



HERBERT  
SMITH  
FREEHILLS



## **JAMES BAILY**

PARTNER

[London](#)  
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James is a solicitor advocate and Partner in the firm's dispute resolution division in London.

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## **BACKGROUND**

James qualified as a solicitor at Herbert Smith in 2000. In 2001 he was seconded to work in the London office of a major international oil company for nine months.

He was a member of the team that won Litigation Team of the Year at The Lawyer Awards 2010, as well as the Litigation and Regulatory Team of the Year at the Legal Week British Legal Awards 2010 and Dispute Resolution Team of the Year at the Legal Business Awards 2011.

## **KEY SERVICES**

[Commercial Litigation](#)  
[Class Actions](#)

## **KEY SECTORS**

[Energy](#)  
[Consumer](#)

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## **EXPERIENCE**

James advises on a range of commercial disputes, with a focus on the energy, consumer products and IT sectors. He is recognised by the main directories; *Legal 500 2019* and *Chambers UK 2019* both list him as a "Leading Individual".

Within the energy sector, James has worked with clients on some of the most high profile cases to come before the English courts in recent years. His experience covers cross-border disputes in the context of major projects, drilling contracts, joint ventures and gas sales agreements, including challenges to the jurisdiction of the English courts and parallel proceedings in foreign courts. He has advised on claims arising out of projects in the UK, Norway, West Africa, the Middle East and Central Asia.

James has particularly strong experience of gas and LNG price review disputes under long-term sale and purchase agreements, and is a contributor to "*Liquefied Natural Gas: The Law and Business of LNG*".

He has also helped clients with substantial claims concerning fraudulent misrepresentation, negligence and breach of contract in relation to large IT projects, consumer products and logistics and communications technology.

James' experience includes advising:

- Providence Resources Plc against Transocean in the Commercial Court in 2014 and the Court of Appeal in 2016 concerning claims under a drilling contract following significant problems with the well control equipment, including the BOP, on a semi-submersible drilling rig. The case was widely commented on as one of the most important decisions in relation to the UK offshore oil industry in recent years
- BP, Eni, JX Nippon and Repsol Sinopec in their successful defence of an £85m damages claim both in the Commercial Court in 2015 and in the Court of Appeal in 2016, brought by Scottish Power under a gas sales agreement relating to the Andrew Field in the UK sector of the North Sea
- Various major European energy companies on price review arbitrations under long-term gas and LNG sale and purchase agreements, involving claims in connection with oil price trends, developments in world gas markets and the economic downturn
- a US based outsourcing company on a dispute under a technology services agreement relating to the provision of scanning and document management services in India and Mexico
- a major oil products supplier in relation to potential claims arising from allegations concerning the contamination of lubricants for gearboxes to be installed in cars and the resulting requirements for the car manufacturer to issue recalls in a number of its markets

- Sky on its successful claim against EDS (now part of Hewlett Packard Enterprise) for deceit, negligent misrepresentation and breach of contract arising out of the installation of a new customer relationship management system

## ACCOLADES

- James is named as a Recommended Lawyer for Projects, energy & natural resources: oil & gas and Commercial Litigation. *Legal 500 UK 2019*
- James Baily is highly regarded for his work on "very complicated contractual oil and gas cases." Sources say: "He's strategic, tough and shrewd; he understands the client and what they need to achieve." *Chambers UK 2019 - Energy & Natural Resources: Disputes*
- Ranked Lawyer for oil & gas disputes in Chambers UK 2017: 'James Baily is highly praised by clients for his deep knowledge of the oil and gas industry, and earns further acclaim for his work in commercial energy disputes. He is known to be "a good tactician" among market sources.'
- Listed as a Leading Individual for oil & gas work in Legal 500 2015 and 2016: 'a very savvy operator who is always on top of his brief'
- 'James Baily "is incredibly technically gifted", and is well regarded for his work on sizeable litigation especially in the gas price review arbitration arena. Clients say: "He is incredibly astute, very bright, writes advice very clearly and is very commercial.'" *Chambers UK 2016*
- 'Very smart and commercial' *Legal 500 2014*
- 'The "incredibly efficient" James Baily is a rising star within the firm. Sources say he offers "sound legal and commercial advice".' *Chambers UK 2011*