

## James McKean

Called: 2017



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### Practice Overview

James joined New Square Chambers in October 2018 upon completion of his pupillage.

He now appears frequently in his own right in the High Court and County Court. His recent instructions include assisting the Secretary of State for Transport in a commercial claim brought by Eurotunnel, successfully obtaining a High Court injunction at short notice in a property and partnership dispute, and drafting a claim against an administrator based on conduct in multiple jurisdictions.

His practice covers a wide range of commercial-chancery work, including commercial litigation, civil fraud, company, insolvency, trusts and estates, and real property.

Before coming to the Bar, James read history at Lincoln College, Oxford, coming fifth in his year and receiving the highest arts mark in his college. He then took a double-first in the accelerated senior status law degree at St John's College, Cambridge, and received the two highest student scholarships awarded by Lincoln's Inn. He has also worked in New Delhi and Shanghai.

James can be instructed on a direct access basis.

### Commercial Litigation

Recent instructions include:

- Assisting the Secretary of State for Transport in a commercial claim brought by Eurotunnel which attracted national media attention;
- Acting for an investment bank in a share trading dispute;
- Advising on a cross-border manufacturing dispute in which companies in the contractual chain entered liquidation;
- Drafting a claim for breach of fiduciary duty and unjust enrichment in a construction dispute;
- Advising on a claim against a major bank involving issues of misrepresentation and *res judicata*;
- Advising on a contractual claim involving issues of money laundering, illegality and *Quistclose* trusts.

During pupillage, James assisted in the following:

- A three-week trial in the High Court with David Warner and Kristina Lukacova - *UK Learning Academy Limited v The Secretary of State for Education* [2018] EWHC 2915 (Comm);
- A £650 million claim brought by a hedge fund against a major bank;
- A contract and undue influence claim concerning business interests in the United Kingdom, Guernsey, and Malawi;
- A construction and architectural dispute.

James writes for LexisPSL as a member of the panel of experts on Dispute Resolution.

## Trusts and Estates

Recent instructions include:

- Drafting a claim against the administrator of a multi-million-pound will based on conduct in multiple jurisdictions;
- A property dispute involving several Guernsey and BVI trusts and an offshore shell company;
- Advising on and acting in various actions in the Court of Protection;
- Advising on a 1975 Act claim against a one-million-pound estate;
- Advising in a family trust dispute over several properties with a value in excess of one million pounds;
- Advising on capital gains and inheritance tax issues in a family trust;
- Drafting a claim to revoke a grant of probate.

During pupillage, James assisted in the following:

- An application for removal of executors and subsequent costs appeal with Alexander Learmonth - *Griffin v Higgs* [2018] EWHC 2498 (Ch);
- A committal for will forgery with Alexander Learmonth - *Patel v Patel* [2017] EWHC 3229 (Ch);
- A dispute involving the will of a former law lord with Alexander Learmonth - *Goss-Custard v Templeman* [2018] EWHC 2476 (Ch);
- A High Court probate dispute involving eight parties with Stephen Schaw Miller.

James has written for the *Trusts and Estates Law & Tax Journal*.

## Property

Recent instructions include:

- Advising on and obtaining a High Court injunction at short notice in a property and partnership dispute;
- Advising on and obtaining a High Court injunction at short notice to restrain interference with a commercial property;
- Advising on a High Court appeal of a possession claim with issues of fraud;
- Advising on a High Court appeal in a partnership dispute;

- Bringing a possession claim under a commercial lease;
- A day trial to obtain possession under a residential lease;
- A claim to extend a lease under the Leasehold Reform Housing and Urban Development Act 1999;
- Advising a commercial landlord on the insolvency of a tenant;
- Bringing and defending collective enfranchisement claims;
- A claim for relief from forfeiture.

During pupillage, James assisted in the following:

- A Court of Appeal challenge to the Wireless Music Festival with George Laurence QC and Ross Crail - *R on the Application of the Friends of Finsbury Park v Haringey London Borough Council* [2017] EWCA Civ 1831;
- A construction dispute raising issues of limitation and defective premises with David Warner;
- An opinion on adverse possession and prescriptive rights;
- A dilapidations claim against a former tenant of a commercial property.

## Civil Fraud

During pupillage, James assisted in the following:

- A six-week High Court conspiracy trial with Nigel Hood - *Brent London Borough Council v Davies* [2018] EWHC 2214 (Ch);
- A confiscation claim arising out of a £38 million fraud with Nigel Hood - *Mirchandani v Gheewala* [2017] EWHC 3766 (QB);
- An unfair prejudice and fraudulent misrepresentation claim with Nigel Hood;
- Asset-tracing in the wake of a £70 million Ponzi scheme;
- Advising on a claim against a fraudulent solicitor;
- A deceit claim against suppliers to an international sporting venue.

## Company

Recent instructions include:

- Advising on a High Court appeal in a partnership dispute;
- Advising directors of a deadlocked company;
- Obtaining a High Court injunction at short notice in a partnership and property dispute;
- Advising on a cross-border manufacturing dispute in which companies in the contractual chain entered liquidation;
- Proceedings to rectify a company's register in the High Court.

During pupillage, James assisted in the following:

- An insurance claim involving a group of insolvent companies and raising novel points of law as to the authority of directors pending the dissolution of a company;
- An unfair prejudice and fraudulent misrepresentation claim with Nigel Hood;
- A claim involving a landholding company.

## Insolvency

Recent instructions include:

- Acting for a debtor in £5 million High Court bankruptcy proceedings;
- Advising a landlord in a possession and rent arrears claim against a tenant in administration;
- Acting for a publication in insolvency proceedings which attracted national media attention;
- Advising a creditor on a winding-up petition against a limited partnership;
- Advising on the powers of a supervisor under a CVA;
- Applications to dismiss, adjourn, and withdraw bankruptcy petitions;
- Opposing several bankruptcy petitions with petition debts totalling over one million pounds;
- Opposing an injunction to restrain the presentation of a creditor's petition.

During pupillage, James assisted in the following:

- An insurance claim involving a group of insolvent companies and raising novel points of law as to the authority of directors pending the dissolution of a company.