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JAMES KINMAN

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OVERVIEW

James specialises in commercial and commercial chancery litigation. He is regularly instructed in high-value, complex disputes, often involving multiple jurisdictions, allegations of fraud, or technical issues of company, partnership, or insolvency law.

He has been praised in directories for his industry, intellect, and calm under pressure. He is described as "***a wonderful barrister***", "***a great advocate***", "***really intelligent***", "***always on top of the detail***", "***always up to the challenge***" and "***a star in the making***" who "***has judgement well beyond his years***", "***stands out from his peers***" and is "***always willing to jump into a matter and do whatever is needed to help***". He is a contributor to the leading textbook ***Civil Fraud: Law, Practice and Procedure***.

James has acted in a range of high profile and legally significant litigation. He acts for one of the claimant groups in the ***Glencore plc*** litigation, pursuing claims under s. 90 and s. 90A of FSMA arising out of alleged misconduct by Glencore plc in a number of jurisdictions. He acts for the National Iranian Oil Company in an appeal to the Supreme Court relating to the nature and effect of s. 53(1)(b) of the Law of Property Act 1925. He appeared unled for the successful claimant in ***Campeau v Gottex Real Asset Fund***; a case examining the interplay of exclusive jurisdiction clauses with the Contracts (Rights of Third Parties) Act 1999. He appeared for the successful respondent in ***Mex Group Worldwide Ltd v Ford***, the first case to examine the effect of Brexit upon the jurisdiction of the Court to grant freezing injunctions in support of foreign proceedings. He acted in 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

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. Major cases include:

- ***Various Claimants v Glencore Plc***, various claimants are bringing claims against Glencore under s. 90 and s. 90A FSMA claiming compensation for loss caused by alleged wrongdoing in various jurisdictions
- ***Durnont Enterprises Ltd v Fazita Investment Ltd***, a jurisdiction challenge arising from allegations that assets held by a Polish investment fund had been wrongfully diverted
- ***National Iranian Oil Company v Crescent Gas Corporation***, a dispute as to whether a valuable London property is available to a creditor of the National Iranian Oil Company
- ***Mex Group Worldwide Ltd v Ford***, a dispute as to whether a freezing order in support of Scottish proceedings had been properly granted
- ***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 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 venture
- ***BTI 2014 LLC v Sequana SA***, a multi-million Euro claim clawing back allegedly unlawful distributions, 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

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***.

- ***Various Claimants v Glencore Plc***, various claimants are bringing claims against Glencore under s.90 and s.

90A FSMA claiming compensation for loss caused by alleged wrongdoing in various jurisdictions, disclosure of which – it is alleged – was dishonestly suppressed
- ***Durnont Enterprises Ltd v Fazita Investment Ltd***, a jurisdiction challenge arising from allegations that assets held by a Polish investment fund had been wrongfully diverted
- ***Mex Group Worldwide Ltd v Ford***, a dispute as to whether a freezing order had been properly granted in support of Scottish proceedings regarding an alleged unlawful means conspiracy
- ***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

COMPANY & PARTNERSHIP

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

- ***Various Claimants v Glencore Plc***, various claimants are bringing claims against Glencore under s. 90 and s. 90A FSMA claiming compensation for loss caused by alleged wrongdoing in various jurisdictions
- ***Durnont Enterprises Ltd v Fazita Investment Ltd***, a jurisdiction challenge arising from allegations that assets held by a Polish investment fund had been wrongfully diverted
- ***BTI 2014 LLC v Sequana SA***, a multi-million Euro claim clawing back allegedly unlawful distributions, 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 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 venture
- James has acted in, and advised on, several 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

INSOLVENCY & ASSET RECOVERY

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

- ***National Iranian Oil Company v Crescent Gas Corporation***, a dispute as to whether a valuable London property is available to a creditor of the National Iranian Oil Company
- ***BTI 2014 LLC v Sequana SA***, a multi-million Euro claim clawing back allegedly unlawful distributions, 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 1 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

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

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

BANKING & FINANCIAL SERVICES

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

- ***Various Claimants v Glencore Plc***, various claimants are bringing claims against Glencore under s. 90 and s. 90A FSMA claiming compensation for loss caused by alleged wrongdoing in various jurisdictions
- 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 FTSE100 issuer

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

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

"James is the best junior I have worked with in a long time. His legal knowledge is unprecedented and he is very good at developing arguments very quickly."

Chambers UK Chancery: Commercial (2027)

"James is extremely impressive and my first choice for any complex litigation. He is able to absorb vast amounts of evidence and complex issues and principles in no time at all. He produces written work of the highest calibre and is an effective and persuasive advocate."

Legal 500 UK Commercial Litigation (2027)

"Wise beyond his years, he is destined for great things based on his brilliant technical skills, his effectiveness in working with instructing solicitors and his understanding of the client's commercial drivers."

Chambers UK Chancery: Commercial (2027)

"James is very clever and his written work is hugely sophisticated."

Chambers UK Chancery: Commercial (2027)

"James is a real self-starter who goes above and beyond to support me and the client. He is a man who produces brilliant advocacy and is always unflappable in court. I massively rate him."

Chambers UK Chancery: Commercial (2027)

"James Kinman is a great intellect, a creative thinker and someone who can be relied upon to direct all of his energies to the case."

Chambers UK Chancery: Commercial (2026)

"James Kinman is full of enthusiasm. He takes the lead and tells you the answer."

Chambers UK Chancery: Commercial (2026)

"James is always responsive, sensible, commercial and collaborative. He is also skilled at client facing and an excellent drafter."

Chambers & Partners (2025)

"He has judgement well beyond his years."

Chambers UK Chancery: Commercial (2024)

"Tremendously clever, very responsive and always willing to jump into a matter and do whatever is needed to help."

Chambers UK Chancery: Commercial (2024)

"A wonderful barrister, who's integral to our team. Very patient and clever, he's a calming influence in any case and a great advocate."

Chambers UK Chancery: Commercial (2024)

"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."

Legal 500 UK Commercial Litigation (2021)

MEMBERSHIPS

- Chancery Bar Association
- COMBAR