

# JAMES POOLE

"James is great with clients and puts them at ease straightaway, inspiring confidence and clearly explaining points of law. He is a trusted advisor and someone who goes above and beyond in providing his services."

(Chambers UK 2024)



Call 2016 & Accredited Mediator

James is regularly recommended for the quality of his legal analysis, his persuasive advocacy in court, the practicality of his advice, and his sensitive and responsive interaction with clients.

He is ranked by Legal 500 for both Private Client: Trusts and Probate and Property Litigation, and by Chambers & Partners and Chambers HNW for his Traditional Chancery practice. His inter-disciplinary expertise means that much of his work concerns disputes involving multiple areas of law. This is reflected in some of his recent reported decisions, which include: *Gohil v Kumara* [2023] EWHC 1809 (Ch), *Abdelnoor v Barker* [2022] EWHC 1468 (Ch), *Ware v Ware* [2021] EWHC 694 (Ch) and *Fantini v Scrutton* [2020] EWHC 1552 (Ch).

James' busy practice spans a number of Chambers' key practice areas, and particularly focuses on:

- Probate, inheritance and trust disputes, including 1975 Act claims, trustee/executor removal and TLATA claims;
- Landlord and Tenant issues, both residential and commercial, including pubs and licensed premises;
- Property, including covenants, easements, nuisance and boundary disputes;
- Court of Protection applications, particularly concerning Property and Affairs;
- Charity law, including advising charitable trustees and disputes over charity property; and
- Commercial and contractual disputes, including arbitrations and interim applications such as freezing injunctions.

James is a skilled and highly effective advocate, who appears regularly in the High Court and County Courts. He also has significant experience of offshore litigation, particularly in the Channel Islands and the Isle of Man.

James is (with Sidney Ross) one of the authors of the Fifth Edition of Ross on Inheritance Act Claims.

Before coming to the Bar, James taught at secondary and tertiary level in England and Vanuatu, and is equally comfortable being instructed in both English and Bislama.

James is also a qualified and experienced mediator, and welcomes instructions as a mediator in any of the areas

## Location

Ten Old Square  
Lincoln's Inn  
London  
WC2A 3SU

## Contact Us

T +44 (0)20 7405 0758  
F +44 (0)20 7831 8237  
E: [clerks@tenoldsquare.com](mailto:clerks@tenoldsquare.com)  
DX: LDE Box No 306

in which he practices.

## Commercial & Business Disputes

James has a broad and busy practice encompassing a range of commercial areas.

### Recent highlights include:

- Company disputes:
  - Advising in a number of shareholder and share valuation disputes, including those arising from the administration of estates.
  - Acting on behalf of a member and director of a company in a dispute involving allegations of unfair prejudice made by both parties.
- Interim relief:
  - In recent months James has successfully obtained in the High Court: freezing injunctions, Norwich Pharmacal orders, interim injunctions and orders for disclosure;
- Contractual disputes – recent cases have involved claims for breach of contract, unjust enrichment and professional negligence in areas including:
  - Contracts of sale;
  - Contracts for services in the healthcare sector; and
  - Construction disputes.
- Insolvency – both individual and company:
  - James appears regularly in the Winding Up Court, including making applications to set aside winding up orders.
  - Conducting public examinations of a Bankrupt under s.366 of the Insolvency Act 1986.

## Trusts & Estates

James is regularly instructed in onshore and offshore contentious private client matters, often including complex and difficult family relationships.

### Recent highlights include:

- Inheritance disputes, including 1975 Act claims, including:
  - *Re W*: A complex dispute involving a derivative claim to set aside a lifetime transfer on the basis that it was procured by undue influence and/or breach of fiduciary duties.
  - *Re R*: A dispute focusing on the beneficial ownership and valuation of shares forming part of the deceased's estate.
  - *Re N*: A claim for provision by two siblings in very difficult family
  - *Re J*: A claim for provision made by an estranged spouse who had been disinherited by the deceased's will.
- Contested probate proceedings, including:
  - *T v W*: a challenge to the validity of a will on the basis of undue influence, lack of knowledge and

---

#### Location

Ten Old Square  
Lincoln's Inn  
London  
WC2A 3SU

#### Contact Us

T +44 (0)20 7405 0758  
F +44 (0)20 7831 8237  
E: [clerks@tenoldsquare.com](mailto:clerks@tenoldsquare.com)  
DX: LDE Box No 306

- approval, and lack of formal validity.
- *Re J*: a challenge to the validity of a will on the basis that the deceased lacked testamentary capacity when making his final will.
- Applications to remove or pass over executors and trustees, including:
  - *Robinson v Robinson* [2018] EWHC (Ch): A three day high court trial focusing on the removal of the trustees of two trusts on the basis of a number of breaches of trust and breaches of fiduciary duty.
  - *Ruhl v Ruhl* [2018] EWHC (Ch): An application to pass over one of the executors of a will on the basis that her conduct had prevented the administration of the estate.
  - *H v J*: An application to remove a co-executor due to their conflict of interests arising from claims the estate had against them.
- Advising in respect of trustee liability for breach of trust and breach of fiduciary duties, including in respect of offshore trusts in the Channel Islands and the Isle of Man.
- Representing the family of one of the victims of the Universal Wealth Management scandal. Successfully obtained judgment, followed by wide-ranging freezing injunctions, orders for disclosure, Norwich Pharmacal Orders and Third Party Debt Orders in order to trace and recover the monies that had been unlawfully retained.
- *Crociani v Crociani*: involved on behalf of the successful claimant in this long-running claim for breach of trust (led by Eason Rajah QC).

## Partnerships & LLPs

James has worked on a large number of Partnership and LLP disputes, acting for both firms and individual partners. His cases cover a wide range of areas, including solicitors' firms, hedge funds, farms, and family investment partnerships.

## Recent highlights include:

- *Piquant Technologies LLP v Holloway*: successfully represented the Claimant LLP its claim for repayment of sums owed to it by a former member of the LLP; after a three day trial the judge rejected the thirteen separate defences and awarded the Claimant the full sum claimed.
- *Harris v Holland* [2021] EWHC (Ch): acting on behalf of a former member of partnership in a dispute about the terms of the settlement agreement entered into following the dissolution of the partnership.
- Advising the directors of a company who engaged in four joint ventures relating to the development of residential and commercial properties, in a claim against the companies with whom they had entered the joint ventures.
- Acting on behalf of members of an online gambling syndicate who sought repayment of sums from a former member of the syndicate.
- Matters concerning expulsion and compulsory retirement (both in an advisory capacity and after disputes have arisen).
- Drafting and updating partnership and LLP agreements.
- Advising on the enforceability of restrictive covenants
- Disputes involving solicitors' firms, hedge funds, medical practices, farms, and family investment partnerships.

### Location

Ten Old Square  
Lincoln's Inn  
London  
WC2A 3SU

### Contact Us

T +44 (0)20 7405 0758  
F +44 (0)20 7831 8237  
E: [clerks@tenoldsquare.com](mailto:clerks@tenoldsquare.com)  
DX: LDE Box No 306

## Private Client

James is regularly instructed on non-contentious private client matters relating to both trusts and estates.

### Recent highlights include:

- Drafting Wills and codicils;
- Drafting Deeds of Trust, including in relation to matrimonial disputes;
- Drafting Deeds of Appointment and Variation;
- Variation of Trusts applications;
- Advising on the construction and rectification of wills and trusts;
- Advising on matters relating to domicile; and
- Advising on the taxation of estates, particularly in relation to inheritance tax planning.

## Property

James has substantial experience in Property and property-related matters. His practice spans both real property and landlord & tenant disputes, and his experience in other areas (particularly trusts and probate) means that he is regularly instructed on behalf of landlords, tenants, trustees and beneficiaries. He has particular expertise in TOLATA claims, including claims for orders for sale and for occupation rent.

### Recent highlights include:

- *Stenner v Haigh and ors* [2020] EWHC (Ch): acting on behalf of trustees in a claim seeking injunctive relief and damages for nuisance, in a dispute concerning drainage rights. Successfully obtained interim injunction to prevent continuation of interference with clients' land.
- *Rahbarpoor & or v Suliman & ors* [2020] EWHC (Ch): successfully acted for the Respondent, in a case which reaffirmed the blanket nature of the stay on possession proceedings, and gave guidance as to the correct interpretation of the new CPR 55.29
- *R v W*: ongoing dispute concerning the authority of LPA Receivers, and the test for bringing Part 20 proceedings against solicitors instructed by the Receivers for acting in breach of warranty of authority.
- *Robinson v Robinson* [2018] EWHC (Ch), a three day high court trial involving disputes over the development, sale and trusteeship of valuable agricultural land in Cambridgeshire held in two separate trusts.
- Advising and acting in various cases involving the interpretation of restrictive covenants
- TOLATA claims by both beneficiaries and trustees, including claims for occupation rent.
- Commercial property claims involving service charge disputes and breach of covenants; James is regularly instructed on behalf of one of Britain's largest breweries to deal with the landlord and tenant issues arising from the 1000+ pubs they own.
- Residential property claims, variously involving: complex offshore ownership arrangements, disrepair, unlawful eviction, rent arrears and conversion.
- Numerous boundary disputes and party wall disputes.
- Advising and acting in possession claims against both tenants and licensees, including tenants of

#### Location

Ten Old Square  
Lincoln's Inn  
London  
WC2A 3SU

#### Contact Us

T +44 (0)20 7405 0758  
F +44 (0)20 7831 8237  
E: [clerks@tenoldsquare.com](mailto:clerks@tenoldsquare.com)  
DX: LDE Box No 306

charitable trusts and licensees of Almhouse charities.

## Court of Protection

James is regularly instructed in matters involving the Court of Protection. This includes making and responding to applications in the Court of Protection, and acting on behalf of deputies and attorneys in other forms of litigation. James is regularly instructed to act and advise on behalf of the Official Solicitor.

### Recent highlights include:

- Statutory will applications – both making applications and responding to them, including applications involving overseas assets and family members;
- Acting on behalf of professional deputies seeking possession of P's property which was unlawfully occupied;
- Advising with regard to investments made by P's attorneys;
- Advising on the use of assets held by deputies on behalf of P, including where other parties may have an interest in those assets and where conflicts of interests arise as a result of the deputy's fiduciary obligations.
- Bringing and defending claims on behalf of protected parties in the High Court and County Court.
- Advising P's litigation friend on the merits of claims that can be brought on P's behalf; and
- Advising on the merits of settlement proposals affecting protected parties, and drafting and making applications to the Court for approval of settlements entered into on behalf of protected parties.

## Arbitration, Mediation & ADR

James has significant experience of acting in and advising in respect of arbitral proceedings, including arbitrations under the LCIA Rules involving non-UK based entities. He was recently led in two long-running commercial arbitrations involving a very wide range of legal and factual issues, ranging from alleged breaches of fiduciary duties to estoppel by convention.

## Charities

James is regularly instructed to advise on charity law and related matters, including matters arising from bequests to charities in wills.

### Recent highlights include:

- Advising on whether assets held by a charity ought to be considered a permanent endowment;
- Advising the trustees of a charity on whether a proposed transaction would comply with their duties as trustees;
- Advising on gifts to charities in wills, including gifts that have failed; and

---

#### Location

Ten Old Square  
Lincoln's Inn  
London  
WC2A 3SU

#### Contact Us

T +44 (0)20 7405 0758  
F +44 (0)20 7831 8237  
E: [clerks@tenoldsquare.com](mailto:clerks@tenoldsquare.com)  
DX: LDE Box No 306

- Advising on *cy-près*

## Recommendations

*“James is always happy to have informal discussions about potential and ongoing instructions and is a pleasure to work with. His advocacy is top-notch and judges appreciate his clear, methodical approach to unravelling often hotly contested facts and applying legal principles. He is a safe pair of hands who can be trusted to judge the situation and adapt his approach accordingly.”*

*“Spot on in his advice, he is a very persuasive advocate who is excellent to work with as he is a good guide to the instructing solicitor and lay client.”*

Chambers UK 2024

*‘James is fantastic to work with. He is responsive and has a great eye for detail. He can step back and look at the bigger picture and understands the client’s needs which he factors into advice and strategy.’*

*‘Extremely personable and a very able advocate. James makes himself available and goes the extra mile to provide excellent client service, even on short notice. He has a very strategic approach and is a great asset to have in your corner.’*

Legal 500 2024

*“James is a brilliant lawyer and an all-round great guy. He knows his stuff and is someone that can be relied on in any situation. I always feel better having him in my corner.”*

*“He approaches cases with good humour and is loved by clients.”*

Chambers UK 2023

*“James is always happy to pick up the phone and goes above and beyond with both his instructing solicitors and clients. He is very down to earth with clients who, without exception, always love him and feel reassured by his presence. James is excellent on his feet and can always be relied on at a mediation to get the best possible result for the client. James is incredibly knowledgeable and his written work is always excellent.”*

*“James is clear and concise in his advice, giving good guidance and direction. He has an excellent manner with clients and very responsive.”*

Legal 500 2022

*‘Has an excellent bedside manner with clients. His research and advice is spot on. He is a safe pair of hands. He will always go the extra mile.’*

The ‘*pragmatic*’ [James Poole](#) is recognised as a rising star of the Bar.

Legal 500 2020

---

### Location

Ten Old Square  
Lincoln's Inn  
London  
WC2A 3SU

### Contact Us

T +44 (0)20 7405 0758  
F +44 (0)20 7831 8237  
E: [clerks@tenoldsquare.com](mailto:clerks@tenoldsquare.com)  
DX: LDE Box No 306

## Qualifications

- Bar Professional Training Course (Outstanding), City Law School (2016)
- Buchanan Prize, Lincoln's Inn (2016)
- Lord Denning Scholarship, Lincoln's Inn (2016)
- Graduate Diploma in Law (Commendation), City Law School (2015)
- Hardwicke Award, Lincoln's Inn (2015)
- Lord Bowen Scholarship, Lincoln's In (2015)
- MA Modern History, University of Oxford (2009)

## Publications

- "Persons Unknown", *New Law Journal*, 21 November 2014 (with Tim Lawson-Cruttenden)

---

### Location

Ten Old Square  
Lincoln's Inn  
London  
WC2A 3SU

### Contact Us

T +44 (0)20 7405 0758  
F +44 (0)20 7831 8237  
E: [clerks@tenoldsquare.com](mailto:clerks@tenoldsquare.com)  
DX: LDE Box No 306