

Nicholas Brookes

Partner

British Virgin Islands



Areas of expertise



[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Background and experience

Nick has worked on and appeared in some of the largest, high profile and high value litigation in the British Virgin Islands in the last 10 years.

Nick has extensive experience of insolvency and restructuring matters. He is leading the *Three Arrows Capital* liquidation for Ogier - one of the largest ever hedge fund insolvencies, involving litigation in the BVI, New York, and Singapore, along with other worldwide efforts. In this, Nick and his team also obtained one of the largest injunctions ever issued in the BVI, for circa USD\$1.2bn. Nick's insolvency and restructuring work is invariably cross-border and regularly involves urgent relief, working on some of the earliest light touch provisional liquidations to occur in the BVI in the *China Fisheries* litigation.

Nick has particular expertise in fraud and asset tracing, dealing with the prospective and retrospective enforcement of international judgments, arbitration awards and awards of other types of tribunals. In this, Nick has experience working with New York and other US states, England, Hong Kong and the PRC, Singapore, the UAE, Switzerland, Brazil, Nigeria as well as several other South American and African states. He works frequently to obtain or defend freezing injunctions and receiverships in support of such claims, as well as seeking charging orders and associated relief, including information gathering by way of Norwich Pharmacal orders and other disclosure and examination orders.

He also has extensive trial experience in the Commercial Court, such as *Mark Byers & another v Chen Ningning* (part of the *Pioneer Freight Futures* international litigation), *Play La Inc. v NFC Data Inc*, *Green Elite*, *King Bun Limited & others v Lau Man Sang*, *James & others*. He appears regularly in the Eastern Caribbean Court of Appeal, both as sole and lead counsel. He also has significant Privy Council experience.

He has substantial experience of the procedure of the Eastern Caribbean Supreme Court

throughout all of its tiers, having co-authored a collated version of the Civil Procedure Rules (ECSC CPR), used by the Commercial Court, High Court and Court of Appeal in the Eastern Caribbean, as well as other BVI practitioners and London counsel. He has sat on the BVI's Civil Procedure Rules committee on behalf of the BVI Bar Association. He has particular procedural expertise in relief in support of foreign proceedings, foreign enforcement, and costs principles particular to the BVI.

Nick has a specialism in trust and contentious private client and estates work, with a deep understanding of the international holding structures in trusts and estate law and their implications for litigation in the BVI. He notably ran the BVI aspect of *Gany Holdings (PTC) SA v Khan and others* [2018] UKPC 21, including successfully both in the Court of Appeal and Privy Council stages. He has also appeared in BVI aspect of the *Scherbakov Estate* case (Claim no. BVIHC (COM) 2018/134) and ran the *Al Thani* dispute (BVIHCVAP2021/0001) successfully at first instance and in the Court of Appeal, as well as working with a large number of other ultra-high net worth individuals and families.

He is regularly invited to speak at conferences on the above issues in the context of both BVI and international insolvency, asset recovery and trust related work and was co-chair of the BVI INSOL conference in 2022.

Nick was a member of the BVI Bar Association Council for more than four years and more than three of which as First Vice President, having previously acted as Treasurer. He established a Bench and Bar advocacy program with a former Commercial Court judge and has assisted in the Bar Association's pro bono clinic in the BVI, and set up a practitioner seminar program for Bar members between 2020 and 2021.

He was called to the Bar of England and Wales in 2011 and began his legal career training in the pro bono sector in London. He took pupillage in a leading commercial set in London and moved into general commercial and chancery work. He was twice a Lord Diplock scholar of the Honourable Society of the Middle Temple in 2009 and 2010, while undertaking the legal diploma and Bar exams in London. He holds an MA from Cambridge University where he took a first and was a scholar of his college. Before entering the law Nick's background was in public relations.

Admitted in:

2011 - England and Wales (non practicing)

2014 - British Virgin Islands

Memberships:

RISA (BVI chapter of INSOL)

Honourable Society of the Middle Temple

BVI Bar Association

Chancery Bar Association Overseas Member

Examples of work



BVI Court of Appeal
finds in favour of
Ogier's client in...
recoverability of fees
appeal



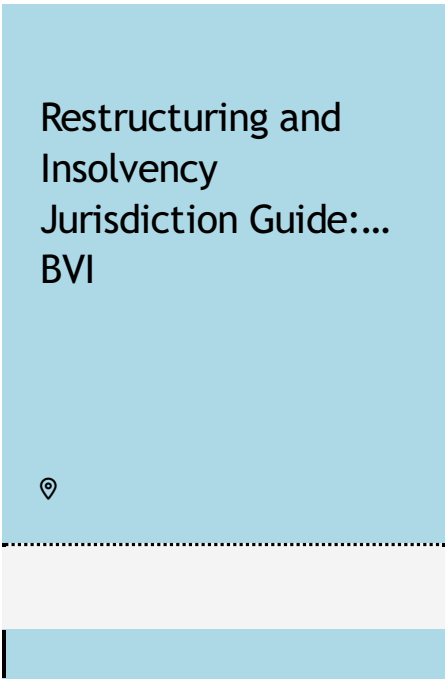
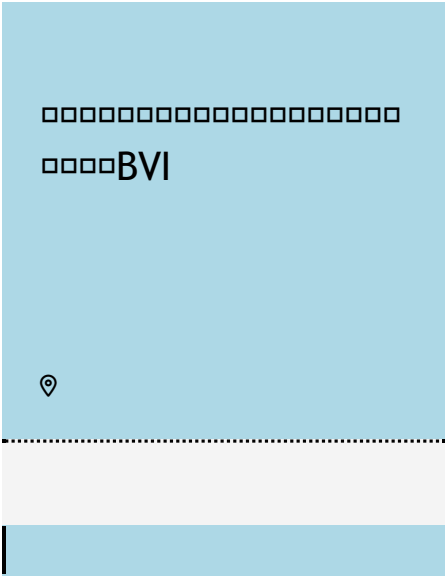
Privy Council upholds
Court of Appeal
ruling in long-runnin...
trusts dispute



News and insights



Tracing and
recovering
cryptoassets for...
Cayman and BVI
insolvency
practitioners



The latest developments in crypto insolvency: a... update on Three Arrows



"Market leader" Ogier in BVI extends top tier rankings in... Chambers Global 2024 guide

Spotlight on 17 experts by Private Client Global Elite... illustrates Ogier's breadth of expertise

Ogier's BVI team

praised for
'unparalleled...
expertise' in Legal
500 2024

New Eastern
Caribbean Supreme
Court Civil Procedur...
Rules released



Recognition

"Nicholas is a safe pair of hands"

"Nick Brookes is superb, he is the guru of BVI procedural law (along with being a great litigator), "

"Nicholas Brookes, is, simply put, one of the best commercial litigators around. He is exceptionally bright, insightful, and has a keen eye for detail. He is also

incredibly diligent, and really goes the extra mile for his clients"

"A real asset to any litigation team"

"Makes it his business to know the ins and outs of the case"

"Incredibly user-friendly"

"Next Generation Partner"

"Recommended"

"Team of the Year - Litigation"

"Next Generation Partner"

"A star of the future. He is very calm under pressure and a shrewd tactician"

"Up and Coming"

"He is a formidable litigator; combining technical brilliance, with diligence and good commercial sense"

"Has years of experience and is perhaps the most knowledgeable person on the island when it comes to the CPR. A determined and fearsome litigator"

"An up-and-coming star who is committed and efficient"