



# James Hart

Call 2012

 [jdh@fountaincourt.co.uk](mailto:jdh@fountaincourt.co.uk)  +44 (0)20 7583 3335

James Hart is currently instructed in a wide range of matters across the different areas of Chambers' practice.

He has experience of appearing before the County Court and the High Court (both as sole advocate and junior counsel) and Court of Appeal (as junior counsel).

Before commencing pupillage at Fountain Court in 2013, James worked for 15 years in the financial services industry in the UK and Ireland, where he structured, managed, and restructured a wide range of structured finance products, including Collateralised Debt Obligations, Mortgage Backed Securities, and Whole Business Securitisation.

## Recent Highlights

### Ahmad Algosaibi & Brothers v Saad Investments

Instructed (with Marcus Smith QC and Bridget Lucas KC) by companies in liquidation in relation to a multi-billion-dollar claim brought before the Grand Court of the Cayman Islands arising out of fraud allegedly perpetrated by a prominent Saudi national.

### Djibouti v Boreh[2015] EWHC 769 (Comm)

Instructed (with Mark Simpson KC and Nico Leslie) before the Commercial Court for a partner at Gibson Dunn & Crutcher accused of deliberately misleading the Court in obtaining a freezing injunction and before the Court of Appeal (with Mark Simpson KC) on the issue of whether a solicitor has a right of appeal against a finding of dishonesty contained in the judgment.

Instructed (with Nik Yeo) on claims arising out of the alleged misapplication of the early termination provisions in standard form ISDA Master Agreements.

Instructed before the Admin Court for the Solicitors Regulation Authority on an appeal from the Solicitors Disciplinary Tribunal.

---

Instructed by an international airline in relation to a claim regarding a 'fill or pay' air cargo services contract.

## Expertise

### Aviation & Travel

---

James is regularly instructed to act for airlines in defending claims brought by passengers and other customers. He has particular experience of acting in matters concerning delayed and cancelled flights (under the Montreal Convention and EC Regulation 261/2004) as well as contractual disputes arising out of airlines' terms and conditions.

His experience includes being instructed by an international airline in relation to a claim regarding a 'fill or pay' air cargo services contract.

### Banking & Finance

---

James regularly acts on behalf of major banks in both the County Courts and High Court (both as sole advocate and junior counsel). Recent examples of his experience in this area include possession claims; actions on guarantees; allegations of breach of mandate; and mis-selling allegations.

#### Notable Banking & Finance cases

---

##### Ahmad Algozaibi and Brothers v Saad Investments

Instructed (with Marcus Smith QC and Bridget Lucas KC) by companies in liquidation in relation to a multi-billion-dollar claim brought before the Grand Court of the Cayman Islands arising out of fraud allegedly perpetrated by a prominent Saudi national.

---

Instructed (with Nik Yeo) on claims arising out of the alleged misapplication of the early termination provisions in standard form ISDA Master Agreements.

---

Completing a secondment to Barclays' Retail and Business Banking team where he advised on a wide range of matters, including claims under the Consumer Credit Act 1974 and the receipt of mistaken payments.

---

Assisting members of Chambers during pupillage in bringing and defending a number of claims related to the alleged mis-selling of interest rate swap products and claims arising out of the FCA's Conduct of Business and other Rules and s138D Financial Services and Markets Act 2000 and Consumer Credit Act 1974.

---

Assisting (as a pupil) Chloe Carpenter KC and Raymond Cox KC in advising a UK building society on challenges to

the validity of certain of its standard mortgage terms under the Consumer Credit Act 1974.

## Commercial Disputes

---

James is regularly instructed, including as sole counsel, to act in a variety of commercial disputes in both the High Court and the County Court.

### Notable Commercial Disputes cases

---

#### GS Corporation & Another v OHL

Assisting (as a pupil) Henry King in a dispute regarding indemnities provided on the sale of an Algerian desalination plant.

---

#### Secretary of State for Transport v Paragon v PHS

Assisting (as a pupil) Henry King in litigation in the Commercial Court involving allegations of breach of contract and negligence in relation to a dispute as to the proper disposal of confidential documents.

## Privilege, Confidentiality & Conflicts of Interest

---

James has regularly advised on privilege issues both as a discrete matter and in particular as part of disclosure exercises.

### Notable Privilege, Confidentiality & Conflicts of Interest cases

---

Acting in a disclosure review for privilege for liquidators of the Cayman Island subsidiaries of a Middle East Bank in Chancery Division proceedings.

---

Advising an NHS trust on legal advice and litigation privilege issues arising out of disclosure in a PFI dispute.

---

Advising a police authority on a PFI dispute, which involved privilege issues.

---

Advising a local authority on complex without prejudice communication and privilege issues in relation to an abuse of process/malicious prosecution claim.

---

Acting on behalf of a High Net Worth Individual on English Law privilege issues surrounding twin track commercial court proceedings and 1782 disclosure proceedings in the US.

## Professional Discipline

---

James has a strong practice in professional regulation and negligence matters and has been involved in various matters including before the Takeover Panel, High Court and Court of Appeal.

### Notable Professional Discipline cases

---

#### **Djibouti v Boreh [2015] EWHC 769 (Comm)**

Instructed (with Mark Simpson KC and Nico Leslie) before the Commercial Court for a partner at Gibson Dunn & Crutcher accused of deliberately misleading the Court in obtaining a freezing injunction and before the Court of Appeal (with Mark Simpson KC) on the issue of whether a solicitor has a right of appeal against a finding of dishonesty contained in the judgment.

---

Instructed before the Admin Court for the Solicitors Regulation Authority on an appeal from the Solicitors Disciplinary Tribunal.

---

Assisting (as a pupil) Chloe Carpenter KC with advice to the SRA in connection with disciplinary proceedings against solicitors and proceedings before the SDT, High Court and Court of Appeal.

---

Assisting Tim Dutton KC on a matter regarding the Solicitors (NI) Order 1976 in the High Court in Northern Ireland.

## Professional Negligence

---

James has a strong practice in professional regulation and negligence matters and has been involved in various matters including before the Takeover Panel, High Court and Court of Appeal.

### Notable Professional Negligence cases

---

Advising a law firm on a professional liability claim arising from a the handling a failed planning application.

---

Advising a law firm acting for a local authority in relation to a professional liability issue arising from conducting a contested family law matter;

---

Acting for a claimant in pursuit of a professional liability claim against a silver circle firm's Dubai office, arising out of the conduct of litigation in a UAE commercial construction dispute (led by Anneliese Day KC).

---

#### **Djibouti v Boreh [2015] EWHC 769 (Comm)**

Instructed (with Mark Simpson KC and Nico Leslie) before the Commercial Court for a partner at Gibson Dunn & Crutcher accused of deliberately misleading the Court in obtaining a freezing injunction and before the Court of Appeal (with Mark Simpson KC) on the issue of whether a solicitor has a right of appeal against a finding of dishonesty contained in the judgment.

---

Instructed before the Admin Court for the Solicitors Regulation Authority on an appeal from the Solicitors Disciplinary Tribunal.

---

Assisting (as a pupil) Chloe Carpenter KC with advice to the SRA in connection with disciplinary proceedings against solicitors and proceedings before the SDT, High Court and Court of Appeal.

---

Assisting Tim Dutton KC on a matter regarding the Solicitors (NI) Order 1976 in the High Court in Northern Ireland.

## Education

- BA (English) 1st Class, Trinity College, University of Dublin
- GDL (Distinction), BPP School of Law
- BPTC (Very Competent), BPP School of Law
- BL, Honourable Society of Kings Inns

## International Bar / Court Appointments

- Called to the Bar of Ireland
- Ad hoc admission to Cayman Islands Bar

## Appointments, Memberships and Prizes

- Sunley Pupillage Scholarship, Lincoln's Inn

## Languages

- French (working knowledge)