

## James Malam

Call 2002



### Clerks' Details

👤 Lynn Salter  
☎ 0161 817 2754

👤 Joe Mawson  
☎ 0161 817 2753

### Memberships

- Professional Negligence Bar Association
- TECBAR
- Chancery Bar Association
- Northern Circuit Commercial Bar Association

### Education

- Bar Vocational Course, Nottingham Law School, Very Competent, 2002
- Lord Justice Holker Award, Gray's Inn, 2001
- LLB (Hons) Law, University of Sheffield, 2001
- Plessington High School, Wirral, 1991-1998

### Beyond the Bar

James enjoys reading, photography, cycling, swimming, food and drink and spending time with his family.

### Commercial CV

#### Overview

James' practice covers a wide range of commercial and commercial Chancery litigation.

Prior to joining chambers, James worked at Fishburns Solicitors, where he specialised in insurance and professional negligence work. Having experience of life as an advocate and working for a firm of solicitors, James has a thorough grasp of the commercial realities of any case. This enables him to give considered, calm counsel. He is also able to get to the very essence of the matter rapidly and plot an intelligent, cost effective course of action for his clients.

## Recommendations

“A strong advocate, who provides sensible and pragmatic advice.”

**Legal 500 2016**

“His courteous and helpful manner enables him to readily deal with even the most difficult of clients.”

**Legal 500 2015, Commercial, Banking and Insolvency**

“Has a sound grasp of the technicalities of a legal problem.”

**Legal 500 2015, Construction, Planning and Environment**

“Understands the need for commercial cost-effective solutions.”

**Legal 500 2014, Construction, Planning and Environment**

“He has a swift grasp of the key issues in his cases.”

**Legal 500 2014, Commercial, Banking and Insolvency**

Recommended for professional negligence work.

**Legal 500 2013, Chancery and Commercial**

“Quick to grasp the strengths and weaknesses of a case”.

**Legal 500 2012, Chancery and Commercial**

“Very careful, easy to work with and bright’...has a practice that is ahead of his call.”

**Legal 500 2011, Chancery and Commercial**

## Cases

### Cases of particular interest include:

***Peaktone Ltd v. Jodrell [2013]*** 1 WLR 784, [2013] 1 All ER 13. Successfully represented the Respondent in first Court of Appeal case on interpretation of s.1032 Companies Act 2006: whether restoration of a company to the Register was retroactive so as to validate proceedings issued against it while struck off.

***Teasdale v. HSBC [2010]*** 4 All ER 630 (QBD) and *Brookes v. HSBC [2011]* EWCA Civ 354. Representing debtors at first instance and on appeal in test cases against banks arising from section 78 of the Consumer Credit Act 1974, led by David Uff and Lawrence West QC.

Drafting Grounds of Appeal and representing a Swiss property investment company at an oral application for permission to appeal against findings of fraud and judgment on a c. €14m bond claim.

Acting at first instance and on appeal in a dispute over the proper interpretation of a partnership agreement. The partnership had assets of approximately £5m.

Representing the Defendants to an action on a guarantee which raised questions of private international law, the EU Insolvency Regulation and the impact of Irish insolvency law on the enforceability of a guarantee which was subject to English law but given over the indebtedness of an Irish company.

Representing Claimant in a claim against the Administrators of the Ethel Austin business. Complex retention of title claim involving a number of different suppliers and recipients. Claim for circa £200k.