misrepresentation, knowing receipt and tracing.

- **Tower Trading Group Ltd v Gaunt (QBD)**

Acted (with David Cavender QC) for the Claimant trading platform provider in claims against former employees and shareholders for breach of a shareholders’ agreement, obligations of confidence and restrictive covenants. James appeared unled at the first CCMC in which there were contested issues regarding disclosure, confidentiality, amendments and costs budgets. The case settled shortly thereafter.

- **Kintetsu World Express (UK) Ltd v Jeffery & Ors (QBD)**

Acted (with Jacques Algazy QC and Michael d’Arcy) for the Claimant in a claim against former employees and a competitor for breaches of confidence, contract and restrictive covenants, and for conspiracy following a team move. (Settled shortly before a 7-day High Court Trial).

## Banking and Financial Services

- **Philipp v Barclays Bank UK Plc (UKSC)**

Acted (with Sonia Tolaney KC) for UK Finance in a Supreme Court appeal concerned with the novel and significant issue of whether a bank's *Quincecare* duty applies in the context of authorised push payment fraud. UK Finance is the trade body representing the banking and finance industry in the UK and was given permission to make written and oral submissions as intervener. The case was identified by The Lawyer as a "Top 10 Appeal" for 2023.

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- **VO Nala SARL v CAS Apollon Limited & Ors (Comm)**

Acted (with Sonia Tolaney KC) for the claimant alternative investment vehicle in proceedings regarding the construction and/or rectification of financing agreements relating to the acquisition of two container ships.

- **Federal Deposit Insurance Corporation v Barclays & Ors (Comm)**

Acted (with Sonia Tolaney QC, Nehali Shah and Owain Draper) for Deutsche Bank in a claim brought by the FDIC against LIBOR panel banks and the British Bankers' Association for alleged anti-competitive behaviour, deceit and conspiracy in connection with the alleged "lowballing" of USD LIBOR during the global financial crisis.

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Acted (with Orlando Gledhill QC) for the claimant bank in proceedings seeking payment of fees under an engagement letter.

- **Re Lehman Brothers International Europe (in Administration) (Ch)**

Acted (with Sonia Tolaney QC) for Barclays Capital Inc in an application in the LBIE administration regarding client money, statutory interest, set-off and currency issues (total value c. £350m). The matter settled on the morning of a 9-day trial.

## Civil Fraud

- **Skatteforvaltningen v Solo Capital Partners LLP (in administration) & Ors (Comm, EWCA, UKSC)**

Acting (as part of a wider team) for the Danish Tax and Customs Administration in a claim brought against c.100 defendants. The claim is in respect of an alleged conspiracy involving fraudulent withholding tax reclaim applications in the sum of DKK 12 billion (approximately £1.5 billion). James has appeared successfully as sole advocate in interlocutory matters. 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", and was identified by The Lawyer as a "Top 20 Case" for 2021 and a "Top 10 Appeal" for 2022.

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alleged that the licences had been procured by bribery and corruption of Guinean government officials. James appeared successfully in the Court of Appeal defending a summary judgment application and in the Commercial Court obtaining orders for specific disclosure.

- **Maroil Trading Inc & Ors v Cally Shipholdings Inc & Ors (Comm)**

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## Arbitration

- **General Dynamics United Kingdom Limited v The State of Libya (Comm, EWCA, UKSC)**

Acting (with Daniel Toledano KC) for the claimant in proceedings to enforce an arbitral award against Libya. The issue of service under section 12 of the State Immunity Act 1978 went to the Court of Appeal in 2019 and the Supreme Court in 2021, after which a final order for enforcement was made by the Commercial Court in 2022.

- **SIAC Proceedings (Singapore seat)**

Acted (with Laurence Rabinowitz QC and others) for an oil and gas company defending a claim for US \$5.5bn for alleged fraud and breach of warranty under an SPA.

- **UNCITRAL Proceedings (London seat)**

Acted (with Henry Forbes Smith) in an arbitration under the UNCITRAL rules concerning the validity and consequences of termination of a property management agreement.

- **LCIA Proceedings**

Acted as sole counsel for a claimant in arbitral proceedings seeking payment of fees due for telecommunication services provided in Iraq and sums due under a settlement agreement.

## Energy and Natural Resources

- **SIAC Proceedings (Singapore seat)**

Acted (with Laurence Rabinowitz QC and others) for an oil and gas company defending a claim for \$5.5bn for alleged fraud and breach of warranty under an SPA

- **Vale v Steinmetz & Ors (Comm, EWCA)**

Acted (with Sonia Tolaney KC, Sebastian Isaac KC and Adam Rushworth) for the claimants in substantial (c.US\$1.7 billion) proceedings arising out of a JV to exploit mining rights in Guinea.

- **Warren’s and Warren’s Ltd v Timis Mining Corporation Ltd**

Acted as sole counsel for the defendant mining company, defending a claim for sums due under a consultancy agreement relating to a mine in Sierra Leone. Successfully contested jurisdiction and had the claim struck out.

## Company and Insolvency

- **Re Lehman Brothers International Europe (in Administration) (Ch)**

Acted (with Sonia Tolaney KC) for Barclays Capital Inc in an application in the LBIE administration regarding client money, statutory interest, set-off and currency issues (total value c. £350m). The matter settled on the



morning of a 9-day trial.

- Advised and appeared on behalf of creditors and debtors in respect of applications to set aside statutory demands.

## Restrictive Covenants, Non-Compete and Team Moves

- **Tower Trading Group Ltd v Gaunt (QB)**

Acted (with David Cavender QC) for the Claimant trading platform provider in claims against former employees and shareholders for breach of a shareholders' agreement, obligations of confidence and restrictive covenants. James appeared unled at the first CCMC in which there were contested issues regarding disclosure, confidentiality, amendments and costs budgets.

- **Kintetsu World Express (UK) Ltd v Jeffery & Ors**

Acted for the Claimant (with Jacques Algazy QC and Michael D'Arcy) in a claim against former employees and a competitor for breaches of confidence, contract and restrictive covenants, and for conspiracy following a team move. The matter settled shortly before the start of what was listed as a 7 day High Court Trial.

- **Gamatronic v Hamilton**

Assisted (during pupillage) Anna Boase with a claim against former directors and shareholders for breach of directors' duties, employment contracts and restrictive covenants, for rescission of a share purchase agreement and for restitution in relation to payments made to HMRC. Included assisting with the 7-day High Court trial, the PTR and an application for an unless order.

## Recent Advocacy Appearances

James regularly acts as sole counsel in High Court and County Court litigation and has both trial and interlocutory advocacy experience.

- **Simon v Taché (Comm)**

Appeared successfully as sole counsel for the defendants in a substantial application challenging the jurisdiction of the English court.

- **Skatteforvaltningen v Solo Capital Partners LLP (in administration) & Ors (Comm)**

Appeared successfully as sole counsel for the claimant Danish Tax and Customs Administration in an application concerning c.£13.1m held in Court, which was subject to the claimant's proprietary claim but which was sought by the lead defendant group for the payment of their legal expenses.

- **ABB Limited, Seoul v Myung Se Oh & Ors (Comm, QB, Ch)**

Acted as sole counsel for the claimant in proceedings to enforce a c. £42m South Korean judgment in England. The judgment was successfully enforced in Commercial Court proceedings and charging orders and orders for sale were subsequently obtained in the Queen's Bench and Chancery Divisions.

- **Stroud & Burley Consultancy (A Firm) v Court Properties Ltd**

Appeared successfully as sole counsel for the claimant in a 2-day trial of a claim for the recovery of professional fees (design and associated works in respect of a proposed Marina in Surrey) and a counterclaim based on fraudulent misrepresentation and breach of contract.

- **Warren's and Warren's Ltd v Timis Mining Corporation Ltd**

Appeared as sole counsel for a mining corporation successfully contesting jurisdiction and striking out a

claim made for consultancy fees in relation to a Sierra Leone mine.

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## What the Directories Say

**Chambers & Partners 2024 (Commercial Dispute Resolution)** *"James' drafting is exceptional and he distils complex and technical matters into crisp points. He also has an appreciation of the client's commercial objectives, something which is borne out in his advice."* *"James Ruddell is highly intelligent."*

**Legal 500 2024 (Banking & Finance & Commercial Litigation)** *James is London's best kept secret. He is just excellent – extremely bright, commercial and responsive – an absolute pleasure to work with.'*

**Legal 500 2023 as a Rising Star in Commercial Litigation:** *"Some firms' default choice for any commercial dispute – uncommonly bright, hard-working and a real team player – his instructing solicitors would bet the house on James rising the ranks at break-neck speed."*

**Who's Who Legal 2022 as a Future Leader in Commercial Litigation**, and was the joint winner of the 2022 **Lexology** "Client Choice" Award for Litigation in the United Kingdom.

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## Education

- University of Oxford: BCL (Distinction, first in year) (Restitution of Unjust Enrichment, Conflict of Laws, Commercial Remedies, Principles of Civil Procedure) [2013-2014]
  - University of Auckland: LLB(Hons) (Senior Scholar, first in year) [2012]
  - University of Auckland: BA (History and Politics) (Senior Scholar) [2012]
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## Academic Achievements



- Vinerian Scholarship, University of Oxford (first in year in BCL examinations) [2014]
  - Peter Birks Prize in Restitution of Unjust Enrichment, University of Oxford [2014]
  - John Morris Prize in Conflict of Laws, University of Oxford [2014]
  - Law Faculty Price in Commercial Remedies, University of Oxford [2014]
  - FMB Reynolds Scholarship in Law [2013]
  - Banking and Financial Services Law Association Postgraduate Scholarship [2013]
  - Auckland District Law Society Prize, University of Auckland (first in year in LLB(Hons) degree) [2012]
  - Senior Scholar Awards in Arts and Law, University of Auckland [2012], and various subject and other prizes.
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## Professional Qualifications and Experience

- Admitted as Barrister and Solicitor of the High Court of New Zealand [2013]
  - Commercial litigation barrister and solicitor at Bell Gully, New Zealand [2013, 2014-2015]
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## Publications

- “Monetary Remedies for Wrongful Foreign Proceedings” [2015] 1 Lloyd’s Maritime and Commercial Law Quarterly pp.9–13
  - “Common Intention and Rectification for Common Mistake” [2014] 1 Lloyd’s Maritime and Commercial Law Quarterly pp.48–75, cited with approval in FSHC Group Holdings Ltd v Glas Trust Corp Ltd [2019] EWCA Civ 1361, [2020] Ch 365
  - “Statutory Interpretation, Parliamentary Intention and the General Anti-Avoidance Rule” (2013) 3 New Zealand Universities Law Review pp.497–521
  - “Deceit in the Transvaal? The Case of Burrows v Rhodes and Jameson” [2013] Auckland University Law Review pp.99–119
  - Co-Editor-in-Chief, Auckland University Law Review [2012]
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## Awards

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# Contact Clerks



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