



Douglas James



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Douglas's practice spans construction, insurance, professional negligence and property damage.

Douglas prides himself on providing clear and practical advice, crisp written work and forceful advocacy. He welcomes Public Access clients where appropriate.

Douglas read History at UCL and came top of his year. He went on to write a PhD in medical History. After turning to law Douglas gained a Distinction in the GDL and was graded Outstanding in Bar finals. He is a Hardwicke, Eastham, Lord Bowen and Lord Denning scholar of Lincoln's Inn.

Outside the office Douglas is a rugby referee and a church bell-ringer.

Construction & Engineering

Douglas acts in all forms of construction dispute resolution, including adjudications and claims against construction professionals. He has wide experience of many standard contracts, including JCT, NEC, FIDIC, and IChemE forms.

Douglas has completed secondments to a number of major City firms, where he assisted on matters including a c. \$70m ICC arbitration about a 'late' power plant, a £14m claim under a PFI facilities management contract, and a £7m claim on a latent defects insurance policy.

Douglas is a contributing editor to *Emden's Construction Law*. he wrote the chapters on misrepresentation, estoppel and frustration. He has also presented to the SCL on delay analysis.

Douglas is a member of the SCL and TECBAR.

Selected Cases

Douglas's current and recent instructions include:

- Acting for the respondent employer in a c. \$70m ICC arbitration on a delayed combined-cycle power plant project in the Caribbean (led by Mark Chennells QC).
- Acting for an eastern European state entity in a c. \$66m ICC arbitration on a delayed infrastructure project (FIDIC Yellow) (led by Roger Stewart QC and Richard Liddell QC).
- Part of a large team of counsel acting for the engineer in a c. \$5bn ad-hoc arbitration about the design of a Middle East hub airport.
- Acting for the main contractor in a c. £20m multi-party claim concerning subsidence at a Midlands warehouse; the various claims concern design defects and breach of fitness for purposes obligations (led by Andrew Rigney QC).
- Acting for the parent company in a £2.1m claim on a parent company guarantee for delayed and defective M&E works.
- Advising the lessors of biogas boilers on a £1.7m claim against their lessees for breaches in respect of Renewable Heat Incentive payments.
- Acting for the contractor (in liquidation) in Part 8 proceedings to overturn an adjudicator's final account decision: ML Hart Builders Ltd (in liquidation) v Swiss Cottage Properties Ltd [2021] EWHC 3420 (TCC) and [2022] EWHC 1465 (TCC).
- Acting for the contractor in a £1.4m LAD and Contract Price arbitration about a water treatment plant project in Surrey (ICChemE Burgundy)
- Acting for the employer in a £350k claim under the Third Party (Rights Against Insurers) Act 2010.
- Advising on the enforceability of an adjudicator's decision following insolvency – the matter was later litigated in Bresco Electrical Services Ltd (in liquidation) v Michael J Lonsdale (Electrical) Ltd [2020] UKSC 25.
- Acting for the employer in 2 c. £250k interim and final account adjudications (led by David Sears QC).
- Acting for the main contractor in 2 c. £150k adjudications concerning scaffolding works on a school refurbishment project.
- Acting for the main contractor in TCC adjudication enforcement proceedings (O'Farrell J and Pepperall J).
- Acting for the main contractor in a c. £400k delay and disruption dispute with its building material supplier.
- Acting for a subcontractor in a £170k wrongful termination dispute.
- Advising the main contractor in a c. £110k final account dispute.
- Advising on economic loss in relation to a claim for allegedly defective renovation works at a premium property development in Belgravia.
- Acting for a solar-farm developer in a claim for delayed and defective preparatory works.
- Acting for a building owner in an appeal under the Party Wall Etc. Act 1996.

Commercial

Douglas is regularly instructed in commercial disputes. He has experience of a wide range of commercial matters involving: the sale of goods; the supply of services; jurisdiction and conflict of laws; guarantees and indemnities; unjust enrichment; agency; bailment and conversion; credit hire disputes; and corporate and personal insolvency.



Selected Cases

Douglas's recent instructions include:

- Re Golubovich: claim for possession of c. £17m of fine art and jewellery (led by Rupert D'Cruz QC); succeeded in defending a jurisdiction challenge by the Part 20 Defendant: [2021] EWHC 2099 (Ch), upheld on appeal [2022] EWHC 1605 (Ch).
- 1st Equity v HBOS: £8m claim against a high-street bank concerning alleged breaches of long-term agency licensing agreements, including implied terms of good faith (assisting Jason Evans-Tovey).
- Willmott Dixon Interiors Ltd v Holmes (UK) Ltd: £2.1m adjudication on a disputed parent company guarantee.
- Acting for an international retailer in a c. £200k sale of goods dispute.
- Advising on conversion in a c. £100k chain of sales of agricultural machinery.
- Acting for a firm of consultants in a claim against a Swiss IT company.
- Advising on the scope of equitable subrogation and unjust enrichment following a mistaken payment.
- Acting for an agricultural machinery manufacturer in an agrifoods company's claim for loss of yields and profit.

Douglas is also a member of the Government Legal Department's 'junior junior' panel. He recently assisted on a judicial review of the sale of a publicly owned bank and assisted Isabel Hitching QC on a *Francovich* claim against the Dept. of Transport by the injured passenger of an uninsured vehicle.

Professional Liability

Douglas's professional liability practice covers claims against professionals of all kinds, including solicitors, architects, surveyors, financial advisors and brokers.

Douglas recently completed a secondment to the PI team of a major firm of solicitors, where he handled claims about property, probate, divorce, tax, personal injury and company law matters.

Selected Cases

Douglas's current and recent instructions include:

- Acting for solicitors in a c. £700k claim about alleged misadvising on employment redundancy terms that excluded personal injury claims.
 - Acting for solicitors in a c. £600k lost injury claim.
 - Acting for solicitors in a c. £300k claim about leasehold extensions – the claim raised important principles about the timing and calculation of loss.
 - Acting for a regional commercial car dealer in a £100k claim for faulty servicing against its security maintenance company – QC opponent – the claim raised significant points about the chain of causation.
 - Acting for solicitors in c. £110k proceedings about alleged misadvising on planning matters during a building development – the claim concerned the thorny issue of 2nd limb *Hadley v Baxendale* knowledge on lost profit.
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- Acting for solicitors in a c. £250k claim about the purchase of a property with flawed title.
- Acting for an IFA in proceedings about the settling of a trust.
- Acting for an architect in a claim alleging defective design.
- Advising on the trust implications of a mistaken insurance payment.

Property Damage

Douglas acts for major insurers in claims involving damage by subsidence, fire/smoke, water, trees and environmental waste. He is regularly instructed in claims involving professional services providers, utilities companies and local authorities.

Selected Cases

Recent work includes:

- Junior counsel in a £1.6m fire claim against main contractors for faulty chimney flue installation (led by Ben Quiney QC); settled on favourable terms at mediation shortly after the CCMC.
- Assisting on 2 entertain v Sony DADC Europe Ltd [2020] EWHC 972 (TCC), a £6.5m claim arising out of arson at a warehouse during the 2011 London riots (led by Ben Quiney QC).
- Acting for a commercial landlord in a contribution claim against its managing agent for persistent damp and water ingress following a c. £600k payout to its lessee for business interruption (led by Julian Field).
- Acting for the property owner in a c. 100k claim for damages done to prestige flooring by a cleaning contractor – QC opponent.
- Acting for a main contractor claiming for the faulty installation of a chilled water system in a £2m office refurbishment project.
- Acting for a precision machining company on BI losses following the servicing of its equipment.
- Advising an unincorporated private members club on a claim for a defective air conditioning system.
- Advising a chemicals supplier on a claim for damage in transit.
- Acting for a local authority in a claim for alleged nuisance following extensive landscaping works to public parkland.
- Advising on recovery following a spill from a defective oil tank.
- Acting for homeowners in a claim against an AGA servicing contractor for fire and smoke damage.

Insurance & Reinsurance

Douglas acts regularly in insurance disputes. He was recently seconded to the construction team of a major City firm, where he assisted (among other things) on a £7m claim on a latent defects insurance policy.

Selected Cases

His recent instructions include:



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- Advising on a £100k claim for BI losses for damage to advertisement hoardings.
 - Advising on whether a company could pursue its “affiliate” under a shareholders agreement to recover losses after a fire.
 - Advising insurers on notification and aggregation clauses of a PI policy.
 - Successfully defending insurers in motor policy repudiation proceedings.
 - Advising on the scope of the *Berni Inns* defence in respect of damage caused by a leaseholder’s director to a freeholder’s property.

Qualifications

- 2015 – BPTC – City University – Outstanding
- 2014 – GDL – City University – Distinction
- 2013 – PhD History (*Portraits of early-modern patients*) – King’s College London
- 2010 – MA Early Modern History – King’s College London – Distinction
- 2009 – BA (Hons) History – University College London – First Class (top in year)

Memberships

- SCL
- TECBAR
- PNBA
- COMBAR
- PIBA