

## James Gale

Call Date: 2016

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### James Gale has an extensive commercial and public law practice in the UK and the Caribbean.

His litigation experience spans the High Court (including the Commercial Court), the Supreme Court of Barbados, and the Privy Council. James is ranked as a 'Rising Star' for his offshore work and a 'Leading Junior' in 'crypto and blockchain assets' matters. He is also adept at handling cases involving commercial fraud or corporate governance issues.

James has been deeply engaged in the digital assets/blockchain space since 2017. He also contributes his expertise in digital assets as a legal consultant for the Bank of England.

Beyond his barrister practice, James maintains a busy practice as an attorney-at-law in the Caribbean. He has worked on disputes in Barbados, Trinidad, 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 and trained in Trinidad and Tobago. He was also a judicial assistant to Lady Justice Asplin in the English Court of Appeal, where he worked on appeals in commercial chancery and public law disputes.

His recent and ongoing cases showcase his diverse expertise and international scope:

- Acting for an international business person 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 15-week trial of a class/group action brought by 350+ shareholders that claims that the company's privatisation was an unlawful takeover.
- Advising a Swiss Foundation associated with a popular blockchain protocol (by market cap) on issues relating to the enforceability of smart contracts, including formation, applicable law, and jurisdiction (led by Jeffrey Golden KC).
- Representing a public authority in a case concerning alleged civil fraud in another Caribbean country, involving over US\$20m.
- Representing a Caribbean businessman in an upcoming tax appeal before the Privy Council, focusing on the income tax regime in Trinidad and Tobago.
- Acted for a property developer in an appeal before the Privy Council, arising from a contractual and fraud dispute in Antigua.
- Representing a Swiss entity in an arbitration under Swiss Rules, focusing on the validity of English law contracts associated with a merger of mining conglomerates (led by [Richard Samuel](#)).

- Advised on a prospective international commercial arbitration involving multi-billion-pound stakes (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 party on a contract affected by the economic sanctions imposed on Russia (led by [Richard Samuel](#)).

## Legal Services

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### 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.

Select cases include:

- Advising a Swiss Foundation associated with a popular blockchain protocol (by market cap) on various issues relating to the enforceability of smart contracts, including formation, applicable law, and jurisdiction (led by [Jeffrey Golden KC \(Hon\)](#)).
- 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

Select cases include:

- Acted for the successful defendant investment brokerage firm in a Bermudan claim alleging the wrongful sale of US\$100 million of bonds (led by Simon Davenport KC).
- Advising on challenges to an arbitral award rendered under the Swiss Rules of International Arbitration (led by [Richard Samuel](#)).
- Advising on a multi-billion-pound prospective international commercial arbitration (led by Simon Davenport KC).
- Advised a non-designated Swiss part on a prospective arbitration relating to a contract affected by the EU and UK sanctions imposed on Russia (led by [Richard Samuel](#)).
- 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](#)).
- 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](#)).
- Appearing in the Commercial Court in interlocutory applications arising from a long-running commercial dispute (led by [Thomas Roe KC](#)).
- Represented a property developer concerning an appeal before the Privy Council arising out of an Antiguan contractual and fraud dispute.
- 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.
- 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](#)).

## Company and Insolvency

Select cases include:

- 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 in relation to 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 as 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

Select cases include:

- 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 in support of a £27 million civil fraud claim.

## Banking and Financial Services

Select cases include:

- Acting as a legal consultant at the Bank of England on various confidential matters.
- 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

Select cases include:

- 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, including machine learning techniques, 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.

# 3 HARE COURT

## 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 clerks.

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

## Accreditations



## Memberships

- Commercial Bar Association (COMBAR)
- R3

## 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

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- 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