

JAMES DOUGLAS

Barrister

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ABOUT

James was called to the Bar in 2020, having previously worked as a solicitor in Sydney and London for around 15 years.

Since joining the Bar, James has had a broad commercial practice with a particular focus on contractual disputes, insolvency, real property, equity & trusts and wills & estates.

As a solicitor, James' principal areas of practice in large law firms and in-house were corporate, banking & financial services, insolvency and commercial law in contentious and non-contentious matters.

James is a recent graduate of the ARITA Advanced Certification in Insolvency.

EXPERIENCE

Prior to joining the Bar, James was a Senior Legal Counsel at the Commonwealth Bank (CBA). He advised financial advice licensees on ASIC regulatory obligations and key remediation projects arising out of the 2017-2019 Banking Royal Commission.

James started his career in Sydney at Norton Rose Fulbright where he principally worked for the National Head of Dispute Resolution at the time. James later worked at DibbsBarker (now Dentons), principally on large scale insolvency litigation.

James then practiced in London for 5 years as an English lawyer (Senior Associate) in the London office of LOGOS Legal Services, the largest and leading law firm in Iceland. He advised leading Nordic corporates and financial institutions on their business interests in the UK (including during the 2008 global financial crisis) and conducted England High Court litigation and international arbitration.

Prior to joining CBA, James was a Practice Leader in Dispute Resolution at LegalVision, an award-winning NewLaw firm backed by Gilbert + Tobin.

EDUCATION

University of Sydney

LLM, Law - Corporate Law & International Law

UNSW

MBA, Business & Finance

PROFESSIONAL QUALIFICATIONS

ARITA – Australian Restructuring Insolvency & Turnaround Association

Advanced Certificate in Insolvency

College of Law

Graduate Diploma of Legal Practice

Legal Profession Admission Board

Diploma in Law (NSW Law Exams)

ADMISSIONS

Barrister in NSW (2020)

Solicitor in England & Wales (2009)

Solicitor in NSW (2002)

PRINCIPAL AREAS OF PRACTICE

Alternative Dispute Resolution	Competition and Consumer	Partnership
Banking and Financial Services	Contracts	Real Property
Bankruptcy and Insolvency	Corporations	Trusts
Commercial	International Arbitration	Wills and Estates

SELECTED CASES

Appeals

Narellan Franchise Pty Ltd v RBME Pty Ltd [2023] NSWCA 139 - led by P M Knowles SC – enforcement and reasonableness of franchise restraints of trade, whether first instance decision interlocutory

QB4 Capital Pty Limited v Guardian Securities Limited [2023] FCAFC 72 - led by F M Douglas KC – trustee rights of indemnity under a registered managed investment scheme, repayment of monies under terminated deed of settlement

First instance

Berhero Pty Ltd v Hinds [2023] NSWSC 1022 - led by S Golledge SC – contractual construction, whether contract substantially performed and admissibility of expert evidence

Arab v Pan, in the matter of Pan (No 2) [2023] FCA 1190 - led by B Katekar SC – cross-border insolvency, foreign proceeding (ultimately did not oppose application)

Padavala v Tabbah & Anor, case number 2022/00054909 (NSW Supreme Court) – unled, for Plaintiff – real property, contract for sale of land, vacant possession and specific performance (settled with specific performance)

Sha v Liu [2022] NSWSC 325 – led by B Katekar SC – enforcement of guarantee, breach of contract, acceptance of offer and consideration

QB4 Capital Pty Limited v Guardian Securities Limited [2022] FCA 262 – led by F M Douglas QC and J K Carter – breach of trust, equitable compensation, reliance on rights of indemnity, appointment of trustees in substitution for receivers

In the matter of Neil Robert Cussen in his capacity as liquidator of Guv Services Pty Ltd (In Liquidation) v Deputy Commissioner of Taxation, case number 2019/00196949 (NSW Supreme Court) – led by B Katekar SC, for Plaintiff – unfair preference claim (settled)

Lewis v Martinez as representative of the partners t/a HWL Ebsworth Lawyers [2021] NSWSC 1303 – led by F M Douglas QC and J K Carter – partnerships, proper parties in partnership proceedings, recovery of costs trust property

Lewis v Martinez [2021] NSWSC 571 – led by F M Douglas QC and J K Carter – partnerships, transfer of proceedings and interests of justice

Easy Way Station Co., Ltd v Meetfresh Franchising Pty Ltd [2021] FCA 541 – unled – trade mark infringement and default judgment

Re Order of Ahepa NSW Inc [2020] NSWSC 1626 – led by B Katekar SC – insolvency, validity of appointment of administrators

APPOINTMENTS

Consulate of Iceland, Sydney, Australia (2016 – present)
Honorary Consul of Iceland for New South Wales