

James Kinman

Call 2013

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Since joining Chambers in October 2014, James has developed a busy practice across a broad range of chancery, commercial, leasehold, real estate, company and insolvency matters – often involving questions of private international law. He frequently appears both led and unled in the County Court and High Court. He is a contributor to *Civil Fraud: Law, Practice and Procedure*.

Recent work includes:

Chancery and Commercial Litigation

Commercial disputes

- Junior Counsel for Sequana SA and related parties in *BTI 2014 LLC v Sequana SA* [2019] EWCA Civ 112, the leading case on the application of section 423 of the Insolvency Act 1986 to distributions to shareholders, and the directors' duty to take account of creditors' interests
- Junior Counsel for the successful Applicant for security for costs in *Tugushev v Orlov* [2018] EWHC 3471 (Comm)
- Junior Counsel for the successful Respondent in *Newson-Smith v Al Zawawi* [2017] EWHC 1876 (QB), an application to bring committal proceedings based on answers given during Part 71 proceedings
- Junior Counsel for the Defendant in *National Infrastructure Development Co Ltd v Banco Santander SA* [2016] EWHC 2990 (Comm) and on appeal ([2017] EWCA Civ 27, [2017] 1 Lloyd's Rep 361, [2017] CILC 3939), the leading case on the test to be applied in applications for summary judgment on standby letters of credit
- Junior Counsel for the successful Defendant in *Cephia HK Ltd v Character Group Plc* [2016] EWHC 3133 (Comm), in a claim for specific performance of a share option granted by a leading toy distributor
- Sole counsel for the Defendant in a Polish law claim brought by a farmer after her contract was terminated for contamination of her onions by cement
- Sole counsel for the successful Claimants in actions for negligent investment advice (one in relation to modern art, another in relation to foreign exchange trading)

Shareholder disputes

- Junior Counsel for the successful Claimants in *United Company Rusal Plc v Crispian Investments Ltd* [2018] EWHC 2415 (Comm), in which Rusal, a company associated with Oleg Deripaska, prevented Crispian, a company associated with Roman Abramovich, from transferring shares in breach of a shareholders' agreement
- Advising (with Benjamin John) in relation to the exclusion of directors/shareholders from the management of a national publication

- Assisting Catherine Newman QC in a petition for the winding up of a Cayman company on just and equitable grounds following a boardroom coup

Joint Venture and Partnership disputes

- Acted as Junior Counsel in proceedings relating to the collapse of an aviation industry joint venture
- Defended claims of deceit, conspiracy, dishonest assistance and knowing receipt by an off-shore SPV said to arise from the termination of a London property partnership
- Defended actions arising from the collapse of an alleged family partnership

Employee disputes

- Assisting Benjamin John in a claim for stigma damages within the context of a high profile accounting fraud investigation
- Acting for a company claiming the restitution of Nectar points gained by an employee upon the company's business expenditure

Leasehold and Real Estate

Real estate disputes

- Junior Counsel for the successful Appellant in *Asturion Fondation v Alibrahim* [2019] EWHC 274 (Ch), appealing against a strike out for abuse of process of a claim to reverse the transfer of central London property purportedly made by a Liechtenstein corporation
- Acting as Junior Counsel in a complex family dispute over the ownership of a Knightsbridge flat, which has been running since the 1980s
- Assisted Thomas Munby in a claim to recover the lease of a London property made by an industrial and provident society to its secretary

Landlord and tenant actions

- Junior Counsel for the successful Claimants in a dispute over the concierge service in 3-10 Grosvenor Crescent
- Acting in numerous actions for possession and disrepair relating to tenanted (and squatted) properties

Mortgage actions

- Appearing in numerous actions relating to mortgaged properties

Company

- Appearing in and advising on a number of Companies Court actions, including applications for restoration to, or modification of, the companies register

Insolvency

- Junior Counsel for the successful Applicant in *Plant v Vision Games 1 Ltd* [2018] EWHC 108 (Ch), [2018] B.P.I.R. 777, a dispute over whether the proceeds of certain tax credits were caught within security granted by a video games developer to its funder
- Appearing in and advising on a number of insolvency and bankruptcy proceedings, including applications for vesting orders, validation orders and block transfer orders as well as disputes relating to office-holders' remuneration

Before coming to the Bar, James spent two years as an associate in Slaughter and May's financing department. In that role, he acted on a variety of transactions including secured bank lending, securitisations, derivative products and debt capital market issuances. During his training contract, he was seconded for six months to Mannheimer Swartling, a leading corporate law firm in Stockholm.

James studied History at Trinity College, Cambridge. He graduated with a double first, was elected a Senior Scholar and received the Maitland Prize for Constitutional History. He subsequently received distinctions on each of the Graduate Diploma in Law course and the Legal Practice Course.

Memberships

Chancery Bar Association, COMBAR, The City of London Law Society