

James Morgan QC

Year of Call: 1996 | Year of Silk: 2017

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Introduction

James is an established commercial practitioner, with particular expertise in the fields of insolvency, company and commercial dispute resolution. James has a wealth of trial experience and of applications for interim relief, including freezing orders and injunctions. He has been recommended by Chambers UK and the Legal 500 for a number of years and is currently ranked in the fields of restructuring/insolvency, chancery and commercial dispute resolution. Peers say that "it is very obvious in court that he has the confidence of the judges" (Chambers UK 2014). James is also very approachable and solicitors praise him for being "ever willing to have a chat – he is always an e-mail or phone call away." (Chambers UK 2014). James also sits as a Recorder of the County Court.

James is married with two children, three dogs and two cats. When time permits, he enjoys wine, cricket, golf and skiing.

What the directories say:

- "He has a great intellect and never loses sight of the client's commercial objectives.", "Very approachable and good with clients.", "An excellent operator who instills confidence with his technical knowledge and user-friendly manner.", "Very good at insolvency – he's one of the go-tos. He's extremely intelligent and his knowledge of the law in that area is second to none. He is good with clients and highly approachable. He's happy to speak to the clients and find a commercial solution.", "He is very, very good; just very tidy and highly efficient." and "He's well organised, reassuring, knowledgeable and always brilliantly well prepared." – Chambers UK 2019
- "He's extremely professional in the way he goes about his work. He's got a very appropriate and measured manner in court. Judges like his style, which isn't overly combative or bombastic. He's particularly strong in the company area." "Very good on the law, and clever." – Chambers UK 2018
- "He's an extremely assured courtroom performer who readily gains complete client confidence." "James is superb – he is who you want in your corner in a dispute. He is meticulous in his preparation, well organised and always available." "He is very easy to work with, approachable and very thorough. He's technically very, very good and is able to look at and assimilate information quickly. He's able to think about the case from both a legal and commercial angle as well." – Chambers UK 2018
- "He's good on his feet and a pleasure to work with. He has a vast knowledge of the area of law we engage him in." "Very approachable and always contactable." – Chambers UK 2018
- "He thinks quickly on his feet and responds calmly and intelligently to any issues which arise." "He is technically the best barrister I have ever dealt with." "He is forceful and capable without being overdramatic." Chambers & Partners (2018)
- "His legal advice is first-rate." – Legal 500 2017
- "His advice is always spot-on, he's always across the brief. He's very good with clients, dispensing the right advice in the right way." – Chambers UK 2017
- "A very user-friendly barrister who is good at dealing with clients, meticulous in his preparation, and quick at responding. He is also a very good advocate who has given one of the best performances I've ever seen in court." "He is calm, bright and always on top of the detail." – Chambers UK 2017
- "Comfortably the leading junior counsel in the region, James is intelligent, pragmatic and commercial. He also has a terrific bedside manner with both clients and judges." – Chambers UK 2017
- "He is very clever and applies himself well to disputes." – Chambers UK 2017

- "He demonstrates a very impressive intellect and thorough preparation; up there with the brightest counsel." – Legal 500 2016
- "He is tenacious, but understated – a quietly efficient and highly effective counsel." – Chambers UK 2016
- "You could put any work with him and it would be safe. He provides everything you need for really big litigation." "He has great paperwork and drafting skills and is very calm with a good bedside manner." – Chambers UK 2016
- "Fantastic attention to detail and agile on his feet." – Legal 500 2014
- "A silk in the making – he has the attributes to be a team leader and his depth of knowledge certainly matches any QC that I have dealt with." – Chambers UK 2014
- "Garnered acclaim from all sides." "A star with a fantastic career ahead of him". – Chambers UK 2013
- "Highly intelligent, pragmatic and commercial". "accessible, polished and meticulous" – Chambers UK 2013

Recent Cases:

James has recently been dealing with a number of cases involving the possible defective appointment of administrators and has not only been successful in upholding the appointments but has helped to establish case law that adopts a "flexible" approach to the problems that have arisen in the out of court process. In the company field, James is currently being led in two multi-million pound shareholder disputes that are listed for trial in London and Manchester in 2013. James has also been developing his professional liability work and in 2012 has successfully acted in High Court claims for a mortgagee against a surveyor and for a liquidator against a firm of solicitors.

Reported Cases:

- *Masters v Furber* [2013] EWHC 3023 (Ch). Decision of HHJ Purle QC that a supervisor of an IVA could, relying in part on a Power of Attorney in his favour, obtain a mandatory injunction requiring the debtor to comply with the terms of the arrangement in relation to the realisation of certain motor vehicles for the benefit of creditors as a whole. Reported at <http://www.bailii.org/cgi-bin/markup.cgi?doc=/ew/cases/EWHC/Ch/2013/3023.html>
- *Re GP Aviation Ltd* [2013] EWHC 1447 (Ch). Decision of the High Court as to whether a bare right to appeal was "property" within the meaning of the Insolvency Act 1986 in the context of an application by liquidator for directions as to whether he should assign the right to conduct a tax appeal to the directors of the company. <http://www.bailii.org/cgi-bin/markup.cgi?doc=/ew/cases/EWHC/Ch/2013/1447.html>
- *Re Casa Estates Ltd* [2013] EWHC 2371 (Ch). Decision of Mr Justice Warren in the context of an office-holder claim as to the meaning and effect of the "balance sheet" insolvency test in s.123(2) of the Insolvency Act 1986 following the decision of the Supreme Court in *Eurosail*. Currently subject to a second appeal to the Court of Appeal. <http://www.bailii.org/ew/cases/EWHC/Ch/2013/2371.html>.
- *Re Clenaware Systems Ltd* [2013] EWHC (Ch). Decision of HHJ Barker QC as to the principles to be applied on an application for permission to act under sections 1A and 17 of the Company Directors Disqualification Act 1986. James Morgan and Matthew Weaver were instructed by the Secretary of State. <http://www.bailii.org/ew/cases/EWHC/Ch/2013/2514.html>.
- *Re BXL Services* [2012] BCC 657 (appointment of administrators)
- *Re Assured & Taurus* [2012] BCC 541 (appointment of administrators)
- *Cathie v SSBIS* [2012] EWCA Civ 739 (CDDA, second appeal)
- *Re Stealth Construction* [2012] BCLC 297 (preferences)
- *Mundy v Brown* [2011] BPIR 1056 (misfeasance and Quistclose trusts)
- *Hill v Stokes plc* [2011] BCC 473 (appointment of administrators)
- *Green v Bramston* [2011] BPIR 44 (Re Berkeley Applegate application)
- *Irwin v Lynch* [2011] 1 WLR 1364 (CA) (amendments, limitation and misfeasance)
- *Bolsover DC v Ashfield Nominees* [2011] BPIR 7 (CA) (council tax, winding up, limitation)
- *Dennis Rye Ltd v Bolsover DC* [2010] 4 All ER 1140 (CA) (cross-claims and winding up petitions)
- *Crooks v Newdigate* [2009] EWCA Civ 283 (construction of assignment)
- *Gardiner v SSBERR* [2009] BCC 742 (CDDA 1986, s.8A)
- *Re Kayley Vending Ltd* [2009] BCC 578 (SIP 16 and pre-appointment costs)
- *Re International Sections Ltd* [2009] BCC 574 (prescribed part)
- *Arnold v Williams* [2008] BPIR 247 (bankruptcy and appeals against tax assessments)
- *Re Britannia Heat (in admin)* [2007] BCC 470 (CVA's and employment law)
- *Re TM Kingdom (in admin)* [2007] BCC 480 (exit route from administration)
- *Re Beauvale (in admin)* [2006] BCC 912 (exit route from administration)
- *OR v Dhaliwall* [2006] 1 BCLC 285 (directors' disqualification)
- *De Crittenden v Bayliss* [2005] EWCA Civ 1424 (abuse of process, fiduciary duty)
- *HL Estates v Parker-Lake* [2003] All ER (D) 245 (LPA (MP) Act 1989)

Qualifications and Appointments:

- MA Law (Cantab), Jesus College, Cambridge
- Jesus College Foundation Scholar (1994)
- Inner Temple Major Scholar (1995)
- Bar Vocational Course – Outstanding (1996)
- Attorney-General's Panel of Provincial Advocates (appointed 2002; reappointed 2007 and 2012)
- Recorder of the County Court (2010)

Memberships:

- Midland Chancery & Commercial Bar Association

Commercial Litigation

James Morgan is a member of the following specialist practice groups where detailed CV's can be viewed by clicking on the links below:

- [General Commercial](#)
- [Company](#)
- [Insolvency](#)
- [Professional Liability](#)