BRICK COURT
CHAMBERS

**Brick Court Chambers**
7-8 Essex Street, London WC2R 3LD
**DX** 302 London Chancery Lane

# James McClelland KC

**YEAR OF CALL**: 2004 **YEAR OF SILK**: 2021

*"A phenomenal barrister with an outstanding mind and judgement"*

Legal 500 (2024)

**Clerk's Email**: **TonysClerkingTeam@brickcourt.co.uk**

## Practice Overview

*"a stellar silk", "a superstar", "terrifyingly intelligent", "a phenomenal legal mind", "one of the deepest thinkers at the Bar", "genuinely intellectually brilliant", "gets to the heart of a case in a nano-second", "magisterial in his conduct of cases", "fantastic both on his feet and on paper", "a compelling advocate", "calm under fire", "provides a brilliant delivery in court", "cuts through to the key points with a superb sense of what the court wants", "tenacious in cross-examination", "lauded for his quickness and resilience in court", "can identify the argument that wins the case", "one of the finest legal minds of his generation", "comes up with creative solutions to the hardest problems", "provides sure-footed direction on difficult judgement calls", "his advice is always clear and pragmatic", "totally down to earth", "exceptionally easy to work with", "brilliant with clients", "good fun"* (current or past editions of Chambers & Partners or Legal 500).

James has a wide-ranging practice specialising in commercial, public and regulatory law. He is ranked as a leading silk in 7 practice areas: (i) Administrative and Public Law (including human rights); (ii) Banking & Finance; (iii) Commercial Disputes; (iv) Energy & Natural Resources; (v) Financial Services Regulation; (vi) International Human Rights; and (vii) Professional Discipline & Regulation. He has been instructed in connection with a number of the most interesting, heavily reported, and high-value matters in each of these areas, including:

- Commercial litigation / arbitration, such as the multi-$bn alleged fraud relating to the NMC Healthcare group, the >£1bn Kuwaiti sovereign wealth fund dispute, the £4bn RBS Rights Issue litigation, the leading Supreme Court authority on piercing the corporate veil and forum conveniens, the leading authority on the compulsory liquidation of FX carry trades, a >£200m claim for the breach of a purchase option agreement, a >£140m claim for the negligent drafting of a put option and payment waterfall, and international arbitrations tackling subject matter as diverse as energy infrastructure contracts, commercial trusts and bank guarantees; James is a co-author of the leading work on the Law of Bank Payments

(Brindle & Cox);

- Public law & Human Rights, including resisting Rosneft's JR of sanctions against Russia, challenging the UK's licensing of arms sales to Saudi Arabia, Greenpeace's challenge to new licensing for North Sea oil exploration, the UBER licensing appeal, challenges to the EU and UK farming subsidy regimes, reversing the decision at first instance in the >£1bn JR as to the basis for calculating pensioner compensation under retained EU law, overturning the UK Government's forfeiture of multi-million pound food import securities, quashing grant decisions made by HEFCE (now UK Research and Innovation), test case litigation on the limits of the "***victim***" standing threshold under s.7(1) Human Rights Act 1998, JRs of landmark civil justice reforms (including those affecting both mesothelioma compensation and whiplash injuries), and numerous commercial and regulatory JRs (see below);

- Regulatory law (including disciplinary), including:

- ***Financial services***, e.g. acting for the London Metal Exchange resisting the $12 billion JR and >$450m human rights (A1P1) damages claim arising out of its cancellation of nickel trades: [2023] EWHC 2969 (Admin); the JR of the PSR's regulation of ATM interchange fees: [2023] EWHC 2522 (Admin); the JR of the FSCS's denial of compensation to investors in London Capital & Finance: [2021] EWHC 760 (Admin); the JR of the FCA's £30bn PPI repayment regime, the FRC's successful prosecution of a "Big Four" firm arising out of a heavily publicised accounting scandal, and the test cases on each of the following: the lawfulness of bank overdraft charging (preserving the "free to use" retail banking model), the FOS's jurisdiction over D&O policies (removing an entire business line from the FOS regime), the treatment of non-transferable bonds under MiFID II, and the consequences of inadvertently contracting into statutory regulation (resolving a >£250m liability);

- ***Legal services***, e.g. the successful defence of a Magic Circle partner following a 21-day trial in the SDT (resulting in a full acquittal); the test case on the scope of the SRA's statutory powers to destroy client data following interventions (enabling the destruction of 1.5m client files) and each of the leading cases (both at first instance and on appeal) concerning solicitors' involvement in the Coal Miners' Compensation scheme; James has acted in heavy cases in the SDT for almost 14 years, most involving allegations of serious misconduct, including dishonesty, lack of integrity, conflicts of interest, the misappropriation of client assets, giving false evidence under oath, misleading the regulator, and sexual harassment.

- ***Energy,*** e.g. the landmark appeal against the RIIO-2 price controls and net zero licence modifications (successfully overturning Ofgem's decisions), advising on nationwide smart-meter rollout, advising on challenges to GEMA's price-cap, and successfully resisting a heavy, expedited JR of government intervention in the energy supply sector following the spike in wholesale gas prices;

- ***Healthcare / Life sciences***, resisting a JR (with accompanying interim injunction application) relating to the MHRA's authorisation of a generic product; contesting NICE's nationwide guidance on therapeutic efficacy; defeating three linked judicial reviews (with accompanying

injunction applications) against Medco Registration Solutions (the UK's soft tissue clinical evidence portal); quashing the unlawful clawback of medical research funding (affecting oncology and cardiovascular); advising a leading global research entity on the requirements of the Human Tissue Act 2004; advising an NHS Foundation Trust as to requirements under the National Health Service Act 2006 and the supervisory powers of Monitor/NHS Improvement. James has a particular interest in challenges concerning the MHRA, NICE, Clinical Commission Groups and the Human Medicines Regulations 2012.

- ***Media and Telecoms***, including acting for Sky (leading Richard Howell) in relation to its challenge to Ofcom's decisions concerning end-of-contract notifications (under the Communications Act 2003); acting for a key stakeholder concerning the implementation of the Leveson statutory press reforms (Crime and Courts Act 2013);

James's cases frequently straddle more than one of these practice areas and he has been recognised as "particularly strong at the intersection of commercial law and public law" (Legal 500) and "one of the few people that has cross-over between banking, regulatory and public law" (Chambers and Partners). He is often sought out for cases raising complex points of law (in particular statutory construction) including in fields previously outside his core areas of practice (such as insolvency, pensions, tax and agriculture).

James is equally comfortable leading teams of junior counsel or acting as a sole advocate and has substantial experience of both. He also has a heavy advisory practice and frequently advises on the application of complex statutory regimes to novel forms of commercial activity. James has particular expertise in the regulation of financial and legal services and has been described as having "an encyclopedic knowledge of financial regulatory work", "great technical expertise" and "an outstanding ability to grasp the technical aspects of financial products" (Chambers).

Prior to taking silk James was profiled by *Legal Week* as one of its Stars at the Bar and nominated for both commercial litigation and banking and finance junior of the year at the Chambers UK Bar Awards. He was named as "one of the leading senior juniors in commercial litigation" (Legal 500) and "a rising star of the Commercial Bar" (Chambers).

James' public law practice is of equal depth. Before taking silk, he was one of the Attorney General's A Panel Counsel, appointed to conduct the most complex first instance and appellate advocacy for central government in all aspects of public law. Earlier in his practice he was a tutor and then college lecturer in public law at Oxford University and in 2019 James was named by *Finance Monthly* as its UK public law lawyer of the year.

In appropriate cases, James takes on pro bono instructions and in 2022 he was shortlisted for Pro Bono Silk of the Year by Advocate (formerly the Bar Pro Bono Unit). James was formerly an executive committee member of the Alliance for Lawyers at Risk (supporting human rights defenders worldwide), a member of the legal advisory panel for Peace Brigades International and a member of the Bar Disciplinary Tribunal, hearing disciplinary cases relating to members of the Bar.

## Public Law

James' public law and regulatory practice is wide ranging. Having been a tutor and later lecturer in public law at Oxford University (St Hugh's and Keble Colleges), James has acted in a great variety of judicial reviews and statutory appeals and has advised, or appeared for, national regulators (including the PRA, FOS, FSCS, FRC, and the SRA), central government (including the Home Office, Foreign Office, MoJ, HMRC, and DCMS), and a wide variety of claimants and interested parties, ranging from corporations and trade bodies to universities, charities and private individuals.

James' public law cases frequently concern commercial subject-matter, but also address territory as diverse as parliamentary law, press regulation, international sanctions, civil justice reform, the recognition of foreign governments, higher education funding, healthcare, agricultural subsidies, import regulation, licensing, extradition, infringements of EU rights by public bodies, and claims for interferences with human rights.

Examples of recent or ongoing matters:

(See also financial and legal services below for regulatory JR.)

- *R (Elliott Associates & Jane Street Global Trading) v The London Metal Exchange, LME Clear Ltd* [2023] EWHC 2969 (Admin): acted for the LME and LME Clear (leading Emily MacKenzie and Alastair Richardson) resisting a judicial review and >$450 million human rights damages claim relating to the market-wide suspension and cancellation of nickel trades.
- *R (Campaign Against Arms Trade) v SSte for International Trade* [2023] EWHC 1343 (Admin): acting for a Yemeni human rights charity, Mwatana, in this judicial review of the SSte's decision to grant licences for the transfer of military equipment to Saudi Arabia for possible use in the conflict in Yemen.
- *R (NoteMachine) v Payment Services Regulator & LINK* [2023] EWHC 2522 (Admin): acted for LINK (leading Tim Johnston) in a challenge brought by a leading ATM operator to the PSR's decision not to amend LINK's nationwide fees for ATM providers (concerns legitimate expectations, alleged breaches of policy / guidance, statutory discrimination, and the jurisdictional "footprint" of the Payment Services Regulations 2017 and Financial Services (Banking Reform) Act 2013).
- *R (Greenpeace) v Secretary of State for Energy Security and Net Zero* [2023] EWHC 2608 (Admin): acted for Greenpeace (leading Gethin Thomas and Alastair Richardson) in a challenge to the UK government's decision to commence a new round of licensing for oil and gas exploration on the UK Coastal Shelf.
- *R (A) v BEIS & Ofgem* [details withheld]: (leading Max Evans) successfully resisting a heavy, expedited JR of government intervention in the energy supply sector following the spike in wholesale gas prices; permission denied (concerned: substantive and procedural legitimate expectations; departure from policy guidance; breach of A1P1 / Human Rights Act 1998, and

errors of law).

- *A1P1 Claim / Interim injunction* [details withheld]: acting (leading Philip Ahlquist) for a public authority resisting an expedited judicial review challenge and injunctive application brought by a Russian-orientated entity alleging breach of statutory duty and interference with the peaceful enjoyment of possessions (Article 1 of the First Protocol / Human Rights Act 1998). (Claim withdrawn following service of Grounds of Defence.)
- *R (B) v Ofgem* [pre-issue] [details withheld]: acted (leading Sarah Love) for the claimant in pre-action intimated challenges to Ofgem's decision-making on aspect of price control; all allegations were denied but alleged errors were then corrected by subsequent decisions (concerned: rationality, error of fact, proportionality, departure from policy, price control).
- *R (Hughes) v Pension Protection Fund & DWP* [2021] EWCA Civ 1093: acting for the PPF successfully overturning the decision at first instance in this >£1 billion JR of the PPF's method of calculating pensioner compensation (concerned: the interpretation and effect of retained EU law; age discrimination).
- *RIIO-2 Licence Modification Appeals* [CMA, 28 October 2021]: acted for SP transmission plc (owner of the electricity transmission network in Central and Southern Scotland) in a successful challenge to Ofgem price control / licence modification decisions. The CMA accepted SP's submissions that key modifications were ultra vires since they purported to reserve to Ofgem a right to make future discretionary modifications without specifying their manner or circumstances.
- *R (Donegan & Ors) v Financial Services Compensation Scheme* [2021] EWHC 760 (Admin): acted for the claimants (leading Tim Johnston and Charlotte Thomas) challenging the FSCS's decision to decline compensation to thousands of investors who lost >£200m in the London City & Finance "*mini-bonds*" scandal. Mr Justice Bourne commended the "*force, lucidity and skill*" of James's argument and found that the mini-bond terms were unfair, having been imposed contrary to good faith. Three weeks after that judgment, and having previously stated that it would "assess whether there [was] justification for further one-off compensation payment in certain circumstances for some LCF bondholders", HM Treasury announced that it would pay out to all uncompensated investors, paying 80% of their original investments up to the level of the FSCS's statutory cap. (Concerned transferable securities, MiFID 2, the Consumer Rights Act 2015).
- *Uber v Transport for London* [Westminster Magistrates Court] [September 2020]: acted for Uber London Ltd in its successful challenge to TfL's refusal to renew its operating licence within London. The case preserved Uber's business and, with it, a significant part of London's transport infrastructure.
- *R (United Trade Action Group) v Transport for London & Uber* [April 2020]: successfully resisted (as interested party) UTAG's challenge to TfL's decision not to suspend Uber's licence pending appeal (concerned rationality, public safety and error of law).
- *R (Major UK Importer) v Secretary of State for Environment, Food and Rural*

*Affairs* [September 2020]: acted for the claimant in a successful JR challenge to DEFRA's refusal to recognise a force majeure event resulting in the forfeiture of a multi-million pound import security. The claim was conceded following service of the Claimant's Grounds. (Concerned irrationality/unreasonableness (error of reasoning) and error of law.)

- *R (B) v Secretary of State for Environment, Food and Rural Affairs* [ongoing]: James acted (leading Tim Johnston) for the Secretary of State resisting a challenge to the UK's implementation of aspects of the EU agricultural subsidy regime. (Concerned legitimate expectations, breach of policy guidance and error of law.)
- *R (Taveta Investments Ltd) v Financial Reporting Counsel & Ors* [2018] EWHC 1662 (Admin): acting for the FRC resisting an injunction to restrain publication of the detailed reasons for its settlement agreement with PWC relating to the audit of BHS. (Concerned issues under ECHR Art. 10 (freedom of expression), and 8 (private life).)
- *Cian Ciaran v NNB Generation Company (HPC) Ltd* [2018] (High Court, QBD) E90CF102: acting for a subsidiary of EDF resisting a challenge to the lawfulness of statutory authorisations granted by the Welsh Government for work on Hinkley Point C nuclear power station.
- *R (Med Chambers Ltd) v Medco Registration Solutions Ltd* [2017] EWHC 3258 (Admin): successfully resisting three linked judicial review challenges (accompanied by urgent injunction applications) to suspension decisions taken by MedCo under the MoJ's accreditation scheme for medical reporting in injury claims (concerned ECHR Article 6 (fair hearing); Article 1 of the First Protocol (right to possessions); rationality; delay and alternative remedies).
- *R (Rosneft Oil Co) v HMT, FCA & Aor* [2018] Q.B. 1 (CJEU, Grand Chamber): acting for the FCA in the JR challenge brought by Rosneft against the FCA and HMT concerning the validity and interpretation of EU sanctions against Russia following its actions in Ukraine.
- Disputed recognition of Libyan Government (*Bouhadi v Breish*) [2016] EWHC 602: acting for the claimant seeking declarations identifying the legitimate government of Libya for the purposes of establishing control over Libyan sovereign wealth held within the UK.
- Leveson press reforms: advising the Department of Culture Media and Sport in relation to the controversial implementation of the statutory reforms to press regulation arising out of the Leveson report (section 40 of the Crime and Courts Act 2013).
- *R (Sison) v SSHD* [2016] UKUT 33 (IAC): acting for the SSHD in a JR concerning the ability of claimants to "piggy back" on alleged infringements of the human rights of third parties, ECHR Article 8 (right to private life).
- *Ocean Reef Ltd v Nevis Island Administration & Governor-General of St Kitts and* Nevis (NEVHCV2017/0114): acting (with Jonathan Crow KC) for the claimant in relation to a judicial review / constitutional challenge to the alleged expropriation of property in St Kitts and Nevis.

- >50 linked intimated JR challenges: acting (as sole Counsel) for a commercial regulator resisting more than 50 linked pre-action JR challenges to >£100m decisions affecting an entire industry sector.
- Statutory remediation of land contamination: advising the Environment Agency in relation to the lawful exercise of statutory powers to compel the remediation of contaminated land.
- *In re. Law Society* [2015] 1 W.L.R. 4064: seeking novel declaratory relief for the SRA over its powers to destroy property seized on statutory interventions; raising issues under ECHR Article 1 of the First Protocol (right to possessions), and Article 6 (fair hearing).
- *R (Bluefin Insurance Services Ltd) v FOS* [2014] EWHC 3413 (Admin): acting for an insurance broker in a test case JR concerning the jurisdiction of the FOS to make awards in respect of D&O policies.
- *R (Whitston) v SSte for Justice* [2014] EWHC 3044 (Admin): acting for the ABI in a JR challenge concerning changes to the funding regime for mesothelioma claims. (Concerned a challenge to the validity of a statutory consultation process.)
- *R (APIL) v SSte for Justice* [2013] EWHC 1358 (Admin): acting for the ABI in a JR challenge to the Government's decision to cut recoverable costs in RTA claims (the judgment paved the way for reforms to remove £1 million per day out of the motor insurance system).
- *USA v Wood* [2013] EWHC 1971 (Admin): acting for the UK (Home Secretary) in a procedural/jurisdictional challenge to the USA's request for the extradition of a UK national to face allegations of wire fraud; raising issues under ECHR Article 8 (private life).
- *NA v Law Society & Ors* [2012] EWHC 980 (QB) acting for the SRA resisting a claim for, amongst other things, a declaration of incompatibility under the HRA 1998 relating to the SRA's statutory powers to intervene into solicitors' practices.
- *R (BBA) v FSA* [2011] EWHC 999 (Admin) acting for the FSA in the PPI JR, successfully resisting a challenge by the BBA to the regulator's multi-billion pound PPI redress scheme.
- *Cooper v Attorney General* [2008] 3 C.M.L.R. 45: acting for the claimant against the Attorney.
- General in the first damages claim ever brought against the UK for alleged infringements of EU law by a domestic Court (reported as "ground-breaking" in Chambers & Partners).
- *R (Queen Mary's University of London) v HEFCE* [2008] E.L.R. 540 acting for a university in a JR challenge to funding decisions by the Higher Education Funding Council (resulting in the quashing of those decisions).

## Financial Regulation

James acts both for and against regulators in contested proceedings and advises regularly on financial regulatory issues, including FSMA and its subordinate legislation; the powers and competencies of the FCA, the FOS, the PRA, the FRC and the FSCS; the Financial Services Handbook (in particular COBS, ICOBs, DISP, PRIN); the Regulated Activities Order, the Payment Services Regulations, collective investment schemes, and the territorial application of the FSMA regime.

In addition to numerous advisory matters, examples of previous instructions include:

- *R (QIC) v Financial Services Ombudsman* [ongoing]: acting (leading Aarushi Sahore) for QIC in its judicial review of the FOS's treatment of business interruption insurance policies relating to the Covid pandemic (ongoing; permission granted).
- *R (Elliott Associates & Jane Street Global Trading) v The London Metal Exchange, LME Clear Ltd* [2023] EWHC 2969 (Admin): acted (leading Emily Mackenzie and Alastair Richardson) for the LME and LME Clear resisting a judicial review and >$450 million human rights damages claim relating to the market-wide suspension and cancellation of nickel trades.
- *R (NoteMachine) v Payment Services Regulator & LINK* [2023] EWHC 2522 (Admin) *:* acted (leading Tim Johnston) for LINK in a challenge brought by a leading ATM operator to the PSR's decision not to open investigations into alleged unlawfulness in LINK's setting of ATM Interchange Fees (concerns legitimate expectations, alleged breaches of policy guidance, statutory discrimination, and the jurisdictional "footprint" of the Payment Services Regulations 2017 and Financial Services (Banking Reform) Act 2013).
- *R (Donegan & Ors) v Financial Services Compensation Scheme* [2021] EWHC 760 (Admin): acted for the claimants (leading Tim Johnston and Charlotte Thomas) challenging the FSCS's decision to decline compensation to thousands of investors who lost >£200m in the London City & Finance "*mini-bonds*" scandal. Mr Justice Bourne commended the "*force, lucidity and skill*" of James's argument and found that the mini-bond terms were unfair, having been imposed contrary to good faith. Three weeks after that judgment, and having previously stated that it would "*assess whether there [was] justification for further one-off compensation payment in certain circumstances for some LCF bondholders*", HM Treasury announced that it would pay out to all uncompensated investors, paying 80% of their original investments up to the level of the FSCS's statutory cap. (Concerned the meaning of "transferable securities" under MiFID 2; the status of "non-transferable bonds"; the assessment of investment products under the Consumer Rights Act 2015).
- Acting for a group of investors in proposed JR proceedings against a regulatory body (2020-2021). (Claim settled following letter before claim.)
- FRC investigation into financial reporting scandal: advising (leading Max Evans) the FRC in relation to proposed disciplinary action against accountants arising out of a heavily publicised financial scandal (2017-2020).
- Strategic Advice on regulation of Fossil Fuel / Climate Change exposures: James advised a

key stakeholder as to regulatory issues surrounding the financing of fossil fuel investments both within the UK and globally. This was very extensive, strategic, framework advice commissioned to support long-term decision making which was provided over an extended period and addressed the whole framework for regulating lending to the energy sector and the prudential and systemic risks associated with fossil-fuel exposures.

- *R (Rosneft Oil Co) v HMT, FCA & Aor* [2018] Q.B. 1 (CJEU, Grand Chamber): acting for the FCA in the JR challenge brought by Rosneft against the FCA and HMT concerning the validity and interpretation of EU sanctions against Russia following its actions in Ukraine.
- Disputed recognition of Libyan Government (*Bouhadi v Breish*) [2016] EWHC 602: acting for the claimant seeking declarations identifying the legitimate government of Libya for the purposes of establishing control over Libyan sovereign wealth held within the UK.
- *R (Taveta Investments Ltd) v Financial Reporting Counsel & Ors* [2018] EWHC 1662 (Admin): acting for the FRC resisting an injunction to restrain publication of the detailed reasons for its settlement agreement with PWC relating to the audit of BHS.
- FSCS COMP jurisdiction: advising the FSCS as to the scope and discretionary exercise of powers to award compensation arising out of firm default (2017).
- FCA strategic advice: advising the FCA's General Counsel's Division ("GCD") on the proper interpretation and application of Handbook rules of industry-wide significance (multiple instances).
- *R (Bluefin Insurance Services Ltd) v FOS* [2015] Bus. L.R. 656: acting for an insurance broker in a test case concerning the jurisdiction of the FOS to make awards in respect of D&O policies (the case has removed an entire line of insurance business from FOS jurisdiction).
- Bank of England: advising the Bank of England (with Jonathan Crow KC) on the interpretation of its systemic, market stabilisation powers under the Banking Act 2009.
- Formation of the PRA: advising the Bank of England (with Jonathan Crow KC) on aspects of the creation and operation of the PRA.
- PPI Judicial Review: acting for the FCA (then FSA) against the British Bankers Association in the test case concerning banks' regulatory obligation to pay compensation for PPI mis-selling. Compensation payments of >£30 billion have now been made.
- Bank Overdraft Charges test case: acted for HBOS against the OFT in the test case as to banks' obligations under the UTCCRs. The banks' success in those proceedings averted potentially multi- billion pound pay-outs.
- Advising the FSCS concerning its £326m exceptional fund management levy under FEES following the failure of Keydata and other entities.
- *Argentum Lex Wealth Management Limited v Giannotti & FSA* [2011] EWCA Civ 1341: acting against the FCA (as sole Counsel) in a Court of Appeal hearing concerning the effect of pro forma arrangements for the transfer of regulatory liabilities.

## Legal Services Regulation

James regularly advises both regulators and private persons concerning the obligations of legal service providers and the powers and public law duties of the SRA. He has acted in numerous judicial review or appellate proceedings concerning the SRA and the scope and effect of the regulatory framework. James also appears regularly (as sole counsel) in disciplinary prosecutions, including those concerned with dishonesty, the misappropriation of client funds and other serious misconduct. Examples include:

- *SRA v Magic Circle solicitor* (2020-2021): acted for a solicitor at a Magic Circle firm in relation to an SRA investigation and proposed disciplinary referral for misconduct to the SDT. Following detailed written representations (including a 35,000 word rebuttal of all allegations) the investigation and proposed referral were discontinued.
- *SRA v Narayanasamy* [2021] EWHC 2918 (Admin) [Divisional Court]; and Case No. 11893-2018 [SDT]: James acted for the SRA in this prosecution concerning allegedly false and evasive evidence given under oath in a partnership dispute in the Chancery Division. Following a 2-day interim hearing and 7-day trial, the SDT made findings of dishonesty and ordered that the respondent be struck from the Roll. Currently under appeal, including an interlocutory appeal from the Divisional Court to the Court of Appeal over the admission of fresh evidence on appeal.
- *SRA v Elizabeth Ellen / MdR (formerly Mischon de Reya)* [2021]: providing specialist public law advice to the respondent solicitor who was subsequently exonerated by the SDT in a trial relating to the conduct of payments for player transfers in the Premier League.
- *SRA v Gary Senior, Baker McKenzie LLP & Ors* (2019-2020); Case No. 11976-2019: acted for Tom Cassels (partner at Linklaters LLP) in this very heavily publicised 21-day SDT trial concerning Baker McKenzie's internal disciplinary response to sexual misconduct by its Managing Partner. Mr Cassels was acquitted of all wrongdoing.
- *Dean v SRA* (2017) (SDT; 11582-2016): successfully resisted appeal against order indefinitely prohibiting a non-solicitor from being employed in connection with solicitor's practice.
- *SRA v Nickson* (2016) (SDT; 11436-2016) (as sole counsel) strike-off; integrity; public trust; best interests of client.
- *Lawson v SRA* [2015] EWHC 1237 (Admin) (as sole counsel): re. suspension.
- *R (IA) v SRA* [2014] EWHC 197 (Admin) (as sole counsel): re. suspension, fresh evidence, conditions on certificate.
- *SRA v V* (2013) (11090/12) (as sole counsel): re. improper contingency fees; dishonesty; compromising integrity; conduct unbefitting; diminishing trust in profession; striking off.
- *Westlaw Services Ltd v Boddy* [2010] EWCA Civ 929 (as sole counsel): Court of Appeal

hearing re. whether commercial contracts formed in breach of regulatory obligations could be enforced by non-regulated counter-parties.

- Coal Miners Compensation Scheme prosecutions: James acted for the SRA in the widely publicised SDT prosecutions for alleged solicitor misconduct in connection with the >£4.4 billion miners' compensation scheme – the largest industrial injuries compensation scheme in the world. This was collectively the most substantial enquiry ever undertaken into misconduct within the legal profession in England & Wales. James appeared in four separate prosecutions, including both of the headline cases of Raleys and Beresfords, the latter of which resulted in findings of dishonesty following what was described as a "landmark hearing" (*The Times*).

James is a member of the Association of Regulatory and Disciplinary Lawyers; has contributed to their quarterly bulletin, and has appeared in a panel debate on proposed regulatory reforms.

## Energy & Natural Resources

James's energy practice spans both (a) commercial disputes within the energy-sector (in particular disputes as to the interpretation of complex contracts and share-sale agreements); and (b) public law challenges for/against regulators.

- *R (Elliott Associates & Jane Street Global Trading) v The London Metal Exchange, LME Clear Ltd* [2023] EWHC 2969 (Admin): acted for the LME and LME Clear (leading Emily MacKenzie and Alastair Richardson) resisting a judicial review and >$450 million human rights damages claim relating to the market-wide suspension and cancellation of nickel trades.
- *R (A) v BEIS & Ofgem* [details withheld]: (leading Max Evans) successfully resisting a heavy, expedited JR of government intervention in the energy supply sector following the spike in wholesale gas prices; permission denied (concerned: substantive and procedural legitimate expectations; departure from policy guidance; breach of A1P1 / Human Rights Act 1998, and errors of law).
- *R (B) v GEMA* [pre-issue] [details withheld]: acted (leading Sarah Love) for an energy market participant in pre-action intimated challenges to GEMA's decision-making on business-critical issues; alleged errors were denied but then corrected in further decisions (concerned: rationality, error of fact, proportionality, departure from policy, price control).
- Advising on regulatory aspects of nationwide smart-meter rollout.
- *RIIO-2 Licence Modification Appeals* [CMA, 28 October 2021]: acted for SP transmission plc (owner of the electricity transmission network in Central and Southern Scotland) in a successful challenge to Ofgem price control / licence modification decisions. The CMA accepted SP's submissions that key modifications were ultra vires since they purported to reserve to Ofgem a right to make future discretionary modifications without specifying their

manner or circumstances.

- Strategic Advice on regulation of Fossil Fuel exposures: James advised a key stakeholder as to regulatory issues surrounding the financing of fossil fuel investments both within the UK and globally. This was very extensive, strategic, framework advice commissioned to support long-term decision making which was provided over an extended period and addressed the whole framework for regulating lending to the energy sector and the prudential and systemic risks associated with fossil-fuel exposures.
- Advice re. > EURO 50m payment right *:* advising a multi-national mining conglomerate as to the interpretation of a payment formula under a complex share-sale arrangement in a dispute as to whether, and if so when, a >EURO 50 million payment tranche had fallen due and payable.

## Commercial Litigation / Arbitration

James' commercial litigation/arbitration practice has covered a number of the most interesting disputes arising in the last 15 years, including the >£4 billion RBS rights issue litigation (resulting from the failure of RBS); the test cases on both PPI and bank overdraft charges (each of which had multi-billion pound consequences), and the leading Supreme Court authority on piercing the corporate veil and *forum conveniens*. He has been instructed in connection with a number of other matters heavily reported in the national press, including the controversial sale of BHS by the Arcadia Group; Tesco's profit misstatement, and the LIBOR "rigging" scandal.

In addition to court proceedings, James has appeared in high-value international arbitrations, ranging from contested oil and gas industry contracts to disputes involving commercial trusts and the re- structuring of foreign debt.

- *Abu Dhabi Commercial Bank PJSC v Manghat* (18.11.23) (Abu Dhabi Global Market Court) [ADGMCFI-2022-111]: acting (leading Georgina Petrova) for the joint administrators of NMC Healthcare Ltd resisting third-party disclosure orders relating to an alleged multi-billion fraud.
- *R (Elliott Associates & Jane Street Global Trading) v The London Metal Exchange, LME Clear Ltd* [2023] EWHC 2969 (Admin): acting for the LME and LME Clear (leading Emily MacKenzie and Alastair Richardson) resisting a >$450 million damages claim relating to the market-wide suspension and cancellation of nickel trades.
- *AQR Capital Management Ltd v London Metal Exchange* [2022] EWHC 3313 (Comm): acted (leading Emily Mackenzie) for the LME, successfully resisting an application for Norwich pharmacal and pre-action disclosure application related to alleged economic torts.
- CIArb Arbitration concerning US$ 20m African debt guarantees: acted (leading Chintan

Chandrachud) for a guarantor denying liability under a US$ 20 million guarantee over lending to a multi-national corporate group in sub-Saharan Arica. Issues included rescission for misrepresentation; termination for non-disclosure; and exclusion of "political risks" (default having allegedly occurred due to state interference in the borrower's businesses).

- >$130 million LCIA arbitrations: acting for the claimant in two linked arbitral disputes arising out of the restructuring of distressed debt in a foreign public company. The case involved complex banking assignment documentation, the disputed operation of multi-million pound commercial trusts, and allegations of political influence in procuring commercial arrangements with a public entity.
- *Sovereign Wealth Fund v Global Financial Services provider* : James acted (with Richard Lissack KC and Leonora Sagan) for a leading Global Financial Services provider resisting circa >£200m claims in bribery, conspiracy, unjust enrichment, and under foreign anti-corruption laws brought by a sovereign fund relating to alleged systematic impropriety maintained over >15 years.
- *X Investments Ltd v Y Ltd* (2017-2019) (Comm. Ct). James acted (leading Alexandra Whelan) for a high net-worth Chinese national and his corporate vehicle in this joint venture dispute concerning contested interests in globally diversified assets running to the hundreds of millions of GBP. The case raised issues of Chinese, Hong Kong, Luxembourg, and English law concerning inter-company debt arrangements, a promissory note, and a variety of contested lending and capital contribution arrangements. Opposing Counsel were Tony Peto KC and Peter Head.
- *Harbour Castle Ltd v David Wilson Homes Ltd* [2019] EWCA Civ 505; [2018] EWHC 25 (Ch): acted for the claimant in a >£200m claim for the alleged breach of an option agreement (permission to appeal granted by Henderson LJ).
- RBS Rights Issue litigation (2013-2017): acting for RBS and its former directors defending the multi- billion pound group action arising out of the bank's part-nationalisation.
- *NRAM plc v McAdam* [2015] EWCA Civ 741: acting against Northern Rock Plc in the >£250m test case concerning whether the CCA could apply by contractual incorporation or estoppel to lending in excess of the statutory threshold.
- *VTB v Nutritek* [2013] UKSC 5: acted against VTB bank in the landmark Supreme Court case on piercing the corporate veil and *forum conveniens* (appeared at first instance, in the Court of Appeal, and in the Supreme Court).
- *Deutsche Banke (Suisse) SA v Khan* [2013] EWHC 482 (Comm): acted for Deutsche Bank in a >£50 million claim over a secured lending facility.
- >$680 million claim under a cross-undertaking: acted for the claimant in a claim under a cross-undertaking following the setting aside of a worldwide freezing order.
- £20 million claim against Credit Suisse: acted for corporate investors in a claim for the alleged mis- selling of structured notes geared to the U.S. life insurance markets;

- *London Underground v Freshfields & Herbert Smith Freehills* (Commercial Court): acted for HSF in a >£140 million claim relating to the drafting and execution of complex PPP financing for the regeneration of the London tube network.
- *Marex Financial Ltd v Creative Finance Ltd* [2013] EWHC 2155 (Comm): acted for investors claiming against a FOREX broker concerning the forced liquidation of US$800 million cross-currency positions.

## Notable cases

- *Elliott Associates v The London Metal Exchange, LME Clear Ltd* [2024] EWCA Civ 1168
- *Sky UK Ltd v Office of Communications* [2024] CAT 54
- *R (Elliott Associates & Jane Street Global Trading) v The London Metal Exchange, LME Clear Ltd* [2023] EWHC 2969 (Admin)
- *R (NoteMachine UK) v Payment Systems Regulator* [2024] 1 W.L.R. 1591
- *R (Greenpeace) v Secretary of State for Energy and Net Zero* [2024] P.T.S.R. 345; [2024] Env. L.R. 14
- *R (Campaign Against Arms Trade) v Secretary of State of International Trade* [2023] H.R.L.R. 11
- *AQR Capital Management Ltd v London Metal Exchange* [2022] EWHC 3313 (Comm)
- *R (Hughes) v Pension Protection Fund & DWP* [2022] I.C.R. 215; [2021] Pens. L.R. 17
- *RIIO-2 Licence Modification Appeals* [CMA, 28 October 2021]
- *R (Donegan & Ors) v Financial Services Compensation Scheme* [2021] EWHC 760 (Admin)
- *Uber London Ltd v Transport for London* [2021] L.L.R. 150
- *SRA v Narayanasamy* [2022] A.C.D. 7; [2021] EWHC 2918 (Admin) [Divisional Court]; and Case No. 11893-2018 [SDT]
- *SRA v Gary Senior, Baker McKenzie LLP & Ors* [2020] Case No. 11976-2019 [SDT]
- *R (Taveta Investments Ltd) v Financial Reporting Counsel & Ors* [2018] EWHC 1662 (Admin)
- *R (Med Chambers Ltd) v Medco Registration Solutions Ltd* [2017] EWHC 3258 (Admin)
- *Harbour Castle Ltd v David Wilson Homes Ltd* [2019] B.L.R. 304
- *RBS Rights Issue litigation* (2013-2017) (Ch)
- *R (Rosneft Oil Co) v HMT, FCA & Aor* [2018] Q.B. 1 (CJEU, Grand Chamber)
- *Bouhadi v Breish* [2016] EWHC 602 (Libyan Investment Authority dispute)

- *NRAM plc v McAdam* [2016] 3 All E.R. 665
- *The Law Society (Solicitors Regulation Authority)* [2015] EWHC 166 (Ch)
- *R (OJSC Rosneft Oil Co) v HMT, FCA & Aor* [2015] EWHC 248 (Admin)
- *Lawson v Solicitors Regulation Authority* [2015] 1 W.L.R. 4064
- *R (Bluefin Insurance Services Ltd) v FOS* [2015] Bus. L.R. 656
- *Greenwood & Ors v Royal Bank of Scotland Plc, Goodwin & Ors* [2014] EWHC 227 (Ch)
- *R (Whitston) v SSte for Justice* [2015] 1 Costs L.R. 35
- *R (Adelakun) v Solicitors Regulation Authority* [2014] EWHC 198 (Admin)
- *Deutsche Banke (Suisse) SA v Khan* [2013] EWHC 482 (Comm)
- *Marex Financial Ltd v Creative Finance Ltd* [2014] 1 All E.R. (Comm) 122
- *VTB Capital Plc v Nutritek International Corp* [2013] UKSC 5; [2013] 2 W.L.R. 398
- *United States of America v Wood* [2014] A.C.D. 10
- *R (Association of Personal Injury Lawyers) v SSte for Justice* [2013] EWHC 1358 (Admin)
- *Scotts Atlantic Management Ltd (In Liquidation) v Revenue and Customs Commissioners* [2013] S.F.T.D 210
- *Alchemist (Devil's Gate) Film Partnership v Revenue and Customs Commissioners* [2013] UKFTT 157 (TC)
- *Stack v Ajar-Tec* Ltd [2012] EWCA Civ 543
- *VTB Capital Plc v Nutritek International Corp* [2012] EWCA Civ 808; [2012] 2 Lloyd's Rep. 313
- *McNulty v Revenue and Customs Commissioners* [2012] S.T.C. 2110
- *R (Holden) v Solicitors Regulation Authority* [2012] EWHC 2067 (Admin)
- *Adams v Law Society* [2012] EWHC 980
- *R (British Bankers Association) v FSA & FOS* [2011] Bus. L.R. 1531
- *VTB Capital Plc v Nutritek International Corp* [2011] EWHC 3107 (Ch)
- *Argentum Lex Wealth Management Ltd v Giannotti* [2011] EWCA Civ 1341
- *Westlaw Services Ltd v Boddy* [2011] P.N.L.R. 4 (CA)
- *Beresford v Solicitors' Regulation Authority* [2009] EWHC 3155 (Admin)
- *Richards v Law Society* [2009] All ER (D) 103
- *Office of Fair Trading v Abbey National Plc (No. 2)* [2008] EWHC 2325 (Comm); [2009] 1 All E.R. (Comm) 717
- *Office of Fair Trading v Abbey National Plc* [2008] 2 All E.R. (Comm) 625

- *Cooper v Attorney General* [2008] 3 C.M.L.R. 45
- *R (Queen Mary University of London) v the Higher Education Funding Council for England* [2008] EWHC 1472 (Admin); [2008] E.L.R. 540; [2008] A.C.D. 69

## Directory quotes

- "He's an unbelievably dedicated lawyer who digs into every last detail for his clients, like a dog with a bone. In terms of effort, he's extraordinary." (Chambers & Partners 2027)

- "He is phenomenal. He is incredibly smart and sees around every corner. He often plans our case so well he anticipates what the other side will do, making us prepared to fight any corner. He is a powerhouse." (Chambers & Partners 2027)

- "Jamie is a force to work with. He took great effort to understand the client's priorities, what they stood for and what mattered to them. He advanced precise, persuasive arguments, whilst being across all of the evidence, and working in a highly collaborative way with our solicitor team. Jamie is an altogether fantastic advocate." (Chambers & Partners 2027)

- "Jamie is an excellent advocate and I was truly impressed at his ability to navigate through a sea of thorny issues." (Chambers & Partners 2027)

- "He is extremely clever, a no-stones-unturned sort of lawyer but also really superb on his feet. On his feet he's a really punchy advocate too, so a man of many talents." (Chambers & Partners 2027)

- "James has an impressive eye for procedural detail. He is ferociously clever and very thoughtful about strategy and approach. He listens carefully and is a pleasure to work with. His written work is excellent." (Chambers & Partners 2027)

- "One of the most talented and dedicated practitioners in this field, he is a go-to silk with broad experience and enormous energy – a favourite with top solicitors." (Chambers & Partners 2027)

- "He is phenomenally articulate. His advocacy is subtle, disciplined and relentless. He stress tests every argument and ensures that the client's submissions are advanced with absolute

clarity." (Chambers & Partners 2027)

- "His written and oral advocacy are among the best I've ever seen. He has a fierce intellect and a unique ability to articulate a legal position in the most precise and effective way, routinely convincing judges that he has the better arguments." (Chambers & Partners 2027)

- "His written and oral advocacy are among the best I've ever seen. He has a fierce intellect and a unique ability to articulate a legal position in the most precise and effective way, routinely convincing judges that he has the better arguments." (Chambers & Partners 2027)

- "An absolutely first-rate barrister with an outstanding intellect, and a really clever and thoughtful lawyer with really impressive knowledge of the law, he was brilliant: incisive written pleadings and really well-focused oral arguments. He was hugely impressive." (Chambers & Partners 2027)

- "Incredibly intelligent; has the ear of the court; thinks of every angle; adored by clients." (Legal 500 2027)

- "Jamie is one of the brightest lawyers I have dealt with, hardworking, responsive, and very engaging. His analysis and written submissions are first-rate." with and learn from James. He operates as an integral and valued member of the team, and clients value his opinion and input firsthand." (Legal 500 2027)

- "An intellectual powerhouse that leaves no stone unturned. It is a pleasure to work with and learn from James. He operates as an integral and valued member of the team, and clients value his opinion and input firsthand." (Legal 500 2027)

- "James is exceptionally bright and able to absorb huge amounts of detail extremely rapidly and assimilate the facts, identifying the essential points and providing a clear strategic vision on his cases. He is also an excellent advocate and an excellent leader, with an ability to motivate and encourage the wider team." (Legal 500 2027)

- "Jamie is highly intelligent, has meticulous attention to detail, and is a pleasure to work with. He is our go-to for complex regulatory work and has a keen eye for fine points of nuance. He always delivers high-quality and considered advice." (Legal 500 2027)

- "James McClelland KC enjoys a strong reputation for his regulatory practice, which focuses on legal and financial services regulation. He frequently prosecutes solicitors on behalf of the SRA. He is also instructed in significant judicial review proceedings that define the powers and duties of disciplinary bodies in the legal sector." (Chambers & Partners 2026)

- "James McClelland KC is a much-admired barrister with a significant practice in financial services regulation, particularly on issues involving FSMA directives and European regulations. He has been involved in some of the highest-profile and highest-value cases in the sector over the last few years. He acts both for and against regulators and is experienced in PPI mis-selling matters." (Chambers & Partners 2026)

- "James McClelland KC is a respected silk with a wide-ranging practice spanning a variety of areas. Besides his expertise in commercial and banking disputes, he has noted ability and experience of handling cases arising in administrative and public law and professional discipline. McClelland is comfortable acting for and against banks, and is also experienced in acting for the regulator in challenges of great import. He is noted for his strength in handling domestic and multi-jurisdictional group actions." (Chambers & Partners 2026)

- "James McClelland KC focuses his considerable public law practice on commercial and regulatory cases, particularly in the financial services sector. He is capable of counselling claimants and defendants in judicial review and regulatory proceedings. Recent notable cases have involved the regulation of metals and energy markets." (Chambers & Partners 2026)

- "James is a stellar silk. His intellect is extraordinary - he has a high-powered supercomputer of a legal mind." (Chambers & Partners 2026)

  "He is an intellectual machine in his area of law. James is hugely effective in court and an incredibly punchy advocate. He is very diligent, detailed and careful in preparation." (Chambers & Partners 2026)

  "James is personable, professional and a pleasure to deal with. He is absolutely excellent on his feet." (Chambers & Partners 2026)

  "He is an excellent practitioner." (Chambers & Partners 2026)

  "James has a really great analytical mind." (Chambers & Partners 2026)

  "Jamie is fantastic. He provides excellent advice and an impeccable service." (Chambers & Partners 2026)

- "Jamie is an excellent barrister who is able to quickly see the solutions to complex problems." (Chambers & Partners 2026)

- "He is good, thorough and unflappable." (Chambers & Partners 2026)

- "Jamie is like a powerhouse when you want to get to the bottom of something really knotty. He's smart at anticipating problems and good at thinking of better arguments than the other side." (Chambers & Partners 2026)

- "Jamie is very precise, thoughtful and through. His written work is really excellent, and his submissions are compelling. Also, his advocacy is very good; he takes a measured approach." (Chambers & Partners 2026)

- "James punches far above his weight as a relatively junior KC." (Chambers & Partners 2026)

- "He has a really great analytical mind." (Chambers & Partners 2026)

- "He is a powerhouse when you want to get to the bottom of something really knotty." (Chambers & Partners 2026)

- "He has the right calibration of covering everything to the nth degree but knowing what risks to focus on. He is absolutely excellent on his feet. He kills softy and brings the judge on side." (Chambers & Partners 2026)

- "There is no one more capable of drilling down into the detail on public law and commercial issues. James is an intellectual machine and an incredibly punchy and diligent advocate." (Chambers & Partners 2026)

- "James is incredibly good when you want to get to the bottom of something really knotty. He's smart at anticipating and thinks of better arguments for the other side. He's like a secret weapon." (Chambers & Partners 2026)

- "James is fantastic. He is incredibly responsive, and knows the law, procedure and approach of the regulator inside out." (Legal 500 2026)

- "Very skilful advocate – very measured, matter-of-fact delivery that builds to the inescapable conclusion that his position is correct. Leaves no stone unturned in anticipating the other side\'s arguments and ensuring that your position is as strong as possible." (Legal 500 2026)
- "A silk with a very measured, matter-of-fact delivery that builds to the inescapable conclusion that his position is correct." (Legal 500 2026)
- "He is ferociously clever and has a fantastic attention to detail." (Legal 500 2026)
- "He is very thorough and easy to work with, and he is very logical and helpful when presented with a complex set of facts." (Chambers & Partners 2025)
- "He's absolutely first rate. Jamie's excellent analytical skills and attention to detail are critical to successful outcomes." (Chambers & Partners 2025)
- "He has one of the finest legal minds of his generation.He chases each point to ground in a way that covers every possible counter-argument." (Chambers & Partners 2025)
- "James is undoubtedly the most detail-orientated barrister I have come across. He is very nice and down to earth, and co-operative. Judges and clients find him incredibly convincing." (Chambers & Partners 2025)
- "James' command and ability to cut through nonsense mean complex and fast-moving cases get done. He really takes a strategic view." (Chambers & Partners 2025)
- "Very effective in his cross-examination, he is bright on the ball and a nice guy to deal with." (Chambers & Partners 2025)
- "James is extremely wise and his written advocacy is very beautiful." (Chambers & Partners 2025)
- "James is very empathetic, with a good bedside manner." (Chambers & Partners 2025)
- "James has a brain the size of a planet. He's phenomenal and he'll pursue a point with absolute determination." (Chambers & Partners 2025)
- "Both his written and oral submissions are excellent. They are cogent, succinct and persuasive." (Chambers & Partners 2025)
- "One of his real stand out strengths is that he is a real clear thinker but he has the ability to get to the heart of complex issues quickly and express them very clearly and succinctly." (Chambers & Partners 2025)
- "He has an ability to get into the detail and see through it as we are have mud thrown at us but also able to take strategic views." (Chambers & Partners 2025)
- "James is an exceptional and highly trusted lawyer. He is a clear thinker and has the ability to get to the heart of complex issues quickly." (Chambers & Partners 2025)
- "James is a go-to for complex cases. He has an insatiable appetite for information and will

leave no stone unturned." (Chambers & Partners 2025)

- "James is an extraordinary lawyer. He is bright, engaging, hard-working and very personable. He is meticulous in preparation of submissions and in lining up arguments for hearings." (Chambers&Partners2025)
- "James is very nice and down to earth. He's co-operative and works well with junior team members." (Chambers & Partners 2025)
- "James is hugely knowledgeable and dedicated to the clients' interests. When presented with a case, he has a tremendous ability to absorb the detail and identify meaningful strategies and arguments." (Chambers & Partners 2025)
- "He is very logical and helpful when presented with a complex set of facts." (Chambers & Partners 2025)
- "James is outstandingly bright, incredibly hard-working and a real pleasure to work with." (Chambers & Partners 2025)
- "His advocacy is a brilliant blend of measured and persuasive." (Legal 500 2025)
- "A brilliant mind: one of the deepest thinkers at the Bar." (Legal 500 2025)
- "Razor sharp intellect and gets to the heart of a case in a nano-second." (Legal 500 2025)
- "James has an incredible ability to pick apart the most complex cases and find all the strengths and weaknesses, so there is no stone left unturned." (Legal 500 2025)
- "James is a star barrister whose judgment is superb; his written advocacy is of the highest standard and he can identify the argument that wins the case." (Legal 500 2025)
- "James is ferociously bright and really dedicated to getting the right outcome for clients under pressure." (Legal 500 2025)
- "James is analytically rigourous and totally on top of the legal issues." (Chambers 2024)
- "James McClelland is very good at getting on top of areas he is not familiar with, becoming an expert at them quickly." (Chambers 2024)
- "James is one of the brightest junior silks in the field of public law, including professional discipline." (Chambers 2024)
- "Good judgement, very adept, and tenacious in cross-examination." (Chambers 2024)
- "He puts so much thought, effort and commitment into any case. His attention to detail is exceptional; he really cares about the cause." (Chambers 2024)
- "James is superb. He has an excellent facility for understanding a sprawling and complex case, juggling a large number of tricky issues at the same time." (Chambers 2024)
- "Excellent on his feet and a really smooth operator." (Chambers 2024)
- "James McClelland is extremely amenable, technically excellent and our clients like him a

great deal." (Chambers 2024)

- "James is eloquent both in writing and orally, and he is extremely persuasive." (Chambers 2024)
- "He is very highly thought of in the market." (Chambers 2024)
- "The way he formed his submissions was crystal clear." (Chambers 2024)
- "James is extremely clever, rigorous and thorough. A phenomenally good barrister with an outstanding mind and judgement." (Legal 500 2024)
- "An extremely clever, thoughtful and eloquent silk." (Legal 500 2024)
- "An incisive thinker." (Legal 500 2024)
- "James is a team player. Very hardworking, positive and collaborative." (Legal 500 2024)
- "He is outcome-focused and deals with matters efficiently and robustly." "A man with a brilliant mind, who is extremely thorough and a delight to work with." (Chambers 2023)
- "James has a superb intellect and an easy manner." "James was very responsive and returned advice under a very strict deadline. His advice was comprehensive and delivered in clear terms." (Chambers 2023)
- "James is super-bright, very engaging and writes and presents extremely clearly." "He deals with matters efficiently and robustly." "A brilliant mind, extremely thorough and a delight to work with." (Chambers 2023)
- "Jamie is a phenomenal legal mind. He is brilliant with clients, writes persuasively and can get to the issues in the blink of an eye." "He is magisterial in his conduct of cases." "He's very hands-on and across all of the details." (Chambers 2023)
- "James McClelland is outstandingly able. He is extremely clever in an unshowing way, is very clear-thinking and is a charming chap." "James is very bright and able to understand quite complex financial services law very quickly. He's extremely responsive, highly regarded by organisation seniors, and is capable of producing very good outcomes." (Chambers 2023)
- "James has a cool head under pressure and his submissions are rapier sharp. He is calm, forensic and puts the client's case forcefully." (Legal 500 2023)
- "James  has a first class legal mind, perfect for finding the strongest arguments in the most complex cases." (Legal 500 2023)
- "Jamie has a razor-sharp mind; a cool head; compelling manner; and eye for detail – the perfect junior silk. He inspires confidence in his clients, his peers, and the bench." (Legal 500 2023)
- "A superstar. Great with clients, great in court, cuts through to the key points with a superb sense of what the court wants. A first rate advocate. Jamie is going places." (Legal 500 2023)

- "James has great ability to distil and analyse arguments, and he inspires great confidence that no stone is being left unturned for the client's case." (Legal 500 2023)
- "Jamie is super bright but also very user friendly; he wears his learning lightly and is always a pleasure to work with. His ability to get to the point and demystify the complex serve him well in the court room." (Legal 500 2023)
- "He's a class act. He is certainly very thorough, his writing skills are strong, and he produces excellent and tight submissions." "He really takes his time to understand both the legal and regulatory issues at stake and the client's objectives. As a result his advice is always clear and pragmatic." (Chambers 2022)
- "A class act." "Insanely smart." (Chambers 2022)
- "Genuinely intellectually brilliant and very likeable." (Chambers 2022)
- "He is extremely good. He is a very good technical barrister and one of the few people that has cross-over between banking, regulatory and public law. He has versatility and is very useful." "He delivers excellent written work and is thorough in his approach and quick to get across the details." (Chambers 2022)
- "He is very analytical and extraordinarily hard-working." "He provides brilliant delivery in court and great technical expertise." (Chambers 2022)
- "An absolute star: razor-sharp, totally devoted to his cases and clients, covers every single detail of the case – and comes up with creative solutions to the hardest problems." (Legal 500 2022)
- "He is rapidly becoming a leader in the sector – a hugely forensic approach, client-friendly but focussed on the tribunal, and providing sure-footed direction on difficult judgement calls." (Legal 500 2022)
- "Very sharp, and completely on top of his brief in relation to financial services matters. He inspires confidence in the client and in the court." (Legal 500 2022)
- "James has a cool head under pressure and his submissions are rapier sharp. He is calm, forensic and puts the client's case forcefully." (Legal 500 2022)
- "Extraordinarily hard-working, clever, with great attention to detail and calm under fire." (Legal 500 2022)
- "Charming and brilliant"; "unflappable"; "he always delivers"; "a stylish advocate". (Chambers 2021)
- "Incredibly hard-working and has very good judgement"; "totally gets under the bonnet of a case"; "incredibly charming with clients"; "often the barrister I choose to instruct in my most sensitive cases". (Chambers 2021)
- "Extraordinarily bright and quite singular in that he is able to drive through an argument very quickly." (Chambers 2021)

- "A highly persuasive advocate who sees problems with crystal clarity." (Legal 500 2021)
- "A cut above the rest, he has a huge brain but remains humble, engaging and commercial." (Legal 500 2021)
- "An outstanding jurist … and an excellent advocate." (Legal 500 2021)
- "Particularly strong at the intersection of commercial law and public law." (Legal 500 2021)
- "Absolutely outstanding" (Chambers), "prodigiously intelligent" (Chambers), "a brilliant lawyer" (Legal 500), "a cut above the rest" (Legal 500), "his energy and intelligence are exceptional". (Legal 500)
- "A compelling advocate" (Legal 500), "fantastic both on his feet and on paper" (Chambers), "inspires real confidence" (Chambers); "lauded for his quickness and resilience in court" (Chambers), "terrifyingly intelligent" (Legal 500); "a very difficult opponent" (Chambers); "particularly good at dealing with difficult points" (Chambers), "his advocacy is cerebral yet accessible". (Legal 500)
- "Gives crisp answers to judicial questions delivered in an astonishingly engaging manner" (Legal Week), "a very creative advocate who has a very good insight into how courts … think" (Chambers),
- "highly regarded for his calm and assured advocacy" (Chambers), "has a very good feel for what the court is interested in" (Chambers)
- "Utterly dedicated" (Chambers), "totally down to earth" (Chambers), "a delight to work with (Chambers); "combines intellectual brilliance with excellent communication skills and a willingness to grasp the practical and commercial realities of a case". (Chambers)
- "He has a huge brain but remains humble, engaging and commercial". (Legal 500)
- "A super-brain" (Chambers), "he has such intellectual rigour and tenacity that he won't let a point drop – he shakes it and shakes it until he's got a better answer" (Chambers), "if one needs to employ serious brain power he's the right person to go to". (Chambers)
- "Gets his teeth into anything and always resolves the situation". (Chambers)
- "Great depth and diversity, spanning commercial litigation with regulatory and public law" (Legal Week), "a noted ability and experience in handling cases arising in administrative and public law" (Chambers), "particularly good for commercial judicial review". (Legal 500)
- "One of the leading senior juniors in commercial litigation" (Legal 500), "a rising star of the Commercial Bar" (Chambers), "wins instructions from top litigation law firms". (Chambers)
- "Has an encyclopaedic knowledge of financial regulatory work" (Chambers), "has an outstanding ability to grasp the technical aspects of financial products" (Legal 500), "he seemingly understands the clients' products better than they do". (Chambers)
- "Ferociously hard working" (Legal 500), "celebrated for his intelligence and determination" (Chambers), "an exceptional work ethic" (Chambers), "his knowledge of detail and his

precision are second to none" (Chambers), "meticulous in his approach" (Chambers), "unbelievably sharp" (Chambers), "he never misses a trick and always considers things from every angle". (Chambers)

- "Exceptionally easy to work with" (Chambers), "good fun" (Chambers), "excellent and totally down to earth" (Chambers), "highly intelligent but has no airs about him at all" (Chambers), "a very nice guy" (Chambers), "exceedingly intelligent, hardworking and user friendly" (Legal 500), "an advocate who tribunals like". (Legal 500)
- "Good at getting to the heart of the issue". (Chambers)

## Education & appointments

### Academic appointments

- 2012-2013: Lecturer in Public and Administrative law, Keble College, Oxford University
- 2011-12: Tutor in Public and Administrative law, St Hugh's College, Oxford University

### Education

- MA, Cambridge University (Eng. Lit) – Starred Double First (double first, including top starred first in the University)
- CPE, City University – Distinction (second highest in the University)
- BCL, Oxford University – Distinction
- BVC, Inns of Court School of Law – Outstanding

### Prizes/awards

- Eldon Scholarship (for the most promising graduate of Oxford University commencing practice at the Bar)
- Barnett Bequest Award (for an outstanding student of the BCL) (Merton College)
- Buchanan Prize (for outstanding performance on the Bar Vocational Course) (Lincoln's Inn)
- Eastham Scholarship (Lincoln's Inn)
- Mansfield Scholarship (Lincoln's Inn)
- Bowen Scholarship (Lincoln's Inn)
- Hardwicke Entrance Award (Lincoln's Inn)
- Maitland Advocacy Prize

- Rylands Prize (for top First in English) (Cambridge)
- Heineman Prize (for outstanding work on Shakespeare) (Cambridge)
- Matthew Wren Senior Scholarship (Peterhouse)
- College Exhibition (Peterhouse)
- Friends of Peterhouse Prize for English

## Publications

- Contributing author of Brindle & Cox on "The Law of Bank Payments".
- Past Contributor to the Association of Regulatory & Disciplinary Lawyers' Quarterly Bulletin.
- Contributor to Sweet & Maxwell's Civil Procedure Reports 2006-2009.

## Other experience

- 2008-2009 Part-time supervisor in English literature at Peterhouse, Cambridge.
- James has published on the influences of mid-19th century French philosophy on American Literature. (See Journal of American Studies, Cambridge University Press, 39 (2005) pp. 239-255: "Losing Grip: Emerson, Leroux and the Work of Identity".)
- James participates in the Bar Council's Social Mobility Scheme and mentors sixth form students contemplating a career at the Bar.
- James is an advocacy trainer certified by the Honourable Society of Inner Temple.
- James has sat on the scholarships interview panel for the Honourable Society of Lincoln's Inn.