

Mr James Rudall (2013 call) (2005 Bar Equivalent Rights)

The Chancery Bar Association, The Honourable Society of Gray's Inn

General Information

JAMES S RUDALL

CALL: 2013

(Solicitor 2001, Solicitor Advocate - All Higher Courts 2005)

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James is an experienced civil Barrister, who practises nationally, with much of his practise in London, Bristol, Birmingham and Cardiff. James is highly regarded by solicitors and he receives regular instructions to appear in the High Court to deal with complex and high value cases.

James qualified as a solicitor in 2001 and obtained full rights of audience in all Higher Courts in 2005.

Since 2005, James has regularly undertaken advocacy in the High Court and the County Court and is also experienced in undertaking advocacy in HM Lands Tribunal. James has also undertaken advocacy at Planning Tribunals and Appeals and has attended the magistrates court and Crown Court on quasi-civil matters involving breach of planning, licensing and environmental matters.

James has also undertaken successful written appeals in the Court of Appeal.

During 2018, whilst continuing in full time practice, James completed a Master of Laws (LLM), at Cardiff University, specialising in Company Law.

PRACTICE AREAS

- Business & Commercial Law (incl Insolvency)
- Court of Protection
- Costs
- Inheritance Act
- Personal Injury
- Professional Negligence
- Land & Property (Inc commercial & residential leases)
- Public & Administrative Law
- Road Traffic
- Technology & Construction
- Wills & Probate
- Other Civil

BUSINESS AND COMMERCIAL LAW

James is highly regarded by solicitors in this area. Since 2001, James has substantive experience in business and commercial law disputes and has undertaken many successful trials involving disputes involving tens of thousands of pounds to cases

involving multi million pounds. James has appeared regularly in the High Court and County Court, in business and commercial matters and his experience includes company law disputes, partnership law, commercial agent disputes, insolvency and bankruptcy. James has recently completed a research master-of-laws (LLM), specialising in company law, which has strengthened his knowledge and expertise in this area.

COURT OF PROTECTION

Since his time as a solicitor, James has worked in this area of law. James has dealt with cases involving decisions on welfare and property, declarations as to capacity, deprivation of liberty in relation to a person's care and residence arrangements, appointment and removal of deputies and dealing with applications as to the validity of LPAs or EPAs.

COSTS

James has dealt with detailed assessments and regularly deals with costs.

INHERITANCE ACT

This area of law has been a regular part of James's practice since he qualified as a solicitor in 2001.

James has appeared numerous in the High Court and has experience in many mediations. James has acted for both claimant and defendant.

PERSONAL INJURY

James is experienced in representing parties at trials and interim hearings in road traffic claims, occupier liability claims, employer liability claims, and public liability claims.

PROFESSIONAL NEGLIGENCE

Since 2001, James has received instructions in this area of law and has brought and defended claims against professionals in the following disciplines; Building, Planning, Engineering and Architecture, Surveyors, Solicitors, Accountants, and Financial advisors.

PROPERTY

James specialises in all aspects of property litigation and is experienced in dealing with cases involving boundaries, easements, prescriptive rights, covenants, adverse possession, leases (commercial and residential), Trusts of Land, Land Registration, Unregistered Land, mortgaged land and land charges.

PUBLIC & ADMINISTRATIVE LAW

James has dealt with planning disputes and appeals, and lawful use applications. James has appeared before planning tribunals at local government and appeared in the High Court in planning appeals.

ROAD TRAFFIC

James has appeared regularly in court representing both claimant and defendant in personal injury claims arising out of road traffic accidents.

TECHNOLOGY AND CONSTRUCTION

James has advised on numerous technology and construction cases involving complex expert evidence and has undertaken advocacy in the High Court and County Court in relation to construction and engineering disputes. James's experience ranges from cases involving breach of contract and negligence relating to residential property to commercial disputes involving large building sites developed by supermarkets.

WILLS & PROBATE

James is experienced in advising on disputes relating Wills and Probate and has been advising on such matters since qualification as a solicitor in 2001. James has advised on validity of Wills, interpretation and construction of Wills, fraud and undue influence in the preparation of Wills. James has advised on the construction of Will clauses to include discretionary trusts and lifetime trusts.

James has appeared in the High Court and the Probate Registry, and is regularly instructed in respect of disputes as to Wills.

SIGNIFICANT CASES

Woolford v Woolford [2019] High Court, Cardiff District Registry(Subject - Company Law) - a dispute involving the allotment of shares, resignation of director and transfer of shares. James successfully defended the claim at trial.

Simpson v Simpson (Royal Courts of Justice) [2018] (Subject - Inheritance Act) – claim pursuant to the Inheritance (Provision for Family and Dependents) Act 1975. Claimant brought claim for reasonable financial provision as a son of the Deceased. Claim involved eight siblings and was particularly in relation to the evidence as to the need for maintenance and future maintenance requirements.

B S Five Holdings Limited v J D Hodgkinson [2016] High Court, Bristol District Registry (Subject – Land Registration, Covenants, Enforcement of Covenants) – The Claimant sought enforcement of a covenant that upon purchase of a lease the freehold reversion must be transferred to the Claimant by the Defendant, as owner of the freehold reversion. The case rested on construction of the covenant and Land Registration rules in relation to priority of interests. The Claimant was successful in obtaining a declaration and rectification of the land register on the grounds the freehold interest was held on trust for the benefit of the Claimant given the proper construction of the covenant contained in a long lease.

Ahmed v Ahmed (Oxford District Registry) [2015], High Court Oxford District Registry (Subject – Partnership Law, Trust of Land, Proprietary Estoppel, Constructive Trusts, Land Registration and property rights in land). This was a claim in respect of a property development business carried on as a partnership over a period of 30 years. Claimant was claiming property, which was registered in Defendants names, and which formed part of partnership business. Claimant claimed he was a beneficiary of property held under partner business pursuant to the principles of partnership law, constructive trust, and proprietary estoppel. The Claimant sought declarations and rectification of HM Land Registry to recognise his interests.

EDUCATION

- Cardiff University, Master of Laws (LLM) (Research based) 2018
- The Law Society, Higher Rights of Audience in All Proceedings 2005
- Cardiff University, Postgraduate Diploma in Legal Practice, 1998
- University of Law (Formerly the College of Law), Postgraduate Diploma in Law, 1997
- Cardiff University, BA (Hons), History, 1995

MEMBERSHIPS

- The Honourable Society of Gray's Inn
- Chancery Bar Association

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