



Douglas James



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Douglas's practice spans construction, insurance, professional liability and property damage – from heavy international arbitrations to domestic litigation, adjudications and ADR/CDR.

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 various major City firms, where he assisted on matters including 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. Douglas is a co-editor of the Adjudication Society's newsletter. He has 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 KC).
- Acting for an eastern European state entity in a c. \$66m ICC arbitration on a delayed infrastructure project (FIDIC Yellow) (led by Roger Stewart KC and Richard Liddell KC).
- 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 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 (until settlement) for the main contractor in a case about the cladding of tower blocks of student accommodation in Manchester; the claim progressed to trial to consider the insolvent sub-contractor's liability and the reasonableness of the settlement: LDC (Portfolio One) Ltd v George Downing Construction Ltd and European Sheeting Ltd [2022] EWHC 3356 (TCC) (led by Isabel Hitching KC).
- 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 KC).
- Acting for an engineer in a claim about a fatal crane collapse (led by Richard Liddell KC).
- Acting for the D&B supplier of modular office space for the HS2 project in a c. £9.6m delay and damages dispute (NEC3, including a claim under a CAR policy) (led by Richard Liddell KC).
- Acting for the hard services facilities management company in TCC proceedings about fire safety defects in a PFI development (settled shortly before trial) (led by Crispin Winsor KC).
- Acting for a D&B contractor in a c. £2.5m design and delay dispute about a major civil engineering project in Bristol (NEC3).
- Acting for a PFI hard services contractor in a c. £900k adjudication for withheld payments.
- Acting for the parent company in a £2.1m claim on a parent company guarantee for delayed and defective M&E works.
- Acting for the claimant in a subrogated recovery following an alleged overdelivery of domestic fuel oil: Pilgrims Management Company Ltd v Birlem Ltd [2023] EWHC 508 (TCC).
- 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 a sub-subcontractor in a £900k payment dispute in respect of the supply and testing of HV cables for the Hinkley Point C nuclear power project.
- Advising main contractors about delay on a water treatment plant project in Surrey (IChemE 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 the late David Sears QC).
- Acting for the main contractor in 2 c. £150k adjudications concerning scaffolding works on a school refurbishment project.

- Various TCC adjudication enforcement proceedings (including before O'Farrell and Pepperall JJ).

International Arbitration

Douglas has a growing international practice, acting for construction and other commercial entities in arbitrations under various institutional and ad-hoc rules.

Selected Cases

Current and recent arbitrations include:

- Acting (led by Mark Chennells KC) for the respondent employer in a c. \$70m ICC arbitration on a delayed combined-cycle power plant project in the Caribbean (bespoke turnkey EPC contract, London seat, English law).
- Acting (led by Roger Stewart KC and Richard Liddell KC and now as sole counsel) in a c. \$66m ICC arbitration on a delayed eastern European road infrastructure project (FIDIC Yellow, Paris seat, Ukrainian law).
- 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 seller of oil pipeline equipment in an ICC arbitration concerning the Sangachal oil and gas terminal near Baku, Azerbaijan (bespoke contract, London seat, mixed English and Azerbaijani law).
- Acting for the claimant Ukrainian construction plant manufacturer in a c. £1.8m LCIA arbitration where the respondent Dutch buyer claims force majeure following the outbreak of war (bespoke contract, London seat, English law).
- Acting for a French electrical components supplier in a c. 800,000 LCIA arbitration concerning the Hinkley Point C nuclear power plant project (bespoke contract, London seat, English law).
- Acting for a sports marketing firm in an LCIA arbitration against a Russian pharmaceutical company (bespoke contract, London seat, mixed English and Russian law).

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. !7m of fine art and jewellery (led by Rupert D'Cruz KC); 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 a sports advertising agency in a 900k LCIA arbitration for anticipatory breach and repudiation against a Russian pharmaceutical company (bespoke contract, London seat, mixed English and Russian law).
- Acting for the respondent seller of oil pipeline equipment in an ICC arbitration concerning the Sangachal oil and gas terminal near Baku, Azerbaijan (bespoke contract, London seat, mixed English and Azerbaijani governing law).
- Acting for the claimant Ukrainian plant manufacturer in a c. £1.8m LCIA arbitration where the respondent Dutch buyer claims force majeure following the outbreak of war (bespoke contract, London seat, English law).
- Acting for a French electrical components supplier in a c. 800,000 LCIA arbitration concerning the Hinkley Point C nuclear power plant project.
- 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.

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 Professional Indemnity 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:

- Advising architects in a c. £16.5m claim about allegedly inadequate tender design and contract management on a private hospital development project (led by Ben Quiney KC).
- Advising an engineer on a fatal crane collapse (led by Richard Liddell KC)
- Advising a D&B contractor in a claim – currently put at £1.7m – against its architect for negligent preparatory and temporary works designs.
- 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 – KC 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.

- Acting for solicitors in a c. £250k claim about the purchase of a property with flawed title.
- Acting for solicitors in a c. £100k costs dispute brought by a disappointed litigant.
- 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 KC); 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 KC).
- 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 – KC 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:

- Acting for the D&B supplier of modular office space for the HS2 project in a c. £9.6m delay and damages dispute (including a claim under a CAR policy) (led by Richard Liddell KC).
- Acting for policyholders in a c. £600k dispute on a new-home indemnity policy.
- Advising on coverage in respect of Scottish proceedings arising out of the 2014 Glasgow bin lorry accident.
- Advising on a £100k claim for BI losses for damage to advertisement hoardings.
- Advising on whether a company could pursue its “affiliate” under a shareholder 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
- COMBAR