



James Shaerf

Year of call: 2021 (Solicitor of England and Wales (non-practising), 2012)

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Called in 2021 (Solicitor of England and Wales (non-practising), 2012)

James joined Chambers in 2022 having practised for more than a decade as a solicitor in major law firms in Paris and London, acting as counsel in more than 20 international arbitrations and in large-scale commercial litigation - particularly in relation to large energy, construction, and defence projects. Since coming to the Bar, James has appeared led and unled in the High Court (in both the Commercial Court and Chancery Division), and in international arbitrations.

James accepts instructions in all civil and commercial litigation and international arbitration (commercial and investor-state) matters, with a particular interest in energy and construction disputes, banking, commodities, company law, and civil fraud.

James's recent publications include:

"Australian appeal court rules on functus officio" in *Global Arbitration Review* (7 March 2023) (with David Brynmor Thomas KC)

"Delay Claims – Law" in *Dealing with Delay and Disruption on Construction Projects* (Sweet & Maxwell: July 2020) (with Oliver Marsden and Bryan Dayton).

"Making losses good – navigating the legal uncertainty of mitigation of damages in international maritime arbitration" (Paper on mitigation of damages under English and French law selected to be delivered at the International Congress of Maritime Arbitrators, Rio de Janeiro, March 2020).

"Unjust Enrichment as a Primary Rule of International Law" in *General Principles and the Coherence of International Law* (Brill: 2019) (with Dr Ben Juratowitch KC).

James has additionally presented conference papers and lectures in recent years on damages and evidence in international arbitration, sovereign immunity, and legal ethics.

James speaks fluent French and is happy to accept instructions with a Francophone element.

Areas of expertise

- Commercial
- International Arbitration
- Construction

Commercial

James accepts instructions in commercial cases of all stripes.

Cases of note:

- Currently instructed as part of the Claimant's counsel team in ***NMC Health PLC (in administration) v Ernst & Young LLP*** – a £2.5 billion claim against auditors in the Commercial Court arising from the collapse of a substantial healthcare business based in the United Arab Emirates.
- ***Palladian Partners LP v The Republic of Argentina [2023] EWHC 711 (Comm)*** – proceedings in the Commercial Court (Financial List) relating to GDP-linked securities issued by Argentina concerning the operation of the securities following Argentina's decision to rebase its GDP.
- Acted unled in Chancery Division proceedings, ***Hayre v Minhas***, seeking a proprietary injunction and ancillary disclosure orders.
- LCIA proceedings for a major hedge fund arising out of the rehypothecation of securities held by a recently collapsed prime broker (English law).
- Chancery Division proceedings on behalf of the trustees of a Guernsey trust pursued by the liquidators of offshore companies holding security interests over trust assets (as a solicitor)

Qualifications

2012: Solicitor of the Senior Courts of England and Wales (non-practising)

2007: Barrister and Solicitor of the High Court of New Zealand (non-practising)

2008-2009: University of Cambridge / LLM (First)

2001-2005: University of Canterbury (New Zealand) / LLB(Hons)/BA

Scholarships and Prizes

WM Tapp Studentship in Law (Cambridge) (2008)

Canterbury District Law Society Gold Medal in Law (top undergraduate) (New Zealand) (2005)

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