

## JAMES KINMAN

CALL: 2013



### OVERVIEW

James specialises in commercial and commercial chancery litigation. He acts, both as sole counsel and as part of a wider team, in commercial, real estate, company, partnership and insolvency matters, often advising on questions of private international law.

He has been praised in directories for his industry, intellect, and calm under pressure. He is said to produce work which one would expect from “*a much more senior junior*”, and described as “*really intelligent*”, “*always on top of the detail*”, “*particularly user friendly*”, “*always up to the challenge*” and “*a star in the making*” who “*stands out from his peers and has a breadth of experience*”. He was identified as “one to watch” in Best Lawyers UK 2023 and is a contributor to the leading textbook *Civil Fraud: Law, Practice and Procedure*.

James acts, or has acted, in a range of high profile and legally significant commercial litigation, including ongoing disputes between the shareholders in Norilsk Nickel, the world’s largest producer of Nickel; *Tugushev v Orlov*, a dispute over the ownership of one of the world’s largest fishing businesses; *Qatar v Banque Havilland*, a claim by the State of Qatar relating to an alleged international conspiracy to manipulate its currency and bond markets; *Slater & Gordon v Watchstone*, a £637 million fraud and breach of warranty claim arising out of the sale of a national personal injury law firm; and *BTI v Sequana*, a multi-million Euro claim clawing back allegedly unlawful distributions, so as to fund efforts to clean rivers of environmental contamination in the United States.

Before coming to the Bar, James was a transactional solicitor at a Magic Circle firm. He acted on securitisations, restructurings, and derivative and debt capital market transactions.

# EXPERTISE

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## COMMERCIAL LITIGATION & ARBITRATION

James has a wide experience of commercial disputes in the Commercial Court, the Chancery Division and before arbitral tribunals. He regularly advises on issues of disclosure, privilege, evidence, conflicts of laws, settlement, appeal and contribution, both unled and as a junior within a larger team.

- ***Tugushev v Orlov***, a dispute over the ownership of one of the largest fishing enterprises in the world, concerning allegations of conspiracy and fraud
- ***Maroil Trading, Inc v Cally Shipholdings Inc.***, a three-way dispute between a prominent Venezuelan businessman, the Russian shipping group Novoship and the litigation funder Burford over an alleged breach of a confidentiality agreement leading to losses said to run to tens of millions of dollars
- ***United Company Rusal Plc v Crispian Investments Ltd***, 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
- ***Guardian News & Media v Rubicon Project***, in which the Guardian alleged that a provider of online advertising services had deducted secret commissions from its advertising revenue
- ***Donovan v Grainmarket Asset Management LLP***, a dispute concerning joint venturers' respective rights following the departure of one of the two parties during the course of the venture
- ***BTI 2014 LLC v Sequana SA***, a multi-million Euro claim clawing back allegedly unlawful distributions, so as to fund efforts to clean rivers of environmental contamination in the United States
- ***National Infrastructure Development Co Ltd v Banco Santander SA***, a dispute over whether the beneficiary of standby letters of credit relating to the extension of the Sir Solomon Hochoy Highway in Trinidad was entitled to call upon those letters
- ***Cephia HK Ltd v Character Group Plc***, a claim for specific performance of a share option granted by a leading toy distributor

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## CIVIL FRAUD

Much of James's practice consists of disputes in which fraud or other forms of dishonesty are alleged. He is a contributor to the leading textbook on the subject, ***Civil Fraud: Law, Practice and Procedure***.

- ***Tugushev v Orlov***, a dispute over the ownership of one of the largest fishing enterprises in the world, concerning allegations of conspiracy and fraud
- ***Qatar v Banque Havilland***, a claim by the State of Qatar relating to an alleged international conspiracy to manipulate its currency and bond markets
- ***Maroil Trading, Inc v Cally Shipholdings Inc.***, a three-way dispute between a prominent Venezuelan businessman, the Russian shipping group Novoship and the litigation funder Burford, which concerns the extent to which the alleged breaker of a confidence can rely upon alleged wrongdoing by the confider to excuse his breach

- ***Toma Business Enterprises Limited v Collingridge***, a claim by a construction business against a former employee, said to have embezzled £2.8 million
  - ***Slater & Gordon v Watchstone***, a £637 million fraud and breach of warranty claim arising out of the sale of the personal injury law firm Quindell
  - ***Newson-Smith v Al Zawawi***, an application to bring committal proceedings based on answers given during Part 71 proceedings
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## COMPANY & PARTNERSHIP

James routinely acts and advises on matters engaging the law of corporations, partnerships and joint ventures.

- ***BTI 2014 LLC v Sequana SA***, a multi-million Euro claim clawing back allegedly unlawful distributions, so as to fund efforts to clean rivers of environmental contamination in the United States
  - ***Asturion Fondation v Alibrahim***, a claim by a Liechtenstein foundation holding assets on behalf of the Saudi royal family to set aside a transfer of land for want of authority
  - ***United Company Rusal Plc v Crispian Investments Ltd***, 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
  - ***Reyl & Cie SA v LK Bennett Group Ltd***, claims under section 423 of the Insolvency Act 1986 and in conspiracy arising out of the restructuring of the well-known fashion retailer
  - ***Donovan v Grainmarket Asset Management LLP***, a dispute concerning joint venturers' respective rights following the departure of one of the two parties during the course of the venture
  - James has acted in, and advised on, a number of actual and threatened actions and arbitrations relating to the expulsion of partners from partnerships and the rights and liabilities said to arise as a result
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## INSOLVENCY & ASSET RECOVERY

James is routinely instructed in disputes relating to insolvency on behalf of creditors, directors and insolvency practitioners.

- ***BTI 2014 LLC v Sequana SA***, a multi-million Euro claim clawing back allegedly unlawful distributions, so as to fund efforts to clean rivers of environmental contamination in the United States
- ***Town & Country Properties (GB) Ltd v Black Capital***, multi-million pound petitions to wind up a partnership, the existence of which is disputed
- ***Reyl & Cie SA v LK Bennett Group Ltd***, claims under section 423 of the Insolvency Act 1986 and in conspiracy arising out of the restructuring of the well-known fashion retailer
- ***Plant v Vision Games I Ltd***, a dispute over whether the proceeds of certain tax credits were caught within a floating charge granted by a video games developer to its funder

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## OFFSHORE & TRUSTS

James frequently advises in relation to offshore disputes, including:

- Applications in the Isle of Man made to enforce a freezing order made against aircraft-owning companies
- BVI proceedings relating to the validity of a share issue in a company holding PRC property
- Cross petitions before the Cayman Court seeking the winding up of a company operating in the PRC on the just and equitable basis
- Advice on the beneficial ownership of Bahamian property
- Advice in relation to proceedings before the Bermudian Court arising out of the mismanagement of large life insurance policies

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## REAL ESTATE

James acts in a wide variety of real estate matters, including matters engaging the law of compulsory acquisition, adverse possession, the construction of leases, and disputes as to beneficial title.

- *Asturion Fondation v Alibrahim*, a claim by a Liechtenstein foundation holding assets on behalf of the Saudi royal family to set aside a transfer of land for want of authority
- *Wales & West Utilities Limited v Smart Systems Limited*, a claim concerning rights and liabilities relating to a high pressure gas pipeline running through industrial land in Somerset
- *Malik v Malik, Malik and Malik*, a long running family dispute over the ownership of a flat in Knightsbridge
- *Chliaifchtein v 3-10 Crescent Management Limited*, proceedings over whether a development for high net worth individuals was entitled to reduce its night-time concierge provision from two persons to one

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## BANKING & FINANCIAL SERVICES

James advises on and acts in disputes relating to regulated services, including:

- A multi-million pound claim arising out of negligent investment management services provided to an Irish umbrella company
- An eight-figure claim arising out of misleading statements and omissions in prospectuses and other information published by a FTSE 100 issuer

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## MEDIA & ENTERTAINMENT

James advises on and acts in media and entertainment disputes.

- **Guardian News & Media v Rubicon Project**, in which the Guardian alleged that a provider of online advertising services had deducted secret commissions from its advertising revenue
  - A dispute between a multinational news organisation and a news distributor over payments for use of the former's content
  - A dispute between a director and content owner and a production company over the terms on which the former's content was used in a critically acclaimed music documentary
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## PROFESSIONAL NEGLIGENCE

James advises on and acts in professional negligence disputes, including:

- **Stubbins Marketing Ltd v Rayner Essex LLP**, an action against accountants regarding advice provided during the sale of a business and associated assets
- An action by a family owned multinational toy company against a well-known solicitor firm regarding advice provided during the acquisition of another business
- A multi-million pound claim arising out of negligent investment management services provided to an Irish umbrella company

## DIRECTORY QUOTES

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*"A star in the making, he stands out from his peers and has a breadth of experience."*

**Chambers UK Chancery: Commercial (2023)**

*"James is a very clever chancery junior."*

**Chambers UK Commercial (2023)**

*"Really bright and his drafting skills are beyond his level of call. He produces work you would expect from a much more senior junior, and he is extremely good under high pressure and when facing tight deadlines. He is always up to the challenge."*

**Chambers UK Chancery: Commercial (2022)**

*"A particularly user-friendly junior."*

**Chambers UK Chancery: Commercial (2021)**

*"Really intelligent, calm under pressure, hard working, commercial, and always on top of the detail."*

## MEMBERSHIPS

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- Chancery Bar Association
- COMBAR