



Three Ogier partners named in ALB Offshore Client Choice 2022

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Three leading partners from Ogier's team in Hong Kong have been featured in Asian Legal Business's list of the region's most distinguished offshore lawyers - head of Investment Funds Nicholas Plowman, head of ESG (legal) Kate Hodson, and Anthony Oakes, head of Banking and Finance.

The ALB Client Choice List is based on client recommendations and includes legal professionals who have outperformed their peers and earned wide recognition for their high-quality advice and support. It is the seventh consecutive year on the list for Nicholas and Anthony.

According to client feedback, Kate is, "*technically excellent, so clever and commercially minded.*" Anthony is described as "*a fine operator who is the perfect blend of attributes that any lawyer should have - empathy, perspective, care and conscientiousness.*" Client feedback for Nicholas, a founding member of Ogier's Hong Kong office, describes him as incredibly collaborative: "*I know I am going to receive the best offshore advice in the market when I turn to Nick.*"

In a recent interview with ALB, to mark the publication of the Client Choice List, the three partners talked about recent work highlights, what makes a good offshore lawyer, and share the mottos they live by.

Can you tell me about your notable work in the past year?

NP: We have been busy with a broad diet of investment funds work in both the Cayman Islands and BVI. With the recent advent of the private funds law in both jurisdictions, we have seen a number of single investment project vehicles being established, generally domiciled in the BVI. We have also seen a real rebound in crypto-related work structured through Cayman and BVI using Cayman foundations and BVI SPVs. We are also seeing the evolution of decentralised autonomous organisations (DAOs) in this space and the demand for Cayman vehicles to represent the legal personality for these organisations. We expect to continue to see the

evolution of these types of blockchain arrangements in Asia, with Cayman and BVI being at the forefront as domiciles in this context.

AO: There continues to be a mixture of work – both new money deals and some downmarket aspects. The downmarket work has included liquidations, sales of assets of distressed clients and opportunistic mergers and acquisitions around distressed or undervalued assets. As the effects of Covid continue in Hong Kong, much of my focus has been internal – checking that colleagues and team members are well motivated and happy

KH: Demand in Asia for offshore investment fund structures (predominantly Cayman and BVI) has remained strong over the last year, despite headwinds arising from the challenges of the pandemic and competition from other onshore fund products. Notably, we have seen a rise in interest in BVI fund structures, particularly in the closed-ended context. Our work with funds focused on or incorporating sustainability themes into their investment strategies has really picked up over the last year and this topic is probably one of our most well attended webinars. Working with such clients has been particularly rewarding as Ogier is in a position to provide a value-add which is unique in the offshore context. Namely, combining sustainability expertise with legal expertise and backed up by our ability to advise on European sustainability related regulations given our Luxembourg offering (which is soon to be further enhanced following our merger with Leman Solicitors in Ireland).

What are some of the attributes that clients look for in their offshore lawyers?

NP: An intimate knowledge of the law combined with genuine commerciality, so the client is getting the best outcome they possibly can. The best offshore lawyers don't advise in a vacuum and have to understand the onshore requirements in detail as well, working with onshore counsel to get the best result.

AO: I think some of the main attributes are responsiveness, willingness to help and the ability to explain concepts clearly. I find that the ability to tailor responses, depending on the client, is also important. As offshore lawyers, we are lucky that many of our clients are knowledgeable and experienced, often being lawyers themselves. Accordingly, their questions will typically be quite specific – for example, how does Cayman/BVI law differ from, say, Hong Kong or English law, on a particular point. However, less experienced clients seem to appreciate it if you set out more background and colour in your response. Remaining calm and focussed is also helpful, closer relationships with clients are often forged when challenging issues arise.

KH: Clients need lawyers who can adapt to the specific needs of that client. Lawyers that can spot potential issues, thereby helping to allay challenges down the line, as well as being creative in helping to solve problems. Giving to the point and commercial advice is also key. An approach I encourage my team to take is to put themselves in the shoes of the client; have we told them all they need to know, in a manner which is clear and concise, and in good time?

What motto or philosophy do you live by?

NP: Enjoy what you do or you will suffer the consequences.

AO: I am currently reading the new autobiography of Billy Connolly, the famous Scottish comedian and actor. One of his philosophies that I like is, "Do what makes you happy, be what makes you happy." Finding what makes you happy is not always easy. However, if you are lucky enough to find it, then I think it is really worthwhile to follow through with it, even if others disapprove. Within Ogier, I have seen lawyers become happier just through pivoting their roles – whether it be having employer support to work remotely more often, joining an internal committee (in relation to diversity and inclusivity, or ESG, for example) or taking on some pro bono work.

KH: Don't do things by halves, and if you say you're going to do something, do it.

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