



JAMES POOLE

Call: 2016

"JAMES KNOWS HIS STUFF AND HAS A GREAT MANNER. HIS CALMNESS PUTS CLIENTS AT EASE, TAKES A LOT OF THE STRESS AWAY FROM THEM AND GIVES THEM CONFIDENCE."

Chambers UK 2025

✉ jamespoole@tenoldsquare.com ☎ +44 (0)20 7405 0758

James is well-known 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. Chambers UK Bar says that "James is incredibly good with clients, and gives very clear and straightforward advice. He is incredibly easy to work with". In 2023 he was nominated for the Star Associate/Junior Under 10 Years Call Award by Chambers HNW.

He is ranked by the legal directories for his work in probate, trusts, traditional chancery and property litigation. 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: *Patel v Patel* [2025] EWHC 560 (Ch) and [2025] EWHC 620 (Ch), *Irwin Mitchell Trust Corporation v KS* [2025] EW COP 7 (T2), *Gohil v Kumara* [2023] EWHC 1809 (Ch) and *Abdelnoor v Barker* [2022] EWHC 1468 (Ch).

James' busy practice particularly focuses on:

- Probate, inheritance, estate and trust disputes, including claims under the 1975 Act and claims for the removal of executors or trustees;
- Court of Protection applications
- Landlord and Tenant issues, both residential and commercial;
- Property, including covenants, easements, nuisance and boundary disputes;
- Commercial and contractual disputes, including partnerships, arbitrations and interim applications such as freezing injunctions.

James is a skilled and highly effective advocate. 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 in which he practices.

James is a committee member of the Court of Protection Bar Association (CPBA), and is also member of the Chancery Bar Association (ChBA), the Contentious Trusts Association (ConTrA), the Association of Contentious Trust and Probate Specialists (ACTAPS) and the Court of Protection Practitioners Association (CoPPA).



EXPERTISE

COMMERCIAL & BUSINESS DISPUTES

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

RECENT HIGHLIGHTS

- 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.

CONTENTIOUS TRUSTS & ESTATES

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

RECENT HIGHLIGHTS

- 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 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).

PARTNERSHIP & LLP

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

- *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.

PRIVATE CLIENT (NON-CONTENTIOUS)

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

RECENT HIGHLIGHTS

- 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

- *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 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

- 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.
- *Irwin Mitchell Trust Corporation v KS* [2025] EWCOP 7 (T2)



- W v P [2025] EWCOP 11 (T3)

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

- 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
- Advising on *cy-près*

DIRECTORIES & AWARDS



EDUCATION & 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)

REGULATORY INFORMATION

James Poole is a self-employed, independent barrister whose practice is regulated by the Bar Standards Board [Bar Council Ref 67708]. He is fully insured with the Bar Mutual Indemnity Fund [BMIF Ref 2360/077] to provide legal services, please refer to the [BMIF website](#) for full details of the world-wide cover provided. He is registered for VAT under the reference 278659634.