MAITLAND

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JAMES SHAERF

CALL: 2021
DIFC (2025), SOLICITOR (2012)
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OVERVIEW

James accepts instructions in commercial cases across Chambers' core areas.

Prior to practice at the Bar, James spent over a decade as a solicitor at major law firms in Paris and London, often appearing as counsel in international arbitrations and advising in substantial multi-jurisdictional commercial litigation.

Since coming to the Bar, James has undertaken a broad range of commercial work, including as part of the counsel teams in some of the most significant matters to come before the Commercial Court in recent years (in ***NMC Health plc v Ernst & Young LLP***, one of the largest professional negligence claims ever litigated in the English courts, and in the ongoing litigation over GDP-linked bonds issued by the Republic of Argentina). He regularly acts unled in the County Court and the High Court, often against silks. He also continues to act in international arbitrations, often with a significant foreign law element.

James has also taught English (and New Zealand) property and commercial law at Victoria University of Wellington (NZ), Université Paris René Descartes (Paris V, now Paris Cité), and Université Paris Nanterre (Paris X).

LANGUAGES

- James is fluent in French and is happy to accept instructions with a Francophone element.

EXPERTISE

COMMERCIAL LITIGATION & ARBITRATION

Recent commercial cases of note:

Palladian Partners LP & Ors v The Republic of Argentina & Anor. James is instructed in ongoing litigation on behalf of the successful Claimant securities holders in proceedings in the Commercial Court/Financial List relating to GDP-linked securities issued by Argentina and its failure to pay the Claimants following the rebasing of its GDP. The Claimants were successful at first instance and in the Court of Appeal: [2023] EWHC 711 (Comm), [2024] EWCA Civ 139, [2024] EWCA Civ 641. The current proceedings concern implementation of the specific performance order made by Picken J at first instance.

NMC Health plc (in administration) v Ernst & Young LLP [2024] EWHC 2792 (Comm), [2025] EWHC 1048 (Comm). James was instructed as part of the Claimants' counsel team in a £2.5 billion professional negligence claim by administrators against auditors for losses arising from a large-scale fraud committed against, and the subsequent collapse of, a substantial healthcare business in the United Arab Emirates. In connection with this matter, James appeared on his feet in heavily contested applications on several occasions, including against a senior silk.

Sayacorp BSC v NMC Healthcare Ltd ADGMCFI-2022-002. James appeared as sole counsel for a non-party seeking the lifting of collateral use restrictions under the ADGM Civil Procedure Rules to obtain documents for use in related English proceedings.

Instructed to appear on behalf of liquidators to conduct, under s 133 of the Insolvency Act 1986, the public examination of a director accused of fraud.

Instructed as counsel in ongoing County Court trials concerning:

- breach of representations regarding the quality of a portfolio of residential mortgages;
- the sale and finishing of a herd of cattle in Herefordshire;
- breach of an exclusivity agreement to find real estate sites; and
- alleged breach of a contract to recruit senior financial services executives.

Recent international arbitration cases of note:

- ICC proceedings relating to an electricity power plant in Iraq (Iraqi law, London seat).
- ICC proceedings relating to the enforcement of an English-law guarantee of performance under a hotel management contract in France (English law, Paris seat).
- Instructed in a commodities dispute under the Refined Sugar Association Rules concerning shipments of sugar to Cameroon (English and Cameroonian law).
- ICC arbitration and expert determination proceedings for a consortium of Asian engineering and construction firms relating to a petrochemical plant in North Africa (Algerian law).
- ICC proceedings for an Egyptian oil and gas company relating to non-delivery of gas to a downstream

purchaser (English law).
- LCIA proceedings for a Russian client over the fraudulent dilution of a shareholding in the holding company for telecommunications assets (English law, with satellite BVI and Cyprus litigation).

COMPANY & PARTNERSHIP

Re Pennpetro Energy plc (Blomqvist v Lunn) BL-2025-001643. James successfully acted for a public energy company in the High Court, obtaining a strike-out of a £12 million claim involving wide-ranging allegations of fraud and mismanagement:

James regularly acts in contested companies applications and has acted in multiple sets of proceedings for unfair prejudice under s. 994 of the Companies Act 2006.

INSOLVENCY & ASSET RECOVERY

James regularly acts on contested insolvency applications, and has been instructed:

- To cross-examine a director against whom fraud was alleged under s. 133 of the Insolvency Act 1986.
- To act on applications to injunct administrations and set aside statutory demands.
- To advise in relation to the liquidators' remuneration provisions in the Insolvency (England and Wales) Rules 2016.

BANKING & FINANCIAL SERVICES

REAL ESTATE

- Acted in proceedings for the approval of the grant of a new lease under the Leasehold Reform, Housing and Urban Development Act 1993.
- Acted in a County Court trial in respect of a landlord's liability for defective cladding.
- Acted in adjudications under the Housing Grants, Construction and Regeneration Act 1996, including against local authorities on major real estate development projects.
- Acting in Chancery Division proceedings relating to insurance cover for latent defects in commercial real estate developments.

QUALIFICATIONS

- 2025: DIFC
- 2012: Solicitor of the Senior Courts of England and Wales (non-practising)
- 2007: Barrister and Solicitor of the High Court of New Zealand (non-practising)
- LLM (First) – University of Cambridge
- LLB(Hons)/BA – University of Canterbury (New Zealand)

AWARDS

WM Tapp Studentship in Law (Cambridge) (2008)

Canterbury District Law Society Gold Medal in Law (top undergraduate) (New Zealand) (2005)

MEMBERSHIPS

- Chancery Bar Association
- COMBAR

NOTABLE CASES