

James Osborne

General Information

James is an experienced family and general commercial barrister. His practice areas include commercial, property, and costs, but he offers solid experience across a broad range of related civil areas, including trusts, wills and probate and the Court of Protection.

A skilled courtroom advocate, James has a reputation for getting to the core issues in a case quickly and tackling them effectively. He offers reliably sound judgement, pragmatic legal advice and an analytical approach to his instructions. James provides a very approachable service and is always happy to discuss initial issues that his clients may face in dealing with claims.

Before becoming a barrister, James worked as in-house counsel for a global FTSE 100 company for eight years dealing with high value commercial contract negotiations. He brings a wealth of business experience to his practice, which is primarily focused on general commercial and property work.

Areas of law

- Property Law
- Commercial Law
- Family Law
- Costs
- Court of Protection
- Personal Injury
- Chancery

Property Law

James has a long-standing property and land law practice and frequently advises and represents claimants and defendants in the county courts and the land tribunal in a wide range of property law disputes, including:

- Landlord and tenant (commercial and residential)
- Dilapidations and disrepair
- Building disputes
- Service charge disputes
- Restrictive covenants
- Boundary and neighbour disputes
- Rights of way and easements
- Forfeiture proceedings
- Possession and eviction
- Charging order applications
- Mortgage repossession actions (for both lenders and borrowers)
- TOLATA / Trust of land disputes

Commercial Law

James is instructed by commercial clients from a range of different sectors in relation to all manner of business disputes. With his background of working in-house within a commercial enterprise, James has the direct operational experience required to understand complex business issues. He offers specific technical knowledge of broadcast and satellite communications, telecommunications and high value commercial contracts and is frequently instructed on:

- Breach of contract
- Company law (partnership and shareholder disputes)
- Insolvency and bankruptcy (commercial and individual)
- Financial services claims
- Debt recovery
- Consumer Credit Act

Family Law

James is instructed in all stages of family cases, from initial pre-action advice in consultation through to representation at contested hearings (including fact-finding hearings and final hearings). He offers a great deal of experience in:

- Matrimonial finance, including Inheritance Act provision and financial settlement proceedings
- Contested child arrangements, including applications for contact and residence
- Injunctive proceedings, including non-molestation, prohibited steps and occupation orders

Costs

With a great deal of experience representing claimants and defendants in costs disputes, James is frequently instructed to attend costs budgeting and detailed costs assessments hearings. He often attends detailed assessments nationally and regularly appears at the Senior Courts Costs Office (SCCO).

Court of Protection

James accepts instructions in Court of Protection matters, including:

- Deputyship
- Deprivation of Liberty Safeguards (DOLS)
- Lasting powers of attorney and enduring powers of attorney
- Mental capacity
- Medical treatment
- Best interests decisions
- Welfare, including contact, residence and care decisions

Personal Injury

James advises and represents claimants and defendants in all areas, including:

- Allegations of fraud of personal injury-related claims, mainly arising from road traffic accidents, employers' liability and public liability
- Member of the Motorcycle Group tackling serious injuries (he also has a motorcycle licence)
- Injuries arising from accidents involving HGVs and buses
- Credit hire (claimant and defendant)

James's involvement is frequently from the outset, from assessing and advising on prospects to advising on quantum, drafting pleadings, drafting questions, conferences with witnesses, round table meetings and onto trial.

James was instructed in the first instance and on appeal (both successful) regarding a slip and trip/Highways claim against a London borough: *Simson v London Borough of Islington*, [2013] EWHC 2527 (QB), setting a new precedent requiring inspections to include area under objects on the highway such as parked cars and refuse bins.

Chancery

- Disputes relating to trusts
- Contested wills
- Probate and Inheritance Act claims

Education

- Association of Contentious Trust and Probate Specialists (ACTAPS) training
- Bar Vocational Course, BPP Law School
- Graduate Diploma in Law, BPP Law School
- BSc (Hons) Geography, Manchester University/Granada University, Spain

Awards

- Socrates Erasmus Scholar, Manchester University

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