

# James Gardner

CALL: 2018

✉ enquiries@twentyessex.com

☎ +44 (0)20 7842 1200



## Overview

James has a diverse commercial practice with a particular focus on banking, shipping, international trade, trade finance, civil fraud, energy and companies. He is regularly instructed alone or as part of a team in the High Court, most commonly the Commercial Court, as well as in arbitrations conducted under various institutional rules and ad hoc.

James has experience of high value, complex litigation. He has recently acted for an international bank in a US\$16 million Commercial Court trade finance dispute (led by Andrew Fulton QC), a Chinese trading house claiming US\$157 million for undelivered iron ore in two related LCIA arbitrations (led by Simon Milnes), and a marine desulphurisation unit manufacturer facing a multi-million dollar claim under an agency agreement in an ad hoc arbitration (led by Simon Milnes).

James also regularly acts as sole counsel, as he did for the respondents in [Daly v Ryan \[2021\] EWHC 976 \(Ch\)](#), a successful application for an order imposing conditions on the appellants' permission to appeal against an €8.5 million judgment debt in a fraud claim.

James has experience of applications for emergency relief (particularly freezing injunctions), disclosure applications (including under the Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters) and enforcement procedures (such as debtor examinations, contested applications for charging orders, third party debt orders and to enforce arbitral awards). He is especially familiar with making and resisting such applications against the background of allegations of fraud, having spent six

## Education

- City Law School: BPTC, Very Competent (2018)
- City University, London: GDL, Distinction (2017)
- University of Oxford, Keble College: MSt English Literature (1550-1700) (2016)
- University of Oxford, Keble College: BA English Language and Literature, First Class (2015)

## Awards / scholarships / prizes

- Hardwicke Entrance Award, Lincoln's Inn (2017)
- Lord Haldane Scholarship, Lincoln's Inn (2016)
- Academic Scholarship, City University, London (2016)
- Graduate Scholarship in Memory of John Keble, Keble College, Oxford (2015-16)
- Academic Scholar, Keble College, Oxford (2015)
- Nigel Smith Prize for English, Keble College, Oxford (2014)
- Winner: Inner Temple Inter-Varsity Moot

months on secondment at a civil fraud litigation boutique in his first year of practice.

(2017) , Inner Temple Magna Moot (2017)

- Runner up: City University GDL Moot (2017)
- Finalist: Lincoln's Inn Internal Moot (2017)

## Example cases

---

- *TOTSA Total Oil Services SA v (1) Zenrock Commodities Trading Pte Ltd (2) Hong Kong and Shanghai Banking Corporation Limited* (Commercial Court) – acted for a bank defending a claim for rectification and counterclaiming US\$16 million as assignee of its trade finance customer's rights under a contract for the sale of oil (led by Andrew Fulton QC).
- *Viken Crude AS v Mansel Pte Ltd* (Commercial Court) – acted for a shipowner claiming declaratory relief under a charterparty indemnity in respect of the delivery of oil without production of original bills of lading. The indemnity incorporated the International Group of P&I Clubs' "INT GROUP A" wording by reference (led by Michael Collett QC).
- *Daly v Ryan* [2021] EWHC 976 (Ch) (Chancery Appeals Centre) – acted as sole counsel for the respondents in an application for an order imposing conditions on the appellants' permission to appeal against an €8.5 million judgment debt in a fraud claim.
- *Ocean Holidays Ltd v Collins* (Queen's Bench Division) – acted for a travel company bringing proceedings against a fraudster-employee, first obtaining a freezing injunction (while on secondment, with Philip Riches QC) then settling pleadings in a claim for a six figure sum (unled).
- *A v B* (an ad hoc arbitration) – acted for a company defending a claim under an agency agreement relating to the sale of marine desulphurisation units, raising issues as to the basis of an agent's remuneration and unilateral mistake rectification (led by Simon Milnes).
- *A v B* (ongoing LCIA arbitrations) – acting for a Chinese trading house claiming US\$157 million for undelivered iron ore in two related LCIA arbitrations (led by Simon Milnes).
- *A v B* (potential Commercial Court proceedings) – advising an individual threatened with an eight figure fraud claim on potential jurisdiction challenges under the post-Brexit regime and limitation defences.
- *A v B* (potential Commercial Court proceedings) – advising a South-East Asian conglomerate facing a seven figure claim under a parent company guarantee as to its potential defences and rights of subrogation.
- *A v B* (ongoing LMAA arbitrations) – acting as sole counsel for a Singaporean shipowner and its Indian freight collection agent in more than two dozen references arising from a long term contract of affreightment.
- *A v B* (ongoing LMAA arbitration) – acting as sole counsel for a freight forwarder defending a claim for detention arising from delays caused by the COVID-19 pandemic and counterclaiming damages for misdelivery.