

Nick Pointon
Barrister and Mediator



YEAR OF CALL: 2010

INN: LINCOLN'S INN

“ Nick is very sharp, clear and to the point, without hiding behind flowery language or being too verbose. He's also very commercially aware, pragmatic and sensible. 'He has a knack for digesting and assimilating complex areas of law very quickly and bringing interesting and unique arguments.' “

CHAMBERS UK, 2020

COMMERCIAL DISPUTE RESOLUTION

Practice Overview

Nick is a specialist commercial and chancery law barrister. His particular areas of expertise include commercial and contractual disputes, private international law, domestic and international arbitration.

He has been consistently listed in Chambers UK for commercial dispute resolution since 2015 and regularly acts in cross border or offshore litigation, as well as wholly domestic matters. He favours a hands on, team based and client facing approach to litigation.

Nick's practice has a strong emphasis on processes of alternative dispute resolution and he has extensive experience of acting on behalf of litigants in mediations. Nick is also willing to consider acting as mediator in suitable disputes.

Since 2012 Nick has also lectured and taught the laws of international arbitration, contract, land and trusts at the University of Bristol and is the author of a number of precedents and other materials in the field of Private International Law available through the Lexis Nexis PSL services. Nick continues to lecture the law of international arbitration at the University of Bristol this academic year and has provided expert evidence on English law to foreign courts and tribunals.

Areas of Expertise

Commercial

Nick handles matters from all angles of commercial law, including contractual disputes and probate work concerning offshore jurisdictions, especially the Channel Islands. He has experience of a wide range of commercial disputes with a particular emphasis on those with cross-border implications.

Nick has also taught the law of contract at both undergraduate and postgraduate level at the University of Bristol. He has particular experience of litigation involving the motor industry and professional sport. Clients include a major Formula One team, several well-known car manufacturers and a former international rugby player and coach.

Nick has also acted and continues to act in relation to a number of high-value claims concerning interest rate swap and cap mis-selling, ranging from c. £200,000 to upwards of £8 million.

Company

Nick has considerable experience of company disputes, ranging from small quasi partnerships to large multi-national corporate groups. He regularly advises and acts in unfair prejudice petitions, derivative actions and claims for breach of directors' duties. More recently Nick has advised extensively in respect of the Persons of Significant Control regulations.

He also has experience of, and interest in, the circumstances in which piercing of the corporate veil may be permissible and other means of bypassing corporate limited liability.

Nick's broader commercial practice entails regularly advising upon and acting in applications for urgent interim relief and the exporting and enforcement of judgments before foreign courts. Recently Nick has acted in a complex enforcement action against a fraudulent Austrian corporate structure involving the exporting of Colorado court judgments to a number of common law and civilian jurisdictions.

Intellectual Property

Nick has a wide range of experience in intellectual property disputes, including passing off, infringement of trademark or copyright and the abusive registration of domain names. Nick also has significant experience of springboard injunction applications and Anton Piller or search orders in the context of business migration, ordinarily entailing the infringement of database rights or similar.

Partnership

Nick is a specialist commercial and chancery law barrister. His particular areas of expertise include commercial and contractual disputes, private international law, domestic and international arbitration.

He has experience of both common law and LLP partnership disputes, as well as offshore litigation concerning LLP or LLC structures. He has also advised upon the proper dissolution of both common law and LLP arrangements.

International Arbitration

Nick has extensive experience of acting in international and offshore litigation, both before English courts and arbitral tribunals and overseas. He has particular experience of litigation in or associated with the Channel Islands but has also acted in litigation or arbitration in a variety of overseas jurisdictions, including the Cayman Islands, Anguilla, Panama, Miami, New York, Colorado, Switzerland, Austria, Paris, the Ukraine, Russia, Dubai, Malaysia and Singapore.

Nick has provided expert evidence as to the content of English law to foreign courts and is a contributing author to the Lexis Nexis PSL service, having authored a number of practice notes and precedents in the field of private international law.

Nick also lectures international arbitration to undergraduate and postgraduate students at the University of Bristol.

Mediation

Nick regularly acts in mediations, ranging from low value disputes to multi-day complex offshore mediations. Nick is also happy to accept instructions to act as mediator in suitable cases and adopts a very hands on approach to the process.

Wills & Trusts

A substantial part of Nick's practice comprises traditional chancery proceedings, including the administration of estates, validity and construction of wills and claims under the Inheritance (Provision for Family and Dependents) Act 1975.

He has acted in a number of large offshore trusts disputes, both for and against professional trustees, including a recent £8m + claim for breach of trust arising out of the investment of trust assets in high-risk asset classes a matter of months before the economic crash of 2008.

Nick also has considerable experience of probate proceedings, and acted for the successful claimant in *Wilby v Rigby* [2015] EWHC 2394 (Ch); [2015] WTLR 1845 (Ch D), relating to applications to remove or substitute executors.

He often advises in respect probate and inheritance disputes with a cross-border element, and is experienced in resolving the conflict of laws issues arising in respect of estates spread across different jurisdictions. Recent substantial offshore experience includes acting for the successful appellant in *Sinel v Hennessy* [2018] JCA 095, before the Jersey Court of Appeal.

He has also taught the law of trusts at the University of Bristol.

Related Cases

- ▶ *Armstrong v Armstrong & Sutherland* [2019] EWHC 2259 (Ch)
- ▶ *Sinel v Hennessy* [2018] JCA 095, Jersey Court of Appeal
- ▶ *Alwitary v (1) States Employment Board; and (2) Minister for Health and Social Services (2016)* [2016] JRC 050 (Jersey Royal Ct.)
- ▶ *Wilby v Rigby* [2015] EWHC 2394 (Ch); [2015] W.T.L.R. 1845 (Ch D)
- ▶ *ASES Havicilik Servis Ve Destek Hizmetler A.S v Delkor (UK) Limited* [2012] EWHC 3667 (Comm)
- ▶ *Nautech Services Limited v CSS Limited and Four Others* 2013 File No. 2013/153
- ▶ *Emirates NBBPJSC v Smith*
- ▶ *Jones v (1) BMW Financial Services; (2) CCR Motor Co*
- ▶ *Prestigic (Wisley) Nominees Limited Company v JTC Management Ltd and 13 Others* [2012] JRC 097 Royal Court of Jersey
- ▶ *Coastline Housing Limited v Kelsall and 28 Others*
- ▶ *375 Plus Development Inc. v Credit Suisse A.G. (Cayman Islands Branch); Leondro P. Rizutto; and Anguillan Development Corporation Limited* [2011] AXA HCV 2011/0037
- ▶ *HFXP Ltd; Shutzer Celebration LLC; and Shaguilla LLC v Credit Suisse A.G. (Cayman Islands Branch); Leondro P. Rizutto; and Anguillan Development Corporation Limited* [2011] AXA HCV 2011/0040
- ▶ *New Media Holding Company LLC; New Media Distribution Company; and Vladimir Gusinski v Konstantin Kagalovsky; Iota LP; Aspida Ventures Ltd; and Seragill Holdings Ltd Supreme Court of New York, Commercial Division (Case 603742/2009)*

Recommendations

"Nick specialises in domestic and international arbitration, commercial and contractual disputes, and private international law. His practice has a strong cross-border focus and he works regularly on cases involving offshore jurisdictions. 'He is really confident and fluent in the way he speaks and deals with things, and his knowledge of the law is really good.' 'He is a class lawyer whose paperwork is of the highest quality.' "

CHAMBERS UK, 2019
CHANCERY

"Nick is really sharp on black letter law issues, but he's practical and a good advocate as well. 'I was extremely impressed with his unflappable demeanour and his ability to control the courtroom.' "

CHAMBERS UK, 2018
COMMERCIAL DISPUTE RESOLUTION

"Persuasive, relentlessly forensic and quick on his feet."

LEGAL 500, 2018
COMMERCIAL, BANKING, INSOLVENCY AND CHANCERY LAW

Related Articles

- ▶ Commercial team newsletter Spring 2019
- ▶ Contract case law update Spring 2017
- ▶ Contract case law update Summer 2016
- ▶ Illegality: a new mess for the old one
- ▶ Executors: a costly sibling clash
- ▶ Contract case law update Summer 2015
- ▶ Jurisdiction in cartel damages claims under Brussels 1
- ▶ Coventry v Lawrence

Appointments

- ▶ Senior Associate Tutor of Law, University of Bristol (2012)
- ▶ Contributing author to the Lexis Nexis PSL service, Private International Law (2014)

Professional memberships

- ▶ Commercial Bar Association
- ▶ Chancery Bar Association

Qualifications & awards

- ▶ LLB (University of Bristol) – First Class Honours, BVC – Outstanding
- ▶ Lord Mansfield and Harwicke Scholar, Herbert Smith LLP Prize, Tom Glanville Jones Prize



Contact Nick

nick.pointon@stjohnschambers.co.uk

Contact the clerks

T: 0117 923 4740

E: chancerycommercialclerks@stjohnschambers.co.uk