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## James Freeman

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**Year of Call:** 2021

**Barrister**

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**Clerk:** Raj Lamba

**Clerk:** Morgon Green

### PRACTICE AREAS

Insolvency & Restructuring

Property

Commercial

Wills, Trusts and Probate

Company

Civil Fraud

### PROFILE

James joined Chambers in October 2023 on successful completion of his pupillage.

James has regularly appeared as sole counsel in the High Court and County Court and is building a broad commercial chancery practice across all of Chambers' areas of work. He has cross-examination

experience.

James takes instructions on corporate and personal insolvency matters, commercial disputes, company and partnership disputes, civil fraud, and disputes involving trusts and real property. He is always prepared to assist with urgent work. James is comfortable as sole counsel or assisting as part of a larger team of counsel.

James read Philosophy, Politics and Economics at the University of Oxford. He graduated with a First Class degree and was awarded the Gibbs Prize in Politics. James also holds an MPhil in International Relations from the University of Oxford, which he completed with a full ESRC scholarship. He studied the GDL and the BVS at City Law School, graduating with a Distinction in both. Before coming to the Bar, James worked as a research assistant at the Ministry of Defence.

## PRACTICE AREAS

### Insolvency & Restructuring

James deals with all aspects of corporate and personal insolvency. He is regularly instructed in insolvency proceedings by both officeholders and private individuals, typically concerning: disputed winding up and bankruptcy petitions, applications to annul bankruptcies, applications to set aside statutory demands, possession and sale applications, and applications for the extension of administrations.

#### Recent cases include:

- Acting in a multi-billion-dollar insolvency application involving cross-border elements following the company entering Chapter 11 Bankruptcy in the United States
- Representing a Premier League football player in a personal insolvency application
- Joined bankruptcy petitions raising questions concerning the Commercial Rent (Coronavirus) Act 2022

### Property

James is routinely instructed in cases concerning real property and disputes arising out of the landlord and tenant relationship. He appears on matters including: residential and commercial possession proceedings, relief from forfeiture applications, charging order applications, mortgage assignment disputes, housing disrepair claims, and boundary disputes.

#### Recent cases include:

- An application for the court to execute the transfer of a lease on behalf of a defaulting party under s.39(1) of the Senior Courts Act 1981
- Advising on the options for extending / enfranchising a long lease of a multi-million pound flat following the expiration of the lease's term (assisting, as a pupil)
- Advising on whether a freehold covenant prevents a landlord from short-term letting via Airbnb and on the options for discharging / modifying the covenant (assisting, as a pupil)
- An easement and boundary dispute concerning agricultural land (assisting, as a pupil)

## Commercial

James frequently takes instructions on cases involving commercial disputes, including: summary judgment applications, setting aside default judgments, claims under the Consumer Credit Act 1974, contractual disputes, mortgage repossessions, and bailment disputes.

### Recent cases include:

- Appearing as sole counsel against leading counsel in an application to discontinue the balance of a claim for the breach of a personal guarantee under a charge
- Appearing as sole counsel in a one-day trial concerning the interpretation of repayment provisions arising out of an employment contract
- Advising on whether default interest rate clauses in a loan agreement constitute a common law penalty (assisting, as a pupil)
- Advising on whether the service provisions in a modified Standard Conditions of Sale constitute a permissive or exhaustive list of methods of service (assisting, as a pupil)

## Wills, Trusts and Probate

James acts on a broad range of matters involving areas of probate and trusts law. His experience in this area includes: contentious will interpretation on behalf of executors and beneficiaries, advising executors and trustees on their duties under complex trust arrangements, and claims under the Inheritance (Provision for Family and Dependants) Act 1975.

### Recent cases include:

- Advising a trustee on whether they had breached the rule against self-dealing by purchasing property from the trust with the consent of the parent of a minor beneficiary
- Drafting particulars contesting the validity of a multi-million pound will on the basis of (i) lack of testamentary capacity, (ii) want of knowledge and approval, and (iii) undue influence (assisting, as a pupil)
- Advising on whether the terms of a joint property venture created a common intention constructive trust / proprietary estoppel that was binding on a deceased trustee's estate (assisting, as a pupil)

## Company

James' cases often raise issues of company or partnership law, including: applications to register charges out of time with Companies House, claims for breaches of duty against current and former directors, and disputes arising out of implied terms within partnership agreements.

### Recent cases include:

- An unfair prejudice petition alleging that a minority shareholder has achieved control of the board via various proxies and has withdrawn 3.5 billion roubles via sham reinsurance arrangements (assisting, as a

pupil)

- Advising a security company on a claim against a former director who founded a rival company with the benefit of insider information
- Representing the claimant in partnership proceedings seeking to recover unpaid intra-partnership consulting fees

## Civil Fraud

James is able to advise on disputes concerning allegations of fraud, including Norwich Pharmacal orders and claims involving fraudulent misrepresentation.

### Recent cases include:

- An application to set aside an investment contract for fraudulent misrepresentation
- Appearing for a major bank to defend a Norwich Pharmacal application
- A freezing order in a group claim by over 400 individuals alleging deceit in relation to a collective property investment scheme (assisting, as a pupil)
- Advising on a claim by the owners of housing development flats alleging that the housing association misrepresented the condition of the housing development (assisting, as a pupil)

## CAREER AND ASSOCIATIONS

2021: BVS, City Law School (Distinction)

2020: GDL, City Law School (Distinction)

2019: MPhil, International Relations, Lincoln College, Oxford (Merit)

2017: BA, Philosophy, Politics and Economics, Magdalen College, Oxford (First Class)

2020: Denise Pannick Scholarship, Gray's Inn

2019: Sir James Hunt Scholarship, Gray's Inn

2019: Postgraduate Scholarship, City Law School

2017: Sloane-Robinson Scholarship for MPhil tuition and costs, ESRC

2015: Gibbs Prize for best Politics score, Oxford University

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