



# Nico Leslie

Call 2010

*"Nico is a very smooth operator and a sharp legal mind. He has excellent technical knowledge."*

*Chambers & Partners*

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Nico is described as “an outstanding commercial junior, who is ferociously bright and extremely tenacious” (The Legal 500). **He is frequently instructed in some of the most significant commercial litigation both in England and internationally.**

Nico has a broad practice encompassing all aspects of commercial litigation and arbitration, and is recognised in the legal directories as a Leading Junior in the fields of Banking & Finance, Civil Fraud, Commercial Litigation, Insolvency, Offshore, Professional Negligence and Art & Cultural Property. He was named the ‘Banking & Finance Junior of the Year’ by *Chambers & Partners* in 2022 (having been nominated for the same award in 2020) and was nominated as ‘Professional Negligence Junior of the Year’ by *The Legal 500* in 2023. Previously, he was named as one of the top ten Commercial Litigation juniors in London under eight years’ call (2017, 2018) and was identified as one of ten future “Stars at the Bar” by *Legal Week*.

Many of Nico’s cases involve an international element, and he has particular experience of litigation in offshore jurisdictions (Bermuda, BVI, Cayman and St Lucia) and the Middle East (ADGM and DIFC). He has extensive experience of litigation in Hong Kong and Singapore, and has received a limited registration to appear in the Singapore International Commercial Court. Nico has also acted in numerous international arbitrations, particularly under LCIA, SIAC, ICSID, UNCITRAL and ad hoc rules. He accepts instructions in French, Italian, Croatian/Serbian and Spanish, and is comfortable working in each of those languages.

Nico has a special expertise in assignment, having co-authored with the Honourable Mr Justice Marcus Smith one of the leading texts in the area: *The Law of Assignment*, (OUP), now in its third edition. He has acted, both led and unled, in some of the most significant assignment-related cases of recent years.

## Recent Highlights

### Re NMC Health PLC

Acting (with Richard Lissack KC, Bankim Thanki KC, Felicity Toubé KC, Henry King KC, and a large number of other juniors) for the joint administrators of the NMC Group in a series of multi-billion dollar disputes arising out of the Group’s collapse amidst allegations of fraud in 2020. The disputes span numerous proceedings in London and the UAE (ADGM and onshore), as well as parallel arbitration proceedings.

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#### PIFSS v Al Rajaan & Ors

Acting (with Stuart Ritchie KC, Hugh Norbury KC, Anna Dilnot KC, Louise Merrett and Christopher Burdin) for the claimant, the Kuwait national pension and social security fund, in bribery claims worth circa \$1 billion against its former Director General and a number of financial institutions (one of *The Lawyer's* 'Top 20 cases' of 2020).

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#### ECU v HSBC

Acting (with Richard Lissack KC and James Cutress KC) for the claimant firm in relation to allegations of 'front-running' and fraud in relation to billions of dollars' worth of FX transactions (one of *The Lawyer's* 'Top 20 cases' of 2021). The claim arises out of a successful pre-action disclosure application that is now a leading case in the area: [2018] Lloyd's Rep. FC 44.

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#### Cowan v Equis Special GP

Acting (with Michael Green KC, Richard Millett KC and Anneliese Day KC) for the defendant fund in relation to a \$440 million multi-jurisdictional conspiracy claim brought in the Cayman Islands against a major Asian private equity group. The fund successfully set aside permission to serve out of the jurisdiction in relation to seven defendants, covering claims worth \$350 million: (2019) FSD 22/18(IMJ).

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#### Arnage & Ors v Walkers (A firm)

Acting (with Mark Simpson KC) for the defendant firm in a \$490 million professional negligence claim in the Cayman Islands, one of the largest professional negligence actions ever heard in that jurisdiction, arising out of the uncovering of alleged frauds in a major Brazilian bank.

## Expertise

### Art & Cultural Property

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Nico has developed particular experience in art law, an area in which he also has a substantial personal interest.

#### Notable Art & Cultural Property cases

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##### Confidential

Instructed for the claimant in a claim arising out of the £1 million sale, and alleged mis-description, of a Dutch Old Master painting.

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#### Birrane v Mecom

Instructed as sole counsel by the defendant in a >£300,000 claim arising out of the sale of a vintage racing car, turning in particular on a dispute as to the vehicle's true racing history.

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## Naumann

Instructed for the claimant in relation to the sale of a vintage photograph purporting to be by Marcel Duchamp and developed by Man Ray. The claim was settled on advantageous terms.

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## Banking & Finance

Nico has been instructed on a wide spectrum of banking and consumer credit disputes, generally acting for banks and large lending institutions in matters ranging from the largest international claims to smaller disputes.

Nico has also had extensive experience of swaps litigation, including a range of currency swaps and interest rate swaps.

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## Notable Banking & Finance cases

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### Ahmad Algozaibi & Brothers v Saad Investments

Instructed (with Marcus Smith QC, Bridget Lucas KC and Tetyana Nesterchuk) by the Central Bank of Bahrain in relation to a multibillion dollar claim brought before the Grand Court of the Cayman Islands arising out of a fraud allegedly perpetrated by a prominent Saudi national.

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### Sebastian Holdings v Deutsche Bank AG

Instructed (in a team including David Railton KC) by the claimant hedge fund in relation to a >£5 billion claim brought before the High Court in London. Nico was particularly involved in legal research and the preparation of written submissions.

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### Dexia v Comune di Prato; Dexia v Comune di Ferrara

Acting (with Richard Handyside KC and Rupert Allen) for the claimant investment bank in substantial ISDA-related proceedings concerning the sale of interest rate swaps to Italian local authorities. Throughout the case Nico made extensive use of his Italian, both reading through original documents and proofing Italian witnesses.

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### Khuja v Lloyds

Instructed (with Andrew Mitchell KC) for the defendant bank in relation to a multi-million pound interest-swaps misselling claim relating to a property development partnership.

Instructed (with Stephen Moriarty KC) for the claimant in a multimillion dollar claim arising out of an alleged unlawful conspiracy at a Singapore-based private equity firm.

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### Pottage v FSA

Instructed (with Guy Philipps QC and Henry King KC) in a successful appeal to the Upper Tribunal arising out of fines levied by the FSA against a senior international banker.

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### **Portigon v Privatair**

Acting as sole counsel for a German bank in a >\$2 million claim brought against a Swiss private airline arising out of the close-out of an exotic basket of interest-rate and currency-linked derivatives, raising novel points relating to the construction of the ISDA.

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### **Papa-Adams v RBS**

Acting as sole counsel for a major bank in the Commercial Court striking out a substantial claim based on allegations of misrepresentation and duress, and successfully enforcing a loan of £1.2 million.

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### **Barclays v Alpha Broadcasting**

Acting as sole counsel for a major bank in the High Court in successfully enforcing a £400,000 loan and defending a counterclaim in the sum of >£16 million for the alleged forced insolvency of a telecommunications company.

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### **BarCap v Uralita**

Instructed as sole counsel to give advice and draft particulars of claim in a >£30 million derivatives claim for a major investment bank.

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## **Civil Fraud**

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Nico has extensive experience of acting in civil fraud claims, often with an international element.

### **Notable Civil Fraud cases**

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#### **Ahmad Algozaibi & Brothers v Saad Investments**

Instructed (with Marcus Smith QC, Bridget Lucas KC and Tetyana Nesterchuk) by the Central Bank of Bahrain in relation to a multibillion dollar claim brought before the Grand Court of the Cayman Islands arising out of a fraud allegedly perpetrated by a prominent Saudi national.

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#### **Palmer & Harvey McLane Ltd v Garrad**

Instructed (with Stephen Rubin KC and Edward Levey KC) in respect of a 10-day trial in the Chancery Division addressing multiple allegations of fraud.

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## Hemsley v Wey Bridging Ltd

Instructed (with John Taylor KC) for the claimants in relation to a two-month trial in the Chancery division alleging that multiple defendants had been running a multimillion pound 'Ponzi' scheme.

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Instructed (with Stephen Moriarty KC) for the claimant in a multimillion dollar claim arising out of an alleged unlawful conspiracy at a Singapore-based private equity firm.

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## RealEurope D v Publiodeon

Instructed as sole counsel for the defendant in relation to a claim under various film distribution agreements in Italy, involving allegations of forged documents and sham agreements. Most of the interactions with the client were conducted in Italian.

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Contesting (at Clifford Chance) a \$30 million arbitration involving allegations of fraudulent misrepresentation in relation to the sale of an Indian textiles company. The case involved issues of US and Indian law.

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Contesting (at Clifford Chance) a substantial arbitration involving allegations of fraudulent misrepresentation relating to the sale of a Thai company. The case involved issues of Thai and Singapore law.

## Commercial Disputes

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### Notable Commercial Disputes cases

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#### Gemini v (1) CBRE; (2) King Sturge

Acting (with Mark Simpson KC, Nik Yeo and Joseph Farmer) for the claimant in a >£200 million claim against two major valuer firms, relating to their allegedly negligent valuation of a £1.2 billion portfolio of commercial properties. The case has been described in the media as the "valuation trial of the century", and is listed for three months in the Commercial Court.

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#### Republic of Djibouti v Boreh

Acting (with Mark Simpson KC and James Hart) for a partner at Gibson Dunn & Crutcher accused of deliberately misleading the Court in obtaining a freezing injunction. The defendant's application to have the application discharged was one of the mostly widely publicised applications ever heard in the Commercial Court.

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#### Hemsley v Wey Bridging Ltd

Instructed (with John Taylor KC) for the claimants in relation to a two-month trial in the Chancery division alleging that multiple defendants had been running a multimillion pound 'Ponzi' scheme.

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### Wey Bridging v Ernst & Young; Wey Bridging v Hacker Young

Instructed (with John Taylor KC) for the claimant in >£6 million claims brought against its former auditors arising out of their failure to detect a major fraud that had been perpetrated on the company.

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### Palmer & Harvey McLane Ltd v Garrad

Instructed (with Stephen Rubin KC and Edward Levey KC) in respect of a 10-day trial in the Chancery Division addressing multiple allegations of fraud.

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### Stanhope v X

Instructed (with Timothy Howe KC) in relation to a >£100 million claim brought by pension fund trustees against a portfolio manager. The claim was settled on favourable terms.

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### Kolomoisky v Lanebrook Ltd

Instructed (with Timothy Dutton KC) to prepare expert evidence in a >£1 billion commercial dispute before the High Court of Cyprus.

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### Leeds United v Ors

Instructed (with Jeffrey Chapman KC) for the claimant football club in relation to various multimillion pound disputes with a range of third parties.

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Instructed (with Paul Shieh QC and Sara Tong of Temple Chambers) to assist in a multi-million dollar trial before the Hong Kong High Court involving the assignment of income from substantial commercial properties in Kowloon.

## Insurance

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### Notable Insurance cases

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### GM v XL

Instructed (with Mark Simpson KC) in an LCIA arbitration concerning a claim under an insurance policy.

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### QBE v Blaver-Mann; Evans v Blaver-Mann

Instructed for the defendant as sole counsel in relation to a multimillion pound claim against a helicopter pilot's estate, arising out of a helicopter crash, and in defending a suit by the pilot's insurers for a declaration that they were not liable under his insurance policy.

## International Arbitration

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Nico has experience of arbitration in a range of foreign jurisdictions.

### Notable International Arbitration cases

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Instructed (with Professor Luca Radicati di Brozolo) on three sets of investor-state UNCITRAL arbitrations brought by investors against the Czech Republic under the ECT and various BITs, with a combined value of over €250million. The arbitrations were heard separately before three extremely distinguished panels in the Permanent Court of Arbitration in The Hague. Nico handled much of the cross-examination, including multiple cross-examinations of experts and former ministers of state.

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Instructed (with John Brisby KC) on four parallel sets of LCIA arbitration proceedings for a prominent Ukrainian oligarch in relation to the ownership of a range of iron and steel assets in Eastern Europe.

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Contesting (at Clifford Chance) a \$30 million arbitration involving allegations of fraudulent misrepresentation in relation to the sale of an Indian textiles company. The case involved issues of US and Indian law.

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Contesting (at Clifford Chance) a substantial arbitration involving allegations of fraudulent misrepresentation relating to the sale of a Thai company. The case involved issues of Thai and Singapore law.

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Instructed (as sole counsel) on a substantial ad hoc arbitration, seated in London, arising out of a dispute between a German software developer and an Italian fashion company.

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Advising (at Clifford Chance) a Japanese client in relation to arbitration claims arising from the purchase of a large mine in Indonesia.

## Offshore

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Nico has been called to the Bar in the British Virgin Islands (2017) and the Cayman Islands (2020-2022). He has also previously worked in the litigation department of a leading offshore firm in Bermuda.

### Notable Offshore cases

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#### Ahmad Algozaibi & Brothers v Saad Investments

Instructed in long-running multi-billion-dollar proceedings brought before the Grand Court of the Cayman Islands.

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Instructed (with Michael Green KC) for the principal defendants in the Equis litigation before the courts of the

Cayman Islands. The action involves allegations of conspiracy and fraud relating to the realisation of certain investment assets by a private equity fund and seeks damages of US\$440 million.

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Instructed (with Michael Green KC) for the defendant company in the China Biologic litigation before the courts of the Cayman Islands. The claim seeks to set aside the company's US\$570 million share allotment on the basis that it was transacted for an improper purpose, to block a proposed US\$2.7 billion takeover. The claim was successfully struck out on the basis that it had been brought by the wrong claimant, in a decision that made new law on the standing of shareholders to bring personal actions to challenge share allotments.

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Instructed (with Michael Green KC) for the principal defendants in the Dragon Capital litigation before the Courts of the British Virgin Islands. The action involved an unfair prejudice petition brought by the co-founder of a major Vietnam-based private equity firm in relation to his shares, valued at up to US\$150 million.

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Contesting (at Appleby) before the Supreme Court of Bermuda the winding-up of a substantial hedge fund by a motivated creditor as part of a multi-jurisdictional dispute.

## Professional Negligence

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In recent years, Nico has developed substantial experience in professional negligence litigation, acting both for claimants and for defendants.

### Notable Professional Negligence cases

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#### Gemini v (1) CBRE; (2) King Sturge

As noted above, instructed (with Mark Simpson KC, Nik Yeo and Joseph Farmer) in a >£200 million negligent valuation claim that has been described as the "valuation trial of the century". It is the largest such valuation claim ever brought before the English Courts.

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#### Sloane v Saffery Champness

Instructed (with Mark Simpson KC) for the defendant accountants in relation to allegedly negligent tax advice given by them in relation to a film investment scheme. The claim, brought by a hedge funder manager and widely publicised, was settled shortly before trial.

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#### Wey Bridging v Ernst & Young; Wey Bridging v Hacker Young

Instructed (with John Taylor KC) for the claimant in >£6 million claims brought against its former auditors arising out of their failure to detect a major fraud that had been perpetrated on the company.

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## Stanhope v X

Instructed (with Timothy Howe KC) in relation to a >£100 million claim brought by pension fund trustees against a portfolio manager. The claim was settled on favourable terms.

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## Marahta v Taylor Hampton

Instructed (with Michael McLaren KC) for the claimant in relation to a multimillion pound claim arising out of the defendant's allegedly negligent handling of his company's litigation.

# Directory Quotes

*"Has very good technical skills and is particularly good when dealing with foreign law, not least through his varied foreign language skills."*

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The Legal 500

*"Extremely bright but also very commercial. Clients absolutely love him and note his ability in hearings to run rings around much more senior opposition. He is a brilliant advocate."*

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The Legal 500

*"Nico is super intelligent, pragmatic, calm, authoritative, user-friendly, commercial, practical and extremely hard-working. He is the complete package. He has no weaknesses."*

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The Legal 500

*"He's simply incredible. We are in awe of his work product."*

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Chambers & Partners

*"Extremely intelligent and incredibly hard-working, he is always one step ahead."*

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Chambers Global

*"Hard-working, incredibly efficient, highly intelligent and charming, he's a fantastic junior to have working on a*

*team."*

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Chambers & Partners

*"He is incredibly bright, calm, clear, detailed and yet concise... He effortlessly pinpoints the crux of a matter - regardless of the complexity - and produces clear, thoughtful and creative advice."*

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Chambers & Partners

*"He is highly experienced in conducting cases in multiple jurisdictions."*

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Chambers & Partners

*"An outstanding commercial junior, who is ferociously bright and extremely tenacious."*

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The Legal 500

## Directory Rankings

### Chambers & Partners – UK

- Banking & Finance
- Commercial Dispute Resolution
- Fraud: Civil
- Offshore
- Professional Negligence

### Chambers & Partners – Global

- Commercial Dispute Resolution
- Offshore

### The Legal 500 – UK

- Art & Cultural Property
- Banking & Finance
- Civil Fraud

- Commercial Litigation
- Insolvency
- Professional Negligence

## The Legal 500 – Caribbean

- The English Bar Offshore

## Who's Who Legal

- Civil Fraud

## Education

- BA (Modern and Medieval Languages), Christ's College, Cambridge (Starred Double First, 4<sup>th</sup> in year)
- CPE, City University (Commendation)
- BVC, The City Law School, (Outstanding, 2<sup>nd</sup> in year)

## International Bar / Court Appointments

- Called to the Bar of the British Virgin Islands (2017)
- Called to the Bar of the Cayman Islands (2020-2022)

## Appointments, Memberships and Prizes

- *The Pegasus Scholarship Trust*: Pegasus Scholarship to Bermuda, with Appleby (2012)
- *Lincoln's Inn*: Lincoln's Inn Student of the Year (2010)
- Ede & Ravenscroft prize (2010)
- Megarry Scholarship (2010)
- Buchanan Prize for outstanding performance on the Bar Vocational Course (2010)
- *The City Law School*: Scarman Scholarship for second highest results on the Bar Vocational Course (2010)
- BACFI prize for Commercial & Company Law (2010)
- Outstanding Overall Achievement Award (2010)
- 2-month internship (in Zagreb) at Hanžekovic & Partneri, one of Croatia's leading commercial law firms (2010)
- Lord Mansfield Scholarship (2009)
- 3-month graduate internship in J.P. Morgan's Middle East Corporate Finance team (2008)
- Lord Bowen Scholarship (2008)
- Hardwicke Entrance Award (2008)
- Christ's College, Cambridge: Various college prizes and scholarships for performance in Tripos (2004-2007)
- Christ's College, Cambridge: Two Full Blues in Association Football (2005 & 2007)

- *Eton College*: King's Scholarship
- Volunteer Legal Adviser at Bethnal Green Law Centre

## Publications

- Co-author, with Mr Justice Marcus Smith, of *The Law of Assignment: The Creation and Transfer of Choses in Action*, 3<sup>rd</sup> edition (2018, OUP), the leading practitioner text on assignment.
- Co-author, with Mr Justice Marcus Smith, of *Private International Law and Intangible Property* (forthcoming, OUP).
- Co-author, with Aaron Taylor, of 'MiFID 2 and Brexit', a chapter in *Brexit and Financial Regulation* (forthcoming, OUP).
- Editor (with Mr Justice Marcus Smith) of the chapter on 'Choses in Action' in *Halsbury's Laws of England*, Fifth Edition.
- Co-author (with Richard Lissack KC and Clifford Chance LLP) of the chapter on 'Corporate Monitorships', *The Practitioner's Guide to Global Investigations* (2017, GIR)
- Specialist contributing editor on restitution (with Mr Justice Marcus Smith and Henry King KC) for Bullen & Leake & Jacob's *Precedents of Pleadings*, 17<sup>th</sup> edition (2012, Sweet & Maxwell).
- "Mis-selling interest rate swaps: common law negligence and the statutory rules" (2014) *Journal of Professional Negligence*, PN 2014, 30(1), 39-42
- "Mortgage Advice and the scope of compensation" (2013) *Journal of Professional Negligence*, PN 2013, 29(4), 238-240
- "Black Holes and the Quantum of Loss" (2012) *Journal of Professional Negligence*, PN 2012, 28(3), 220-223
- Nico also regularly gives talks on topics ranging from the evolution of leases in the 13<sup>th</sup> century to the nature of rights in the digital economy.

## Languages

- French (Fluent/Near Native)
- Italian (Fluent/Near Native)
- Croatian/Serbian (Fluent/Near Native)
- Spanish (Fluent)
- Arabic (basic)

## Awards

