MAITLAND

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JAMES BALLANCE

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OVERVIEW

James is an experienced commercial litigator. He joined Chambers in October 2010, and since then has developed a busy advocacy and advisory practice, encompassing a wide range of Chambers' areas of work. James has particular experience and specialism in commercial litigation, property litigation, civil fraud, trusts & equitable claims, corporate and partnership disputes, professional negligence and insolvency.

James appears regularly in the High Court and the County Court (in London and further afield), and increasingly in the Court of Appeal. He is equally comfortable being instructed individually, or as part of a team.

COMMERCIAL LITIGATION

Instructed in a wide range of civil and commercial litigation, including: contractual and other commercial disputes; joint venture claims; corporate and partnership disputes; claims to enforce directors' or shareholders' guarantees; applications (including urgent applications) for interim injunctions and freezing relief; lender claims against borrowers, guarantors, and security assets; and claims in restitution, unjust enrichment and subrogation.

REAL ESTATE

Particular experience and specialism in property litigation in multiple disciplines:

- Real property litigation: conveyancing disputes, co-ownership claims (including TOLATA disputes), land registration issues (both pre- and post-Land Registration Act 2002) and rectification claims, constructive

trust and proprietary estoppel claims in both residential and commercial contexts, trespass, boundary disputes, nuisance claims, adverse possession, contracts for the sale of land and agreements for leases, easements, restrictive covenants, mortgages, undue influence & duress claims, and overreaching issues.

- Lender claims: possession claims brought by lenders and/or LPA receivers in respect of charged property; acting in a wide variety of lender disputes, including relating to lenders' powers of sale, the appointment of LPA Receivers, limitation and adverse possession points, ***res judicata*** and abuse of process arguments.
- Commercial landlord & tenant disputes, including lease renewal applications, construction of leases, rectification, issues under the Landlord and Tenant (Covenants) Act 1995, break notices, forfeiture/termination, relief from forfeiture, breach of landlord and tenant covenants, and rent review provisions.
- Residential landlord & tenant claims, covering both ASTs and ATs (and earlier forms of residential leases with security of tenure), and long leases; possession claims, ground rent, rentcharge and service charge disputes, forfeiture & termination, relief from forfeiture, and extension/enfranchisement.

Also familiar with and able to advise and act on a wide variety of other property matters, including Sale of Goods Act claims, Village Green applications, applications for charging orders, orders for sale, and vesting orders.

CIVIL FRAUD, TRUSTS & EQUITABLE CLAIMS

Wide experience of a range of civil fraud, trusts and equitable claims. High profile cases have involved complex issues within the law of trusts and constructive trusts, breach of fiduciary duty and breach of trust (including offshore work). Increasingly instructed on civil fraud litigation. Also advises on a range of probate issues, including construction of wills, challenges to testamentary capacity, and Inheritance Act claims.

COMPANY & PARTNERSHIP

Advises and acts in a range of corporate and partnership disputes, from share purchase agreements, share re-organisations, pre-emption rights and unfair prejudice petitions to disputes as to the existence, or terms of, partnerships, dissolution claims, and claims for accounts between partners.

PROFESSIONAL NEGLIGENCE

Wide-ranging experience in professional negligence claims, against accountants, legal representatives and surveyors. His instructions have included acting for both claimants and defendants in high value litigation, frequently giving rise to breach of trust, breach of fiduciary duty and breach of warranty issues in addition to conventional claims in breach of contract and negligence.

INSOLVENCY & ASSET RECOVERY

Advises and acts on a variety of corporate and personal insolvency matters. Regular appearances on winding-up petitions and rescission applications, bankruptcy petitions, annulment applications and applications to set aside statutory demands; familiarity with the making of administration orders, extension and removal orders; and able to advise on a range of other insolvency matters including appointment of provisional liquidators, CVAs and IVAs, transactions at an undervalue and preferences.

James is a contributor to Company Voluntary Arrangements: Law and Practice (OUP, 2022).

EXPERTISE

COMMERCIAL LITIGATION & ARBITRATION

CIVIL FRAUD

REAL ESTATE

DIRECTORY QUOTES

"James is fabulous; very bright and very persuasive. He beat leading barristers and is great."

Chambers UK Real Estate Litigation (2027)

"Clear, hard-working, user-friendly, and accessible with a "can-do" attitude."

Legal 500 UK Property Litigation (2027)

"James Ballance is really good; straight to the point."

Chambers UK Real Estate Litigation (2027)

"James is easy to work with and becomes part of the advisory team, not just drafting or advocacy."

Chambers UK Real Estate Litigation (2027)

"James is extremely bright and assured. He is a very effective communicator and tactically astute."

Chambers UK Real Estate Litigation (2026)

"Excellent knowledge of the procedure and thorough detail."

Legal 500 Property Litigation (2026)

"James has been a very responsive and astute adviser on a number of instructions."

Chambers UK Real Estate Litigation (2026)

"He is very persuasive both on paper and orally."

Chambers UK Real Estate Litigation (2026)

"He is excellent."

Legal 500 UK Professional Negligence (2020)

MEMBERSHIPS

- Chancery Bar Association
- COMBAR
- Professional Negligence Bar Association
- Property Bar Association
- Financial Services Lawyers Association

QUALIFICATIONS

- BA (Hons) First Class
- BCL (Distinction)
- MPhil (Distinction)
- Atkin & Birkenhead Scholar (Gray's Inn)
- Scarman Scholar (City Law School)

NOTABLE CASES

- *The Wellcome Trust Ltd v Soni & Ors (2018)*
- *Doberman & Gilbert v Watson & 11 ors (2017)*
- *(1) Susan Michele Doberman (2) Robert Harvey Gilbert v Arthur Thomas Watson & Karen Watson & 11 Ors (2017)*
- *Tindall Cobham 1 Ltd & 21 Ors v Adda Hotels (An Unlimited Company) & 11 Ors (2014) (CoA)*