



James Nadin

Barrister

Call 2002



Scope of Practice

• Arbitration • Art • Banking and Financial Services • Civil Fraud and Investigations • Company and Insolvency • Economic Torts • Energy and Natural Resources • Fund Management • Restitution • Shareholder Disputes • IT and Telecommunications

Overview

James has a broad practice which covers the whole range of commercial disputes, but he has particular recent experience in disputes concerning debt or equity finance, telecommunications and utilities. James also has a particular interest in disputes concerning art; he is a board member (and chair of the legal committee) of DACS (a not-for-profit organisation which protects the rights of visual artists).

Approximately half of James' practice is court litigation, in England and overseas. James is admitted as a member of the Bar of the British Virgin Islands, and has considerable experience of litigation in the Eastern Caribbean Court of Appeal and the Privy Council. He also has extensive experience of group litigation – both under formal GLOs and other bespoke arrangements. The other half of James' practice is international commercial arbitration. James has extensive recent experience of arbitration under various institutional rules (including ICC, LCIA and UNCITRAL), and of litigation concerning the enforcement of arbitral awards.

Examples of Recent Cases

Arbitration

- LCIA arbitration (2022) – James acted as sole counsel for a major water undertaker, in this arbitration
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concerning the proper interpretation of the market codes in the non-household retail water market.

- LCIA arbitration (2019) – James acted for an industrial conglomerate in this arbitration concerning “buy out” rights under a shareholders’ agreement.
- ICC arbitration (2019) – James acted for a commercial rights holder, in this arbitration concerning Formula 1 motor racing.
- ICC arbitration (2018) – James acted for a contractor in this arbitration arising out of major civil engineering project in Panama.
- UNCITRAL arbitration (2018) – James acted for a telecommunications infrastructure company, in this arbitration concerning a dispute with a private equity investor.
- LCIA arbitration (2018) – James acted in this arbitration concerning an agreement to purchase a majority shareholding in an oil exploration company.
- Sonera Holding B.V. v Cukurova Holding A.S. [2014] UKPC 15 – James acted for Cukurova in this long running litigation concerning the enforcement in the BVI of a New York Convention arbitration award of approximately US\$1 billion, which gave rise to a number of appeals to the Privy Council.

Art

- DACS and ACS v Ivor Braka Ltd (2022) (QBD) – DACS (of which James is a director) brought this claim against a leading art dealer under the Artist’s Resale Right Regulations 2006, seeking details of sales of artworks on which resale royalties are due. This was the first claim under the Regulations in England. The claim was settled shortly before trial in 2023.

Banking & Finance

- RF Corval International Holdings Limited & others v REINO Capital S.A. & others – James is sole counsel for REINO, a Polish investment and asset management group. The claim concerns a fund established by REINO to invest in commercial property in Eastern Europe. RF Corval, an initial investor in the fund, alleges that REINO gave certain guarantees as to the returns that would be generated by the fund, and is seeking payment of the sums which it says are due under the “guarantee”.
- Confidential dispute (2021) – James acted as sole counsel for a private equity investor in a dispute concerning whether certain put and call options had been validly exercised.
- NBT and Bank Otkritie v Boris Mints and others (Commercial Court) [2021] EWHC 692 (Comm) – James acted for Vadim Wolfson, a Russian businessman, defending a claim from two state-owned Russian banks. The claimants alleged that Mr Wolfson fraudulently caused Bank Otkritie to enter into a number of harmful transactions, shortly before it became insolvent, and claimed damages of over \$500 million.
- LIC Telecommunications Sarl v VTB Capital and others (Commercial Court) [2019] EWHC 1747 (Comm) – James is sole counsel for Maze Sarl, a Luxembourg provider of corporate services, defending claims of fraud, conspiracy and collusion, in relation to the sale of a controlling stake in the Bulgarian telecom operator Vivacom.
- UNCITRAL arbitration (2018) – James acted for a telecommunications infrastructure company, in this arbitration concerning a dispute with a private equity investor.

- Alfa Telecom Turkey Limited v Cukurova Finance International Limited [2009] 3 All ER 849, [2012] UKPC 20, [2013] UKPC 2, [2013] 4 All ER 936, [2013] 4 All ER 989 – James acted for Cukurova in its long-running dispute with the Alfa group of Russia over control of Turkcell, the leading mobile phone operator in Turkey. The dispute has given rise to five ground-breaking decisions of the Privy Council, which include the leading case on the novel remedy of appropriation introduced into English law by the Financial Collateral Arrangements (No. 2) Regulations 2003, and the leading modern authority on relief from forfeiture.

Commercial Dispute Resolution

- RF Corval International Holdings Limited & others v REINO Capital S.A. & others – James is sole counsel for REINO, a Polish investment and asset management group. The claim concerns a fund established by REINO to invest in commercial property in Eastern Europe. RF Corval was an initial investor in the fund, and alleges that REINO gave certain guarantees as to the returns that would be generated by the fund, and is seeking payment of the sums which it says are due under the “guarantee”.
- Castle Water Limited v Thames Water Utilities Limited [2020] EWHC 1374 (TCC) - James acted for Thames in this dispute arising out of Thames’ sale of its non-household retail water business to Castle. In summary, Castle alleged that the data which Thames transferred to Castle on completion of the sale was incomplete and defective. Named by **The Lawyer** as one of the top 20 cases of 2020.
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- LIC Telecommunications Sarl v VTB Capital and others (Commercial Court) [2019] EWHC 1747 (Comm) – James is sole counsel for Maze Sarl, a Luxembourg provider of corporate services, defending claims of fraud, conspiracy and collusion, in relation to the sale of a controlling stake in the Bulgarian telecom operator Vivacom.
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- ICC arbitration (2019) – James acted for a commercial rights holder, in this arbitration concerning Formula 1 motor racing.
- LCIA arbitration (2019) – James acted for an industrial conglomerate in this arbitration concerning “buy out” rights under a shareholders’ agreement.
- The Construction Industry Vetting Information Group Litigation (Queen’s Bench Division) – James acted for Amec in this group litigation, concerning allegations of blacklisting in the construction industry, in which more than 1,000 claimants sought damages for defamation, breach of the Data Protection Act, breach of confidence, misuse of private information and conspiracy. Named by **The Lawyer** as one of the top 20 cases of 2016. James also acted for Amec in related Part 20 proceedings in which other construction companies sought contribution from Amec towards sums which they paid to individual claimants.
- ICC arbitration (2018) – James acted for a contractor in this arbitration arising out of major civil engineering project in Panama.
- EE Limited v Phones 4U Limited (Commercial Court) [2018] 1 Lloyd’s Rep 204 – James acted for EE, defending a claim from the administrators of Phones 4U for commissions under a long term customer acquisition

contract, and counterclaiming for damages for repudiatory breach.

- UNCITRAL arbitration (2018) – James acted for a telecommunications infrastructure company, in this arbitration concerning a dispute with a private equity investor.
- LCIA arbitration (2018) – James acted in this arbitration concerning an agreement to purchase a majority shareholding in an oil exploration company.
- Sonera Holding B.V. v Cukurova Holding A.S. [2014] UKPC 15 – James acted for Cukurova in this long running litigation concerning the enforcement in the BVI of a New York Convention arbitration award of approximately US\$1 billion, which gave rise to a number of appeals to the Privy Council.
- Alfa Telecom Turkey Limited v Cukurova Finance International Limited [2009] 3 All ER 849, [2012] UKPC 20, [2013] UKPC 2, [2013] 4 All ER 936, [2013] 4 All ER 989 – James acted for Cukurova in its long-running dispute with the Alfa group of Russia over control of Turkcell, the leading mobile phone operator in Turkey. The dispute has given rise to five ground-breaking decisions of the Privy Council, which include the leading case on the novel remedy of appropriation introduced into English law by the Financial Collateral Arrangements (No. 2) Regulations 2003, and the leading modern authority on relief from forfeiture.
- Philips Pension Trustees Limited v Aon Hewitt Limited and others [2015] EWHC 1768 (Ch) – James acted for Hewitt, the investment consultant, defending a £200 million claim from the trustees of an occupational pension fund, for breach of contract, negligence and breach of statutory duty.
- Merrill Lynch International v Amorim Partners Ltd [2014] EWHC 74 (QB) – James acted for Merrill Lynch in this claim concerning allegations of misrepresentation in relation to a share trade.

Energy and Natural Resources

- The Environmental Information Regulations litigation (Chancery Division) – James acts for a group of English water companies. The claimants are approximately 100 property search companies, who purchased environmental searches from the water companies over a period of many years. The claimants now say that the water companies were obliged to provide the information for free under the Environmental Information Regulations 2004, and claim restitution of all of the fees paid (over £150 million in total). Stage 1 of the proceedings is listed for trial in November 2023.
- LCIA arbitration (2022) – James acted as sole counsel for a major water undertaker, in this arbitration concerning the proper interpretation of the market codes in the non-household retail water market.
- Castle Water Limited v Thames Water Utilities Limited [2020] EWHC 1374 (TCC) - James acted for Thames in this dispute arising out of Thames' sale of its non-household retail water business to Castle. In summary, Castle alleged that the data which Thames transferred to Castle on completion of the sale was incomplete and defective. Named by **The Lawyer** as one of the top 20 cases of 2020.
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Civil Fraud

- NBT and Bank Otkritie v Boris Mints and others (Commercial Court) [2021] EWHC 692 (Comm) – James acted for Vadim Wolfson, a Russian businessman, defending a claim from two state-owned Russian banks. The claimants alleged that Mr Wolfson fraudulently caused Bank Otkritie to enter into a number of harmful

transactions, shortly before it became insolvent, and claimed damages of over \$500 million.

- LIC Telecommunications Sarl v VTB Capital and others (Commercial Court) [2019] EWHC 1747 (Comm) – James is sole counsel for Maze Sarl, a Luxembourg provider of corporate services, defending claims of fraud, conspiracy and collusion, in relation to the sale of a controlling stake in the Bulgarian telecom operator Vivacom.

Group Litigation

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Restitution

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Shareholder Disputes

- LCIA arbitration (2019) – James acted for an industrial conglomerate in this arbitration concerning “buy out” rights under a shareholders’ agreement.
- Alfa Telecom Turkey Limited v Cukurova Finance International Limited [2009] 3 All ER 849, [2012] UKPC 20, [2013] UKPC 2, [2013] 4 All ER 936, [2013] 4 All ER 989 – James acted for Cukurova in its long-running dispute with the Alfa group of Russia over control of Turkcell, the leading mobile phone operator in Turkey. The

dispute has given rise to five ground-breaking decisions of the Privy Council, which include the leading case on the novel remedy of appropriation introduced into English law by the Financial Collateral Arrangements (No. 2) Regulations 2003, and the leading modern authority on relief from forfeiture.

IT and Telecommunications

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- Sonera Holding B.V. v Cukurova Holding A.S. [2014] UKPC 15 – James acted for Cukurova in this long running litigation concerning the enforcement in the BVI of a New York Convention arbitration award of approximately US\$1 billion, which gave rise to a number of appeals to the Privy Council.
- Alfa Telecom Turkey Limited v Cukurova Finance International Limited [2009] 3 All ER 849, [2012] UKPC 20, [2013] UKPC 2, [2013] 4 All ER 936, [2013] 4 All ER 989 – James acted for Cukurova in its long-running dispute with the Alfa group of Russia over control of Turkcell, the leading mobile phone operator in Turkey. The dispute has given rise to five ground-breaking decisions of the Privy Council, which include the leading case on the novel remedy of appropriation introduced into English law by the Financial Collateral Arrangements (No. 2) Regulations 2003, and the leading modern authority on relief from forfeiture.

What the Directories Say

“James Nadin’s drafting style, effective tactical approach and attention to detail are superb.” (Chambers UK 2024 – Commercial Dispute Resolution)

“He has an incredible brain and is just very strategic and thoughtful. The quality of his work is absolutely superb.” (Chambers UK 2023 – Commercial Dispute Resolution)

“A good junior, who is responsive and very smart. He is very detail-orientated.” (Chambers UK 2022 – Commercial Dispute Resolution)

“Offers a great mix of commerciality and practicality and is also very brainy”; “He is very good at getting into the detailed facts of a case.” (Chambers UK 2021 – Commercial Dispute Resolution)

“His knowledge of the law is extensive, he’s user-friendly and he has a succinct advocacy style”; “He dives straight into the detail of a case.”

” (Chambers UK 2020 - Commercial Dispute Resolution)

“He provides clarity of thinking and shows real attention to detail”; “highly intelligent, very hard-working and not afraid to give robust advice”. (Chambers UK 2019 - Commercial Dispute Resolution)

Education

Clare College, University of Cambridge (1997-2000) - Law Tripos (Double First)

Brasenose College, University of Oxford (2000 - 2001) - BCL (Distinction)

Awards



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