

## Nicholas Brookes

Partner



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VCard



## Areas of expertise

Corporate and Financial Services Disputes >

Crypto Disputes >

Dispute Resolution >

Enforcement of Judgments and Awards >

International Arbitration >

[Legal >](#)[Restructuring and Corporate Recovery >](#)[Trusts Disputes and Applications >](#)

## Background and experience

Nick has worked on and appeared in some of the largest high profile and high value litigation in the BVI with Ogier since 2014.

He 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.*, and *King Bun Limited & others v Lau Man Sang, James & others*. He appears regularly in the 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 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 germane to the BVI.

Nick has a specialism in trust and contentious private wealth 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 HNW individuals and families. Additionally, Nick has extensive experience advising on international information exchange in tax and other financial international investigatory matters.

He also has significant experience of contentious insolvency and restructuring matters. This insolvency work invariably has a cross-border dimension and regularly involves urgent relief, working on some of the earliest provisional liquidations to occur in the BVI in the *China Fisheries* litigation.

Nick regularly advises on and appears as counsel in an array of interim matters, including applications for receiverships and injunctive relief, Norwich Pharmacal relief, cross-border and conflicts of laws related applications, and other general interlocutory work.

He 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 practising)

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**

[View more examples of work >](#)

3 April 2020 | 1 min read

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

Nicholas Brookes

Case

8 August 2018 | 1 min read

### **Privy Council upholds Court of Appeal ruling in long-running trusts dispute**

Nicholas Brookes

## News and insights

Find out more >

26 April 2023

### New Eastern Caribbean Supreme Court Civil Procedure Rules released

Brian Lacy

Team: Nicholas Brookes, Nicholas Burkill

Insight

22 March 2023

### Is section 175 of the BVI Business Companies Act sufficient to ward off unauthorised disposals of assets?

Nicholas Brookes

Team: Sarah Latham, Romauld Johnson

Insight

17 February 2023 | 2 min read

### Ogier in BVI extends top tier rankings in Chambers Global 2023

Ray Wearmouth

Team: Michael Killourhy, Brian Lacy, Nicholas Brookes, Nicholas Burkill, Grant Carroll

News

16 January 2023

### Restoring companies in the BVI: recent case law and recent legislative changes (Simplified Chinese)

Justin Davis

Team: Shane Quinn, Nicholas Brookes, Brian Lacy

Insight

16 January 2023

## Restoring companies in the BVI: recent case law and recent legislative changes (Japanese)

Justin Davis

Team: Shane Quinn, Nicholas Brookes, Brian Lacy

Insight



20 December 2022

## Strong showing for Ogier's top-tier Trusts Advisory Group in Private Client Global Elite

News

11 November 2022 | 2 min read

## Ogier in BVI praised as "the go-to firm" in Legal 500 2023

Ray Wearmouth

Team: Brian Lacy, Michael Killourhy, Nicholas Burkill, Nicholas Brookes, Grant Carroll, David Welford, and 5 more

News

7 September 2022 | 5 min read

## Cayman Grand Court permits joint provisional liquidators to control the timing of their discharge

Christopher Levers

Team: Max Galt, Grant Carroll, Jennifer Fox, Oliver Payne , Jeremy Snead, Brian Lacy, and 1 more

Insight

10 May 2022 | 2 min read

## BVI Court freezes crypto wallets

Nicholas Brookes

Team: Brian Lacy

Insight

## Recognition

"A real asset to any litigation team"

Legal 500 Caribbean, 2022

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

Chambers Global, 2023

"Incredibly user-friendly"

Chambers Global, 2023

"Next Generation Partner"

Legal 500 Caribbean, 2023

"Recommended"

Legal 500 Caribbean, 2023

"Team of the Year – Litigation"

Citywealth IFC Awards 2022

"Next Generation Partner"

Legal 500 Caribbean, 2022

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

Legal 500 Caribbean, 2021

"Up and Coming"

Chambers Global, 2021

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

Legal 500 Caribbean, 2021

"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"

Legal 500 Caribbean, 2021

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

Chambers Global, 2021