

## James Malam



Call 2002



### Clerks

 Joe Mawson  
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 Chris Brown  
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### Memberships

- Professional Negligence Bar Association
- TECBAR
- Chancery Bar Association
- Northern Circuit Commercial Bar Association

### Education

- Bar Vocational Course, Nottingham Law School, Very Competent, 2002
- Lord Justice Holker Award, Gray's Inn, 2001
- LLB (Hons) Law, University of Sheffield, 2001
- Plessington High School, Wirral, 1991-1998

### Insolvency

James' practice covers a wide range of both personal and corporate insolvency matters, acting for office holders (past and present) as well as bankrupts and creditors. James frequently acts in claims relating to the recovery of assets for the insolvent estate, such as TUV claims, preferences, misfeasance claims and similar.

## Insolvency Cases

### Cases of particular interest include:

- Defending claim by liquidators of well-known company specialising in modifying high-end 4x4s against the former administrators/liquidators of that company. Allegations of impropriety in how the administrators came to be appointed and as to the payments made by them to the appointing charge holder. Numerous and complex allegations, made more complex by their historic nature (the alleged misconduct was 9 years old) and the state of the documentation now available.
- Appeal to Marcus Smith J. against dismissal of application to set aside a settlement agreement on the basis of mistake of law. Raised issues as to whether it is possible to set aside compromise agreements in circumstances where the matter about which the parties were mistaken was not the subject matter of the compromise between them, but a matter on which they both held the same view, and as to what constitutes a mistake versus a misprediction. *Elston v. King* [2020] EWHC 55 (Ch), [2020] B.P.I.R. 501; [2017] 12 WLUK 694, [2018] B.P.I.R. 1281.
- Whether, when a trustee in bankruptcy has disclaimed an asset which is subsequently realised such as to create a surplus, the trustee can obtain a vesting order in relation to this surplus. *Mascall (Deceased), Re* [2018] EWHC 3489 (Ch).
- Representing the Defendants to an action on a guarantee which raised questions of private international law, the EU Insolvency Regulation and the impact of Irish insolvency law on the enforceability of a guarantee which was subject to English law but given over the indebtedness of an Irish company.
- Advising an office holder on whether two documents (a loan document and a deed of trust of land) could be construed together and, if so, whether they constituted an equitable mortgage which ought to have been registered such that, not having been registered, they were void against the office holder.
- Acting for the former supervisor of an IVA successfully resisting an appeal and an application to the Court of Appeal for a second appeal in an application to annul a bankruptcy arising from the IVA.
- Acting for the alleged debtor at first instance and on appeal seeking to set aside a statutory demand for c.£800k. Gave rise to questions of whether the guarantee demanded on was truly such or was in fact an indemnity, and the effect on the surety's liability of the principal's creditor agreeing to extend the principal's time for payment.

## Recommendations

“James Malam has dealt with a number of cases for us at all stages and has always been easy to communicate with, provided excellent and practical advice, and shown an ability to present complex matters in a clear and concise manner in court.”

**Chambers and Partners 2024, Construction**

“All the work James produces is very well written, he sets the arguments clearly and is a good strong advocate. He is low-key, effective, sensible, pragmatic and easy to deal with.”

**Chambers and Partners 2024, Construction**

“James Malam is technically sound, accessible, thorough, reliable and commercial.”

**Chambers and Partners 2024, Construction**

“He sets the arguments clearly, and is a good strong advocate, who is sensible and easy to deal with.”

**Chambers and Partners 2024, Professional Negligence**

“He’s very helpful; he gets a grip of things really quickly and gives us a steer on the direction we need to go in. He is very accessible.”

**Chambers and Partners 2024, Professional Negligence**

“James is calm under pressure. His advocacy is strategic and poised.”

**The Legal 500 2024, Professional Negligence**

“James is excellent at spotting the important details and utilising these to the benefit of the client, and on a number of occasions he has spotted issues which have been vitally important. He takes a very considered approach to advocacy, he explains clearly and concisely his points and their relevance, and in contrast to many of his opponents, he does not need to be questioned by judges to elaborate on or explain his arguments.”

**The Legal 500 2024, Commercial Litigation**

“A detail-orientated junior who is serene under pressure. He takes a measured approach to advocacy.”

**The Legal 500 2024, Property and Construction**

“James has an excellent knowledge of the area. He is very thorough with a keen eye for detail, a sensible approach to pleading and the ability to ‘think outside the box’. He provides practical solutions when problems arise.”

**Chambers and Partners 2023, Construction**

“James is a really good lawyer: technical, commercial and straight-talking.”

**Chambers and Partners 2023, Construction**

“James is extremely diligent with personable manner, is good to work with and is a formidable advocate. He is not afraid of hard work and regularly hits time deadline. He’s definitely a safe pair of hands.”

**The Legal 500 2023, Professional Negligence**

“James Malam is client-friendly, very good technically, commercially minded when dealing with litigation, and is always very well prepared.”

**Chambers and Partners 2022, Construction**

“He is calm and able to get to the crux of the issues. He has good cross-examination skills.”

**Chambers and Partners 2022, Professional Negligence**

“Strong technical advice, clear and robust drafting of pleadings, incisive and effective advocacy. Also very easy and pleasant to work with, and prepared to give an off-the-cuff view if asked and to work through the wider strategy of a claim with us. Understands the requirements and priorities of insurer clients”

**The Legal 500 2022, Professional Negligence**

“James is quick to identify the key issues and gets to grips with the case within a short period of time, performing well at trial.”

**The Legal 500 2022, Commercial Litigation**

“James was organised and effective in presentation of our client’s case. He presented it with clarity and persuasion, both on paper and on his feet. He was calm and reassuring to work with.”

**Chambers and Partners 2021, Construction**

“Very good on paper, with clear and forceful pleadings. Just as good before the court. Always feel in safe hands with James on determining the key technical points, putting forward our best case on them.”

**The Legal 500 2021, Professional Negligence**

“Technically sound, accessible, thorough, reliable and commercial.”

**The Legal 500 2021, Property and Construction**

“Technically sound, accessible.”

**The Legal 500 2021, Commercial Litigation**

“He is very commercial and client-friendly.”

**Chambers and Partners 2020, Construction**

“He is very good with clients and puts them at ease.”

**Chambers and Partners 2020, Construction**

“Technically sound and accessible.”

The Legal 500 2020, Commercial, Banking, Insolvency and  
Chancery Law

“Technically sound, accessible, thorough, reliable and commercial.”

The Legal 500 2020, Construction, Planning and Environment

“Supportive and thorough.”

The Legal 500 2018/19, Commercial, Banking, Insolvency and  
Chancery Law

“He has a keen eye for the key issues of a case.”

The Legal 500 2018/19, Construction, Planning and Environment

“Knowledgeable and meticulous.”

The Legal 500 2017, Commercial, Banking and Insolvency.

“A strong advocate, who provides sensible and pragmatic advice.”

The Legal 500 2016, Commercial, Banking and Insolvency.

“His courteous and helpful manner enables him to readily deal with  
even the most difficult of clients.”

The Legal 500 2015, Commercial, Banking and Insolvency.

“Has a sound grasp of the technicalities of a legal problem.”

The Legal 500 2015, Construction, Planning and Environment.

“Understands the need for commercial cost-effective solutions”

The Legal 500 2014, Construction, Planning and Environment.

“He has a swift grasp of the key issues in his cases”

The Legal 500 2014, Commercial, Banking and Insolvency.

Recommended for professional negligence work

The Legal 500 2013, Chancery and Commercial.

“Quick to grasp the strengths and weaknesses of a case”.

The Legal 500 2012, Chancery and Commercial.

“Very careful, easy to work with and bright’...has a practice that is  
ahead of his call”

The Legal 500 2011, Chancery and Commercial.

## Beyond the Bar

James enjoys reading, photography, cycling, swimming, food and  
drink and spending time with his family.

