

James Gale

Call Date: 2016



James Gale has an extensive commercial and public law practice in the UK and the Caribbean. He has been on his feet before courts such as the Privy Council, the Barbados Court of Appeal, the Supreme Court of Barbados, and the English High Court (including the Commercial Court).

James is ranked by the Legal 500 as a 'Rising Star' (Tier 1) for his offshore work and as 'Leading Junior' (Tier 1) in 'crypto and blockchain assets' matters. He is experienced in commercial litigation and arbitration, especially cases involving fraud, corporate governance, digital assets, artificial intelligence (AI), or cross-border issues.

James has been deeply engaged in the digital assets/blockchain space since 2017. He also contributed his expertise in digital assets as a legal consultant for the Bank of England where his work focused on central bank digital currencies.

Beyond his work at the English Bar, James maintains a busy practice as an attorney-at-law in the Caribbean. He has worked on disputes in Barbados, Trinidad and Tobago, Antigua, Grenada, St Kitts and Nevis, Bermuda, Bahamas, and more. As a Bajan citizen and holder of the Legal Education Certificate, James is one of a handful of English barristers who can appear before Caribbean courts without applying for temporary admission for each case.

Before joining the English Bar, James practised in Barbados (where he grew up) and trained in Trinidad and Tobago. He was also a judicial assistant to Lady Justice Asplin of the English Court of Appeal, where he worked on appeals in commercial chancery and public law disputes.

His recent and ongoing cases include:

- Appeared as advocate before the Judicial Committee of the Privy Council on behalf of a Caribbean businessman in a tax appeal focused on the income tax regime in Trinidad and Tobago.
- Acting in LCIA proceedings concerning a US\$20 million claim in connection with an insurance policy (led by Richard Eschwege KC).
- Acting for a shipbuilding company in an ICC arbitration in Paris with £40m+ in dispute (leading [Alexandra Sidossis](#) and [Anna Lancy](#)).
- Acting for an international businessperson and his companies in a US\$1.02 billion oppression/unfair prejudice action involving hotly disputed allegations of fraud.
- Representing a Barbadian public telecom company in a complex trial of a class/group action brought by 350+ shareholders that claims that the company's privatisation was an unlawful takeover and oppressive. The trial commenced in March 2023 and is still running as of April 2024.

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- Leading a multidisciplinary team (alongside [Jeffrey Golden KC \(Hon\)](#)) on drafting an industry-first multilateral contract for a popular blockchain protocol (by market cap). This work involves advising on novel issues relating to the enforceability of smart contracts, including formation, applicable law, and jurisdiction (led by [Jeffrey Golden KC \(Hon\)](#)). This work has attracted significant press coverage, such as that seen [here](#).
- Representing a public authority in a case concerning alleged civil fraud in another Caribbean country, involving several hundred million dollars.
- Acted for a property developer in an appeal before the Privy Council, arising from a contractual and fraud dispute in Antigua.
- Advised on a prospective international commercial arbitration involving several billion pounds in dispute (led by Simon Davenport KC).
- Represented an investment brokerage firm in a Bermudan claim, alleging the wrongful sale of US\$100 million of bonds (led by Simon Davenport KC).
- Advised a non-designated Swiss part on a prospective ICC arbitration relating to a contract affected by the EU and UK sanctions imposed on Russia (led by [Richard Samuel](#)).

Legal Services

Digital Assets/Blockchain

James' counsel has covered a broad spectrum of legal issues, including claims to recover digital assets, US\$20m public sale and token generation events, central bank digital currencies, launching and governing a decentralised autonomous organisation (DAO), issuing privacy tokens, the enforceability of simple agreements for future tokens (SAFTs), and regulatory requirements under the UK's AML/CTF regime.

In addition to his work above, his work in this area includes:

- Advising AML/ATF and economic sanctions issues arising from the contemplated development of a privacy mixer.
- Advising the victims of a cryptocurrency scam on recovery of stolen digital assets.
- Advised a blockchain software development company on regulatory (e.g. AML/ATF), contractual, and employment law issues arising out of the development of a DeFi privacy protocol, the public sale of over US\$20m of tokens, the token generation event, and the launch and governance of a DAO. Advised an investor on options for recovering stolen Monero (privacy coins).
- Acted as a legal advisor to a digital asset hedge fund. Regularly advise on company, contractual, employment and regulatory issues.
- Advised an NFT developer on regulatory requirements under FSMA and the UK's AML/CTF regime. Advised a blockchain company on enforcing a simple agreement for future equity and token warrant purchase agreements.

Commercial Litigation and Arbitration

James has been instructed in a wide range of commercial disputes, both as sole and junior counsel. He has appeared in the Commercial Court and London Circuit Commercial Court of England and Wales and various Caribbean courts. James frequently handles cases with an international dimension, collaborating with firms

and counsel from multiple jurisdictions. He has particular experience in disputes under LCIA and ICC Rules.

In addition to his work above, his work in these areas includes:

- Instructed by Italian lawyers to resist a claim in the Commercial Court by various individuals for the £3m allegedly owed by an English investment house.
- Advising on various contractual issues concerning the ownership of a solar farm in Eastern Europe.
- Advising on challenges to an arbitral award rendered under the Swiss Rules of International Arbitration (led by [Richard Samuel](#)).
- Appearing in the Commercial Court in interlocutory applications arising from a long-running commercial dispute (led by [Thomas Roe KC](#)).
- Advised an infrastructure developer regarding an ICC arbitration concerning the enforceability of guarantees issued concerning a US\$200 million construction project.
- Instructed by Italian lawyers to resist a claim in restitution in the London Circuit Commercial Court by a Swiss company for the return of a capital contribution to an English investment house (led by [Richard Samuel](#)).
- Acted for an Italian shipyard in a complex dispute arising out of the construction of super-yachts valued at €31 million and involving claims for breach of a duty of good faith, misrepresentation, and unjust enrichment (led by [Richard Samuel](#)).
- Successfully acting for a German judgment creditor to register his judgment in England some ten years after he obtained it in Trinidad (led by [Richard Samuel](#)).
- Acted for a hotel in a £6 million LCIA arbitration, raising issues of economic duress and fraudulent misrepresentation.
- Advised a financial institution in a confidential high-value contractual dispute on issues relating to the nature of property rights in intermediated securities (led by Simon Davenport KC).
- Advised a digital assets investment fund on a prospective breach of contract claim.

Offshore and Privy Council

James is an expert in offshore litigation and Privy Council appeals, representing clients in areas such as fraud, corporate governance, public law, and tax. His deep understanding of local laws, practices, and culture in the Caribbean comes from his extensive experience living and practising as an attorney-at-law in the region. James leverages his Caribbean experience to address legal challenges with a deep understanding of regional nuances.

In addition to his work above, his work in these areas includes:

- Acting in an appeal before the Tax Appeal Board of Trinidad and Tobago concerning withholding tax.
- Acting concerning an appeal before the Court of Appeal of St. Kitts and Nevis concerning withholding tax.
- Acting for interested parties in a challenge to a decision of the Trinidad Environmental Management Authority.
- Advising on the prospects of constitutional challenge in St Kitts and Nevis.
- Acting on behalf of various property owners in a judicial review before the Supreme Court of Barbados challenging planning permission to develop a large hotel.
- Advised a shareholder on an appeal before the Caribbean Court of Justice concerning the constitutionality of a former Court of Appeal judge delivering a judgment while holding the office of Governor-General of Barbados.
- Acted on behalf of an interested party in a judicial review concerning a moratorium imposed on

constructing petrochemical storage facilities in Barbados.

- Acted on behalf of a property developer in a judicial review concerning planning permission to construct a development valued at US\$175 million.

Company and Insolvency

In addition to his work above, his work in these areas includes:

- Representing a Barbadian public telecom company in an ongoing action brought by 300+ shareholders challenging the company's amalgamation and privatisation as oppressive and in breach of takeover laws.
- Advising a member of an LLP concerning its wrongful expulsion from the LLP.
- Appeared in the High Court on behalf of a statutory administrator on an application seeking extensions of time concerning the administrator's proposals.
- Advised shareholders in various matters on the merits of bringing unfair prejudice petitions and derivative actions in England.
- Advised Trinidadian shareholders concerning claims for breach of directors' duties, oppression (unfair prejudice) and wrongful dismissal.
- Advised Gibraltar administrators on a prospective claim for challenging certain transactions as being at an undervalue.
- Advised liquidators on the merits of bringing an application under s. 423 of the Insolvency Act 1986 to challenge a transaction defrauding creditors
- Advised Gibraltar trustee-in-bankruptcy on the merits of bringing a challenge to certain transactions intended to hinder, delay, or defraud the rights of creditors under the Statute of Elizabeth.
- Assisted Simon Davenport KC and **Tom Pool KC** concerning the five-week trial of a £250m claim against the former administrators of One Blackfriars for selling the landmark building at an undervalue. Assisted **Richard Samuel** with an application challenging a transaction at an undervalue.
- Advised blockchain business on its company law obligations concerning the migration of its business from the Caribbean to the UK.
- Assisted **Tom Poole KC** (as a pupil) with applications challenging transactions at an undervalue and transactions defrauding creditors.
- Appearances in the winding up petition list in the Business and Property Courts.

Civil Fraud

In addition to his work above, his work in this area includes:

- Acting for public authority concerning alleged civil fraud in a Caribbean country worth over US\$20m. Advised a Thai company director on the prospects of obtaining a £5 million English civil fraud claim stay because Thailand was the more appropriate forum.
- Advised a law firm partner concerning claims for breach of duty of good faith, conversion, and breach of trust.
- Advised on the prospects of discharging a worldwide freezing order obtained in support of a multimillion-pound civil fraud claim.
- Assisted Aidan Casey KC and **Tom Poole KC** (as a pupil) with an application for an urgent injunction supporting a £27 million civil fraud claim.

Banking & Financial Services

In addition to his work above, his work in these areas includes:

- Advising a blockchain company based in the Cayman Islands on regulatory requirements in Barbados and elsewhere in the Caribbean.
- Advised investors concerning a Caribbean central bank's decision to place a commercial bank into statutory administration (led by Simon Davenport KC).
- Advised a financial institution on applying the law of trusts and bailment to intermediated securities (led by Simon Davenport KC).
- Advised on a prospective claim against a mortgagee challenging the property disposition as undervalued (led by Simon Davenport KC).

Administrative and Constitutional Law

In addition to his work above, his work in these areas includes:

- Acting for interested parties in a challenge to a decision of the Trinidad Environmental Environment Management Authority.
- Advising a public authority on using artificial intelligence to discharge certain public functions.
- Advising on the prospects of constitutional challenge in St Kitts and Nevis.
- Acting on behalf of various property owners in a judicial review before the Supreme Court of Barbados challenging planning permission to develop a large hotel.
- Advised a shareholder on an appeal before the Caribbean Court of Justice concerning the constitutionality of a former Court of Appeal judge delivering a judgment while holding the office of Governor-General of Barbados.
- Acted on behalf of an interested party in a judicial review concerning a moratorium imposed on constructing petrochemical storage facilities in Barbados.
- Acted on behalf of a property developer in a judicial review concerning planning permission to construct a development valued at US\$175 million.

Direct Access

James is able to accept instructions directly from members of the public, companies and other entities through the public access scheme (also known as direct access). He is happy to accept instructions on a direct basis in appropriate cases. If you wish to instruct James on a direct basis, please speak to the practice managers.

For more information on public access, please see the Bar Council [website](#).

Accreditations

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Memberships

- Commercial Bar Association (COMBAR)
- R3
- Member of the Steering Group for The Lord Mayor's Initiative on Smart Economy Networks.
- Commonwealth Lawyers Association (CLA)

Qualifications

- BCL, Lincoln College, University of Oxford
- LEC, Hugh Wooding Law School, University of the West Indies, Trinidad and Tobago
- BPTC, BPP University
- LLB, University of Manchester (First Class with Honours)

Awards and Prizes

- University of Oxford, BCL Supperstone Law Scholarship 2017
- Willem C. Vis International Commercial Arbitration Moot 2015 – 2016: Winner (Munich Moot); Quarterfinalist (Vienna Moot)
- University of Manchester, RG Lawson Award for Advocacy and the Law 2015