



James Williams

"James has an approachable and commercial manner, providing clear and pragmatic advice, which puts clients at ease."

- Legal 500 2022

Call 2010 (Solicitor: 2008)

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James practices in three core areas: product liability and group actions; the law of the workplace, including both employment and health & safety; and general commercial law.

Recent high-profile instructions include: acting for VW in the first wave of diesel vehicle emissions litigation, and for Nissan in the current "Pan NOx" emissions litigation; the ongoing litigation regarding the Oxford AstraZeneca Covid-19 vaccination; the Seroxat product liability group litigation; the *Cape v Dring* litigation concerning non-party access to documents used in court, which reached the Supreme Court in February 2019; and acting as sole counsel for the claimant in *King v Sash Window Workshop*, the landmark 2017 ECJ decision on holiday pay and workers' rights.

Before coming to the bar, James spent two years as a City solicitor in the corporate group at Slaughter and May. He is committed to giving practical advice and resolving disputes as quickly and cost-effectively as possible. James will always consider accepting pro bono instructions, particularly in employment disputes.

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Product Liability & Group Actions

James was part of the counsel team acting for Volkswagen defending the diesel vehicle emissions claims in relation to the EA189 engine (until December 2021). He is also instructed on behalf of Nissan in the next wave of diesel emissions litigation, with a 3-month trial listed at the end of 2025.

James has particular experience in relation to pharmaceuticals. From May 2018 James was instructed on behalf of GSK in the long-running Seroxat group litigation. He is currently acting for AstraZeneca defending claims that its Covid-19 vaccine was defective within the meaning of the Consumer Protection Act 1987.

In 2017, James was part of the team acting for the defendant in *Concept 70 v Cape Intermediate Holdings*. The case concerned liabilities for historic asbestos exposure: the former employers of workers suffering from mesothelioma sought (through their insurers) a contribution from Cape under the Civil Liability (Contribution) Act 1978 towards settlement sums paid out.

James was subsequently instructed throughout the ongoing *Cape v Dring* litigation concerning non-party access to documents used at the trial. This reached the Supreme Court in February 2019 and is now the leading case on the extent to which non-parties can access documents generated or used in litigation.

Also in the field of industrial disease, James acted for the Department of Business, Energy and Industrial Strategy (as successor to the liabilities of the National Coal Board) in the *British Coal Coke Oven Workers Litigation* under a GLO, which reached trial in the summer of 2018. He is still instructed by DBEIS in individual legacy cases arising from the *British Coal Respiratory Disease Litigation*.

James has recently been acting for a major medical devices manufacturer in challenging a recall decision by the MHRA, believed to be the first case in relation to the application of the Medicines and Medical Devices Act 2021.

James has also acted, both led and as sole counsel, on a range of disputes over allegedly defective goods including domestic appliances, fertilizers, perfume, cement products, cars, children's cribs and vehicle components. He is an Officer of the IBA Class Actions Committee.

Representative Cases

- *The Nissan Diesel NOx Emissions Litigation*
- *The Volkswagen NOx Emissions*
The Volkswagen NOx Emissions Litigation (from April 2021) [2021] EWHC 3444 (QB)
- *The Seroxat Litigation*
The Seroxat Litigation in the QBD [2019] EWHC 337 (QB) and [2019] EWHC 1167 (QB); in the Court of Appeal [2019] EWCA Civ 1924; and in the QBD again [2020] EWHC 1766 (QB), [2020] Costs LR 795
- *Dring v Cape Intermediate Holdings Ltd*
Dring v Cape Intermediate Holdings Ltd at all levels including the Court of Appeal [2018] EWCA Civ 1795, [2019] 1 WLR 479; the Supreme Court [2020] AC 629; and following remission in the QBD [2020] EWHC 1973
- *The British Coal Coke Oven Workers Litigation*
The British Coal Coke Oven Workers Litigation [2018] EWHC 2009 (QB), [2018] All ER (D) 29 (Aug)
- *Concept 70 v Cape Intermediate Holdings*
Concept 70 v Cape Intermediate Holdings (settled after trial in the QBD, but before judgment, in 2017)

Employment

James has wide experience of all aspects of both statutory and common law employment work including employment status, unfair dismissal, TUPE, discrimination, redundancy and whistleblowing. He appears frequently in the Employment Tribunal and EAT and advises both employers and claimants. He is also experienced in litigation and injunction applications in the civil courts involving employee competition, confidential information, wrongful dismissal and restrictive covenants.

James has a particular interest in working time and worker status, and acted as sole counsel for the claimant throughout one of the most significant cases on holiday pay to reach the ECJ in recent years: *King v Sash Window Workshop Ltd* C-214/16. The case is particularly relevant to the growing number of cases where the worker (like Mr King) is miscategorised during the employment relationship as self-employed and thus not paid any holiday pay. The case was described as a “bombshell judgment” and is of fundamental importance to workers’ rights in the gig economy.

Helped by his experience in group actions involving personal injury and industrial disease, James is also familiar with the law of employer’s liability, health and safety and workplace injury claims. His commercial background means he is also happy to advise in employment disputes with a commercial dimension such as unfair prejudice claims.

Representative Cases

- *Hospital Medical Group v Westwood* [2012] EWCA Civ 1005, [2013] ICR 415, CA (led by Patrick Green QC) – worker status
- *Bal v Parallel Realisations 1 Ltd (in admin)* (2012) UKEAT/0215/12, [2013] All ER (D) 34 (Jan ET procedure (review of decision following fresh evidence) and TUPE
- *Pan v Portigon AG London Branch* (2013) UKEAT/0116/12/LA, [2013] All ER (D) 53 (Sep) (led by Patrick Green QC) – race discrimination, constructive unfair dismissal and ET procedure
- *Sash Window Workshop v King* [2015] IRLR 348 (EAT), and in the CA and ECJ *King v SWWL* [2018] 2 CMLR 223, [2018] IRLR 142, [2018] ICR 693, (2017) All ER (D) 213 (Nov) Working time, payments in lieu and damages in discrimination claims
- *T-Systems Ltd v Lewis* (2015) UKEAT/0042/15 Disability discrimination under s.15 of the Equality Act 2010
- *Akhigbe v Berkeley Homes (Urban Renaissance) Ltd* (2019) UKEAT/0005/18 Striking out and whistleblowing
- *Akhigbe v St Edward Homes Ltd* (2019) UKEAT/0110/18, [2019] ICR D6 Abuse of process and early conciliation procedures
- *Main v SpaDental Ltd* UKEAT/0124/20 Worker status of dentist

- *Ironman Ltd v Ion (2022) EA-2021-000910-AS*
ET procedure (amendment of ET1)
- *Akhigbe v St Edward Homes (2023) EA-2021-000505-AS*
EAT time limits and procedure

Company and Commercial

James has a broad and growing commercial practice. His background as a City solicitor enables James to advise on all aspects of company law. Whilst an associate at Slaughter and May he worked in the corporate / insurance group on a range of transactions, including the creation of the Asset Protection Scheme by HM Treasury to deal with the UK banking crisis in 2009, and Prudential PLC's proposed rights issue and \$36bn bid in 2010 for the AIA insurance group. He also gained experience of commercial agreements, regulatory, outsourcing, insurance and IT issues.

Between 2014 and 2016 James undertook a part-time secondment at HSBC, assisting with the FCA-led Review of mis-sold interest-rate hedging products and the assessment of consequential loss claims by HSBC customers.

Representative recent cases and advisory work include:

- Acting for the defendant reinsurance broker, Aon, in claims by the families of some of the victims of the Chapecoense football club plane crash in Colombia in November 2016
- Advising the former owner of an acquired company defending a bid by the purchaser to claw back deferred consideration payments on the basis of alleged failure to disclose lost business
- Advising an AIM-listed company about its liability for brokers' commission payments following a successful placing.
- Appearing in the Chancery Division (on behalf of a creditor with the benefit of a retention of title clause) in resisting an application by the administrators of a digital media company for an order under paragraph 72 of schedule B1 to the Insolvency Act 1986 to dispose of an asset.
- Acting for a major bus operator in a dispute with a software supplier over the performance of an IT system designed to reduce fuel consumption and emissions.
- Advising on an unfair prejudice petition (and parallel Employment Tribunal proceedings) for a co-owner of a business forced out by fellow directors.
- Appearing in the TCC on behalf of the successful applicant in *AMP v Persons Unknown* [2011] EWHC 3454 (TCC), [2012] All ER (D) 178 (Jan), believed to be the first case to use an injunction to restrain file-sharing through BitTorrent technology.
- Acting for a Jersey-based fund in a major arbitration under LCIA Rules over its refusal to pay out to an investor associated with various alleged frauds in different European jurisdictions.
- Advising an unsecured property investor who suffered loss after a secured creditor was fraudulently inserted into the security structure above him.
- Acting for the finance company of an agricultural vehicle manufacturer over the enforcement of personal guarantees from the directors of its insolvent counterparty (settled during trial)
- Acting for a former CEO of a company in an AIM-listed group in his claim for unpaid wages and a 10% equity stake

Health & Safety and Inquests

James frequently acts for interested persons at inquests. He has undertaken several substantial jury inquests in relation to deaths in custody, acting for the Ministry of Justice, probation services or prison healthcare providers. His inquest work often overlaps with his product liability practice.

He also has experience of defending HSE prosecutions and acting at inquests into workplace deaths. He has advised on HSE investigations and proposed fines, and acts for defendants at sentencing hearings in the criminal courts.

Recent concluded instructions in inquests include acting for:

- the Ministry of Justice at the inquest into the suicide of a prisoner at HMP New Hall
- Virgin Healthcare, the outsourced healthcare provider, in an inquest into the death of a prisoner at HMP Coldingley
- the Ministry of Justice in an inquest into the suicide of a prisoner at HMP Northumberland
- a national cinema chain in relation to the death of a teenager from an allergic reaction after eating popcorn
- a supported living provider in Newcastle in relation to the suicide of a resident with mental health difficulties
- a national food company regarding a workplace death at a logistics hub
- a supported living provider in London in relation to the death of a teenage resident with drug and mental health difficulties.
- a major construction company in relation to a fall in a lift shaft at a large development in Greenwich
- AstraZeneca at several inquests in relation to deaths potentially caused or contributed to by vaccination against Covid-19

James often advises on the application of A2 ECHR in the context of inquests and has experience of A2 claims under the HRA 1998, e.g. *Devall & Corcoran v MoJ* [2022] EWHC 1608 (QB).

Industrial Disease and Personal Injury

In addition to the group actions listed above, James also acts in unitary personal injury claims, mostly for defendants in work-related claims.

His experience in the Cape litigation, the British Coal Coke Oven Workers Litigation and the ongoing British Coal Respiratory Disease Litigation (where James is regularly instructed by DBEIS) has given him particular experience in mining, asbestos-related and respiratory disease claims. He regularly handles other industrial disease claims including for NIHL and VWF.

James has acted on a wide range of unitary personal injury cases ranging from prison assault claims and workplace accidents to non-freezing cold injury, mesothelioma and cancer cases, for both public sector (mostly for the MoD and MoJ) and private sector defendants.

Representative Cases

- *Vaughan v Ministry of Defence* [2015] EWHC 1404 (QB), [2015] All ER (D) 207 (May) (as junior to Malcolm Sheehan QC) – employer’s liability to off-duty service personnel
- *Faulkner v SoS for Business, Energy and Industrial Strategy* [2020] EWHC 296 (QB), [2020] 1 WLR 2906, [2020] Costs LR 221
QOCS and set-off of costs orders

What the directories say

"James is a very persuasive junior, who is excellent on his feet and gets on top of the details quickly. Having James in your corner is beyond reassuring."
Legal 500 2024

"James ... provides clear and considered advice on the legal issues as well as strategy which considers the commercial impact on the client."
Chambers UK 2024

"His advice is always clear, commercial and pragmatic. He remains calm even when dealing with the most difficult of opponents. He is extremely aware of the commercial implications for clients, understanding the wider process outside the court. He is always a pleasure to work with and is our go-to barrister for most matters."
Chambers UK 2024

"He is good with clients, being responsive and effective in his advocacy."
Chambers UK 2024

"Great for his availability and promptness of responses, clarity of drafting and advice, and breadth of knowledge."
Legal 500 2023

"James has an approachable and commercial manner, providing clear and pragmatic advice, which puts clients at ease. James also has a collaborative style and provides valuable input during the course of proceedings, as well as in the preparation of pleadings or representation at hearings."
Legal 500 2022

Appointments

- Junior Counsel to the Crown (B Panel, 2021)
- Junior Counsel to the Crown (C panel, 2014-2019)
- Judicial Assistant, Court of Appeal, 2010
- Associate in Corporate group at Slaughter and May, 2008-10
- Qualified as a solicitor in February 2008

Memberships

- Employment Law Bar Association (ELBA)
- Employment Lawyers Association (ELA)
- The Commercial Bar Association (COMBAR)

Education

- Christ's College, Cambridge 2000-03 (MA History, 1st class)
- BPP Law School, 2003-05 (GDL 2004; LPC 2005)

Awards & Recognitions

