



Fountain Court

James Cutress

Call date

2000

Email

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Practice Areas:

James Cutress specialises in commercial litigation and arbitration, including:

- Insurance and Reinsurance
- Professional Negligence
- Commercial Contracts
- Banking & Finance, including securitisations, swaps and derivatives
- Aviation
- Civil Fraud
- Jurisdiction and Conflict of Laws

Recommendations (Practitioners' Guides):

Recommended as a Leading Junior by Legal 500 in:

- Commercial Litigation
- Insurance and Reinsurance
- Aviation
- Professional Negligence

Recommended as a Leading Junior by Chambers and Partners in:

- Banking and Finance
- Insurance
- Aviation

Recommended as a legal expert by UK Legal Experts in Commercial Litigation.

Comments about James in the legal directories in recent years include:

- *"one of the cleverest juniors at the bar"*
- *"exceptional and smart as a whip"*
- *"delivers 'superb quality of service'".*
- *"user-friendly"*
- *"Super clever and hardworking"*
- *"nimble and tenacious"*
- *"Quickly establishing himself as an outstanding rising star."*
- *"destined for a very bright future".*
- *"punches above his weight when undertaking top quality insurance matters"*



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- *“an indicator of the talent that is coming through the ranks at Fountain Court ... His tenacity has not gone unnoticed by sources, who comment that “he has gained the respect and confidence of some extremely demanding clients.”*
- *“gains significant acclaim for developing a reputation in commercial and public law aviation disputes. The past year has seen him become involved in some of the set’s most noteworthy cases...”*

Professional Experience:

James Cutress has a broad commercial practice. He has considerable experience as an advocate in his own right, as well as of working as part of a team in heavy and complex commercial disputes. He acts both before the English Courts and in international arbitrations.

Insurance & Reinsurance

Lloyds and Non Lloyds (including Bermuda Form), acting for (re)insurers and (re)insureds and in claims for and against brokers.

Banking & Finance

Acted for and against banks in a wide range of disputes and recovery proceedings, including in particular in relation to securitisations, swaps and derivatives and in jurisdiction disputes.

Commercial Litigation

Acted in respect of a large number of contractual disputes of varying sizes and nature.

Professional Negligence

Acted in very substantial claims in a wide range of disciplines, including for auditors and solicitors.

Civil Fraud

Including the obtaining of freezing injunctions and tracing of assets.

Aviation

Acted in claims both within and outside the scope of the Warsaw Convention including lease and financing disputes, cargo claims, and disputes between suppliers.

Arbitration

Extensive arbitration experience in a number of commercial contexts, including insurance/reinsurance disputes, commercial contracts, fraud and aviation.

Mediation

Has considerable experience both of preparing position papers for and attending mediations.

Notable Cases:

***Kookmin Bank v Rainy Sky and others* [2011] UKSC 50**

For Kookmin Bank in a \$50m dispute recently determined by the Supreme Court relating to the construction of a series of advance payment bonds.



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All Leisure Holidays v Europäische Reiseversicherung AG and others [2011] EWHC 2629 (Comm)
Issues of construction relating to over 400 claims on a passenger protection insurance policy arising out of the insolvency of a tour operator.

Multi Veste 226 BV v NI Summer Row Unitholder BV [2011] 33 EG 63 (CS)
£30m claim on guarantees relating to a joint venture to construct a £300m shopping centre.

Joujou, Zakhour, All-Hajjar v. Masri [2011] EWHC 409 (Comm); [2011] EWCA Civ 746
Acting on behalf of judicial administrators appointed by the Lebanese Courts in relation to a dispute over the permissible extra-territorial scope of receivership orders by way of equitable execution.

Alpstream and others v PK Air Finance [2011] EWHC 1002 (Comm)
US\$30m claim arising out of the repossession and purported sale of 7 airbus aircraft.

Melinda Holdings v Hellenic Mutual War Risks Association [2011] 2 Lloyd's Rep 141
US\$20m coverage dispute under a war risks insurance relating to alleged corruption in the Egyptian courts.

UBS AG v Kommunale Wasserwerke Leipzig [2010] 2 CLC 499
For UBS in dispute with German utility arising out of a series of CDO and CDS transactions.

Bermuda Form Arbitration (2009-2010)
Acted for insurers in £100m Bermuda Form dispute.

Deutsche v Highland (2009)
Instructed by Deutsche Bank in US\$70m dispute arising out of the purchase of asset backed CLOs, including a dispute as to the grant of anti-suit injunctions in relation to which the Supreme Court granted permission to appeal.

Hitachi Capital (UK) Plc v V-12 Finance Ltd [2009] EWHC 2432 (Comm) and [2008] EWHC 1566 (Comm)
For Hitachi in Commercial Court trial against agent involving issues of contractual construction and in non party costs application.

Royal & Sun Alliance v BAE Systems (Operations) Limited [2008] 1 Lloyd's Rep 712
For BAE in major LCIA reinsurance arbitration against RSA and others involving US\$3bn worth of cover.

Re: Sabre (2005-7)
For a law firm sued for professional negligence in connection with the structuring of a US\$2 billion Collateralised Bond Obligation transaction.

Re: Independent Insurance (2005-6)
For auditors sued for professional negligence by the provisional liquidators of Independent Insurance.

Education:

BA Law, Oxford (Top First in the University)
BCL, Oxford (First Class)
LLM, Harvard Law School (magna cum laude equivalent)
Inns of Court School of Law (Second in year)



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Prizes & Scholarships:

Scholarships

Eldon Scholarship (Oxford University, 2000)
Denning Scholarship (Lincoln's Inn, 2000)
Scarman Scholarship (Inns of Court School of Law, 2000)
Mansfield Scholarship (Lincoln's Inn, 1999)
Hardwick Entrance Award (Lincoln's Inn, 1999)
Kennedy Scholarship (Kennedy Memorial Trust, 1998)
British Academy Award for Postgraduate Study (1997)
Andrew Dixon Scholarship (Worcester College, Oxford, 1995)

Prizes

Martin Wronker Prize (Oxford University, 1997)
Field Fisher Waterhouse Prize (Oxford University, 1997)
Prize for Best Finals Performance in Trusts (Oxford University, 1997)
Henry S.Q. Henriques Prize (Worcester College, Oxford, 1997)

Publications:

Co-Author, *The Law of Privilege* (2nd Ed. Thanki, OUP, 2011)

Other Experience:

Summer Associate, Litigation Department, Simpson Thacher & Bartlett, New York (2000)
Winner, Robert Wright Mooting Competition, Lincoln's Inn (2000)
Tutor in Law (Part Time) City University (1999)