

James Bailey

Call: 2020 (BVI, 2022)

‘James is very responsive and provided effective and meaningful support to leading counsel.’

Insurance and Reinsurance (Rising Star), Legal 500 2026



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James has a busy practice spanning all areas of commercial law, including insurance and reinsurance, general commercial disputes, international arbitration, civil fraud, shipping, company and partnership disputes, and professional negligence.

James is regularly instructed in high-value court and arbitration proceedings both in London and abroad. He has a keen interest in appellate proceedings, having appeared in the Privy Council and appearing regularly in the Eastern Caribbean Court of Appeal (BVI). James is also presently assisting with an appeal to the Federal Court of Malaysia on the seaworthiness obligation in the Hague Rules.

His current and recent instructions as junior counsel include acting for the Malaysian sovereign wealth fund 1MDB in a US\$1 billion fraud claim in the BVI (led by Tom Smith KC), successfully defending a US\$65 million HKIAC joint venture dispute (led by David Allen KC), acting in a coverage dispute concerning professional indemnity insurance (led by James Brocklebank KC), and successfully defending a challenge under ss. 67 and 68 of the Arbitration Act 1996 alleging bias by an arbitrator (led by Marcus Mander).

James has considerable advocacy experience, including making the oral submissions in a successful appeal in the Eastern Caribbean Court of Appeal (*Lau Man Sang, James v King Bun Limited* BVIHCMAP 2022/0019), appearing as sole counsel in the High Court in a challenge under section 68 of the Arbitration Act 1996 and appearing regularly in the Scottish courts, prior to transferring to the English Bar. James retains an interest in disputes with a Scottish dimension.

James studied law at the University of Edinburgh, where he was the second-most distinguished graduate in his year. James was then awarded a distinction in the MPhil in Law at the University of Oxford. James has also published articles and spoken at conferences on a variety of commercial matters and his research has been cited by the Law Commission. James is also a member of the Bar of the British Virgin Islands.

Recent reported decisions include:

- *Lau Man Sang v King Bun Limited* (BVIHCMAP2025/0003): appeared for the successful respondents (led by Jern-Fei Ng KC) in an appeal against the dismissal of the appellants’ set aside application, the appellants having failed to attend the quantum trial.
- *Annuity & Life Re Ltd v Kingboard Copper Foil Holdings Limited* [2025] SC (Bda) 88 civ: instructed by the successful defendants (led by Jern-Fei Ng KC) in a dispute before the Supreme Court of Bermuda relating to an anti-embarrassment clause in a settlement agreement.
- *V & Anor v K* [2025] EWHC 1523 (Comm), [2025] 2 Lloyd’s Rep 90: appeared for the successful defendant (led by Marcus Mander) in a challenge under ss. 67 and 68 of the Arbitration Act 1996 concerning allegations of apparent bias in an LMAA

arbitration.

- **McPhee v Colina Insurance Ltd** [2023] UKPC 8: appeared as junior counsel led by Jawdat Khurshid KC representing the successful insurers in an appeal to the Privy Council regarding the lapse of a life insurance policy.
- **Ducat Maritime Limited v Lavender Shipmanagement Incorporated (The "Majesty")** [2022] EWHC 766 (Comm), [2022] 2 Lloyd's Rep 279: appeared as sole counsel before Butcher J in the High Court defending a challenge under section 68 of the Arbitration Act 1996.

Expertise

Commercial Litigation

- Instructed as junior counsel to Vernon Flynn KC, Toby Landau KC and Jern-Fei Ng KC in an LCIA arbitration over an asset recovery guarantee in a settlement agreement. Appeared in a hearing for the payment of a US\$250 million interim payment.
- **Annuity & Life Re Ltd v Kingboard Copper Foil Holdings Limited** [2025] SC (Bda) 88 civ: instructed by the successful defendants (led by Jern-Fei Ng KC) in a dispute before the Supreme Court of Bermuda relating to an anti-embarrassment clause in a settlement agreement.
- Instructed in a multi-billion dollar claim for inducing breach of contract/unlawful means conspiracy in respect of contracts for the supply of LNG.
- Instructed by a logistics consultant claiming the recovery of fees under a consulting services agreement from the operator of a data centre. The case settled for the full sum claimed.
- Instructed by a theatre production company in a claim for damages after its show was cancelled following the exposure of a theatre to asbestos. James assisted the theatre production company in obtaining a favourable settlement.
- Instructed in a Circuit Commercial Court claim for payment under a livestock profit-share agreement. The case settled following the CMC.
- Instructed in an application for an urgent interim mandatory injunction for the production of documents pursuant to section 44 of the Arbitration Act 1996.
- Advised on a potential interim injunction against a Scottish company and its directors for breach of a franchise agreement.
- Assisted (as a pupil) in preparing the written case for the respondents in the Supreme Court case of **Harcus Sinclair LLP v Your Lawyers Ltd** [2021] UKSC 32 (relating to restraint of trade and enforcement of solicitors' undertakings).

Insurance and Reinsurance

- **McPhee v Colina Insurance Ltd** [2023] UKPC 8: appeared as junior counsel led by Jawdat Khurshid KC representing the successful insurers in an appeal to the Privy Council regarding the lapse of a life insurance policy.
- Instructed in a coverage dispute relating to professional indemnity insurance, led by James Brocklebank KC.
- Instructed on behalf of a medical services company in a potential negligence claim against the brokers, led by Jason Robinson KC.

- Instructed on behalf of a policyholder seeking a reinstatement indemnity for property damage to an office.
- Instructed in an insurance claim against a partnership concerning the death of a show horse, which led to a favourable settlement.
- Instructed in a successful application for an *ex parte* anti-suit injunction restraining foreign proceedings concerning the grounding of a vessel brought in breach of a P&I Club's arbitration agreement.
- Advised on limitation issues arising from a potential claim in respect of a road traffic fatality against liability insurers under the Fatal Accidents Act 1976 and Law Reform (Miscellaneous Provisions) Act 1934.
- Instructed on behalf of insurers defending a water damage insurance claim raising issues concerning late notification.
- Assisted with the preparation of an application for reverse summary judgment on behalf of an insurer in respect of a COVID-19 business interruption claim.
- Advising on the measure of the indemnity under a contractors' all risks policy for the partial failure of a land reclamation project.
- Advising on the operation of a condition of average under a business combined insurance policy.
- Assisted with the preparation of a position paper relating to the contractual framework underlying the provision of black-box car insurance policies.

Civil Fraud

- ***King Bun Limited v Lau Man Sang, James***: James appeared as junior counsel (led by Jern-Fei Ng KC) for the successful claimants in the quantum trial of this derivative action concerning a fraud on the minority shareholders of a BVI company. Wallbank J made an order for US\$55.7m equitable compensation and US\$41.1m pre-judgment interest. James also appeared in the Eastern Caribbean Court of Appeal in four conjoined appeals following the liability trial, in which James made the oral submissions in the costs appeal. The claimants were successful in all four appeals: [BVIHCMAP 2021/0034](#); [BVIHCMAP 2022/0019](#); [BVIHCMAP 2022/0006](#). The defendants' more recent application to set aside the quantum order was dismissed by Wallbank J in April 2024. The Court of Appeal dismissed the appellants' appeal against that decision in January 2026: [BVIHCMAP2025/0003](#). The quantum order remains under appeal.
- Instructed in a US\$1 billion fraud claim in the BVI (led by Tom Smith KC) on behalf of the Malaysian sovereign wealth fund 1MDB, regarding the misappropriation of billions of dollars of funds. This involves allegations of dishonest assistance, conspiracy and fraudulent trading.
- Appeared as sole counsel in the County Court in a forum non conveniens jurisdiction challenge in respect of a claim for misappropriation of company funds by a former director.
- Assisting with claims for damages for inducing breach of an agency agreement/unlawful means conspiracy relating to non-payment of commission on the sale of a superyacht.
- Assisted with advice on defending an application for security for costs in a complex civil fraud action involving a state-owned enterprise Claimant.
- Assisted with an application for security for costs in a high-value claim for unlawful means conspiracy (as a pupil).

International Arbitration

- Instructed as junior counsel in an LCIA arbitration on behalf of a sovereign wealth fund, following the misappropriation of

billions of dollars of funds, led by Vernon Flynn KC, Toby Landau KC and Jern-Fei Ng KC.

- Appeared for the successful respondents in a USD65m HKIAC arbitration as junior counsel to David Allen KC relating to a dispute between investors in a marine heavy transport joint venture.
- **V & Anor v K [2025] EWHC 1523 (Comm)**: appeared for the successful defendant (led by Marcus Mander) in a challenge under ss. 67 and 68 of the Arbitration Act 1996 concerning allegations of apparent bias in an LMAA arbitration.
- **Ducat Maritime Limited v Lavender Shipmanagement Incorporated (The “Majesty”) [2022] EWHC 766 (Comm)**, [2022] 2 Lloyd’s Rep 279: appeared as sole counsel before Butcher J in the High Court defending a challenge under section 68 of the Arbitration Act 1996.
- Appeared as junior counsel to Peter MacDonald Eggers KC in a successful application for an *ex parte* anti-suit injunction restraining foreign proceedings concerning the grounding of a vessel brought in breach of a P&I Club’s arbitration agreement.
- Appeared as junior counsel in a ship management preliminary issues arbitration concerning BIMCO SHIPMAN and CREWMAN agreements.
- Instructed in defending a section 68 application to set aside a corrected award, which also involved a cross-application to set aside the original award.
- Instructed on behalf of the defendants in an LMAA arbitration concerning a BIMCO SUPERMAN agreement for the provision of ship construction supervision services.
- Provided advice in relation to the prospects of enforcement of a multi-billion-dollar arbitration award obtained against a state, as against the assets of state-owned entities.
- Instructed in an application for an urgent interim mandatory injunction for the production of documents pursuant to section 44 of the Arbitration Act 1996.
- Acted for charterers in a multi-million pound LMAA arbitration for misdelivery of a cargo of crude oil.
- Acted for owners in a demurrage arbitration arising out of a chemical tanker voyage charterparty.
- Advising on a SCMA arbitration relating to a claim for commission on the sale of a yacht.

Shipping & International Trade

- Appeared for the successful respondents in a USD65m HKIAC arbitration as junior counsel to David Allen KC relating to a dispute between investors in a marine heavy transport joint venture.
- **V & Anor v K [2025] EWHC 1523 (Comm)**: appeared for the successful defendant (led by Marcus Mander) in a challenge under ss. 67 and 68 of the Arbitration Act 1996 concerning allegations of apparent bias in an LMAA arbitration.
- **Ducat Maritime Limited v Lavender Shipmanagement Incorporated (The “Majesty”) [2022] EWHC 766 (Comm)**, [2022] 2 Lloyd’s Rep 279: appeared as sole counsel before Butcher J in the High Court defending a challenge under section 68 of the Arbitration Act 1996 relating to a charterparty.
- Assisting shipowners in an appeal to the Malaysian Federal Court concerning the scope of the obligation of seaworthiness in Article III, rule 1 of the Hague Rules and the application of **The CMA CGM Libra** [2021] UKSC 51, [2022] 2 All ER 479.
- Appeared as junior counsel in a ship management preliminary issues arbitration concerning BIMCO SHIPMAN and CREWMAN agreements.
- Instructed on behalf of the defendants in an LMAA arbitration concerning a BIMCO SUPERMAN agreement for the provision of ship construction supervision services.

- Appeared as junior counsel to Peter MacDonald Eggers KC in a successful application for an *ex parte* anti-suit injunction restraining foreign proceedings concerning the grounding of a vessel brought in breach of a P&I Club's arbitration agreement.
- Acting in an LMAA arbitration for commission on behalf of shipbrokers.
- Acting in an arbitration claim for damages arising out of breach of a memorandum of agreement for the sale of a vessel.
- Acted for charterers in a multi-million pound LMAA arbitration for misdelivery of a cargo of crude oil.
- Acted for owners in a demurrage arbitration arising out of a chemical tanker voyage charterparty.
- Prepared a section 68 application arising out of a dispute about the prospective safety of a Yemeni port.

Commodities

- Acted for charterers in a multi-million pound LMAA arbitration for misdelivery of a cargo of crude oil.
- Instructed in a multi-billion dollar claim for inducing breach of contract/unlawful means conspiracy in respect of contracts for the supply of LNG.
- Acting for owners in a demurrage arbitration arising out of a chemical tanker voyage charterparty.
- Assisting with research into the quantification of damages for the late delivery of a cargo of propane.
- Assisting with research for a claim under a trade credit insurance policy concerning the sale of agricultural commodities.
- Preparing pleadings in a charterparty dispute concerning the failure by charterers to make full payment of bunkers remaining onboard at the time of redelivery.

Banking & Finance

- Instructed as junior counsel in an LCIA arbitration on behalf of a sovereign wealth fund, following the misappropriation of billions of dollars of funds, led by Vernon Flynn KC, Toby Landau KC and Jern-Fei Ng KC.
- Provided advice to and prepared pleadings on behalf of an account holder of a Jersey bank whose account was subject to an 'informal freeze'.
- Assisted in a dispute involving allegations of breach of fiduciary duty against a director due to his involvement in secondary sales of shares in a company through the director's third-party companies.

Professional Negligence

- Instructed on behalf of a medical services company in a potential negligence claim against the brokers, led by Jason Robinson KC.
- Instructed in a coverage dispute relating to professional negligence by a solicitors' firm, led by James Brocklebank KC.

Company & Insolvency

- Instructed in a US\$1 billion fraudulent trading claim in the BVI (led by Tom Smith KC) on behalf of the insolvent subsidiaries of the Malaysian sovereign wealth fund 1MDB, regarding the misappropriation of billions of dollars of funds.
- **Annuity & Life Re Ltd v Kingboard Copper Foil Holdings Limited** [2025] SC (Bda) 88 civ: instructed by the successful defendants (led by Jern-Fei Ng KC) in a dispute before the Supreme Court of Bermuda relating to an anti-embarrassment clause in a settlement agreement.
- Instructed by the defendants in a claim for the rectification of the register of members of a BVI company on the basis that the purported cancellation of share certificates and issuing of new share certificates was invalid.

Jurisdiction and Conflict of Laws

- Instructed in a successful application for an *ex parte* anti-suit injunction restraining foreign proceedings concerning the grounding of a vessel brought in breach of a P&I Club's arbitration agreement.
- Appeared as sole counsel in the County Court in a forum non conveniens jurisdiction challenge in respect of a claim for misappropriation of company funds by a former director.
- Assisted with advice relating to jurisdictional and applicable law issues relating to claims for unpaid commission and damages for inducing breach of an agency agreement/unlawful means conspiracy.
- Provided advice in relation to conflicting arbitration and exclusive jurisdiction clauses.

Memberships

James is also a member of the Bar of the British Virgin Islands.

Education

- 2019-20: MPhil (Law), Merton College, University of Oxford (Distinction)
- 2016-17: Dip LP, The University of Edinburgh (Distinction)
- 2012-16: LLB (Hons), The University of Edinburgh (First Class, Second-Most Distinguished Graduate)

Scholarships and awards

- John Hastie Scholarship for second most distinguished LLB graduate based upon first and second year exams (2016)
- Greens Prize for best overall LLB second-year performance (2014)

- Sarah Mills Prize for Commercial Law Honours (2016)
- Davidson Chalmers Prize for Company and Commercial (2017)
- Scots Law Society Prize for best performance in Delict (Tort) and Property Law Honours (2016)
- Miller Prize for Revenue Law (2014)
- Family Law Association Prize for Family Law Ordinary (2013)
- Gillespie MacAndrew Prize for joint best performance in Professional Skills and Responsibility (2017)