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James Lee

Senior Lecturer

Birmingham Law School (/schools/law/index.aspx)

Contact details

Telephone +44 (0)121 414 3629 (tel:+44 121 414 3629)

Fax +44 (0)121 414 3585

Email j.s.f.lee@bham.ac.uk (mailto:j.s.f.lee@bham.ac.uk)

Twitter @jamessflee (http://twitter.com/@jamessflee)

Birmingham Law School
University of Birmingham
Edgbaston
Birmingham
B15 2TT
United Kingdom

About

James Lee researches in private law and on judicial reasoning. His most recent major publication is an edited collection entitled *From House of Lords to Supreme Court: Judges, Jurists and the Process of Judging*. James is currently the Torts Subject Section Convenor for the Society of Legal Scholars, and a member of the Society's Executive Committee. Between 2010 and 2013, James served as an Academic Fellow of the Honourable Society of the Inner Temple. James was the winner of the Head of School's Award for Excellence in Teaching and Supporting Student Learning in 2011/12. He has been appointed, with Jamie Glister of the University of Sydney, as Co-Editor of Hanbury and Martin's *Modern Equity* from its 20th edition.

Feedback and office hours

My office and feedback hours for the summer term, until the end of the exam period on Friday 6th June, will be

Tuesdays and Thursdays 2-3pm

Apart from Tuesday 6th June, when they will be 4-5pm.

During these feedback and office hours, students are more than welcome to visit without an appointment.

Alternatively, if you would like to make an appointment, please e-mail me at j.s.f.lee@bham.ac.uk (mailto:j.s.f.lee@bham.ac.uk) and we shall arrange a mutually convenient time.

Qualifications

- BA (Hons)
- BCL (University of Oxford)

Biography

James completed the Bachelor of Civil Law at Balliol College, Oxford, where he was also an undergraduate. Prior to joining the Law School in June 2008, James was Teaching Fellow at the University of Reading. While teaching at Reading, he was a visiting tutor at University College London, delivering a course on the jurisprudence of Martin Luther King in 2006-7.

Teaching

- Law of Trusts & Equity (LLB) - Lectures and Seminars (Module Leader)
- Law of Tort (LLB) - Lectures
- Advanced Property Law (LLB) - Lectures and Seminars (Joint-Module Leader)
- Advanced Law of Torts - Lectures and Seminars

Postgraduate supervision

James is interested in supervising doctorates on any topic within his broad areas of interest in tort, restitution and jurisprudence. He is currently supervising doctoral students in the areas of tort, constructive trusts and legal philosophy.

Research

James' main research interests lie in the law of obligations and jurisprudence. The principal theme of his research examines judicial reasoning in superior appellate courts, focusing in particular on the House of Lords and the new Supreme Court for the United Kingdom. He is also interested in and has written on approaches to causation within the law of obligations and in the development of defences to claims in unjust enrichment.

In 2007, James was awarded the inaugural Best Paper Prize at the Society of Legal Scholars Annual Conference for his paper "Fidelity in interpretation: Lord Hoffmann and the Adventure of the Empty House", which was published in Legal Studies and subsequently nominated to a shortlist of the twelve favourite articles of Editors of Legal Studies since the journal's launch in 1981. James' article, "A defence of concurring speeches" was cited in the penultimate decision of the House of Lords (*Transport for London (London Underground Ltd) v Spirerose Ltd* [2009] UKHL 44) and his work on causation has been cited in the English High Court (*AB v Ministry of Defence* [2009]

EWHC 1225 (QB)).

James was the Jurisprudence Subject Section Convenor for the Society of Legal Scholars from 2008-11, and is currently the Torts Convenor. In November 2009, James organised the Society of Legal Scholars Centenary Seminar, "Judges and Jurists: Reflections on the House of Lords". This international Conference reflected on the transition from the House of Lords to the Supreme Court and the Centenary of the Society. James is the contributing editor of the collection of papers from the Seminar, entitled *From House of Lords to Supreme Court: Judges, Jurists and the Process of Judging*, recently published by Hart. James is a member of the Editorial Board of the *Tort Law Review* and was formerly a member of the Highest Courts Network of the Hague Institute for the Internationalisation of Law. He is an elected member of the Law School's Research Committee.

James is currently working on a book *Legislation and Reform in the Law of Obligations*, which is under contract with Hart Publishing for publication in 2014. In the autumn of 2011, James was a Visiting Scholar at the University of Melbourne.

Other activities

James is the Director of Admissions for the Law School, and has served on the Learning and Teaching Committee and Staff Student Consultative Committee. He also acts as the Bar Council Liaison Officer for the University. In July and August 2008, James acted as a Consultant to the Manitoba Law Reform Commission on its Report into waivers of liability for sporting and recreational injuries.

Publications

Books/Edited Collections

- J. Lee (ed.), ***From House of Lords to Supreme Court: Judges, Jurists and the Process of Judging (http://www.hartpub.co.uk/books/details.asp?isbn=9781849460811)*** (Oxford, Hart Publishing, 2011).

Book Chapters:

- "Legislative Challenges to Orthodoxy", in J Neyers, E Chamberlain and S Pitel (eds), *Tort Law: Challenging Orthodoxy* (Oxford, Hart Publishing, forthcoming 2013).
- "A Civil Law for the Age of Statutes" in J Steele and TT Arvind (eds), *Tort Law and the Legislature: Common law, statute, and the dynamics of legal change* (Oxford, Hart Publishing, 2013).
- "Introduction" in J. Lee (ed.), *From House of Lords to Supreme Court: Judges, Jurists and the Process of Judging* (Oxford, Hart Publishing, 2011).
- "*'Inconsiderate Alterations in our Laws': Legislative Reversal of Supreme Court Decisions*" in J. Lee (ed.), *From House of Lords to Supreme Court: Judges, Jurists and the Process of Judging* (Oxford, Hart Publishing, 2011).

Articles:

- "Defences to Claims for Restitution of Overpaid Tax" [2012] 20 Restitution Law Review 13-37.
- "***Confusio (http://www.romanlegaltradition.org/contents/2009/)* : Reference to Roman Law in the House of Lords and the Development of English Private Law (http://www.romanlegaltradition.org/contents/2009/)**" (2009) 5 Roman Legal Tradition 24-66.
- "A defence of concurring speeches" [2009] Public Law 305-331.
- "**Fidelity in interpretation: Lord Hoffmann and the Adventure of the Empty House (http://onlinelibrary.wiley.com/doi/10.1111/j.1748-121X.2007.00079.x/pdf)**" (2008) 28 Legal Studies 1-19.

Case Commentaries:

- "Less Than Straightforward' People, Facts and Trusts: Reflections on Context" [2013] Conveyancer and Property Lawyer (forthcoming, 4,700 words) (with Man Yip)
- "Unjust Enrichment in a Parallel Universe? Restitution of Tax, Limitation and European Law" [2013] Lloyd's Maritime and Commercial Law Quarterly 11-17.
- *"'And the waters began to subside':* Imputing Intention under *Jones v Kernott"* [2012] Conveyancer and Property Lawyer 421-428.
- "Legislative Interventions, Human Rights and Insurance" [2012] Lloyd's Maritime and Commercial Law Quarterly 9-16.
- "Restitution from the Revenue: Exacting Principles from the Court of Appeal" [2010] 18 Restitution Law Review 75-82.
- "The fertile imagination of the common law: *Yearworth v North Bristol NHS Trust*" (2009) 17 Torts Law Journal 130-143.
- "The Province of *OBG v Allan* Determined: The Economic Torts Return to the House of Lords" (2009) 20 King's Law Journal 338-346 (with Phillip Morgan).
- "Causation in negligence: another fine mess" (2008) 24 Professional Negligence 194-198.
- "Restoring Confidence in the Economic Torts" (2007) 15 Tort Law Review 172-176.
- "Changing Position on Change of Position" [2007] 15 Restitution Law Review 135-141.

Book Reviews:

- "Elements of Legislation by Neil Duxbury" (2013) 129 Law Quarterly Review 455-458.
- "MacCormick's Jurisprudence Determined"(2010) 1 Jurisprudence 105-119.
- "Review of *The Change of Position Defence* by Elise Bant" [2010] Lloyd's Maritime and Commercial Law Quarterly 355-356.
- "Review of *The Division of Wrongs: A Historical Comparative Study* by Eric Descheemaeker" (2010) 30 Legal Studies 324-329.
- "Review of *The Structure of Property Law* by Ben McFarlane" (2010) 126 Law Quarterly Review 140-144.
- "Review of *The Jurisdiction of Medical Law* by Kenneth Veitch" (2009) 10 Medical Law International 65-70.

Reports and Evidence:

- Written evidence to the House of Lords Constitution Committee Inquiry into Emergency Legislation, published **online (http://www.publications.parliament.uk/pa/ld200809/ldselect/ldconst/116/116ii.pdf)** and in hard copy as *Fast-track Legislation: Constitutional Implications and Safeguards Volume II: Evidence*, HL Paper 166-II, pp. 168-177. (London: The Stationery Office, 2009.) ISBN 978-0-10-844457-9
- **Submissions to the Manitoba Law Reform Commission for its Report on Waivers of Liability for Sporting and Recreational Injuries (http://www.gov.mb.ca/justice/mlrc/reports/120.pdf)**, cited and referred to in the Final Report.

Conference Papers/Invited Seminars:

- "Reason in the Supreme Court: Making Your Mind Up", Cambridge Private Law Centre, University of Cambridge, May 2013.
- "Precedent and the Supreme Court", "The United Kingdom Supreme Court: An Assessment of the First Three Years", organised by Queen Mary Centre for Commercial Law Studies, UK Supreme Court, October 2012.

- “Legislative Challenges to Orthodoxy”, Sixth Biennial Conference on the Law of Obligations, University of Western Ontario, July 2012.
- “The Doctrine of Precedent and the Supreme Court”, Academic Fellow’s Lecture, Inner Temple Lecture Series, Inner Temple, London, April 2012.
- “‘Cheap and Cheerful’ Law Reform”, Melbourne Contracts Workshop, Melbourne Law School, University of Melbourne, December 2011.
- “A Civil Law for the Age of Statutes”, Staff Seminar, University of Western Australia, Perth, Australia, October 2011.
- “A Civil Law for the Age of Statutes?”, presented at a British Academy-funded workshop on Tort Law and the Legislature, York Law School, University of York, May 2011.
- “*‘You don’t know what you’ve got ‘til it’s gone’*:Tort, Human Rights and Coherence”, presented at the Torts Section of the Society of Legal Scholars Conference, University of Southampton, September 2010.
- “*Deus ex machina*: Judging Rights in Private Law”, presented at the Fifth Biennial Conference on the Law of Obligations, St Anne’s College, Oxford, July 2010.
- “Defences to claims for restitution of overpaid tax”, presented at the “Restitution of Overpaid Tax” Conference at Merton College, Oxford, July 2010.
- “*‘Inconsiderate Alterations in our Laws’*: Legislative Reversal of Supreme Court Decisions”, Staff Seminar, University of Aberdeen, April 2010.
- “*‘Inconsiderate Alterations in our Laws’*: Legislative Reversal of Supreme Court Decisions”, presented at the Society of Legal Scholars Seminar 2009, “Judges and Jurists: Reflections on the House of Lords” at the Law Society’s Hall, London, November 2009.
- Discussant, “The Common Law in the Age of Human Rights”, at the Society of Legal Scholars Seminar 2009, “Judges and Jurists: Reflections on the House of Lords” at the Law Society’s Hall, London, November 2009.
- “Confusio: Developing English Private Law through Reference to Roman Law”, presented to a joint meeting of the Edinburgh Legal Theory Research Group, the Edinburgh Roman Law Group and the Centre for Legal History, School of Law, University of Edinburgh, November 2008.
- “Concurring Speeches: Some Lessons from Aesop”, Staff Seminar, University of Birmingham, November 2008.
- “Confusio: Developing English Private Law through Reference to Roman Law”, presented at the Fourth Biennial Conference on the Law of Obligations, National University of Singapore, July 2008.
- “Concurring Speeches in the House of Lords: Some Lessons from Aesop”, presented at a Symposium on the theme of "Representations of Justice: Narratives of the Trial", the Institute of Historical Research, December 2007.
- “Fidelity in interpretation: Lord Hoffmann and the Adventure of the Empty House”, Staff Seminar, University of Reading, October 2007.
- “Fidelity in interpretation: Lord Hoffmann and the Adventure of the Empty House”, presented at the Jurisprudence Section of the Society of Legal Scholars Annual Conference, Durham University, September 2007.
- Discussant, Panel on “*OBG v Allan* and the Economic Torts”, at the Torts Section of the Society of Legal Scholars Annual Conference, Durham University, September 2007.
- “Fidelity in interpretation: Lord Hoffmann and the Adventure of the Empty House”, presented to the Oxford University Law Faculty's Jurisprudence Discussion Group, University College, Oxford, March 2007.

Other Presentations:

- Panelist, “Early Career Academics Reception”, at the Society of Legal Scholars Annual Conference, University of Southampton, September 2010.
- Plenary Speaker on “Early Career Academia”, at “Showcasing Research: A postgraduate conference on criminal law, criminal justice and community justice”, University of Birmingham, October 2009.
- Guest Speaker, “Getting Published” Workshop, at the Society of Legal Scholars Annual Conference, London School of Economics, September 2008.

Awards:

- Winner, Society of Legal Scholars Annual Conference Inaugural Best Paper Prize for “Fidelity in Interpretation: Lord Hoffmann and the Adventure of the Empty House”, 2007.

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