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## James Pickering KC

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Year of Silk: 2020

Year of Call: 1991

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Clerk: Duane Hitchman

Clerk: Kenya Mendoza

### PRACTICE AREAS

Insolvency & Restructuring

Professional Negligence and Disciplinary

Commercial

### PROFILE

James specialises in all areas of commercial litigation with a particular emphasis on commercial fraud, insolvency, and professional negligence.

Highlights include representing the liquidators in the well-known “Hyde Park Hotels” fraud, the administrator in the high profile A1 Grand Prix insolvency, the financiers behind a Hollywood movie,

provisional liquidators in one of the first crypto-currency insolvencies, the creator of breakthrough gambling software in a multi-million pound commercial IT trial, several well-known football clubs, the shareholders in a leading celebrity chef-owned London restaurant, a lender in a professional liability claim arising out of Channel 4's Brookside housing estate, and a Swiss banker trustee in a Liechtenstein trust fraud trial. As well as the above, James has appeared in numerous well known and reported cases and is highly regarded within the Chancery and Commercial Bar.

James is a regular speaker at events both domestic and overseas. Recent highlights include speaking in New Delhi, Istanbul, Gibraltar and the Isle of Man. James also has a particular interest in CIS and middle eastern work.

In February 2016 James was appointed as a Deputy Master of the High Court and in September 2018 he was appointed as a Deputy High Court Judge. In March 2019 he was elected as Head of Chambers and in March 2020 he was appointed silk.

## PRACTICE AREAS

### Insolvency & Restructuring

James deals with all aspects of insolvency litigation representing office holders, directors and creditors alike. Recent successes include a misfeasance action against directors of a Jersey company, a provisional liquidation in one of the first cryptocurrency insolvencies, and committal proceedings against a non-compliant director resulting in a 9-month custodial sentence. James is currently instructed by liquidators and administrators in one of the largest insolvency cases currently taking place within the High Court which is due to heard over 8 weeks in early 2020.

### Professional Negligence and Disciplinary

James regularly represents both claimants and defendants in professional liability claims. Highlights include a protracted 7-party dispute in which he represented solicitors in relation to a failed wrongful trading claim instigated by one of the UK's richest businessman and which resulted in a successful appeal to the Court of Appeal.

### Commercial

James practices in all areas of commercial law. Recent highlights include an arbitration between a Ugandan distributor and one of the largest exporters in India over a failed distribution deal, and representing the estate of a Yemeni businessman known as the "King of Petrol" in a cross-border claim worth tens of millions of pounds.

**HPH v Stevens [2024]**  
EWHC 1263 (Comm)

James Pickering KC and Samuel Hodge acted for the successful Claimants, resisting an application made by the Defendant to discharge an order requiring his devices to be forensically examined.

**Hotel Portfolio II UK Limited (In Liquidation) & Anor v Andrew Ruhan & Anthony Stevens [2022]**  
EWHC 383 (Comm)

Major success in a 3-week Commercial Court trial of claims against a former director for fraudulent breaches of statutory duty, and against an alleged nominee for dishonest assistance. Defeated limitation and laches defences. Claim was for in excess of £100m.

**HPH & Aird-Brown v Ruhan & Stevens [2022]**  
EWHC 1695 (Comm)

2-day consequential hearing. Obtained final judgment against Defendants for c.£162m, including compound interest. Samuel made the costs submissions on behalf of the Claimants, and successfully argued that the Defendants should be joint and severally liable. Obtained a £2.1m payment on account. The decision also establishes that costs of s.236 applications against third parties may be treated as costs of an incidental to underlying proceedings, over and above expenses of a liquidation.

**Hotel Portfolio II UK Ltd v SMA Investment Holdings Ltd [2019]**  
EWHC 1754**Riley v Reddish LLP [2019]**  
6 WLUK 96**Wood v Watkin [2019]**  
EWHC 1311

**Lygoe v Hunt [2019]**  
EWHC 327

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**Autogas (Europe) Ltd v Ochocki [2018]**  
EWHC 2345

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**Re Kersewell Developments Ltd [2018]**  
4 WLUK 539

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Claim by Jersey company arising out of a high value golf course development in Scotland. Judgments obtained against Scottish company under the TUV provisions in section 238 Insolvency Act 1986 and against former officers for breach of duty under the Companies (Jersey) Law 1991.

**Mutahar v Shamsan [2018]**  
EWHC 372

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**Chesterton v Emson [2017]**  
EWHC 3226

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**Re Elichaooff: Roberts v Woodall [2016]**  
EWHC 538

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**Birch v Beccanor Ltd [2016]**  
EWHC 265

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**Melodious Corporation [2015]**  
EWHC 621

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**Chesterton Commercial (Oxon) Ltd v Oxfordshire CC [2015]**  
EWHC 2020

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**Ashtonleigh Residential Care Home Ltd v Goldfarb [2014]**  
EWHC 4100

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**Squibb Group Ltd v London Pleasure Gardens Ltd [2013]**  
EWHC 3275 TCC

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**Grainmarket Asset Management LLP v PGF II SA [2013]**  
EWHC 1879 (Ch)

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**Matchbet Ltd v Openbet Retail Ltd [2013]**  
EWHC 3067 (Ch)

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**Pannone LLP & Ors v Haskew [2013]**  
EWCA Civ 350

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**Langstone Leisure Ltd v Wacks Caller & Pannone LLP [2012]**  
EWHC 170

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**Cherry Tree Investments Ltd v Landmain Ltd [2012]**  
EWCA Civ 33

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**Osteopathic Education & Research Ltd v NCS Man Ltd [2010]**  
EWHC 1801 (QB)

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**Arla Foods UK Plc -v- Barnes [2008]**  
EWHC 2851 (Ch)

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**EPIS Services Ltd v HM Revenue & Customs [2007]**  
EWHC 3534 (Ch)

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**Finlan v EMW & Grant Thornton [2007] 4 All ER 143, [2007]**  
EWHC 914 (Ch)

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**Khetani v Kanbi [2006]**  
EWCA Civ 1621 (CA)

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**Green v Gaul [2006]**  
EWCA Civ 1124 (CA)

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**Re Loftus Dec'd [2005]**

1 WLR 1890, [2005] 2 All ER 700, The Times, 28.3.05

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**Virani -v- Manuel Revert [2003]**

EWCA Civ 1651 (CA)

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**Re Smiths of Smithfields Ltd [2003]**

EWHC 568 (Ch)

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**Midland Industries -v- Gonvarri Industrial [2003]**

EWHC 144 (Comm)

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**Mahme Trust Reg & Mahmoud Shaker Al Abood -v- Tayeb [2002]**

EWHC 1543

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**Nathan -v- Leonard [2003]**

1 WLR 827 [2002], EWHC 1701 (Ch)

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**Chellaram -v- Chellaram [2002]**

3 All ER 17, [2002] EWHC 632 (Ch)

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**Gandhi -v- Patel [2002]**

1 FLR 603

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**Petersson -v- Pitt Place Ltd [2002]**

HLR 52, [2001] EWCA Civ 86

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**Lowsley v Forbes [1999]**

AC 329 (HL)

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## **CAREER AND ASSOCIATIONS**

Harmsworth Law Scholarship (1990)

Inns of Court School of Law (Outstanding) (1991)

JJ Powell Prize (1991)

Joined Enterprise Chambers (1992)

Appointed Deputy Master of the High Court (2016)

Appointed Deputy High Court Judge (2018)

Elected Head of Chambers (2019)

Member of the Chancery Bar Association

Member of INSOL

Member of Commercial Bar Association

Member of the Property Bar Association

Appointed King's Counsel (2020)

## **PUBLICATIONS**

Handling Insolvent Tenants – advice for landlords

Enterprise Chambers' Annotated Guide to Insolvency Legislation (Sweet & Maxwell)

Landlord & Tenant Factbook (Butterworths)

Corporate Counsel (New York)

The Lawyer (London)





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