

# JAMES MACDOUGALD

"He gets very involved in cases and fights tenaciously for the client."  
(Chambers UK 2019)



Call 2011

James is a Chancery barrister specialising in trusts and estates, inheritance disputes and private client taxation. His broader practice encompasses charities, Court of Protection work, property rights and professional negligence claims. He enjoys a mixture of litigation and non-contentious advisory work. He appears frequently in the High Court, has appeared as junior counsel in the Court of Appeal and has been instructed in a range of offshore cases in Jersey, Guernsey, Bermuda and the Bahamas.

In the legal directories he is variously described as “super bright”, “conscientious”, “approachable” with “excellent technical skills” and as “a junior with an impressive mind, whose knowledge base in trusts is superb for one of his call.”

Before coming to the Bar, James worked as an assistant editor at the Daily Telegraph.

## Private Client: Contentious

James has a busy contentious practice in trust and estate litigation.

Reported Cases:

- **Dawson-Damer v Taylor Wessing** [2019] EWCA Civ 352 (data protection, trusts and legal professional privilege)
- **Barker v Confiance Ltd** [2019] EWHC 1401 (Ch): non-party costs order
- **Twin Benefits v Barker** [2017] EWHC 1882 (Ch): variation of costs order
- **Twin Benefits v Barker** [2017] EWHC 538 (Ch): non-party disclosure
- **Dawson-Damer v Taylor Wessing** [2017] EWCA Civ 74: Data Protection Act and trusts.
- **Shergill & Ors v Khaira & Ors** [2017] EWHC 769 (Ch): Dispute over trusteeship of Sikh temple
- **The Longleat litigation** [2016]: Junior counsel for the continuing trustees in a contested application to remove trustees.
- **Davidson v Seelig** [2016] EWHC 549 (Ch): Junior counsel for the trustees in a late application to

### Location

Ten Old Square  
Lincoln's Inn  
London  
WC2A 3SU

### Contact Us

T +44 (0)20 7405 0758  
F +44 (0)20 7831 8237  
E: [clerks@tenoldsquare.com](mailto:clerks@tenoldsquare.com)  
DX: LDE Box No 306

amend concerning the locus standi of trust protectors.

- **Gayle v Gayle** [2016] EWHC 2587 (Ch)

## Private Client: Non-Contentious

James frequently advises on the administration of trusts and estates. He enjoys solving problems and has particular expertise in

- Construction and rectification of wills and trust documents
- Setting aside transactions involving mistakes
- Variation of trusts and trustees' administrative powers

### Reported Cases

- **Bathurst & Anor v Bathurst & Ors (Rev 1)** [2016] EWHC 3033 (Ch): Variation of trusts application
- **South Downs Trustees Ltd v GH** [2018] EWHC 1064 (Ch): section 57, Trustee Act 1925

## Capital Taxes

James specialises in private client taxation, with a particular focus on inheritance tax and capital gains tax. He regularly advises on the tax treatment of trusts, estates and individuals.

## Court of Protection

James advises on the law of mental capacity as it relates to property and affairs. As an advocate he has appeared in the Court of Protection and in Chancery litigation involving issues about mental capacity.

## Recommendations

*"He's one of the most efficient and enthusiastic juniors."*

*"He's very helpful, conscientious, straightforward and easy to deal with."*

*"A junior with an impressive mind, whose knowledge base in trusts is superb for one of his call."*

Chambers UK 2021

*'Very bright, excellent drafting and advocacy. Sound advice. Very good on less common procedural issues.'*

Legal 500 2020

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*“He’s one of the most efficient and enthusiastic juniors I have come across“*

*“He’s very helpful, conscientious, straightforward and easy to deal with.”*

Chambers HNW 2020

*“He is super bright, willing and never lets me down. He is quite thoughtful in nature and very willing to talk things through. He’s very approachable and clients have a lot of confidence in him.”*

Chambers UK 2020

*“Has a keen eye for detail and knows trusts inside out.”*

Legal 500 2020

*“James MacDougald is very impressive. His cross-examination of witnesses and thoroughness is admired. He quickly gets to grips with the key issues and advises pragmatically and strategically. He has a very personable touch with clients who are just as impressed with his advocacy.”*

HNW Guide 2019

*“Very young but already very accomplished in his field, he has excellent technical skills and is always strong and forthright in his opinions.”*

*“He gets very involved in cases and fights tenaciously for the client.”*

Chambers UK 2019

*“His technical knowledge is very good and he gets to grips with things very quickly. Even though he is a young junior, he really inspires confidence in solicitors and clients. He is very thoughtful in his approach and never shy to give his opinion on matters.”*

HNW 2018 Guide

*“A highly rated junior”*

*“Already very accomplished in this field.”*

*“He is very cerebral and he is shaping up to a really excellent technical lawyer”*

*“He thinks through things deeply and always comes back up with very practical advice.”*

*“He is brilliant at dealing with counsel on the other side. He gets very involved in cases and fights tenaciously for the client.”*

Chambers UK 2018

*“Even though he is a young junior, he really inspires confidence in solicitors and clients. He is very thoughtful in his approach and never shy to give his opinion on matters.”*

*“He is wonderful and really knows his stuff.”*

Chambers HNW 2017

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## Qualifications

- Bar Professional Training Course (Outstanding), College of Law (2011)
- Graduate Diploma in Law (Commendation), College of Law (2010)
- BA (First Class), University of York (2009)

## Associations & Memberships

- Chancery Bar Association
- Court of Protection Bar Association

## Publications

James is an author of [Williams on Wills \(10th ed.\)](#)

Published articles:

- [Dawson-Damer v Taylor Wessing: The practical implications](#), March 2017
- [“Changes to the UK taxation of non-doms”](#), Lawskills, December 2016
- [“Long arm of the law: the English court’s power to vary foreign trusts”](#), Trusts and Trustees
- [“Standing on thin ice: court applications by trust protectors”](#), Lawskills, April 2016
- [“Crociani: the proper forum for trust disputes”](#), Journal of International Tax, Trust and Corporate Planning, 2015, Vol 22, Issue 2
- [“Have you made a serious mistake”](#), Lawskills, August 2015
- [“The bell is tolling for pilot trusts”](#), Lawskills, March 2015
- [“Can the proceeds of a life insurance policy be clawed back in 1975 Act Claims?”](#), Lawskills, October 2014

## Speaking Engagements

James regularly delivers talks (in seminars and webinars) on a wide range of topics relating to his core practice areas.

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