



James Sharpe



Contents

Commercial	1
Selected Cases	1
Insurance & Reinsurance	2
Selected Cases	3
Professional Liability	3
Selected Cases	3
Property Damage	4
Selected Cases	4
Construction & Engineering	5
Selected Cases	5
Qualifications	5
Memberships	5
Recommendations	6

"His drafting is technically excellent and very persuasive; he is also likeable, clever and easy to work with"
(Legal 500, 2020)



+44 (0)20 7797 8100

✉ sharpe@crownofficechambers.com

James specialises in commercial and insurance disputes, construction, and professional negligence claims. He regularly appears in the High Court (mainly the TCC and Commercial Court) as sole counsel or as part of a larger team. He has also been led in the Court of Appeal and the Supreme Court.

James is recommended as a Leading junior in the 2019 edition of Legal 500 in insurance and reinsurance and professional negligence.

Before joining Chambers James read Jurisprudence at Somerville College, University of Oxford and was then a research assistant in the Commercial and Common Law Team at the Law Commission during which time he was involved in the passage of the Third Parties (Rights against Insurers) Act 2010 and then the Consumer Insurance (Disclosure and Representations) Act 2012. As a result of this experience he has particular knowledge of insurance law and the insurance industry. During this time, he also taught contract and tort law at Queen Mary, University of London and Westminster University.

James is a contributing author of Emden on Construction Law and has co-written two chapters: "Bonds and Guarantees" (with Ben Quiney QC) and "Contractor's Obligations as to Completion" (with David Myhill).

He is also a contributing author to Westlaw Insight on the Third Parties (Rights against Insurers) Acts.

Commercial

James is regularly instructed in commercial matters involving sale of goods, supply of goods and services, bailment and agency; as well as claims arising out of SPAs, joint venture agreements, commission agreements, franchise agreements and agency agreements. James also often acts in respect of agreements between insurers and/or insurance brokers. James also has experience of obtaining injunctions (interim and freezing) at short notice.

Selected Cases

- Confidential arbitration: (with Daniel Shapiro QC) acting on behalf of a bank in relation to a

80million claim made against it for its role as depositary of a fund.

- Belmont Farms v Duynie – (with David Elvin QC) in the Commercial Court acting for a supplier in a £10 million claim arising out of the sale of contaminated animal feed (instructed by CMS Cameron McKenna Nabarro Olswang LLP).
- Chalfin -v- PIB – (with Ben Quiney QC) acting on behalf of insurance brokers in a Commercial Court claim.
- Acted in respect of a SPA dispute following the purchase of a Lloyd’s managing agency (with Mark Cawson QC and Daniel Shapiro, instructed by CMS Cameron McKenna Nabarro Olswang LLP).
- Advising a company in respect to its use of information purchased from another company in circumstances where a third party is claiming that information is confidential to them instructed by CMS Cameron McKenna Nabarro Olswang LLP).
- Defended a franchisee against claims in debt and counterclaiming for damages for negligent misstatement / misrepresentation. The case involved a number of technical arguments relating to the incorporation and construction of various non-reliance clauses (with Jason Evans-Tovey).
- Brit UW Ltd v F & B Trenchless Ltd [2016] Lloyd’s Rep IR 69; [2015] EWHC 2237 – Comm acted for the insured tunnelling contractor where insurers were seeking to avoid their public liability insurance (with Daniel Shapiro).
- Global Draw v IGT (2015) – In the Commercial Court acting for a vendor of a video gaming company in respect of various claims arising out of a share purchase agreement. The claim was valued at over £50 million and settled after one week of trial on confidential terms. Between January and May, James worked almost exclusively on this matter assisting with disclosure, witness statements and preparing applications for specific disclosure (with Christopher Butcher QC and Daniel Shapiro).
- British Amateur Gymnastics Association v (1) Zurich (2) Brit (3) Perkins Slade Limited (with Ben Quiney QC). Acting for Third Defendant in Commercial Court claim concerning a dispute between an insured, two insurers and brokers. The case raises points regarding insurance brokers’ duty of care in negligence and contract as well as in relation to the doctrines of waiver, estoppel and rectification (instructed by Mills & Reeve).
- (with Ben Quiney QC) Instructed on behalf of a firm of insurance brokers to defend a £4m claim alleging that it had failed to properly assess the client’s insurance needs resulting in significant underinsurance following a catastrophic flood (instructed by Carter Perry Bailey).

Insurance & Reinsurance

James regularly acts for and advises insured’s, insurers in respect of insurance policies. He advises upon and litigated all insurance related disputes including: dealing with insolvent insured’s and insurance companies; subrogated recovery claims; and all coverage disputes (including non-disclosure and misrepresentation, notification, moral hazard and warranty cases).

James also acts for and against insurance brokers and other insurance intermediaries in professional negligence claims.

In the latest edition of Legal 500, James is recommended as a Leading junior: *“His drafting is technically excellent and very persuasive; he is also likeable, clever and easy to work with”*.



Selected Cases

- Chalfin -v- PIB Risk Services: (with Ben Quiney QC) defending a firm of insurance brokers in a Commercial Court claim.
- Confidential arbitration: (with Ben Quiney QC) acting on behalf of insurers in an aggregation dispute regarding solicitors' minimum terms arising from various conveyancing transactions.
- Confidential arbitration: (with Ben Quiney QC) acting on behalf of directors and officers in a dispute regarding the construction of a D&O policy.
- Confidential arbitration: un-led against leading counsel and acting on behalf of the London market in a breach of Coverholder dispute.
- Sole counsel acting for the London Market in a breach of coverholder dispute alleging that its former coverholder breached its binding authority and continued to write risks after non-renewal.
- Brit UW Ltd v F&B Trenchless Ltd [2016] Lloyd's Rep IR 69; [2015] EWHC 2237 (Comm) – Acted for the insured tunneling contractor where insurers were seeking to avoid their public liability insurance (with Daniel Shapiro).
- British Amateur Gymnastics Association v (1) Zurich (2) Brit (3) Perkins Slade Limited (with Ben Quiney QC) acted for brokers in this long running multi-million pound coverage dispute arising from cover issued to the British Gymnastics Association. Issues arose relating to cover, non-disclosure, claims made policies, the practice in the Lloyds Market, brokers' duties, and causation. In addition there was a particular dispute as to the placing and management of excess cover, which it was successfully argued could not be added as new allegations to the claim close to trial; *British Gymnastics v Zurich, Brit & Perkins Slade* [2017] EWHC 2500 (Comm) (Mills & Reeve).
- (with Ben Quiney QC) Instructed on behalf of a firm of insurance brokers to defend a £4m claim alleging that it had failed to properly assess the client's insurance needs resulting in significant underinsurance following a catastrophic flood (instructed by Carter Perry Bailey).

Professional Liability

James regularly acts for and against a variety of professionals including solicitors (including matrimonial finance and pension sharing order disputes), surveyors, architects, mortgage and insurance brokers, IFAs and pension providers and administrators.

In the latest edition of Legal 500, James is recommended as a Leading junior "*He fights his cases assertively and effectively*".

Selected Cases

- Confidential arbitration: (with Daniel Shapiro QC) acting on behalf of a bank in relation to a 90million claim made against it for its role as depositary of a fund.
 - Hall v Saunders Law Ltd [2020] EWHC 404 – (with Daniel Shapiro QC) acted for Saunders Law in a successful summary judgment application on a claim brought by a litigation funder.
 - Chalfin -v- PIB Risk Services: (with Ben Quiney QC) defending a firm of insurance brokers in a Commercial Court claim.
 - Acting as sole counsel against leading counsel for an IFA in respect of advice to invest money into commercial property funds prior to the global financial crisis (instructed by CMS Cameron McKenna)
-

LLP).

- Acting for a Third Party SIPP trustee in a claim brought by a high net worth individual against his former financial advisors (with Daniel Shapiro, instructed by CMS Cameron McKenna LLP).
- Successfully defended a trustee in bankruptcy against a professional negligence claim brought by the bankrupt (instructed by Browne Jacobson).
- *Wembridge Claimants & Ors v East Sussex Fire & Rescue Service* [2013] EWHC 2331 (QB) – Representing the Defendant in the multi-party litigation following the Marlie farm fire in which two firemen were killed after a huge explosion caused by negligently stored fireworks (with Lord Faulks QC and Muhammed Haque QC) (instructed by Clyde & Co). Since judgment, James was instructed on his own to deal with the remaining quantum issues, which have now been compromised.
- *Perry v Raleys Solicitors* (with Ben Quiney QC) acting as part of the team defending the series of claims arising from the alleged under-settlement of miner's VWF claims by, amongst others, Raleys solicitors. *Perry* is a key Supreme Court decision reviewing important issues for solicitors' negligence. It deals with the test for lost chances and honesty, the principles in *Allied Maples*, and questions of the Court of Appeal's jurisdiction (BLM).
- (with Ben Quiney QC) Instructed on behalf of a firm of insurance brokers to defend a £4m claim alleging that it had failed to properly assess the client's insurance needs resulting in significant underinsurance following a catastrophic flood (instructed by Carter Perry Bailey).
- *British Amateur Gymnastics Association v (1) Zurich (2) Brit (3) Perkins Slade Limited* (with Ben Quiney QC) acted for brokers in this long running multi-million pound coverage dispute arising from cover issued to the British Gymnastics Association. Issues arose relating to cover, non-disclosure, claims made policies, the practice in the Lloyds Market, brokers' duties, and causation. In addition there was a particular dispute as to the placing and management of excess cover, which it was successfully argued could not be added as new allegations to the claim close to trial; *British Gymnastics v Zurich, Brit & Perkins Slade* [2017] EWHC 2500 (Comm) (Mills & Reeve).

Property Damage

James has extensive experience in property damage disputes arising out of explosions, fires and floods. He deals with coverage, recoveries and defences. His experience includes being led in large property damage disputes in the TCC as well as acting unled.

Selected Cases

- *Murphy v Barnsley MBC*: successfully defended a flooding claim following a 4 day trial in September 2018 (instructed by Kennedys).
- Acting in a multi-million pound subrogated claim arising out of a large fire (with Andrew Rigney QC).
- Successfully defended a tree root claim in a three day trial in the Central London TCC List (instructed by Clyde & Co).
- *Howmet v EDL* [2016] B.L.R. 555 ; [2016] EWCA Civ 847 (with Ben Quiney QC) – In the Court of Appeal acting for a factory owner in a recovery action resulting from a serious fire that caused £24m losses arising from an alleged failure of failsafe devices (instructed by RPC). James also appeared at first instance in a 3-week trial in the TCC (157 Con. L.R. 1; [2014] EWHC 3933 (TCC)).



Construction & Engineering

James has wide experience in construction disputes including trial work in the TCC as well as arbitrations and adjudications. He has dealt with cases for both employers and contractors.

James also has experience in cases involving construction professionals. The cases that he has been involved in have included allegations against professionals including architects and quantity surveyors. James has experience of most standard form contracts, including JCT, ICE, NEC, FIDICC.

Selected Cases

- Acting (with Crispin Winser) in a complex Party Wall Act dispute arising out of a basement conversion in Chelsea.
- Acting (with Andrew Rigney QC) in a multi-million pound subrogated claim arising out of a large fire.
- *Howmet v EDL* [2016] B.L.R. 555; [2016] EWCA Civ 847 – (with Ben Quiney QC) in Court of Appeal acting for a factory owner in a recovery action resulting from a serious fire that causes £24m losses arising from an alleged failure of failsafe devices (instructed by RPC). James also appeared in the first instance in a 3-week trial in the TCC (157 Con. L.R. 1; [2014] EWHC 3933 (TCC)).
- *Gittins v A-Consult Ltd* (TCC): acted for the employer against the designer of an anaerobic digester tank following the collapse of an internal concrete wall which led to business interruption losses. Settled shortly before it was due to be heard for 5 days by the TCC in July 2018 (instructed by Clyde & Co).

Qualifications

- Walter Wigglesworth Scholarship, Lincoln's Inn (2011)
- European Commission Scholarship (unable to accept), Lincoln's Inn (2009)
- Blackstone's Mooting Competition (finalist) (2009)
- BVC, City Law School (2008 – 2009)
- Hardwicke Scholarship, Lincoln's Inn (2007)
- BA (Hons) Jurisprudence, Somerville College, University of Oxford (2004 – 2007)

Memberships

- COMBAR
- LCLCBA
- PNBA
- TECBAR



Recommendations

"He has all of the relevant precedents at the forefront of his mind. Presents well to professional and insurer clients and is a reassuring sounding board on complex issues."

Legal 500, 2021

"Does a good and detailed job, with sound judgement and common sense. A true all-rounder, who is bright, personable and commercial – a great asset to any team!"

Legal 500, 2021

"He fights his cases assertively and effectively"

Legal 500, 2020

"Both detailed and excellent technically"

Legal 500, 2018

"Clear written opinions"

Legal 500, 2018