



James Austin-Smith

Counsel

D +1 345 914 5873, C +1 345 525 5873
E jaustin-smith@campbellslegal.com

“...simply an amazing litigator. James has the unique ability to truly take your problems and care about them as passionately as if they were his own.” - Legal 500, 2022



James is counsel in our Regulatory Litigation, Insolvency and Restructuring Group and has particular expertise in trial advocacy and highly contentious matters. James joined Campbells in 2011, having spent six years at another major law firm in Cayman, prior to that he practised from a leading set of chambers at the Bar in London.

Expertise

- Administrative and constitutional law
- Compliance and regulatory law
- Fraud
- Commercial Litigation
- Criminal Litigation

Work Highlights

James is Counsel in our Regulatory and Litigation and Dispute Resolution Departments. He has extensive experience in trial advocacy and highly contentious matters. James was called to the Bar of England and Wales in 1999, the Cayman Bar in 2004 and the Bar of the Eastern Caribbean Supreme Court (BVI) in 2011.

James has particular expertise in regulatory and compliance litigation, administrative and Constitutional law and fraud litigation.

James has been involved in some of the most high profile litigation and regulatory investigations in the Cayman Islands in recent years. Since 2019 he has been instructed as counsel on behalf of the applicants in the ‘Doctors Express’ litigation. This culminated in a three week judicial review in which he appeared against three counsel from the Attorney General’s Chambers and private bar. In 2021 the applicants won orders quashing the decisions made by the Chief Medical Officer and all actions of the regulator, Police, Customs and Justice of the Peace were declared

unlawful.

James has lectured on the Cayman Islands' new Monetary Authority Administrative Fines regime and was recently instructed as counsel in a challenge to the legality of the largest administrative fines ever known to have been imposed for alleged breaches of the Anti-Money Laundering Regulations. This case will be the first to consider the new legislation under which the fines were issued.

In the last 12 months James has advised on regulatory matters involving, *inter alia*, financial services, data protection, medicine and pharmaceuticals, pensions, anti-corruption, legal services and insurance. His practice also involves working on cases with and against financial services regulators and government agencies internationally (particularly in the UK and USA) pursuant to Cayman's international obligations under MLATs and other information exchange agreements.

James was Chairman of the Cayman Islands Human Rights Commission for four years until 2019. In that role he advised government departments, private entities and individuals and issued reports on local and international human rights obligations, Constitutional and Administrative law. As part of his role he was regularly engaged with the government in Cayman and with representatives of foreign governments and international non-governmental organisations. James continues to provide legal advice to a number of Constitutional commissions and public bodies.

Qualifications and Admissions

- Certified Mediator, 2012
- Barrister of the Eastern Caribbean Supreme Court (British Virgin Islands), 2012 (non-practising)
- Attorney at Law, Cayman Islands, 2004
- Member of the Bar of England and Wales, 1999 (non-practising)
- Post-Graduate Diploma in Law, 1998
- BSc (Econ), 1997

Prior Career History

- 23 Essex Street Chambers, London
- Walkers, Cayman Islands

Recognition and Awards

James is described in the 2022 Legal 500 as “*simply an amazing litigator*” and “*pragmatic and incredibly knowledgeable*”. He is regarded as an “*incredibly talented and strategically-minded attorney [who has the] ability to truly take your problems and care about them as passionately as if they were his own.*”

The Legal 500 also noted the achievements of Campbells' regulatory team:

“*Campbells has developed the reputation for not being intimidated by regulatory*

bodies – no matter how powerful or well-resourced. This invariably stems from the presence of James Austin-Smith as the backbone of this department. They are easily among the top firms in the regulatory and compliance space simply based upon the results they achieve for their clients.”

In 2020 James received an Award of Appreciation from the Cayman Government for services to the Human Rights Commission.