



Nick James

Call 2001

Nick James is recognised as a leading white collar fraud practitioner, who is regularly instructed to defend Directors and professional clients.

An engaging and compelling advocate, Nick commands the attention of Judges and juries alike. Equally comfortable cross-examining lay, professional and expert witnesses or presenting complex legal arguments.

In the last 12 months Nick has successfully defended in a number of complex fraud cases including an SFO Bribery case, a money-laundering trial and a wine investment fraud. Nick is currently instructed to lead in Operation Destin, a highly complex multi-jurisdictional timeshare fraud.

Notable cases include Byrne & Ors and Pabon, the two key Court of Appeal authorities on expert evidence.

Nick is ranked as a Leading Junior Financial Crime in Chambers 2023 and for Fraud in the Legal 500 2023.

Practice Areas

Fraud

Nick is recognised by the directories as a leading white collar fraud practitioner and is regularly instructed to defend Directors and professional clients.

Nick recently successfully defended a former company director in a Bribery trial brought by the SFO, his client was unanimously acquitted following a 3-month trial, and is instructed to lead in Operation Destin, a highly complex timeshare fraud.

His other notable recent cases include Operation Balaban, a Carbon Credit fraud which collapsed when the Prosecution expert was exposed as unreliable, appearing in the Court of Appeal in a series of appeals arising out of that experts behaviour (R v Byrne [2021] EWCA Crime 107) and representing a Barclays trader convicted of Libor rigging (R v Pabon [2018] EWCA Crim 420).

Chambers UK Financial Crime describes him as ‘...empathetic with clients and impressive in court’ and ‘..courageous and unshakable in his commitment to his clients’.

Legal 500 says ‘On his feet Nick is an extremely skilled advocate, one of very the best at the Bar, who

combines meticulous preparation with exceptional client care.'

Notable fraud cases

SFO v NW & Ors (2022-3)

Nick successfully defended a company director charged with bribery and money laundering offences by the SFO. The 15-week trial of three men involved in the corporate fit-out industry concluded with unanimous acquittals on all counts. This was the culmination of an extensive SFO investigation lasting 6 years and generating some 4 million documents. The SFO alleged that bribes had been paid in order to win contracts subject to competitive tender processes. The defence case was that the payments were for leads and that such payments are common in the fit-out industry. The Jury returned not guilty verdicts following less than a day of deliberations.

R v AS & Ors (2022)

Nick defended one of only three defendants to be acquitted in this complex 12-handed money laundering operation. It was alleged that millions of pounds in criminal monies was moved through the UK and Vietnam via a labyrinthine system of bank accounts and businesses. The case featured voluminous financial evidence including some concerning Vietnamese banking law, Informal Value Transfer Systems (IVTS) and evidence from Forensic Accountants.

R v AH & Ors (2022)

This was a wine investment fraud boiler room fraud where the majority of the money invested was dissipated. Nick defended the former director of one of the companies involved. Cross-examination of the Financial Investigator and Officer in the case exposed flaws in the prosecution case and led to the Conspiracy to Defraud and POCA charges being abandoned.

R v MJ & Ors (2021)

This was a 20 handed Conspiracy to Defraud the Civil Aviation Authority, whereby claims were made under the ATOL scheme following the liquidation of a fraudulent travel agent. Nick's client's previous convictions for dishonesty, including Conspiracy to Defraud, were before the jury and he did not give evidence. However, Nick used emails recovered from a computer to show that his client was aware of an investigation by the CAA and that he had not acted dishonestly. He was unanimously acquitted.

R v LC & Ors (2021)

This was a 13 handed multi-million pound MTIC fraud. Nick's client provided numerous fraudulent documents in order to establish shell companies which acted as buffers or missing traders. Further complexity arose out of an overlap between this case and a previous fraud he had been convicted of. The same companies and identities were used, giving rise to legal arguments as to whether he can be prosecuted for two offences on substantially the same evidence.

R v MdP & Ors (2021)

This was a private prosecution of Italian nationals brought by the American clothing brand Supreme for trademark infringements in Europe and China. The case took place against a background of extensive civil litigation in other jurisdictions which, it was argued, included the promise not to prosecute. It was an extremely complex and high value case, with the defendants alleged to have turned over in excess of £30m almost entirely through fraud.

R v Bryne & Ors (2021)

Nick represented two former company directors in the joined appeal relating to the discredited carbon credit expert Andrew Ager. Each argued that their conviction was unsafe as it was based on Ager's evidence. Following on from Pabon, this complex appeal raised further issues relating to how expert witnesses are selected and supervised by prosecuting authorities. In an appeal that lasted 3 days, and involved 5 Silks, Nick submitted that Ager did not just fail to comply with his duties, he was a dishonest and biased witness and it brought the justice system into disrepute for the convictions to stand.

R v AH & Ors (2019)

Nick represented the second defendant, a former company director, in this £3m Carbon Credit and Diamond fraud. The trial collapsed when the expert witness who had been advising the Police even before charges were brought was thoroughly discredited and failures to disclose his lack of expertise uncovered.

R v GS (2019)

Nick defended a man alleged to have laundered £500k from a £3m nationwide banking fraud. Individuals and businesses had their emails and bank accounts hacked and diverted to criminal bank accounts. Nick's client was in control of more than 20 such accounts.

R v MS & Ors (2018)

This was a 13 handed MTIC fraud alleged to have caused a loss to HMRC in excess of £20m. Nick defended the man operating the freight company responsible for arranging the fraudulent loads of copper and diverting them from destinations in Europe to the UK.

R v EE (2018)

US and UK law enforcement combined to trace the hacking of the Orange County employee's pension scheme to the defendants home in Reading via IP addresses and Virtual Private Network (VPN) services. The trial involved expert cyber security evidence on both sides, as the case turned on the reliability of a copy of log files provided by a VPN service in the US who would later refuse to co-operate with the prosecution.

R v Pabon (2018)

Led by Tom Allen QC, Nick appeared in the Court of Appeal for one of the Barclays traders who had been convicted of Libor rigging. The appeal focused on an expert called by the SFO to explain banking, including Libor and STIR, to the Jury. However, it became apparent during the retrial of a co-defendant that the witness was not in fact an expert in those areas and had not complied with his duties as an expert.

R v SH & Ors (2016-17)

Nick defended a company directors in a series of 3 high value fraud trials involving allegations of investment fraud, fraudulent trading and defrauding Natwest bank.

R v MB & Ors (2017)

This was a private prosecution alleging Fraudulent Trading and Theft of £500k of plastic against the directors of a UK company. This was the subject of High Court proceedings and both the Prosecutor and first defendant had been held liable to the claimant company.

Crime

Nick is a leading criminal defence practitioner with a reputation for excellent advocacy and meticulous preparation. He has a busy and successful practice robustly defending in long and complex trials. His persuasive advocacy, strategic insight and client care mean Nick is highly sought after for difficult and serious cases. Nick is particularly adept at dealing with expert evidence, having appeared in both Pabon and Byrne & Ors, the two most recent Court of Appeal authorities concerning expert evidence.

“He has the personality and the wit to deal with any client.....He tailors his approach to specifically meet the individual client’s needs.” Crime, Chambers 2022

“Judges are often persuaded by his no-nonsense approach to legal arguments.” Crime, Chambers 2022

‘In court, Nick never fails to read the situation perfectly, always knowing the best approach to achieve the best outcome.’ Crime, Legal 500 2022

Nick has recently defended in a series of complex drugs cases, including many featuring Encrochat evidence, as well gang related firearms cases and cases involving kidnap and torture.

Notable crime cases

R v KK & Ors (2021)

Nick’s client was involved in two separate substantial multi-handed Class A Drugs Conspiracies each operated using Encrochat devices. In excess of 50kg of Cocaine was imported and supplied.

R v MA & Ors (2021)

In this long and complex firearms trial Nick cross-examined a Police gang ‘expert’ extensively on a voir dire

about his expertise and on the use of drill music as ‘bad character’. A recent Justice report suggested that the use of drill music may be discriminatory. As a result, this evidence was not adduced against Nick’s client and the Judge acceded to a submission of no case to answer on the more serious charge of Possession with Intent to Endanger Life.

R v RK & Ors (2021)

Nick represented the lead defendant in a Conspiracy to import a tonne of cannabis to Cornwall from Morocco via Spain by sea. The case was unusual in that the plan was never carried out, but the Crown relied on Encrochat messages to prove the conspiracy.

R v SD & Ors (2019)

Nick was instructed as leading junior for a man playing a leading role in this voluminous 6-week Conspiracy to Supply Heroin. The case involved complex legal arguments about the scope of the conspiracy and whether in fact there was one agreement or a number of separate agreements, as per the cases of Shillam, Mehta and Griffiths.

R v AT & Ors (2019)

This 12-week trial concerned the importation and onward supply of around 400 kilos of Cocaine plus wholesale quantities of ketamine and cannabis. Overall more than twenty people in London and the Midlands were arrested, with Nick’s client alleged to be the head of the entire operation.

R v SM (2019)

Two sub-machine guns and a kilo of cocaine were found at the defendant’s flat. Following negotiation and written and oral submissions, he was sentenced as an unwitting custodian. The Court also acceded to submissions that he was entitled to full credit despite the timing of his plea, due to the exception in the guidelines for cases involving complex legal issues.

R v PF & Ors (2019)

Nick’s client was charged with the large scale importing and exporting of crystal methamphetamine through Turkey and Japan. He became unfit to stand trial, but neither the Crown nor the Judge accepted this was genuine or that it wasn’t related to voluntary drug use. Nick successfully kept him out of custody throughout prolonged proceedings and ultimately these very serious charges were ordered to lie on file.

R v JN & Ors (2018)

Nick acted as leading junior in Operation Vocare, which featured 13 defendants in a conspiracy to commit aggravated burglaries at mobile phone shops. The gang targeted shops on 17 separate occasions, using mopeds and carrying weapons including knives and handguns.

R v FF & Ors (2018)

Nick defended one of 4 people alleged to be have organised and carried out a shooting in East London. Four people were injured and a combination of cell site and covert recordings led to the arrest of the defendants.

R v JB (2018)

Nick defended an 18-year-old defendant as leading junior in this gang related kidnapping case. The complainant was held for 24 hours and subjected to violence and threats to kill by an armed gang.

Murder & Manslaughter

Nick has defended in more than 20 murder, attempted murder and manslaughter trials. He has experience in a wide range of different types of homicide case including gang murder, honour killing, professional hits and one-punch manslaughters.

Notable murder & manslaughter cases

R v JB & Ors

Nick defended an 18-year-old in this murder trial involving the deliberate targeting of the victim by a gang. The evidence included 'drill' videos and other evidence of gang membership.

R v AA

Nick represented a 16-year-old boy with ADHD accused of murdering his friend over an argument on snapchat. The case featured evidence from all forms of social media and anonymous witnesses.

R v EE & Ors

This three-handed murder trial involved a knife fight between four men which was captured on film and witnessed by numerous members of the public. Alleged to have been a deliberate and planned attack on the deceased, the Jury acquitted of murder despite the defendant not giving evidence.

Appeals

Nick is regularly instructed to advise on appeals and to appear in the Court of Appeal for the Appellant.

Notable appeals cases

R v SM

Following the collapse of Operation Balaban due to disclosure failings relating to a discredited expert, Nick has been instructed to represent a company director whose conviction for carbon credit fraud was based on the evidence of the same expert. This complex appeal relies on the decision in Pabon, the observations of HHJ Loraine-Smith in Operation Balaban and involves novel issues relating to the rules for expert witnesses and the enhanced duty of disclosure when trying someone in their absence.

R v Pabon

Led by Tom Allen QC, Nick appeared in the Court of Appeal for one of the Barclays traders who had been convicted of Libor rigging. The appeal focused on an expert called by the SFO to explain banking, including Libor and STIR, to the Jury. However, it became apparent during the retrial of a co-defendant that the witness was not in fact an expert in those areas and had not complied with his duties as an expert.

R v Khan

Nick appeared in this appeal against sentence where the Court of Appeal concluded that the Sentencing Guidelines for Drugs offences did apply to charges of Conspiracy to Supply.

Directory Quotes

- “Nick is empathetic with clients and impressive in court.” **Chambers 2023 (Financial Crime)**
- “Nick is courageous and unshakable in his commitment to his clients.” **Chambers 2023 (Financial Crime)**
- ‘On his feet Nick is an extremely skilled advocate, one of very the best at the Bar, who combines meticulous preparation with exceptional client care.’ **Legal 500 2023 (Fraud)**
- “He has the personality and the wit to deal with any client. He tailors his approach to specifically meet the individual client’s needs.” **Chambers 2023 (Crime)**
- “Judges are often persuaded by his no-nonsense approach to legal arguments.” **Chambers 2023 (Crime)**
- ‘In court, Nick never fails to read the situation perfectly, always knowing the best approach to achieve the best outcome.’ **Legal 500 2023 (Crime)**
- “He is extremely good in court – a charismatic advocate.” **Chambers 2022 (Financial Crime)**
- “Easy to work with, forceful and charismatic. He is very good with juries.” **Chambers 2021 (Financial Crime)**
- “Nick is an intelligent and pragmatic lawyer.” **Chambers 2021 (Crime)**
- “Passionate about his clients’ cases, he will fight hard and make himself available to discuss matters at a moment’s notice. He has an excellent manner with clients in what can be extremely emotional circumstances.” **Chambers 2021 (Crime)**
- “A really excellent, hard-nosed brief with a very instinctive sense of the right strategic moves.” **Chambers 2020 (Financial Crime)**
- “He’s an incredibly good advocate and he builds a very good rapport with clients and solicitors.” **Chambers 2020 (Financial Crime)**
- “He has an engaging personality and excellent rapport with lay and professional clients.” **Legal 500**

2020 (Crime)

- "An advocate with an unperturbed manner but a steely resolve." Legal 500 2020 (Fraud)