

James Hartley

Partner & National Head of Dispute Resolution



“James Hartley and Freeths deserve huge credit for taking on this case. What is now recognised as the biggest miscarriage of justice in British history was, at the beginning, a complex and disparate set of stories from individual subpostmasters, about events spanning decades, and in the face of outright denials from the Post Office. Other firms had tried and failed to do what Freeths ultimately achieved. It could not have been achieved without the unfailing commitment of James Hartley to the cause of the subpostmasters, and his unshakeable confidence in the merits.”

(Kathleen Donnelly, Barrister at Henderson Chambers)

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James Hartley is the Head of our award-winning litigation team of the year. He led on winning *Bates v The Post Office* – “one of the most serious miscarriages of justice in British legal history.”

James is Head of Dispute Resolution and Risk Mitigation and advises business leaders on strategies to deploy in high-stakes legal risk situations.

James takes a strategic approach to outcome-scenario analysis to enable informed decision-making. His unique risk mitigation process, developed during the *Post Office* case, allows both himself and his team to ensure a holistic, cost effective and goal-driven approach, utilising AI platforms and resulting in a final future-proof risk assessment.

James not only delivers an outcome best suited to your strategic goals and objectives but mitigate loss of reputation and cost.

His particular areas of focus are:

Defence of class actions, Technology disputes, Investment, asset management, banking and finance disputes, Manufacturing & transport sector disputes, International arbitration, Deal disputes, including warranty and earn-out disputes, Contractual disputes, Competition litigation, shareholder disputes, defamation, trade disputes and international disputes, Commercial fraud and asset recovery and Professional negligence litigation (involving accountants, lawyers, tax advisers, financial advisers, surveyors, valuers, actuaries, trustees).

Litigation funding: James has many years experience of the UK funding market and have unique experience of how class action cases are funded, advising both on the claimant and defendant side.

Alternative Dispute Resolution: Expert in many forms of ADR; Accredited and trained mediator.

James is listed as a Recommended Lawyer and is recognised as a Leading Individual in Commercial Litigation by The Legal 500 (2024 edition).



Legal Services

Competition

James regularly advises companies on competition litigation in the Competition Appeal Tribunal and the High Court. He has particular knowledge on "follow-on" damages actions against companies found to have infringed competition laws, including cartel and related price-fixing activities.

Selected Cases

- Advising a UK company on substantial follow-on actions against Visa and MasterCard, relating to alleged anti-competitive conduct associated with credit/debit card multilateral interchange fees.
- Advising organisations on substantial follow-on damages actions against international truck manufacturers, arising out of EU infringement findings.
- Advising a UK company in respect of CMA investigations into alleged cartel activity in the galvanised steel tanks market.

Mediation

James has over 20 years experience of commercial mediation and Alternative Dispute Resolution (ADR). He regularly advises clients on ADR strategies designed to achieve a “winning” outcomes at reduced cost and over a planned timeframe.

He is known for his deep insight into the process, from years of appearing as advocate at mediations, as well as from his training involved in becoming a CEDR Accredited Mediator.

Selected Cases

- Resolving, at mediation, a long-running £10 million dispute relating to a waste contract – the mediation lasted 36 hours and was part of a planned strategy which resulted in a rapid and confidential settlement on favourable terms.

Dispute Resolution

James has industry-leading expertise in complex funding and litigation risk hedging strategies. He has extensive links within the UK funding market, and is able to create funding solutions where others do not have the expertise and contacts.

James regularly advises corporate clients on risk management issues arising out of high-value commercial disputes. This enables his clients to make informed investment and risk management decisions in commercial litigation projects.

Selected Cases

- Advising in relation to financial mis-selling claims against a UK lender by over 300 borrowers.
- Advising Central Government (DECC) on issues arising out of the largest ever group action/compensation scheme in the UK.
- Advising over 200 franchises on claims against a national estate agency group.
- Advising a number of UK companies in relation to a high profile cartel/price fixing investigation by the Competition and Markets Authority, and advising on related follow-on damages claim issues.
- Acting for a UK company in relation to an international arbitration (ICC) matter arising out of the supply of industrial equipment for use in Chile.
- Acting for a Local Authority in relation to £11,000,000 claim relating to landfill tax, against a UK waste operating company. The matter was successfully resolved at a 2 day mediation.
- Advising in relation to mis-sold financial derivative products, including interest rate hedging products.
- Advising an international food retailer (US owned) in relation to a significant supply-chain dispute.
- Advising a Central Government department on information management and evidential issues, including contentious Freedom of Information Act issues.

Litigation Funding & Dispute Risk Management

- Recently working with London-based brokers to form a syndicate of UK insurers to cover substantial adverse costs risk on a Group Action litigation case.
- Providing litigation risk management advice to a UK-based client, leading to estimated £1.5 million savings in legal costs through early dispute resolution.

IT & Data

James has advised on many IT contract disputes, working as one team with colleagues in the specialist IT & IP law teams. He also works with leading technical expert witnesses and specialist legal Counsel, to deliver winning outcomes for commercial clients.

Selected Cases

- Currently acting in relation to one of the largest IT and computer system disputes in the UK, relating to Post Office's Horizon point of sale system.
- Advising a substantial public sector organisation on dispute resolution strategies relating to an EDRMS project and associated contract issues.

Technology Dispute Resolution

Selected Cases

Led the legal team who took on the Post Office to successfully fight one of the biggest miscarriages of justice in British history.

Find out more about the specialist technology disputes resolution service.

Sectors