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JAMES MITCHELL

CALL: 2018
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OVERVIEW

James has a busy practice encompassing the full range of work that is found in the Business and Property Division of the High Court. He has particular experience in commercial, civil fraud, property, insolvency, company and financial services disputes. James is particularly at home where cases have crossovers between his various areas of expertise or where there is an international dimension to the dispute.

James' recent cases include defending a claim for fraudulent breach of warranty following a sale of a company leading to a multi-week commercial court trial; a substantial High Court trial concerning the alleged sale of a portfolio of properties at an undervalue belonging to a company in liquidation; and acting for the FCA in proceedings alleging that a global cryptoasset exchange had breached UK financial promotion rules.

He has also been instructed as an expert on English law in foreign proceedings.

EXPERTISE

COMMERCIAL LITIGATION & ARBITRATION

James has significant experience in heavy commercial litigation and arbitration, which often raise difficult questions of law or are set against a complex background of facts. He is adept at dealing with all aspects of heavy commercial litigation, whether that be jurisdictional disputes, interim skirmishes, digesting significant amounts of documents, or handling substantial amounts of expert evidence. He has been instructed on some of the largest cases to come before the High Court, whether that be for one of the successful defendants in Magomedov v TPG Group Holdings, or for a defendant to enforcement proceedings arising out of the Privatbank v Kolomoisky litigation.

Notable cases include:

- ***Privatbank***: acting for a defendant in enforcement proceedings brought by Privatbank against third parties following their successful claim in ***Privatbank v Kolomoisky***.
- ***Ventra (in Liquidation) v Grainger***: acting for the defendants to a claim concerning its management and sale of a portfolio of residential investment properties on behalf of the claimant who alleges they were sold at an undervalue.
- ***Skywind v Wilson*** [2025] EWHC 3524 (Comm): acting for a defendant to a claim for an alleged fraudulent breach of warranty concerning the sale of shares in a gambling company.
- ***Magomedov v TPG Group Holdings*** [2026] EWCA Civ 516; [2025] EWHC 1996 (Comm); [2025] EWHC 304 (Comm); [2025] EWHC 59 (Comm): acting for a defendant in a successful jurisdiction challenge against a $13 billion claim arising out of the alleged misappropriation of a large Russian logistics company.
- ***WWRT Ltd v Tyshchenko*** [2021] EWHC 939 (Ch); [2021] EWHC 2129 (Ch); [2023] EWHC 79 (Ch); [2023] EWHC 907 (Ch): Acting for the Claimants in a substantial claim under Ukrainian Law relating to the collapse of Fortuna Bank, with a number of heavy interim applications including a worldwide freezing injunction, jurisdiction challenge, and summary judgment application.
- An LCIA arbitration regarding the repayment of a syndicated loan for a construction project.
- An ICC Arbitration concerning the development of part of the London Docklands.

CIVIL FRAUD

James has substantial experience as a civil fraud litigator appearing in a number of high value claims before the High Court. He has substantial experience of a wide variety of interim remedies that can be deployed in this kind of litigation, and has experience in the kinds of jurisdiction disputes that arise from multi-party civil fraud claims.

Notable cases include:

- ***Skywind v Wilson*** [2025] EWHC 3524 (Comm): acting for a defendant to a claim for an alleged fraudulent breach of warranty concerning the sale of shares in a gambling company.
- ***Magomedov v TPG Group Holdings*** [2026] EWCA Civ 516; [2025] EWHC 1996 (Comm); [2025] EWHC 304 (Comm); [2025] EWHC 59 (Comm): acting for a defendant in a successful jurisdiction challenge against a $13 billion claim arising out of the alleged misappropriation of a large Russian logistics company.
- ***Kireeva v Zolotova*** [2024] EWHC 552 (Ch): acting for a defendant resisting a claim by Russian trustees in bankruptcy concerning the ownership of an Italian villa, which raised issues concerning the interplay between litigation funding and the sanctions regime.
- Acting for a defendant in various proceedings concerning the sale of two investment products, with proceedings commenced by individual investors alleging fraudulent misrepresentations and by the FCA who alleged one of the investments was an unlawful collective investment scheme.
- Acting for claimants arising out of alleged fraudulent misrepresentations prior to their investment into a technology start up, which settled before proceedings were issued.
- ***WWRT Ltd v Tyshchenko*** [2021] EWHC 939 (Ch); [2021] EWHC 2129 (Ch); [2023] EWHC 79 (Ch); [2023] EWHC 907 (Ch): Acting for the Claimants in a substantial claim under Ukrainian Law relating to

the collapse of Fortuna Bank, with a number of heavy interim applications including a worldwide freezing injunction, jurisdiction challenge, and summary judgment application.

REAL ESTATE

James regularly advises and acts on property disputes, whether they be issues of real property, landlord and tenant matters or claims about the beneficial ownership of properties. James also acts in possession proceedings and has experience dealing with charging orders over land following judgment.

- ***Ventra (in Liquidation) v Grainger***: acting for the defendants to a claim concerning its management and sale of a portfolio of residential investment properties on behalf of the claimant who alleges they were sold at an undervalue.
- ***South Tees Development Corporation v PD Teesport Ltd*** [2024] EWHC 214 (Ch): Acted for PD Teesport, the successful defendant in a high profile dispute concerning rights of way into Teesport across the former British Steel sites on Teesside which is now one of the largest brownfield development sites in the UK.
- Acting in an expert determination concerning a dispute about an overage clause, following the grant of planning permission for a substantial development.
- Acting for a secured creditor seeking to enforce against a substantial London property in circumstances where the charge was not registered at HM Land Registry and third parties had appointed receivers over the property.
- Advising a bank on potential claims for professional negligence arising out of the failure to register a charge at HM Land Registry.
- Acting for a landlord in a complex series 1954 Act renewal claims at a substantial industrial site.
- Acting for a lender in a claim to rectify HM Land Registry where the wrong entity was named as a registered charge holder.
- Acting for a defendant landlord in an application to appoint a manager under section 24 of the Landlord and Tenant Act 1987.
- Acting for the Claimant in a claim for a declaration that there was a common intention constructive trust over a property owned by his ex-partner.
- Acting for the defendant concerning the sale of the beneficial interest under a trust of a property.
- Acting in a number of residential service charge disputes.

BANKING & FINANCIAL SERVICES

James' practice has a substantial focus on financial regulation, and he has particular experience in relation to the perimeter of the Financial Services & Markets Act 2000. Recently, he has advised the FCA in relation to a number of issues concerning the financial regulation of global cryptoasset exchanges, both before and after cryptoassets were specifically specified under the Financial Promotions Order in October 2023.

James also has significant experience of acting on a variety of banking disputes. Whether it be in the context of

large commercial lending or retail banking issues such as disputes about the Payment Services Regulations, the implementation of ombudsman awards, and mortgages.

Recent work has included:

- Acting for the FCA in proceedings it commenced against a global cryptoasset exchange for allegedly breaching the financial promotion restriction.
- Advising the FCA on whether certain social media posts amounted to financial promotions.
- Advising the FCA in relation to the activities within the UK of a global cryptoasset exchange, including on whether products amounted to collective investment schemes.
- An LCIA arbitration regarding the repayment of a syndicated loan for a construction project.
- Advising the FCA in respect of a proposed administration of a regulated company.
- Acting for a defendant in various proceedings concerning the sale of two investment products, with proceedings commenced by individual investors alleging fraudulent misrepresentations and by the FCA who alleged one of the investments was an unlawful collective investment scheme.
- Advising a creditor on issues about regulation of loans under the Consumer Credit Act 1974.

INSOLVENCY & ASSET RECOVERY

James is an experienced insolvency litigator.

He has significant experience in starting the insolvency process including the classic cases where there are disputed debts, or advising on more complex proceedings such as those concerning foreign debtors or advising the FCA on insolvency options for a regulated entity.

James also has experience of international recognition of foreign insolvency proceedings, whether concern claims by foreign trustees about the ownership of assets by third parties (***Kireeva v Zolotova*** [2024] EWHC 552 (Ch)) or appearing in a final hearing for recognition of proceedings under the Cross Border Insolvency Regulations.

James' financial services experience has also led him to advise office holders in relation to issues arising when insolvent companies are holding client money.

More broadly, a number of James' commercial and other disputes arise in the context of a company that is in an insolvency process or where parties are seeking to use an insolvency process as part of their wider litigation or enforcement strategy.

COMPANY & PARTNERSHIP

James is regularly instructed on disputes concerning the ownership, operation or sale of companies. James also has experience of seeking restoration of companies to the register, rectification of the register of companies

and vesting orders of property following the dissolution of companies.

Recent work includes:

- ***Skywind v Wilson*** [2025] EWHC 3524 (Comm): acting for a defendant to a claim for an alleged fraudulent breach of warranty concerning the sale of shares in a gambling company.
- Advising a shareholder of an offshore company on the effects of a disputed general meeting in the context of an ongoing dispute over control of the company.
- Acting for a claimant in a professional negligence claim against solicitors in the context of the enforceability of pre-incorporation contracts for a Limited Liability Partnership.
- Advising on commencing proceedings to wind up an offshore company on the just and equitable basis arising out of its connection to an alleged misappropriation of client money from a UK company.
- Advising on offshore proceedings to wind up investment funds on the just and equitable basis, including assisting in an appeal against the discharge of the appointment of provisional liquidators.

OFFSHORE & TRUSTS

James has experience assisting in proceedings offshore in particular in civil fraud, commercial and insolvency cases. James has experience of assisting in proceedings in the BVI, Cayman Islands, Antigua and the Isle of Man.

- Advising a shareholder of an offshore company on the effects of a disputed general meeting in the context of an ongoing dispute over control of the company.
- Advising on commencing proceedings to wind up an offshore company on the just and equitable basis arising out of its connection to an alleged misappropriation of client money from a UK company.
- Advising on offshore proceedings to wind up investment funds on the just and equitable basis, including assisting in an appeal against the discharge of the appointment of provisional liquidators.
- Advising a judgment creditor in enforcement proceedings, particularly dealing with interim disclosure orders pending an application to discharge a worldwide freezing injunction and an application to appoint receivers.
- Advising offshore companies in resisting various winding up petitions.

PROFESSIONAL NEGLIGENCE

James has acted in a number of professional negligence disputes, particularly in the property context. He acts for the Defendant in Ventra v Grainger, a claim alleging that a professional property manager mismanaged and undersold a large portfolio of residential investment properties. His other recent instructions include a claim against conveyancers in relation to the sale of a property, a claim against solicitors regarding the incorporation of an LLP for a property developer, and advising on a claim against solicitors concerning the non-registration of a mortgage at HM Land Registry.

CRYPTOASSETS

James has particular expertise on the financial regulation of cryptoassets, including advising the FCA on the extent to which crypto products are within the perimeter of FSMA 2000 as well as acting for the FCA in one of the first civil enforcement proceedings against a cryptoasset exchange for an alleged breach of the financial promotion restriction.

MEMBERSHIPS

- COMBAR
- Chancery Bar Association
- Property Bar Association

QUALIFICATIONS

- BCL, University of Oxford (University College) (2017)
- BA (Law), University of Cambridge (Downing College): First (2016)

AWARDS

Lord Mansfield Scholarship, Lincoln's Inn (2018)

Hardwick Entrance Scholarship, Lincoln's Inn (2017)

Seton Scholar, Downing College (2016)

Clifford Chance CJ Hamson Prize for Aspects of Obligations, University of Cambridge (2016)

Wilsey and Lerch Scholar, Downing College (2015)

DIRECTORY QUOTES

"James is very approachable, friendly, thorough and detail-oriented. He left no stones unturned, with thorough and solid legal analysis; he works like a machine."

Chambers UK Real Estate Litigation (2027)

"Legally very thorough but retains a commercial sensibility throughout. Easy to work with. A future star."

Legal 500 UK Commercial Litigation (2027)

NOTABLE CASES