James Malam

Call 2002

Clerks

Joe Mawson
0161 817 2753

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Memberships

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

Education

- Judicial Assistant to the Court of Appeal, 2007
- 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

Construction

James advises and represents professionals and clients in a range of matters within the technology and construction fields. His practice encompasses construction disputes under the main forms of contract (including JCT, NEC, FIDIC and the RIBA standard terms) and technology disputes dealing with matters ranging diversely from diving bells and underperforming wind turbines, to website design and search engine optimisation.

James' significant experience encompasses frequent appearances in the Technology and Construction Courts, and acting in arbitrations and in adjudications and enforcement of adjudication awards. James has substantial experience of digesting expert reports and of the successful cross-examination of expert witnesses.

James has been recommended for his construction work for a number of years in both the main professional directories.

Construction Cases:

- Representing the claimant purchaser of a development of 51 flats created out of a former office block in a £6m claim for defects including the use of allegedly flammable cladding and the lack of fire stopping between flats. This was a complex claim against developer for breach of contract and against the new-build home insurer.
- Three day TCC trial regarding the interpretation of parties' contract in which an engineer agreed to design 'sewers' and whether that obliged it to specify the type of package sewage treatment plant to be used in the care home the claimant was constructing. Limitation issues revolving around when the defendant's right to a contractual indemnity accrued under the terms of the contract. Baylham Care Centre Ltd v. Mixbrow Ltd [2019] EWHC 2645 (TCC).
- £7m dispute regarding manufacture of dies for the production of

metal panels for a well-known car manufacturer.
- £2m claim against a design & build construction contractor arising from unsafe cladding to a mixed-use residential and commercial building in central London.
- £4.7m claim relating to the allegedly late and defective supply of a plant for the industrial bottling of honey for sale to supermarkets.
- Advising sub-contractor in dispute with employer as to ownership of materials present on site when the contractor became insolvent. Question of interpretation of the NEC3 Engineering and Construction Contract and Sub-Contract and the (somewhat opaque) interplay between the definition of 'working areas' and the 'subcontract working areas' described in the contract data.
- Claim against architect and builder arising from the renovation of a 17th Century grade II listed church.
- Alternative claims against engineer and architect for delays caused in the adoption of the highway and foul and surface water drainage for a multi-dwelling development arising from inadequate design of the drainage or failure properly to instruct the engineer.
- An arbitration claim under the LCIA rules in relation to the supply and installation of a freight handling system for a well-known cargo company at a UK international airport.
- Advising the main contractor engaged in construction of a power station on the alleged repudiation of a number of sub-contracts and as to the appropriate remedies. Raised the question of what restrictions on a sub-contractor's access to site amount to a repudiation of the contract.
- Advising on a purchaser's right of action against an architect who gave a certificate of satisfactory construction in relation to a substantial (£1m) house and outbuildings where the certificate was not addressed to the purchasers but was allegedly given in the knowledge that they would rely upon it in the purchase.
- Claim under a contract for the manufacture of diving bell for the Spanish coastguard. Raised issues of incorporation of standard form contract terms and the extent to which it was acceptable to rectify defects during commissioning.
- Claim for £250,000 arising from the constructive total loss of a tractor following a fire. Represented the dealership which sold the tractor and whose mechanic repaired it hours before the fire. The case raised technical issues as to the cause of the fire, but also legal issues as to duty of care and whether the loss was pure economic loss.
- Representing county council which provided construction contract administration services to a town council regarding the renovation of its Grade II* listed town hall.

Recommendations

"He brings a proactive approach by anticipating problems and, more importantly, providing solutions for them."
Chambers and Partners 2026, Commercial Dispute Resolution

"James Malam is very good with clients – calm and collected."
Chambers and Partners 2026, Construction

"James is excellent all around – he can tackle the most complex of factual and legal issues and fills you with confidence when on his feet in court."
Chambers and Partners 2026, Construction

"James is very good to work with, providing extremely good analysis of complex issues."
Chambers and Partners 2026, Professional Negligence

"James is very cool and calm as well as good with clients."
The Legal 500, 2026, Property and Construction

"James is great. He is really, really good on the technical side and successfully gets it down in writing."
Chambers and Partners 2025, Professional Negligence

"James is very good on his written arguments and on his feet."
Chambers and Partners 2025, Commercial Dispute Resolution

"James is a real star who is technically good, commercial and a real gem to work with."
Chambers and Partners 2025, Commercial Dispute Resolution

"James Malam is very well prepared and has an effective approach."
Chambers and Partners 2025, Construction

"James is clever and considered with a great understanding of civil litigation. He is very good to work with, as well as co-operative and constructive, pragmatic and efficient, and his written work is clear and precise."
The Legal 500, 2025, Commercial Litigation

"James has an eye for detail and has incredible knowledge of what is a complex and specialised area of the law in construction, as well as being adept at dealing with commercial disputes more generally. His written work is always very thorough, and on his feet, he is robust and skilled, both in cross-examination and submissions."
The Legal 500, 2025, Property and Construction

"James Malam has dealt with a number of cases for us at all stages and has always been easy to communicate with, provided excellent and practical advice, and shown an ability to present complex matters in a clear and concise manner in court."
Chambers and Partners 2024, Construction

"All the work James produces is very well written, he sets the arguments clearly and is a good strong advocate. He is low-key, effective, sensible, pragmatic and easy to deal with."
Chambers and Partners 2024, Construction

"James Malam is technically sound, accessible, thorough, reliable and commercial."
Chambers and Partners 2024, Construction

"He sets the arguments clearly, and is a good strong advocate, who is sensible and easy to deal with."
Chambers and Partners 2024, Professional Negligence

"He's very helpful; he gets a grip of things really quickly and gives us a steer on the direction we need to go in. He is very accessible."
Chambers and Partners 2024, Professional Negligence

"James is calm under pressure. His advocacy is strategic and poised."
The Legal 500, 2024, Professional Negligence

"James is excellent at spotting the important details and utilising these to the benefit of the client, and on a number of occasions he has spotted issues which have been vitally important. He takes a very considered approach to advocacy, he explains clearly and concisely his points and their relevance, and in contrast to many of his opponents, he does not need to be questioned by judges to elaborate on or explain his arguments."
The Legal 500, 2024, Commercial Litigation

"A detail-orientated junior who is serene under pressure. He takes a measured approach to advocacy."
The Legal 500, 2024, Property and Construction

"James has an excellent knowledge of the area. He is very thorough with a keen eye for detail, a sensible approach to pleading and the ability to 'think outside the box'. He provides practical solutions when problems arise."
Chambers and Partners 2023, Construction

"James is a really good lawyer: technical, commercial and straight-talking."
Chambers and Partners 2023, Construction

"James is extremely diligent with personable manner, is good to work with and is a formidable advocate. He is not afraid of hard work and regularly hits time deadline. He's definitely a safe pair of hands."
The Legal 500, 2023, Professional Negligence

''James Malam is client-friendly, very good technically, commercially minded when dealing
with litigation, and is always very well prepared.''
Chambers and Partners 2022, Construction

"He is calm and able to get to the crux of the issues. He has good cross-examination skills."
Chambers and Partners 2022, Professional Negligence

"Strong technical advice, clear and robust drafting of pleadings, incisive and effective advocacy. Also very easy and pleasant to work with, and prepared to give an off-the-cuff view if asked and to work through the wider strategy of a claim with us. Understands the requirements and priorities of insurer clients"
The Legal 500, 2022, Professional Negligence

"James is quick to identify the key issues and gets to grips with the case within a short period of time, performing well at trial."
The Legal 500, 2022, Commercial Litigation

"James was organised and effective in presentation of our client's case. He presented it with clarity and persuasion, both on paper and on his feet. He was calm and reassuring to work with."
Chambers and Partners 2021, Construction

"Very good on paper, with clear and forceful pleadings. Just as good before the court. Always feel in safe hands with James on determining the key technical points, putting forward our best case on them."
The Legal 500, 2021, Professional Negligence

"Technically sound, accessible, thorough, reliable and commercial."
The Legal 500, 2021, Property and Construction

"Technically sound, accessible."
The Legal 500, 2021, Commercial Litigation

"He is very commercial and client-friendly."
Chambers and Partners 2020, Construction

"He is very good with clients and puts them at ease."
Chambers and Partners 2020, Construction

"Technically sound and accessible."
The Legal 500, 2020, Commercial, Banking, Insolvency and Chancery Law

"Technically sound, accessible, thorough, reliable and commercial."
The Legal 500, 2020, Construction, Planning and Environment

"Supportive and thorough."
The Legal 500, 2018/19, Commercial, Banking, Insolvency and Chancery Law

"He has a keen eye for the key issues of a case."
The Legal 500, 2018/19, Construction, Planning and Environment

"Knowledgeable and meticulous."
The Legal 500, 2017, Commercial, Banking and Insolvency.

"A strong advocate, who provides sensible and pragmatic advice."
The Legal 500, 2016, Commercial, Banking and Insolvency.

"His courteous and helpful manner enables him to readily deal with even the most difficult of clients."
The Legal 500, 2015, Commercial, Banking and Insolvency.

"Has a sound grasp of the technicalities of a legal problem."
The Legal 500, 2015, Construction, Planning and Environment.

"Understands the need for commercial cost-effective solutions"
The Legal 500, 2014, Construction, Planning and Environment.

"He has a swift grasp of the key issues in his cases"
The Legal 500, 2014, Commercial, Banking and Insolvency.

Recommended for professional negligence work
The Legal 500, 2013, Chancery and Commercial.

"Quick to grasp the strengths and weaknesses of a case".
The Legal 500, 2012, Chancery and Commercial.

"Very careful, easy to work with and bright'...has a practice that is ahead of his call"
The Legal 500, 2011, Chancery and Commercial.

Beyond the Bar

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