

## Nicholas Burkill

**Partner**

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VCARD



## Areas of expertise

Banking Disputes >

Corporate and Financial Services Disputes >

Crypto Disputes >

Dispute Resolution >

Enforcement of Judgments and Awards >

Equity Capital Markets >

Fraud and Asset Tracing >

Funds Disputes >

International Arbitration >

Legal >

Restructuring and Insolvency >

Shareholder and Valuation Disputes >

Trusts Disputes and Applications >

Corporate

Equity Capital Markets

Funds Disputes

Regulatory

## | Background and experience

Nick "Has years of City of London experience as a partner and has carried that pragmatism and excellence over to his BVI practice". His recent experience in the BVI includes

- **shareholder and company control disputes:** acted for the successful claimant in IsZo Capital LP v Nam Tai Property Inc in proceedings that resulted in the declaration of a private placement of shares in an NYSE listed company to be void as carried out for an improper purpose after an expedited trial, upheld on an expedited appeal
- **asset tracing/preservation and enforcement:** acted for claimants and defendants, often involving third party disclosure orders, interim injunctive relief or the appointment of

receivers including in support of foreign court and arbitral proceedings

- **civil fraud:** obtained freezing trust and receivership orders in a fraud claim against an individual alleged to have defrauded the claimant of about \$100m by usurping the client's beneficial ownership of a BVI company
- **contentious trusts:** acted in a series of disputes arising from BVI and foreign trusts and foundations including a summary judgment to declare that a trust amendment deed was forged and tracing claims arising from breaches of trust
- **commercial litigation:** "*outstandingly good and is the go-to partner for the most complex cases*". Experience includes acting in a number of proceedings arising out of defendants' opposition to the change of control voted for by Nam Tai shareholders resulting in a series of first instance and Court of Appeal decisions determining a range of issues such as the fixing of the record date for the shareholders' meeting in a listed company, the strike out of proceedings seeking to relitigate issues, *forum non conveniens*, appeals against injunctions granted without notice, recusal, and contempt proceedings against directors of BVI companies resident abroad
- **arbitration:** in addition to experience of arbitrations under a number of different rules, acted in a series of proceedings enforcing awards or resisting enforcement. Nick is chair of the BVI Arbitration Group promoting BVI arbitration

Nick was appointed by the Chief Justice as a member of the ECSC Rules Review Committee on which he continues to serve. He previously served two terms on the English Rule Committee where amongst other things he was involved in the review of service provisions and the first electronic disclosure practice direction.

#### **Admitted in:**

1987 - England & Wales - Solicitor Advocate (civil) (non practising)

2016 - BVI

#### Memberships

- Chair of the BVI Arbitration Group
- Founder Anti-Fraud Network
- Fellow of the Chartered Institute of Arbitrators
- Member of the Eastern Caribbean Supreme Court Rules Review Committee
- Member of the Civil Procedure Rule Committee 2002-2008
- Member of the Chancery Court Users Committee 2011 - 2016
- Committee member of the London Solicitors Litigation Association 2003-2012

## Recognition

- Ranked by Chambers UK Guide – Fraud
- Recommended by Legal 500 since 2011
- Recognised as an Expert in Who's Who Legal: Investigation (2018-2019)
- Recognised as an expert in International Who's Who of Asset Recovery Lawyers (2012-2019)
- Recognised by Super Lawyers UK

## Examples of work

[View more examples of work >](#)

23 June 2021 | 1 min read

### BVI Commercial Court discharges injunction restraining privatisation of NASDAQ-listed BVI company

Nicholas Burkill

Team: Justin Davis , James McDermott

 British Virgin Islands, Hong Kong

Case

## News and insights

[Find out more >](#)

16 February 2024 | 1 min read

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

News

9 November 2023 | 2 min read

### Ogier's BVI team praised for 'unparalleled expertise' in Legal 500 2024

News

16 October 2023 | 4 min read

### Service out of the BVI: Revolution or Evolution?

Nicholas Burkill

📍 British Virgin Islands

Insight

26 April 2023

## New Eastern Caribbean Supreme Court Civil Procedure Rules released

Brian Lacy

Team: Nicholas Brookes, Nicholas Burkill

📍 British Virgin Islands

Insight

17 February 2023 | 2 min read

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

Michael Killourhy

Team: Brian Lacy, Nicholas Brookes, Nicholas Burkill

News

11 November 2022 | 2 min read

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

Brian Lacy

Team: Michael Killourhy, Nicholas Burkill, Nicholas Brookes, David Welford, Ewelina Clyde-Smith, Alexander Muksinov, and 3 more

📍 British Virgin Islands

News

18 February 2022 | 1 min read

## Ogier's 'exemplary' BVI team earns top tier rankings in Chambers Global 2022

Nicholas Brookes

Team: Nicholas Burkill, Michael Killourhy, Brian Lacy

📍 British Virgin Islands

News

12 November 2021

## The Eastern Caribbean Court of Appeal continues protection for Nam Tai shareholders

Nicholas Burkill

Team: Ewelina Clyde-Smith, James McDermott

📍 British Virgin Islands

Insight

11 November 2021 | 1 min read

## Ogier "the Rolls Royce firm in the BVI" in Legal 500 Caribbean Guide 2022

Nicholas Brookes

Team: Nicholas Burkill, Michael Killourhy, Brian Lacy, Simon Schilder, David Welford, Marie-Claire Fudge, and 3 more

📍 British Virgin Islands

News

## Recognition

"Nick Burkill is superb, he comes from being a partner in both a top city firm and in a top US law firm and has all the skills associated with that,"

Legal 500 Caribbean, 2024

"Nick Burkill is a first-rate litigator. Commercially astute and manages litigation well on behalf of clients"

Legal 500 Caribbean, 2023

"Fantastic"

Chambers Global, 2023

"Leading Individual"

Legal 500 Caribbean, 2023

"Recommended"

Legal 500 Caribbean, 2023

"Nicholas Burkill is outstandingly good and is the go-to partner for the most

**complex cases"**

Legal 500 Caribbean, 2022

**"Recommended"**

Who's Who Legal, Investigations, 2022

**"Recommended"**

Who's Who Legal, Asset Recovery, 2022

**"Team of the Year – Litigation"**

Citywealth IFC Awards 2022

**"Has deep knowledge and appreciation of all aspects of contentious litigation. Excellent strategist. Excellent team builder"**

Legal 500 Caribbean, 2022

**"Leading Individual"**

Legal 500 Caribbean, 2022

**"An exceptionally good litigator. He is one of the most experienced lawyers in the BVI and has seen everything"**

Legal 500 Caribbean, 2021

**"Recommended"**

Who's Who Legal, Investigations, 2021