



Nigel Hood

Call: 1993

✉ nigel.hood@newsquarechambers.co.uk

☎ +44 (0) 20 7419 8000

"My 'go to' barrister for complex matters – I would be worried if the other side instructed him before I did."

Legal 500 UK Bar 2021

"An excellent and well-prepared advocate."

Legal 500 UK Bar 2020

"He has an understated and down-to-earth style that is a joy to work with and deeply reassuring."

Legal 500 UK Bar 2019

Practice Overview

Nigel is known as an accomplished litigator and for handling complex commercial litigation with a particular emphasis on civil fraud. Although he has a particular expertise in cases involving commercial fraud, Nigel also has a busy High Court commercial litigation caseload. He also receives instructions on substantial commercial arbitrations, mostly taking place in the LCIA.

Nigel's instructing solicitors praise him for his expertise at trial and in particular for his ability to understand and communicate to a court the detail of complex cases and for his cross examination skills. He is also praised for his ability to accurately assess the merits of a case and to sense how a court will react to procedural as well as substantive points. Nigel also has a reputation for being very hard working and responsive and for his ability to work effectively in a team.

"A brilliant professional, who can provide immediate strategic advice on any issue"

Fraud: Civil - Legal 500 2017

"He's a good streetfighter. In a really good dust up, he'll have your back"

Chancery: Commercial - Chambers UK Bar 2018

Nigel is recommended as a leading junior in the current editions of:

- ▣ Legal 500 - (Civil Fraud; Commercial Litigation)
- ▣ Chambers UK Bar - (Civil Fraud; Chancery Commercial)
- ▣ Chambers Global - (Dispute Resolution: Commercial Chancery)

Civil Fraud

Nigel Hood is a leading practitioner in civil fraud and asset tracing and has long been recommended by the directories for civil fraud. Described in Chambers UK Bar 2017 as *"extremely knowledgeable, hard-working and helpful. He presented the case in a very clear and persuasive manner, while keeping a very collected and even humble composure."* *"When he does something it's always really sensible and his written work is very strong."* In previous years Nigel is described as *"an accomplished litigator"* who has *"been taking on and beating silks in big fraud cases this year"*. Nigel is regularly instructed in large scale and often complex fraud litigation (much of it CIS related) often as sole Counsel against Leading Counsel.

Nigel continues to be involved in some of the largest and most complex fraud cases in recent years. His caseload covers a wide variety of claims involving fraud and breach of duty including claims involving conspiracy, deceit, breach of fiduciary duty, unjust enrichment and misfeasance.

In the context of his fraud practice, Nigel is also well regarded for his experience and ability to act quickly and efficiently in advising upon and conducting (and defending) applications for urgent interim relief, including freezing and search orders and Norwich Pharmacal type pre-action third party disclosure orders.

Nigel's recent caseload has included:

- Acting as junior trial Counsel for the Claimant bank in its successful \$ 2 billion BTA Bank Commercial Court fraud claim - *JSC BTA Bank v Ablyazov & Others* [2013] EWHC 510 (Comm).
- Acting for an appellant in her appeal to the Court of Appeal against a £20 million judgment in the Commercial Court financial fraud and conspiracy case of *Otkritie Investment Management v Urumov & Others*).
- Nigel is also presently engaged to act for the first two defendants in the fraudulent conspiracy claim made by London Borough of Brent against key former management and governors of Copland School in London. He has also been involved in representing one of the defendants in some of the LIBOR related fraud litigation and is heavily engaged in acting for the Claimants in a substantial claim against certain national newspapers and others in relation to an alleged conspiracy and sham tender process concerning contracts for the supply of services.

Many of Nigel's cases concern high profile individuals or corporations and sensitive or confidential subject matter and are therefore not listed here. Certain further details of other cases may be available on request.

Nigel regularly lectures on the subject of Commercial Fraud and interim applications and remedies.

Commercial Litigation

Nigel's busy commercial practice involves litigation concerning a range of commercial disputes both in the High Court and in LCIA Arbitrations.

Nigel is listed in both Chambers UK Bar and Legal 500 as a leading junior in commercial litigation. He is listed in 2017 as a leading junior in Dispute Resolution in Chambers Global.

He has been described as *"an accomplished litigator, who is routinely instructed on hard-hitting commercial cases..."* and as *"an outstanding senior junior who is great in cross examinations"* who is *"admired for his courtroom demeanour"* and *"valued for his energy and tenacity"*.

Chambers Global 2017 say *"He does difficult freezing injunction work and has vast experience, of the area."*

Chambers UK Bar 2017 states that *"He is the most charming and gentlemanly opponent, and is very clever and respectful."*

Legal 500 2016 also describes Nigel as *"A brilliant barrister with very solid strategic decision making."*

Nigel's commercial litigation caseload includes:

- Contractual claims,
- Shareholder disputes and unfair prejudice claims, joint venture disputes,
- Claims based on breaches of fiduciary duty,
- Claims by and against directors,
- Professional negligence (often in a financial services context); and
- Claims in relation to guarantees and indemnities.

Nigel has recently been involved in several multi-million pound claims involving commercial agents in the High Court as well as in the London Court of International Arbitration. Several of those have included jurisdictional issues.

Nigel is also experienced in obtaining a wide range of interim remedies in support of commercial claims, such as freezing orders and Norwich Pharmacal/disclosure orders. He also advises on and acts in cases concerning the taking of evidence for foreign proceedings.

Company & Partnership

Nigel deals with all aspects of company and insolvency law. He has particular experience of shareholder disputes, claims involving minority oppression, claims by and against directors and regulatory matters.

Nigel has acted in a wide range of corporate insolvency cases including wrongful and fraudulent trading claims and claims against directors as well as director's disqualification cases.

His recent and current cases include:

- Advising and acting on a shareholder's unfair prejudice petition and cross-petition and on related pre-emption provisions;
- Advising creditors of a fraudulently operated company on their rights as against the directors of the company personally;
- Acting for a company in defence of a substantial winding up petition (Nigel formerly advised and represented Portsmouth Football Club in its defence of HMRC's winding up petition and its subsequent administration);
- Advising members of a company limited by guarantee on various issues concerning the control and management of the company in the context of a substantial dispute between members;
- Advising creditors on issues concerning the lifting of the statutory moratorium in relation to a company in administration.

Insolvency

Nigel deals with all aspects of company and insolvency law. He has particular experience of shareholder disputes, claims involving minority oppression, claims by and against directors and regulatory matters.

Nigel has acted in a wide range of corporate insolvency cases including wrongful and fraudulent trading claims and claims against directors as well as director's disqualification cases.

His recent and current cases include:

- Advising and acting on a shareholder's unfair prejudice petition and cross-petition and on related pre-emption provisions;
- Advising creditors of a fraudulently operated company on their rights as against the directors of the company personally;
- Acting for a company in defence of a substantial winding up petition (Nigel formerly advised and represented Portsmouth Football Club in its defence of HMRC's winding up petition and its subsequent administration);
- Advising members of a company limited by guarantee on various issues concerning the control and management of the company in the context of a substantial dispute between members;
- Advising creditors on issues concerning the lifting of the statutory moratorium in relation to a company in administration.

Offshore

Much of Nigel's case load includes claims involving jurisdictional issues and related proceedings in other jurisdictions (often involving asset tracing). Nigel has been called to the Bar of Gibraltar for the purposes of specific cases and has appeared both in the High Court and the Court of Appeal of Gibraltar.

Nigel has recently acted for several clients based overseas who are involved in substantial multi-jurisdictional disputes, particularly involving CIS countries. Nigel is very experienced in working with instructing solicitors from

overseas, as well as with foreign experts (in particular, but not limited to experts on foreign law).

Additional Information

Qualifications / Education

BA (Hons) Business Studies
Master of Business Administration (1st Class)
CPE, Inns of Court School of Law
Called to the Bar of Gibraltar

Memberships

Chancery Bar Association
Commercial Fraud Lawyers Association

ADR

Mediation / ADR is now a common part of the litigation process. Recent judicial decisions involve the courts both holding that the refusal of a request for mediation is likely to be treated as being unreasonable and imposing a costs sanction as a result.

Chambers provides a comprehensive mediation offering and, in addition to our extensive experience as advisers and advocates within mediations, some members of Chambers are accredited by CEDR or ADR group and accept appointments as mediators.

Cases

Re Somaia

Reference: [2017] EWHC 2554 (QB)
Date: 17 Oct 2017
Court: High Court

Ketan Somaia was convicted on 13 June 2014 on several counts of fraud following a private prosecution. On 12 January 2016, HHJ Hone QC made a Confiscation Order in excess of £20 million, confiscating his assets so as to pay compensation to the victim of his fraud (the victim being the Private Prosecutor in this case).

On the back of the Confiscation Order, the Private Prosecutor brought a claim against Mr Somaia's former wife ("**A**") seeking declarations that certain substantial payments made into a bank account in A's sole name were so-called "*tainted gifts*" to a third party and therefore caught by s. 74 of the Criminal Justice Act 1988 ("**CJA 1988**"). If the Private Prosecutor had been successful, A would have been required to pay an amount equivalent to the value of the "*tainted gifts*" to the Private Prosecutor.

After a trial the Private Prosecutor's tainted gift claim against A failed and the claim was dismissed and Restraint Orders against A were discharged.

Judge: Jefford J.
Practice Area: Civil Fraud

New Square Chambers

12 New Square
Lincoln's Inn
London
WC2A 3SW

DX: 1056 London/Chancery Lane

Contact

+44 (0) 20 7419 8000
clerks@newsquarechambers.co.uk

