



James Duffy

Call date:

2005

Email:

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Summary of Practice:

James has a broad commercial and civil practice in line with Chambers' profile.

In recent years, James has been instructed in a number of very substantial commercial matters, including:

- Acting for the Lloyds Banking Group (with Bankim Thanki QC, Richard Handyside QC and Edward Levey) in the OFT test case brought in the Commercial Court on bank overdraft charges, including appearing in the Supreme Court.
- James is currently instructed by the German bank IKB (with David Railton QC and Derrick Dale QC) in relation to a credit crunch-related fraud claim for damages in excess of \$2bn and listed for a 10-week trial in the Commercial Court.
- James is also acting for Shell in the litigation arising out of the Buncefield Oil Depot fire in December 2005 (with Richard Handyside QC).
- He has represented Willis (with Christopher Hancock QC, Richard Coleman and Alexander Gunning) in respect of substantial claims arising out of the PA LMX reinsurance market. (This case, as with bank charges, was included in The Lawyer's list of the top 10 trials for 2009: [The Lawyer 5/1/09](#))
- James has also acted recently as sole counsel both in a substantial arbitration concerning the international coal trade and in the Commercial Court for Luton Airport in relation to a multi-million pound contractual dispute.

In addition, James has represented clients in numerous High Court and County Court proceedings on his own, including Barclays, Lloyds Banking Group, Aspinalls and JP Morgan.

Practice Areas:

James has, since arriving in Chambers, gained experience in a wide range of commercial and civil matters, including:

- Aviation
- Banking and Finance
- Civil Fraud
- Commercial Litigation
- Competition and European Law
- Conflicts of Law and Jurisdiction
- Contractual Disputes
- Employment
- Energy and Natural Resources
- Insurance and Reinsurance
- Professional Negligence



- Sale of Goods and International Trade
- Sports Law

Education:

- BA Law, Christ Church, Oxford (First)
- BCL, Christ Church, Oxford (Distinction)
- BVC, Inns of Court School of Law (Outstanding)

Prizes & Scholarships:

- Prize for best performance in Contract Law finals paper (Oxford University, 2003)
- John Radcliffe Exhibition for best College performance in Finals (Christ Church, Oxford, 2003)
- Hugh Pilkington Scholarship (Christ Church, Oxford, 2004)
- College Scholarships (Christ Church, Oxford, 2001-2003)
- Lord Megarry Scholarship (Lincoln's Inn, 2005)
- Lord Denning Scholarship (Lincoln's Inn, 2004)

Recent Practice:

Banking and finance

Office of Fair Trading v Abbey National and others -

James is acting (with Bankim Thanki QC, Richard Handyside QC and Edward Levey) for Lloyds Banking Group in the test case brought by the OFT in respect of bank overdraft charges. He recently appeared in the Commercial Court, the Court of Appeal and the Supreme Court in relation to the trial of certain preliminary issues ([2008] 2 All ER (Comm) 625; [2009] 2 W.L.R. 1286; [2009] 3 W.L.R. 1215). He has also continues to advise and represent the bank on various aspects in relation to the ongoing litigation in the county courts.

Crédit Agricole and FGIC v IKB -

James is currently representing the German bank IKB (with David Railton QC and Derrick Dale QC) in defending one of the largest credit crunch-related claims in the Commercial Court.

Additionally, James has been instructed by a number of investment companies and banks in relation to a wide-range of banking and finance disputes, including:

- James was instructed by JP Morgan in respect of both a multi-million euro claim on a credit facility agreement and a claim for mistaken payment.
- He has acted for numerous banks (including Barclays, Lloyds Banking Group, NatWest and Capital One) in relation to various disputes involving Consumer Credit Act issues.
- He has also appeared for Lloyds Banking Group in a claim concerning alleged negligent misrepresentations and advice.
- He has represented a lender in a substantial claim before the High Court concerning negligent advice.

Energy & Natural Resources



Re: The Buncefield Incident – Shell v Total –

James is currently acting for Shell in the litigation arising out of the Buncefield Oil Depot fire in December 2005 (with Richard Handyside QC).

James appeared in 2009 as sole counsel in a five-day arbitration concerning the construction of a force majeure provision in an international coal supply agreement.

James has acted for a manufacturer of electricity generators in relation to a substantial dispute with a company producing wind turbines which concerned the proper construction of a long-term supply contract.

Commercial litigation

James has been involved in some very substantial commercial disputes since being taken on, including:

- *Office of Fair Trading v Abbey National and others*;
- *Crédit Agricole and FGIC v IKB*;
- *American Reliable and CNA v Willis*;
- *Re: The Buncefield Incident – Shell v Total*;

UBM v GfK –

James was instructed as second junior (led by David Railton QC and Marcus Smith) in relation to a multi-million pound claim concerning the proper construction of a share purchase agreement.

Ting v Akai Holdings –

He acted (with Craig Orr QC) in interlocutory proceedings in Bermuda arising out of the collapse of Akai, Hong Kong's biggest corporate bankruptcy. The case raised issues of res judicata, abuse of process and contractual construction.

London Luton Airport v APCOA Parking –

James is currently acting as sole counsel for Luton Airport in substantial proceedings in the Commercial Court which involve the proper construction of a concession agreement.

James is acting for an international trading company in relation to claims for breach of fiduciary duty, dishonest assistance and tracing brought against its former director and advisors.

James has represented Aspinall's Club, a high-profile London casino, in a number of disputes concerning the Gaming Acts and the Gambling Act 2005.

Insurance and reinsurance

American Reliable and CNA v Willis - Acted for over two years (with Christopher Hancock QC, Richard Coleman and Alexander Gunning) for a broker in a claim brought by a reinsurer for losses in excess of \$250m arising out of the PA LMX reinsurance market. The claim involved allegations of dishonest assistance, misrepresentation and negligence, as well as an appeal on a point of case management. (Described as one of the top ten trials of 2009 in [The Lawyer 5/1/09.](#))



Morini Ltd v Moffatt Saunders – Instructed (with Mark Simpson QC) on behalf of an insurance broker in relation to a claim for negligence following a dispute as to the coverage of the policy.

Professional negligence

Acted (with Craig Orr QC) for a private individual in bringing a claim in negligence against a well-known firm of tax advisors.

American Reliable v Willis - as described above.

Morini Ltd v Moffatt Saunders – as described above.

Re: The Buncefield Incident – Shell v Total – as described above.

Employment

James has been regularly instructed by the Treasury Solicitor in respect of employment tribunal claims brought by existing and former employees of government departments. In particular, he has acted in a large TUPE dispute for the Ministry of Defence. James has also assisted in drafting responses to claims, settling witness statements and attending hearings in employment tribunals.

Other experience:

James is a member of the British Association for Sport and Law

Secondment to Mayer Brown Rowe & Maw, October-December 2006

Contributor to Sweet & Maxwell's Civil Procedure Reports

Languages:

German (Basic)

Interests:

James is interested in sport, playing football regularly and cricket when he can. He is also keen on travel, literature and film.