



James Goudkamp

Call: 2014

JGoudkamp@7kbw.co.uk

'A phenomenal source of knowledge and an extraordinarily meticulous, hardworking and helpful team player.'

Legal 500

Practice Profile

James Goudkamp practises in all areas of commercial law although his principal interests are civil fraud, professional negligence and commercial tort law more generally. He regularly appears in the Commercial Court and has a growing appellate practice having appeared in the Supreme Court, Privy Council and Court of Appeal.

James is described in the legal directories as *"incredibly hard-working, extremely knowledgeable and thorough", "extraordinary meticulous", "very able", "responsive and practical", "a phenomenal source of knowledge", "brilliant", "fabulous"* and as the person to go to *"if you have a difficult point of law"*.

The following are some illustrations of his recent work.

- ***AerCap Ireland Ltd v AIG Europe SA***: Instructed in the lessor insurance aviation claims in the Commercial Court arising out of Russia's invasion of Ukraine in which in excess of US\$5 billion is claimed in aggregate (led by Stephen Phillips KC).
- Appeared for the appellant in an appeal concerning the defence of illegality in a claim in the tort of negligence (***Lewis-Ranwell v G4S Health Services (UK) Ltd [2024] EWCA Civ 138*** (led by Judith Ayling KC)).
- Appeared for the successful respondent in a jurisdictional challenge in ***Lakatamia Shipping Co Ltd v Su [2023] EWHC 1874 (Comm)*** (led by Stephen Phillips KC). The challenge concerned the test for intention in various economic torts, the tort, property and necessary or proper party gateways in CPR Practice Direction 6B and *forum conveniens*.
- Appeared for the successful respondent in an appeal to the Supreme Court concerning the illegality defence (***Henderson v Dorset Healthcare University NHS Foundation Trust [2020] UKSC; [2021] AC 563*** (led by Angus Moon QC)).

- Appeared for the successful claimant in ***Lakatamia Shipping Co v Su* [2021] EWHC 1907 (Comm)**, which obtained, following a four-week trial of claims for unlawful means conspiracy and the Marex tort, judgment for approximately US\$40m (led by Stephen Phillips QC).
- Appeared in the Court of Appeal in an appeal regarding shipbreaking work in Bangladesh (***Begum v Maran (UK) Ltd* [2021] EWCA Civ 326; [2022] 1 All ER (Comm) 940** (led by Robert Bright QC)). The appeal concerned the duty of care element of the tort of negligence, limitation periods and applicable law.
- Appeared for the successful appellant in an appeal to the Court of Appeal following which a US\$27m worldwide freezing order was restored (***Lakatamia Shipping Co v Morimoto* [2019] EWCA Civ 2203; [2020] 2 All ER (Comm) 359** (led by Stephen Phillips QC)).
- Acted for an elite professional footballer in a £16m professional negligence and defamation claim against an anti-doping authority (***Sakho v World-Anti Doping Agency*** (led by Richard Waller QC)). The World Anti-Doping Agency gave Mr Sakho an apology in open court in which it said that the dispute had been settled and that it had paid “*a substantial of damages*”.
- Appeared for the applicant in three sets of committal proceedings against a former billionaire in which custodial sentences of 21 months, 4 months and 24 months were imposed for breaches of freezing and other orders (***Lakatamia Shipping Co Ltd v Su* [2019] EWHC 1145 (Comm), [2020] EWHC 314 (Comm) and [2021] EWHC 1929 (Comm)** (led by Stephen Phillips QC)). James also successfully opposed an appeal against the third of these sentences (***Lakatamia Shipping Co Ltd v Su* [2021] EWCA Civ 1355; [2022] 4 WLR 2**).
- Successfully opposed an appeal seeking the discharge of a passport order (***Lakatamia Shipping Co Ltd v Su* [2021] EWCA Civ 1187** (led by Stephen Phillips QC)).
- Appeared in an appeal to the Privy Council regarding joint bank accounts (***Whitlock v Moree* [2017] UKPC 44; [2017] 20 ITELR** (led by Gavin Kealey QC)).

James’s practice involves a mixture of work in which he is led and work in which he is instructed as sole counsel. Alongside litigation, his practice extends to arbitration in insurance and shipping matters and involves a significant advisory element.

In addition to his busy practice, James is [Professor of the Law of Obligations at the University of Oxford](#) and is the author of more than 100 publications. His work is regularly cited by judges throughout the common law world (an illustration at the highest level is ***Darnley v Croydon Health Services NHS Trust* [2018] UKSC 50; [2019] AC 831 at [23]**), and James is widely regarded as a leading expert on tort law. Internationally recognised for his work in this regard, James is a member of the American Law Institute and serves as an Advisor to the *Restatement (Third) of Torts: Intentional Torts to Persons* (which is the most important source of tort law in the United States). His writings address myriad topics including the duty and standard of care in the tort of negligence, the illegality defence, the law of contributory negligence (on which

he has recently written two books) and the law of damages.

James's numerous university qualifications are at the highest level. They include two master's degrees and a doctorate, which he completed as a Clarendon Scholar at the University of Oxford (Magdalen College). James was awarded the University Medal in Law for placing first in his year in his undergraduate studies, which he completed in Australia. In 2005-2006, James was a judicial assistant to the Hon Justice Michael Kirby AC CMG, who was then a Justice of the High Court of Australia, which is Australia's ultimate appellate and constitutional court. James is admitted as a lawyer in the Supreme Court of New South Wales.

If you are interested in instructing James, please contact the clerks in order to ascertain his availability.

Banking & Finance

- Advised (with by Jonathan Gaisman QC) in connection with a complex, high-value (exceeding £100m) professional negligence dispute in the banking and accounting context. The case concerned issues in tort law, contract law, limitation of actions, and private international law.
- **Whitlock v Moree [2017] UKPC 44; [2017] 20 ITELR:** Appeared (led by Gavin Kealey QC) in this appeal to the Privy Council, which concerned joint bank accounts and issues in the law of trusts.
- Instructed (led by James Drake QC) in a claim by a lender in a dispute between borrowers and their guarantors. The case presented difficult procedural questions, including in relation to freezing injunctions.

Civil Fraud

A large proportion of James's practice concerns civil fraud where he is sought after as one of the leading experts on tort law in England. James's experience in this regard includes freezing and proprietary injunctions and search orders as well as matters incidental thereto such as applications fortification of cross-undertakings in damages and committal for contempt. Illustrations of his work in this area are as follows.

- **Lakatamia Shipping Co v Su [2021] EWHC 1907 (Comm):** James (led by Stephen Phillips QC) obtained, following a four-week trial of claims for unlawful means conspiracy and the Marex tort (i.e., the tort of intentionally interfering with rights in a judgment debt), judgment for approximately US\$40m.
- **Lakatamia Shipping Co Ltd v Su [2020] EWHC 806 (Comm) and [2020] EWHC 865 (Comm); [2020] 1 WLR 2852:** James (led by Stephen Phillips QC) acted for the applicant in an application for an electronic search order. The order made required the respondent to disclose email and social media credentials to an independent reviewing lawyer.
- **Lakatamia Shipping Co Ltd v Su [2019] EWHC 1145, [2020] EWHC 314 and [2021] EWHC 1929 (Comm):** James (led by Stephen Phillips QC) represented the applicant in three sets of committal proceedings against Mr Su, who was formerly a billionaire and one of Asia's richest businessmen. Mr Su was committed to prison for 21

months, 4 months and 24 months for numerous contempts (principally breaches of a freezing order). James also appeared in the Commercial Court resisting applications by Mr Su to purge his contempt: **[2019] EWHC 3180 (Comm)** and **[2020] EWHC 806 (Comm)**.

- **Lakatamia Shipping Co Limited v Su & Ors [2019] EWHC 898 (Comm) and [2019] EWCA Civ 2203; [2020] 2 All ER (Comm) 359:** Instructed (led by Stephen Phillips QC) in these Commercial Court proceedings for US\$27m in the tort of unlawful means conspiracy and the *Marex* tort. James appeared in a successful application for permission to serve the claim form out of the jurisdiction and in a successful appeal to the Court of Appeal against an order discharging a freezing order that had been obtained *ex parte*.
- **Orb a.r.l. v Ruhan [2015] EWHC 3638 (Comm):** Represented (led by James Drake QC) the Orb parties in these Commercial Court proceedings, which were on a vast scale. The case concerned a complex high-value fraud dispute arising from the sale of hotels next to Hyde Park (involving a claim for around £250m and a counterclaim for approximately £200m). The litigation involved numerous parties and many claims and culminated in a very heavy four-day hearing of assorted applications following which the case settled. The proceedings, which had been listed for a 16-week trial, raised difficult questions in the law of contract, torts, unjust enrichment, trusts and civil procedure. Freezing and proprietary injunctions and fortification featured prominently in the litigation.
- Instructed (led by Timothy Saloman QC) in a misrepresentation claim in the context of a fine art transaction.

Entertainment & Sport

- **Sakho & Ors v The World Anti-Doping Agency:** The First Claimant in this High Court litigation is an elite professional footballer. In 2016, he was charged with an anti-doping offence. That charge was dismissed and the First Claimant sought £16m in damages in claims for professional negligence and defamation against the World Anti-Doping Agency. James was led by Richard Waller QC. The World Anti-Doping Agency gave Mr Sakho an apology in open court in which it said that the dispute had been settled and that it had paid “*a substantial of damages*”.

General Commercial Disputes

- Advised (with Jonathan Gaisman QC) in connection with a complex high-value (exceeding £100m) professional negligence dispute in the banking and accounting context. The case concerned issues in tort law, contract law, limitation of actions, and private international law.
- **DP World Limited v MSC Mediterranean Shipping Company SA:** Instructed (led by David Bailey QC) in a US\$27m claim in the Commercial Court regarding a volume and rebate agreement. The case raised issues concerning estoppel, waiver, implied terms and the non-prevention principle.
- **Sakho & Ors v The World Anti-Doping Agency:** The First Claimant in this High Court litigation is an elite professional footballer. In 2016, he was charged with an anti-doping offence. That charge was dismissed and the First Claimant sought £16m in damages in claims for professional negligence and defamation against the World Anti-Doping

Agency. James was led by Richard Waller QC. The World Anti-Doping Agency gave Mr Sakho an apology in open court in which it said that the dispute had been settled and that it had paid “*a substantial of damages*”.

- **Lakatamia Shipping Co Ltd v Su [2019] EWHC 1145, [2020] EWHC 314 and [2021] EWHC 1929 (Comm):** James (led by Stephen Phillips QC) represented the applicant in three sets of committal proceedings against Mr Su, who was formerly a billionaire and one of Asia’s richest businessmen. Mr Su was committed to prison for 21 months, 4 months and 24 months for numerous contempts (principally breaches of a freezing order). James also appeared in the Commercial Court resisting applications by Mr Su to purge his contempt: **[2019] EWHC 3180 (Comm)** and **[2020] EWHC 806 (Comm)**.
- **Lakatamia Shipping Co Limited v Su & Ors [2019] EWHC 898 (Comm) and [2019] EWCA Civ 2203; [2020] 2 All ER (Comm) 359:** Instructed (led by Stephen Phillips QC) in these Commercial Court proceedings for US\$27m in the tort of unlawful means conspiracy and the *Marex* tort (i.e., the tort of intentionally interfering with rights in a judgment debt). James appeared in a successful application for permission to serve the claim form out of the jurisdiction and in a successful appeal to the Court of Appeal against an order discharging a freezing order that had been obtained *ex parte*.
- **Das v George Weston Limited [2017] ONSC 4129:** This litigation, which was of immense proportions, arose out of a factory collapse in Bangladesh in which more than one thousand people died and many more were injured. CAD\$2 billion was claimed from corporate entities within a global supply chain. James was instructed to give expert evidence as to English law regarding the duty of care element of the tort of negligence, the doctrine of vicarious liability and the law of fiduciary duties. He was cross-examined and his evidence is discussed at [405], [412], [414]–[415], [419], [425], [437], [441]–[442], [448], [450], [452], [457], [461], [570]–[571], [576].
- **Orb a.r.l. v Ruhan [2015] EWHC 3638 (Comm):** Represented (led by James Drake QC) the Orb parties in these Commercial Court proceedings, which were on a vast scale. The case concerned a complex high-value fraud dispute arising from the sale of hotels next to Hyde Park (involving a claim for around £250m and a counterclaim for approximately £200m). The litigation involved numerous parties and many claims and culminated in a very heavy four-day hearing of assorted applications following which the case settled. The proceedings, which had been listed for a 16-week trial, raised difficult questions in the law of contract, torts, unjust enrichment, trusts and civil procedure. Freezing and proprietary injunctions and fortification featured prominently in the litigation.
- **Harbour Fund III LP v Kazakhstan Kagazy Plc:** Instructed (led by Dominic Kendrick QC) in a claim in the Commercial Court by Harbour Litigation Funding. The proceedings raised issues regarding the doctrines of mitigation of damage, subrogation and legal professional privilege.
- Instructed (led by James Drake QC) in a claim by a lender in a dispute between borrowers and their guarantors. The case presented difficult procedural questions, including in relation to freezing injunctions.
- **ACB Properties Limited v White & Co (UK) Ltd:** Instructed (led by other Counsel) in a High Court negligence claim

against accountants in respect of investment, accounting, and tax-planning advice.

- Instructed (led by Timothy Saloman QC) in a misrepresentation claim in the context of a fine art transaction.

Injunctions

A significant part of James's practice concerns injunctive relief, especially freezing and proprietary injunctions. He is often instructed in relation to urgent matters in this connection which require work around the clock.

- ***Lakatamia Shipping Co Ltd v Su* [2019] EWHC 1145, [2020] EWHC 314 and [2021] EWHC 1929 (Comm)**: James (led by Stephen Phillips QC) represented the applicant in three sets of committal proceedings against Mr Su, who was formerly a billionaire and one of Asia's richest businessmen. Mr Su was committed to prison for 21 months, 4 months and 24 months for numerous contempts (principally breaches of a freezing order). James also appeared in the Commercial Court resisting applications by Mr Su to purge his contempt: **[2019] EWHC 3180 (Comm)** and **[2020] EWHC 806 (Comm)**.
- ***Lakatamia Shipping Co Limited v Su & Ors* [2019] EWHC 898 (Comm) and [2019] EWCA Civ 2203; [2020] 2 All ER (Comm) 359**: Instructed (led by Stephen Phillips QC) in these Commercial Court proceedings for US\$27m in the tort of unlawful means conspiracy and the *Marex* tort (i.e., the tort of intentionally interfering with rights in a judgment debt). James appeared in a successful application for permission to serve the claim form out of the jurisdiction and in a successful appeal to the Court of Appeal against an order discharging a freezing order that had been obtained *ex parte*.
- ***Orb a.r.l. v Ruhan* [2015] EWHC 3638 (Comm)**: Represented (led by James Drake QC) the Orb parties in these Commercial Court proceedings, which were on a vast scale. The case concerned a complex high-value fraud dispute arising from the sale of hotels next to Hyde Park (involving a claim for around £250m and a counterclaim for approximately £200m). The litigation involved numerous parties and many claims and culminated in a very heavy four-day hearing of assorted applications following which the case settled. The proceedings, which had been listed for a 16-week trial, raised difficult questions in the law of contract, torts, unjust enrichment, trusts and procedure. Freezing and proprietary injunctions and fortification featured prominently in the litigation.
- Instructed (led by James Drake QC) in a claim by a lender in a dispute between borrowers and their guarantors. The case presented difficult procedural questions, including in relation to freezing injunctions.

Insurance & Reinsurance

James has experience in relation to both marine and non-marine insurance matters. Much of James's insurance work is in arbitration.

- ***AerCap Ireland Ltd v AIG Europe SA***: Instructed in the lessor insurance aviation claims in the Commercial Court arising out of Russia's invasion of Ukraine in which in excess of US\$5 billion is claimed in aggregate (led by Stephen

Phillips KC).

- Acted for an insurer in arbitration proceedings in the oil and gas context (exceeding US\$300m) (led by Dominic Kendrick QC).
- Acted for an insurer of a major pharmaceutical company in arbitration proceedings in the context of a product liability claim (exceeding US\$25m) (led by Gavin Kealey QC).
- ***The British Amateur Gymnastics Association v Zurich Insurance Limited***: Instructed (led by James Drake QC) in this long-running action in the Commercial Court which concerned a dispute between insureds, two insurers and brokers. The case raised points regarding insurance brokers' duty of care in the tort of negligence and contract as well as in relation to the doctrines of waiver, estoppel and rectification. The proceedings also gave rise to applications regarding legal professional privilege and specific disclosure.

International Arbitration

A substantial proportion of James' practice involves international arbitration, often with an insurance dimension, and James has been instructed in a range of arbitrations (including Bermuda Form and LMAA). By way of example, James has acted:

- For cargo interests in a fraud claim (exceeding US\$65m) (led by David Bailey QC).
- For an insurer in a claim in the oil and gas context (exceeding US\$300m) (led by Dominic Kendrick QC).
- For an insurer of a major pharmaceutical company in the context of a product liability claim (exceeding US\$25m) (led by Gavin Kealey QC).
- In a contractual dispute raising issues in connection with the Bribery Act 2010.

Jurisdiction/Conflict of Laws

Much of James's practice involves a significant international element raising issues in the conflict of laws. By way of example, James has:

- Appeared for the successful respondent in a jurisdictional challenge in ***Lakatamia Shipping Co Ltd v Su* [2023] EWHC 1874 (Comm)** (led by Stephen Phillips KC). The challenge concerned the test for intention in various economic torts, the tort, property and necessary or proper party gateways in CPR Practice Direction 6B and *forum conveniens*.
- Appeared in the Court of Appeal in an appeal regarding shipbreaking work in Bangladesh (***Begum v Maran (UK) Ltd* [2021] EWCA Civ 326; [2022] 1 All ER (Comm) 940** (led by Robert Bright QC)). The appeal concerned the duty of care element of the tort of negligence, limitation periods and applicable law.
- ***Lakatamia Shipping Co Limited v Su & Ors* [2019] EWHC 898 (Comm) and [2019] EWCA Civ 2203; [2020] 2**

All ER (Comm) 359: Instructed (led by Stephen Phillips QC) in these Commercial Court proceedings for US\$27m in the tort of unlawful means conspiracy and the *Marex* tort (i.e., the tort of intentionally interfering with rights in a judgment debt). James appeared in a successful application for permission to serve the claim form out of the jurisdiction and in a successful appeal to the Court of Appeal against an order discharging a freezing order that had been obtained *ex parte*.

Professional Negligence

- Appeared for the appellant in an appeal concerning the defence of illegality in a claim in the tort of negligence (***Lewis-Ranwell v G4S Health Services (UK) Ltd [2024] EWCA Civ 138*** (led by Judith Ayling KC)).
- Appeared for the successful respondent in an appeal to the Supreme Court concerning the illegality defence (***Henderson v Dorset Healthcare University NHS Foundation Trust [2020] UKSC; [2021] AC 563*** (led by Angus Moon QC)).
- Advised (with Jonathan Gaisman QC) in connection with a complex high-value (exceeding £100m) professional negligence dispute in the banking and accounting context. The case concerned issues in tort law, contract law, and private international law.
- Appeared in the Court of Appeal in an appeal regarding shipbreaking work in Bangladesh (***Begum v Maran (UK) Ltd [2021] EWCA Civ 326; [2022] 1 All ER (Comm) 940*** (led by Robert Bright QC)). The appeal concerned the duty of care element of the tort of negligence, limitation periods and applicable law.
- ***Sakho & Ors v World Anti-Doping Agency***: The First Claimant in this High Court litigation is an elite professional footballer. In 2016, he was charged with an anti-doping offence. That charge was dismissed and the First Claimant sought £16m in damages in claims for professional negligence and defamation against the World Anti-Doping Agency. James was led by Richard Waller QC. The World Anti-Doping Agency gave Mr Sakho an apology in open court in which it said that the dispute had been settled and that it had paid “*a substantial of damages*”.
- ***Das v George Weston Limited [2017] ONSC 4129***: This litigation, which was of immense proportions, arose out of a factory collapse in Bangladesh in which more than one thousand people died and many more were injured. CAD\$2 billion was claimed from corporate entities within a global supply chain. James was instructed to give expert evidence as to English law regarding the duty of care element of the tort of negligence, the doctrine of vicarious liability and the law of fiduciary duties. He was cross-examined and his evidence is discussed at [405], [412], [414]–[415], [419], [425], [437], [441]–[442], [448], [450], [452], [457], [461], [570]–[571], [576].
- ***The British Amateur Gymnastics Association v Zurich Insurance Limited***: Instructed (led by James Drake QC) in this long-running action in the Commercial Court which concerned a dispute between insureds, two insurers and brokers. The case raised points regarding insurance brokers’ duty of care in the tort of negligence and contract as well as in relation to the doctrines of waiver, estoppel and rectification.

Shipping and Transport

- Appeared in the Court of Appeal in an appeal regarding shipbreaking work in Bangladesh (***Begum v Maran (UK) Ltd*** [2021] EWCA Civ 326; [2022] 1 All ER (Comm) 940 (led by Robert Bright QC)). The appeal concerned the duty of care element of the tort of negligence, limitation periods and applicable law.
 - ***DP World Limited v MSC Mediterranean Shipping Company SA***: Instructed (led by David Bailey QC) in a US\$27m claim in the Commercial Court regarding a volume and rebate agreement. The case raised issues concerning estoppel, waiver, implied terms and the non-prevention principle.
 - Acted for cargo interests in a fraud claim in an LMAA arbitration (exceeding US\$65m) (led by David Bailey QC).
-

Education

- Master of Arts (by resolution), University of Oxford (2012).
- Doctor of Philosophy, Magdalen College, University of Oxford (2011).
- Master of Philosophy in Law (Distinction), Magdalen College, University of Oxford (2008).
- Bachelor of Civil Law (Distinction), Magdalen College, University of Oxford (2006).
- Graduate Diploma in Legal Practice, University of Wollongong (2005).
- Bachelor of Science (Distinction) and Bachelor of Laws (Hons), University of Wollongong (2003).

Prizes and Awards

- Clarendon Scholar, University of Oxford.
- Joint Runner-up for the Society of Legal Scholars' Peter Birks' Prize for Outstanding Legal Scholarship (2014) for the book *Tort Law Defences* (2013).
- Recipient of numerous prizes throughout both undergraduate and postgraduate studies, including the Clifford Chance Prize in Civil Procedure for placing first in the subject 'Principles of Civil Procedure' in the Bachelor of Civil Law, University of Oxford.

- Recipient of the University Medal in Law (2003) in undergraduate studies for ranking outright first in graduating class.
-

General Information

- Member of the American Law Institute (elected 2020).
- Academic Benchers of the Honourable Society of the Inner Temple (elected 2019).
- Professor of the Law of Obligations, University of Oxford (appointed 2017).
- Holds or has held visiting positions at several universities, including Harvard Law School.
- Advisor to the American Law Institute, *Restatement (Third) of Torts* (2015 -).
- Judicial Assistant to the Hon Justice Michael Kirby AC CMG, High Court of Australia (2005 – 2006).

Languages

Brazilian Portuguese (intermediate).

Publications

James has published extensively in the law of obligations. He regularly speaks at conferences and seminars across the world and for law firms in London. Selected publications include the following.

Selected books

- James Goudkamp and Donal Nolan, *Contributory Negligence* (2nd ed, Oxford University Press, Oxford, 2023).
- James Goudkamp and Donal Nolan, *Winfield & Jolowicz on Tort Law* (20th ed, London, Sweet & Maxwell, 2020).
- James Goudkamp and Donal Nolan, *Contributory Negligence in the Twenty-First Century* (Oxford, Oxford University Press, 2019).
- James Goudkamp, *Tort Law Defences* (Oxford, Hart Publishing, 2013) (Runner-up for the Society of Legal Scholars' Birks Prize for Outstanding Legal Scholarship 2014 (cited in *White v Johnston* [2015] NSWCA 18 at [104], [110], [124]; *AHQ v Attorney General* [2015] SGCA 32; [2015] 5 LHR 542 at [27]; *Rholata v Hecht Metals Products Ltd* (District Court in Jerusalem, 17 September 2015) at [26]; *Good v Angland* [2017] NSWCA 311 at [185]; *Fede v Gray* [2018] NSWCA 316 at [175], [182] – [184]).

Selected edited books

- James Goudkamp and Eleni Katsampouka (eds), *Landmark Cases in the Law of Punitive Damages* (Oxford, Hart Publishing, 2023).
- Elise Bant, Wayne Courtney James Goudkamp and Jeannie Marie Paterson (eds), *Punishment and Private Law* (Oxford, Hart Publishing, 2021).
- Paul Davies, Simon Douglas and James Goudkamp (eds), *Defences in Equity* (Oxford, Hart Publishing, 2018).
- Andrew Dyson, James Goudkamp and Frederick Wilmot-Smith (eds), *Defences in Contract* (Oxford, Hart Publishing, 2017).
- Simone Degeling, James Edelman and James Goudkamp (eds), *Contract in Commercial Law* (Sydney, Thomson Reuters, 2016).
- Andrew Dyson, James Goudkamp and Frederick Wilmot-Smith (eds), *Defences in Unjust Enrichment* (Oxford, Hart Publishing, 2016).
- Andrew Dyson, James Goudkamp and Frederick Wilmot-Smith (eds), *Defences in Tort* (Oxford, Hart Publishing, 2015).
- Simone Degeling, James Edelman and James Goudkamp (eds), *Torts in Commercial Law* (Sydney, Thomson Reuters, 2011).

Selected articles

- James Goudkamp, 'Rethinking Strict Liability and Fault Liability in the Law of Torts' (2023) 139 *Law Quarterly Review* 269.
- James Goudkamp, 'Henderson v Dorset Healthcare University NHS Foundation Trust' (2021) 37 *Journal of Professional Negligence* pp.171-180.
- James Goudkamp and Eleni Katsampouka, 'Punitive Damages and the Place of Punishment in Private Law' (2021) 84 *Modern Law Review* pp.1257-1293.
- James Goudkamp, 'United Kingdom' (2018) 20 *Pharmaceuticals Policy and Law* pp.115 - 129.
- James Goudkamp and Eleni Katsampouka, 'An Empirical Study of Punitive Damages' (2018) 38 *Oxford Journal of Legal Studies* pp.90 - 122.
- James Goudkamp, 'The Birth of a Tort: A Practical Perspective on the Tort of Malicious Prosecution of Civil Proceedings' (2017) (July) *New Law Journal* pp. 11 -12.

- James Goudkamp and Donal Nolan, 'Contributory Negligence on Appeal' (2017) (April) *New Law Journal* pp.18 – 19.
- James Goudkamp, 'The Contributory Negligence Doctrine: Four Commercial Law Problems' [2017] *Lloyd's Maritime and Commercial Law Quarterly* pp.213 – 237.
- James Goudkamp and Donal Nolan, 'Contributory Negligence in the Court of Appeal: An Empirical Study' (2017) *37 Legal Studies* pp.437- 467.
- James Goudkamp and Donal Nolan, 'Contributory Negligence in Practice' (2016) 166(July) *New Law Journal* pp.11 – 13.
- James Goudkamp and Donal Nolan, 'Contributory Negligence in the Twenty-First Century: An Empirical Study of First Instance Decisions' (2016) 79 *Modern Law Review* pp. 575 – 622.
- James Goudkamp and Lewis Klar, 'Apportionment of Damages for Contributory Negligence: The Causal Potency Criterion' (2016) 53 *Alberta Law Review* pp.1 – 14 (cited in *Canadian Natural Resources Ltd v Wood Group Mustang (Canada) Inc* [2018] ABCA 305 at [40]).
- James Goudkamp and Melody Ihuoma, 'A Tour of the Tort of Negligence' (2016) 32 *Journal of Professional Negligence* pp.137 – 152.
- James Goudkamp, 'Apportionment of Damages for Contributory Negligence: A Fixed or Discretionary Approach?' (2015) 35 *Legal Studies* pp.621 – 647.
- James Edelman, James Goudkamp and Simone Degeling, 'Contemporary Problems in the Law of Contract' (2015) 40 *Australian Bar Review* pp.174 – 184.
- James Goudkamp, 'The Doctrine of Illegality: A Private Law Hydra' (2015) 6 *United Kingdom Supreme Court Yearbook* pp.254 – 277.
- James Goudkamp, 'The Defence of Joint Illegal Enterprise' (2010) 34 *Melbourne University Law Review* pp.425 – 451.
- James Goudkamp, 'A Revival of the Doctrine of Attainder? The Statutory Illegality Defences to Liability in Tort' (2007) 29 *Sydney Law Review* pp.445 – 493 (cited in *Miller v Miller* [2011] HCA 9 at [97]).
- James Goudkamp, 'The Rule against Bias and the Doctrine of Waiver' (2007) 26 *Civil Justice Quarterly* pp.310 – 327 (cited in *Good Concrete v CRH Plc* [2015] IESC 70 at [59]).
- James Goudkamp, 'Is there a Future for Advocates' Immunity?' (2002) 10 *Tort Law Review* pp.188 – 206.

Selected book chapters

- James Goudkamp, 'Elements of Torts' in James Goudkamp, Mark Lunney and Leighton McDonald (eds), *Taking Law*

Seriously: Essays in Honour of Peter Cane (Oxford, Hart Publishing, 2022).

- James Goudkamp, 'Exemplary Damages' in Graham Virgo and Sarah Worthington (eds), *Commercial Remedies: Resolving Controversies* (Cambridge, Cambridge University Press 2017).
- Andrew Dyson, James Goudkamp and Frederick Wilmot-Smith, 'Thinking in Terms of Contract Defences?' in Andrew Dyson, James Goudkamp and Frederick Wilmot-Smith (eds), *Defences in Contract* (Oxford, Hart Publishing 2017) ch 1 (pp.1 - 16).
- James Edelman, James Goudkamp and Simone Degeling, 'Introduction' in Simone Degeling, James Edelman and James Goudkamp (eds), *Contract in Commercial Law* (Sydney, Thomson Reuters, 2016) ch 1 (pp.1 - 24).
- Andrew Dyson, James Goudkamp and Frederick Wilmot-Smith, 'Central Issues in the Law of Tort Defences' in Andrew Dyson, James Goudkamp and Frederick Wilmot-Smith (eds), *Defences in Tort* (Oxford, Hart Publishing, 2015) ch 1 (pp.3 - 24).
- Andrew Dyson, James Goudkamp and Frederick Wilmot-Smith, 'Defences in Unjust Enrichment: Questions and Themes' in Andrew Dyson, James Goudkamp and Frederick Wilmot-Smith (eds), *Defences in Unjust Enrichment* (Oxford, Hart Publishing, 2016) ch 1 (pp. 1 - 26).
- James Goudkamp, 'A Long, Hard Look at Gray v Thames Trains Ltd' in Paul Davies and Justine Pila (eds), *The Jurisprudence of Lord Hoffmann: A Festschrift in Honour of Lord Leonard Hoffmann* (Oxford, Hart Publishing, 2016) ch 4 (pp.31 - 58) (cited in *Henderson v Dorset Healthcare University NHS Foundation Trust* [2016] EWHC 3275 (QB); [2017] 1 WLR 2673 at [41]).
- James Goudkamp, 'General Defences' in Ken Oliphant (ed), *Law of Torts* (3rd ed, London, LexisNexis, 2015) ch 5.
- James Goudkamp and Lorenz Mayr, 'The Doctrine of Illegality and Interference with Chattels' in Andrew Dyson, James Goudkamp and Frederick Wilmot-Smith (eds), *Defences in Tort* (Oxford, Hart Publishing, 2015) ch 12 (pp.223 - 246).
- James Goudkamp, 'Rethinking Contributory Negligence' in Stephen Pitel, Jason Neyers and Erika Chamberlain (eds), *Tort Law: Challenging Orthodoxy* (Oxford, Hart Publishing, 2013) ch 11 (pp.309 - 353) (cited in *Rholata v Hecht Metals Products Ltd* (District Court in Jerusalem, 17 September 2015) at [26]).
- James Goudkamp and Charles Mitchell, 'Denials and Defences in the Law of Unjust Enrichment' in Charles Mitchell and William Swadling (eds), *The Restatement Third, Restitution and Unjust Enrichment: Comparative and Critical Essays* (Oxford, Hart Publishing, 2013) ch 6 (pp.133 - 164).
- James Edelman, James Goudkamp and Simone Degeling, 'The Foundations of Torts in Commercial Law' in Simone Degeling, James Edelman and James Goudkamp (eds), *Torts in Commercial Law* (Sydney, Thomson Reuters, 2011) ch 1

(pp.1 – 15).

- James Goudkamp, 'A Taxonomy of Tort Law Defences' in Simone Degeling, James Edelman and James Goudkamp (eds), *Torts in Commercial Law* (Sydney, Thomson Reuters, 2011) ch 19 (pp. 467 – 502).
- James Goudkamp, 'Defences to Negligence' in Carolyn Sappideen and Prue Vines (eds), *Fleming on Torts* (10th ed, Sydney, Lawbook Co, 2011) ch 12 (pp.273 – 311) (cited in *Robbins v Skouboudis* [2013] QSC 101 at [54]; cited and discussed in *Johnson v Auckland Council* [2013] NZHC 165 at [11] – [14]; cited in *Chadwick v Allen* [2012] SADC 105 at [72]; cited in *Motor Accident Commission v Curzons* [2012] SASCFC 22 at [34]; cited and discussed in *Jaspers v Prospect City Council* [2012] SADC 6 at [23] – [24]).

Selected case notes and comments

- James Goudkamp and James Plunkett, 'Foreseeability and Duty of Care' (2019) 135 *Law Quarterly Review* pp. 521 – 526.
- James Goudkamp, 'Breach of Duty: A Disappearing Element of the Action in Negligence?' (2017) 75 *Cambridge Law Journal* pp.480 – 483 cited and discussed in *Darnley v Croydon Health Services NHS Trust* [2018] UKSC 50 at [23]).
- James Goudkamp, 'Duties of Care and Corporate Groups' (2017) 133 *Law Quarterly Review* pp.560 – 565.
- James Goudkamp, 'The End of an Era? Illegality in Private Law in the Supreme Court' (2017) 133 *Law Quarterly Review* pp.14 – 20 (cited and discussed in *Orhroid Trading Ltd v Chua Siok Lui* [2018] SGCA 5 at [108], [121], [123]).
- James Goudkamp, 'Apportionment of Damages for Contributory Negligence: Appellate Review, Relative Blameworthiness and Causal Potency' (2015) 19 *Edinburgh Law Review* pp.367 – 373.
- James Goudkamp, 'A Revolution in Duty of Care?' (2015) 131 *Law Quarterly Review* pp.519 – 525 (cited in *LM v The Commission of An Garda Síochána* [2015] IESC 81 at [24]).
- James Goudkamp, 'The Insurance Law Legacy of Fairchild' [2015] *Lloyd's Maritime and Commercial Law Quarterly* pp.443 – 450.
- James Goudkamp, 'Apparent Bias: Helow v Secretary of State for the Home Department' (2009) 28 *Civil Justice Quarterly* pp.183 – 190.
- James Goudkamp, 'The Defence of Illegality: Gray v Thames Trains Ltd' (2009) 17 *Torts Law Journal* pp.205 – 218.
- James Goudkamp, 'Facing up to Actual Bias' (2008) 27 *Civil Justice Quarterly* pp.32 – 39 (cited in *Jackson v Thompsons Solicitors (A Firm)* [2015] EWHC 218 (QB) at [16]).
- James Goudkamp, 'Litigation Privilege: Timeless or Transient? Blank v Canada (Minister of Justice)' (2007)

- James Goudkamp, 'Proportionate Liability in Building and Subdivision Cases' (2003) 8 *Australasian Journal of Natural Resources Law and Policy* pp.179 – 190.
-

Directories

- "James is very responsive and user friendly", [Fraud: Civil, Legal 500 2025](#)
- "James has forensic attention to detail and is always calm in the face of pressure and deadlines. A great team player and a pleasure to work alongside", [Aviation and Travel, Legal 500 2025](#)
- "James is an extremely intelligent and insightful researcher", [Professional Negligence, Chambers UK Bar 2024](#)
- "James has an incredible amount of knowledge, is very thorough and detailed in his approach", [Professional Negligence, Chambers UK Bar 2024](#)
- "James has a formidable grasp of the law of tort and great persistence. He is able to produce innovative legal arguments", [Fraud: Civil, Legal 500 2024](#)
- "James has a razor-like intelligence, is conscientious, thorough and a delight to work with", [Professional Negligence, Legal 500 2024](#)
- "James is brilliant; he is incredibly knowledgeable and also incredibly thorough", [Chambers & Partners 2023](#)
- "Fabulous in all aspects of professional negligence law", [Chambers & Partners 2023](#)
- "An unparalleled knowledge of the law, greatly assisted by his academic background", [Legal 500 2023](#)
- "His academic work gives him an understanding of the principles that many practitioners don't have." "If you have a difficult point of law then he's the person to go to. He's very able; he has the academic background and the ability to turn it to his career as a barrister. If I had a Supreme Court case I'd want him on my team", [Chambers & Partners 2022](#)
- "James is incredibly thoughtful, hard-working and dedicated. He has deep understanding of the law. Responsive and practical", [Legal 500 2022](#)
- "Has become an indispensable member of the team - incredibly hard-working, extremely knowledgeable and thorough and considered in his approach." "Very strong on the law of tort and writes extremely well", [Chambers & Partners 2021](#)
- "He is a phenomenal source of knowledge and an extraordinarily meticulous, hardworking and helpful team player. He has an amazing work ethic and a thorough knowledge of the law," [Legal 500 2021](#)