

James McMillan

Partner



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Auckland

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Overview

James is a litigator who specialises in insolvency law, helping creditors and insolvency practitioners with businesses in financial distress. He leads the restructuring and insolvency team based in Auckland.

James is ranked in *Chambers Asia Pacific 2020*, is ranked as a leading individual by *Legal 500 Asia Pacific 2019*, and is described as 'an expert in insolvency and has a natural ability to home in on exactly what his clients need'. He is also recognised as a Rising Star in *IFLR1000 2020*.

James brings many years of experience to his work. He has been involved in some of New Zealand's highest-profile insolvency cases and he has well-established relationships with banks and insolvency practitioners.

James advises both finance and trade creditors. He also advises insolvency practitioners who are appointed to help rescue a failing business. He works closely with bankers, legal counsel, CFOs and CEOs, as well as insolvency practitioners.

If you are owed money by a failing business, James will work with you to recover as much of it as possible – including representing you in court if necessary. He also works with banks on security enforcement matters and he advises insolvency practitioners on a range of issues. These include appointment opinions, as well as advising on creditor claims and the priority of those claims.

Experience

- **HSBC, ANZ, Heartland Bank:** Advised in relation to various security enforcement matters.
- **Administrators and liquidators of Tamarind Taranaki Limited:** Advised Jason Kardachi and Mitchell Mansfield of Borrelli Walsh in their capacity as administrators and liquidators of Tamarind Taranaki Limited, which operated an oil business off the coast of Taranaki.
- **Liquidators of Isola Vineyards Limited and Richina Global Real Estate Limited:** Advised on a number of matters.
- **Receivers of Vinoptima Estate Limited:** Advised on a number of matters.

- **CBL Insurance Limited:** Advised a significant creditor in respect of the interim and permanent liquidation of CBL.
- **HydroWorks:** Advised the interim and the permanent liquidators of HydroWorks.

Recognition

- *Chambers Asia Pacific* 2020 and 2021: Ranked Lawyer.
- *The Legal 500* 2021: Recommended Lawyer
- *The Legal 500* 2019 and 2021: Leading Individual.
- *IFLR 1000* 2019: Rising Star.

Insights

- Co-author, "Preparing for the Insolvency Practitioners Regulation Act 2019," Dentons client alert, March 18, 2020
- Co-author, "The effect of COVID-19 on your business (New Zealand)," Dentons client alert, March 16, 2020
- Co-author, "Insolvency Practitioners Regulation Act 2019 (IPRA): Proposed minimum standards and conditions for the licensing of insolvency practitioners," *Kensington Swan Newsflash*, November 18, 2019
- Co-author, "Insolvency law reform — voidable transactions, reckless trading claims, and preferential claims," *Kensington Swan Newsflash*, November 6, 2019
- Co-author, "Farm Debt Mediation Bill expected to become law soon," *Kensington Swan Newsflash*, November 5, 2019
- Co-author, "Insolvency Practitioners Regulation Act 2019 (IPRA)," *Kensington Swan Newsflash*, September 24, 2019
- Co-author, "Insolvency Practitioners Regulation Act 2019," *Kensington Swan Newsflash*, August 16, 2019
- Co-author, "Supreme Court confirms that a payment does not need to diminish the assets available to unsecured creditors to be an insolvent transaction," *Kensington Swan Newsflash*, August 13, 2019
- Co-author, "Submission on Farm Debt Mediation Bill (No 2)," *Kensington Swan Newsflash*, August 12, 2019
- Co-author, "Insolvency practitioners to be licensed and regulated," *Kensington Swan Newsflash*, June 19, 2019
- Co-author, "Government to introduce Farm Debt Mediation Bill," *Kensington Swan Newsflash*, June 18, 2019
- Co-author, "Arrow voluntary administration," *Kensington Swan Newsflash*, March 13, 2019

Activities and Affiliations

- Committee member, Open Toy Box Incorporated (Grey Lynn Toy Library), 2015-Present
- Volunteer lawyer, Otara Citizens Advice Bureau, 2004-Present
- Member, The Restructuring Insolvency and Turnaround Association of New Zealand (RITANZ)
- Member, Banking and Financial Services Law Association (BFSLA)

Prior and Present Employment

- Dentons Kensington Swan (formerly Kensington Swan), 2016-Present
- Chapman Tripp, 2003-2016
- The University of Auckland, 2003-2005

Areas of focus

Practices

- Restructuring, Insolvency and Bankruptcy
- Litigation and Dispute Resolution
- Banking and Finance

Region

- Auckland

Education

- University of Auckland, 2002, LLB (Hons), BCom

Admissions and qualifications

- New Zealand, 2004