



## James White

Call 2014

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James has a busy commercial practice with an emphasis on group litigation, competition law and financial services disputes. James also has solid experience of consumer law, EU and regulatory matters, and employment law.

James has extensive experience of working as sole counsel and as a member of large teams. For example, James has recently appeared in his own right before the Competition Appeal Tribunal, the High Court and various County Courts, and James is currently instructed as part of teams in high profile commercial and competition disputes including two of the Legal 500 and Legal Business' cases of the year 2024.

Before joining Chambers, James worked as an employed barrister at Herbert Smith Freehills LLP where he gained experience of complex and high value group litigation (often with an international dimension) and non-contentious economic and business regulatory work.

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## Group Litigation

James is regularly instructed in group litigation, including CPR Part 19 proceedings before the High Court and collective proceedings before the Competition Appeal Tribunal.

James' experience traverses a wide variety of issues that arise in class actions, including jurisdiction disputes, applicable law issues, GLO and certification disputes, generic and specific pleadings, complexities in managing disclosure and expert evidence, and preliminary issue hearings.

James is also comfortable advising on group actions concerning personal injuries, having frequently advised on

and acted in personal injury disputes at start of his career.

James is currently co-authoring a chapter for the latest edition of Hodges on Multi-Party Actions.

## Representative Cases

- *NOx Emissions Group Litigation*  
Instructed by a major manufacturer of diesel vehicles in GLO proceedings concerning NOx emissions.
- *Trucks*  
Instructed on behalf of a vehicle manufacturer in defence of collective proceedings before the Competition Appeal Tribunal. James appeared (led) in the appeal to the Court of Appeal concerning certification issues (*Trucks* [2023] EWCA Civ 875) and unled upon remittal to the Tribunal ([2024] CAT 51).
- *Gormsen v Meta*  
Instructed on behalf of Meta in defence of collective proceedings concerning an alleged abuse of dominance, including appearing (led) at the second certification hearing in those proceedings ([2024] CAT 11) and before Court of Appeal on an application for permission to appeal the second certification decision ([2024] EWCHA Civ 1322).
- *Gutmann (Mobile Handsets)*  
Instructed on behalf of Justin Gutmann in four related applications for a collective proceedings order against the UK's four mobile network operators.
- *CICC I & II*  
Instructed by the proposed class representative in proposed collective proceedings against Visa and Mastercard concerning commercial card MIFs. James recently appeared (led) in the Competition Appeal Tribunal on issues concerning the enforceability of funding arrangements ([2024] CAT 3) and on certification ([2024] CAT 39), and in the Court of Appeal on certification issues ([2024] EWCA Civ 218).
- *Re prospective group action*  
Instructed in potential claimant-side group and class actions.

## Competition Law and EU

James is frequently instructed in competition and EU cases and his practice encompasses both litigious and non-litigious work.

By way of example:

- James is instructed in current and prospective collective proceedings before the CAT.
- James has been instructed to advise leading counsel on EU law issues that arose in a regulatory dispute.
- James has advised a large national business on potential competition law issues arising from certain commercial contracts.

Further, prior to joining Henderson Chambers, James gained extensive experience of competition and EU disputes and advisory matters whilst an employed barrister at HSF.

## Representative Cases

- *Trucks*  
Instructed on behalf of a vehicle manufacturer in defence of collective proceedings before the Competition Appeal Tribunal. James appeared (led) in the appeal to the Court of Appeal concerning certification issues (*Trucks* [2023] EWCA Civ 875) and unled upon remittal to the Tribunal ([2024] CAT 51).
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- *Re a distribution agreement*  
Advice on compliance of a UK distribution agreement with competition law, including advising on the Competition Act 1998 (Vertical Agreements Block Exemption) Order 2022
- *Re advice on a public interest merger investigation*  
Advice on regulatory powers in connection with a public interest merger investigation

## Commercial

James is frequently instructed in commercial disputes, and he also has experience acting as junior counsel in arbitral proceedings. In addition to the cases that feature in the Group Litigation and Competition sections above, James has advised on and/or appeared in commercial and arbitral proceedings concerning:

- Breach of contract
- Variation of contract
- Disputes following the sale of a business
- Deceit
- Misrepresentation

- Fiduciary duties
- Jurisdiction disputes
- Applicable law issues
- Duress
- Challenges to arbitral awards
- Financial services and insurance regulation

## Consumer

James is often instructed in consumer cases, including those arising under the Consumer Rights Act 2015, the Consumer Protection from Unfair Trading Regulations 2008, and the Consumer Credit Act 1974.

Among other things, (i) James has advised on and appeared in consumer actions concerning misrepresentation, (ii) James has advised an international business on aspects of UK advertising law and potential liability to consumers, and (iii) James has represented lenders in disputes concerning ss.140A-C of the Consumer Credit Act 1974.

## Insurance and Professional Liability

James accepts instructions in insurance disputes, insurance advisory work and professional liability disputes. By way of example:

- James has acted (led) for an insurer in arbitral proceedings concerning a coverage dispute.
- James has acted (led) in a complex and high value professional negligence dispute in the High Court.
- James has appeared as sole counsel in a professional disciplinary appeal in the High Court.
- James has experience preparing pleadings in insurance coverage disputes and professional liability disputes.
- James has advised on issues including subrogation and aggregation, the interpretation of provisions in insurance contracts, and legal issues around the quantification of recoverable loss.

Additionally, whilst an employed barrister at HSF, James advised on competition law issues arising from the proposed acquisition of a major international (re)insurance broker by another major international (re)insurance broker, which resulted in a Phase II merger investigation. Through this experience, James became closely familiar with the insurance sector and the commercial objectives of (re)insurers and their brokers.

## Employment

James has experience appearing in the Employment Tribunal and has strong knowledge of employment law

having studied the subject to master's degree level. James welcomes instructions in this area.

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## Publications

- (Co-Author) 'Collective or Class Actions and Claims Aggregation in the United Kingdom', in Heaton, N. and Holt, B. (eds.) Private Litigation Guide, GCR (2020 and 2021).
- 'Defining 'exclusion' clauses and excluding 'defining' clauses: the need to clarify the scope of the Unfair Contract Terms Act 1977' (2016) 5 JBL 373.

## Memberships

- COMBAR
- CLA

## Education

### Education

- BPTC, BCL, LLB

### Scholarships

- Harold G Fox Scholarship, Inns of Court
- Queen Mother Scholarship, Middle Temple
- LLB Law School Prize; Dean's Commendation

## Awards & Recognitions

