

ESSEX COURT CHAMBERS

BARRISTERS



NATHAN PILLOW QC

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PROFESSIONAL PRACTICE

Nathan Pillow is a “*much-praised*” and “*highly respected*” commercial practitioner, who joined Essex Court Chambers in 1998 and took silk in early 2015. He specialises in advocacy in commercial/chancery disputes, usually involving both domestic and offshore (or other international) elements, with a particular focus on civil fraud, asset-tracing and international banking and finance.

Nathan usually acts as the leader of the team of barristers in complex and high-value cases, having particular experience both of heavy interlocutory applications (e.g. for freezing relief or on jurisdictional issues) and long commercial trials, including extensive witness cross-examination. He is praised as “*extremely clever*” and “*excellent both in his cross-examination and reading of the court*”; and as a “*very good*”, “*slick*”, “*very robust*” and “*unflappable*” advocate, with a “*calm but forceful manner*”, whose “*cross-examination is very effective*”.

Nathan has extensive experience of heavy and complex cases, working closely with teams of solicitors, foreign lawyers and other counsel, in commercial disputes of all kinds. He has particular experience in the field of civil fraud (acting both for claimants and defendants), including injunctive and other interim relief; equitable, proprietary and restitutionary claims and remedies; and tracing and asset recovery. His work generally has an international character and often involves complex jurisdictional and conflict of laws issues. Nathan’s approach to his cases is “*very commercial*”, and he is praised for his “*efficient*” work, which he “*turns... around in short order*”, and which is “*always of exceptional quality*”.

Nathan is widely commended for the supportive and responsive manner in which he works with

his professional and lay clients, being described as “*client-focused*”, “*so easy to work with*”, “*very good with clients*”, “*incredibly user friendly*” – and “*good value for money*”. He is a “*client-friendly*” silk who “*always appreciates the commercial realities faced by clients*”.

He is recommended by **Chambers and Partners UK Client’s Guide to the UK Legal Profession** in the fields of commercial dispute resolution, civil fraud, international arbitration, and shipping and commodities; and by **The Legal 500: UK edition** for commercial litigation, civil fraud and shipping. (All of the quotes above come from the 2016 and 2015 editions of these directories).

AREAS OF EXPERTISE

- Arbitration & related court applications
- Banking & financial services
- Civil fraud & asset tracing
- Commercial chancery disputes
- Commercial dispute resolution
- Conflict of laws & private international law
- Insurance & reinsurance
- International trade, transport & commodities
- Offshore litigation
- Shipping & admiralty
- Unjust enrichment & restitution claims

WHAT OTHERS SAY

Recommended in the Chambers UK and Legal 500 directories for many years, comments include:

- “He’s extremely nice to work with and a very good advocate. His cross-examination is very effective and he has a very nice manner about him in court.”
- “A very intelligent individual, who is very good tactically and very good with clients as well.”
- “He is client-focused and extremely clever. He is so easy to work with and he doesn’t shy away from difficult issues. He’s efficient and good value for money.”
- “We find him incredibly user-friendly, bright and hard-working.”
- “He is very commercial and he turns work around in short order, which is always of exceptional quality.”
- “Really user-friendly and a slick advocate.”
- “Excellent both in his cross-examination and reading of the court.”
- “Unflappable, client-friendly and a very good advocate with a calm but forceful manner.”
- “A very robust advocate who always appreciates the commercial realities faced by clients.”
- “Very bright and extremely knowledgeable”
- “A good advocate, who is unflappable and client friendly”

- “He has a very nice manner with clients and he is very good on his feet”
- “He is strong, clear and commercial”
- “He is robust and unflappable”
- “very easy to work with and personable”
- “A talented and polished performer”
- “Is prepared to get stuck into the detail, is always responsive and takes a very commercial approach”
- “The quality of his work is extraordinary at times,” say solicitors, and “he is one of the calmest people you will ever come across”
- “‘Star of the future’, Nathan Pillow boasts ‘excellent technical skills’ and has earned a great reputation for his work on fraud and asset recovery cases”
- “While observers commend him for his trailblazing demeanour, they also highlight Nathan Pillow for a smooth, polished approach that calms the most troubled of waters”
- Pitched by some as “the modern face of the bar”, his profile is on the ascendancy

EXAMPLES OF RECENT CASES

Nathan has recently acted for the successful Claimants at the heavy trial of the Commercial Court bank fraud case, *Otkritie v Urumov & ors* [2014] EWHC 191 (Comm). He continues to act in various enforcement, committal and other related proceedings, including in appeals to the Court of Appeal, such as from the recusal of the trial Judge in committal proceedings ([2014] EWCA Civ 1315), and in related actions in the English Commercial Court and the Supreme Court of Gibraltar.

He is now leading the barrister team acting for the Claimant bank in *National Bank TRUST v Yurov & ors*, a US\$1 billion banking and fraud case against the bank’s former owners and directors in the English Commercial Court, having obtained (and successfully resisted an application to discharge) an US\$830 million worldwide freezing order against the Defendants and their wives ([2016] EWHC 1913 (Comm)).

Nathan also acts for the main Defendants in very long-running proceedings brought in the English Commercial Court by the Russian state-owned shipping companies, *Fiona Trust v Privalov & ors* and *Novoship UK v Mikhaylyuk & ors*. Most recently, this has included (in *Fiona Trust*) a substantial and successful claim against the claimants on their undertaking in damages given in freezing orders ([2016] EWHC 2164 (Comm)); and (in the *Novoship* case) a successful appeal in the Court of Appeal against judgment for over US\$100 million ([2014] EWCA Civ 908).

ARBITRATION & RELATED COURT APPLICATIONS

Nathan's practice encompasses all types of institutional and *ad hoc* commercial arbitration, particularly large international disputes, whether seated in London or abroad (e.g. Paris, the Middle East, Singapore).

His experience includes both appearing at interlocutory and final hearings (alone and as part of a team of counsel and solicitors) and advising on and drafting papers for all aspects of arbitral proceedings (as well as appeals from and challenges to awards in the English Commercial Court).

His arbitration practice has recently focused on international trade and finance (especially energy, commodities, telecommunications, shipping/transport and joint venture disputes), under ICC, UNCITRAL, LCIA and LMAA rules. (See also *International Trade and Transport*, below.)

Nathan is available to act as arbitrator, whether alone or as part of a larger tribunal. Having Chambers in Singapore (where he is also admitted to practice as a Registered Foreign Lawyer before the Singapore International Commercial Court), Nathan is readily available to meet, advise and/or appear there and elsewhere in the region.

BANKING & FINANCIAL SERVICES

Nathan acted for **BTA Bank** in its long-running and high-profile case against its former Chairman, Mukhtar Ablyazov; and more recently for the **Otkritie** banking and financial services group in various cases relating to frauds concerning 'golden hellos' and Argentinian sovereign debt instruments, including a further US\$120 million claim against **Threadneedle Asset Management**. He is currently acting for the Russian bank, **National Bank TRUST**, in a US\$1 billion Commercial Court claim against its former owners and directors.

He also acted for Deloitte, the Liquidators of **BCCI SA**, in their long-running action against the Bank of England for misfeasance in public office (*Three Rivers District Council v. The Governor and Company of the Bank of England*), including the landmark decisions of the Court of Appeal and House of Lords on legal professional privilege (*Three Rivers (No. 5)* [2003] QB 1556; and *Three Rivers (No. 6)* [2004] QB 916, [2005] 1 AC 610).

In addition, Nathan has acted and advised in a wide variety of international and domestic banking disputes (both for and against major British and overseas banks). These include cases on letters of credit, guarantees, performance bonds, bills of exchange and other financial instruments, constructive trusts and accessory liability; applications for injunctive relief, including freezing and search orders; and in relation to confidentiality and disclosure issues.

CIVIL FRAUD & ASSET TRACING

Nathan has been instructed in some of the most high-profile and substantial Commercial Court fraud cases in recent years (for both claimants and defendants), including:

- *Fiona Trust v Privalov & ors* (for the main defendants, Commercial Court and Court of Appeal)
- *BTA Bank v Ablyazov & ors* (for the claimants, Commercial Court)
- *Novoship UK v Mikhaylyuk & ors* (for the main defendants, Commercial Court and Court of Appeal)
- *Otkritie v Urumov & ors* (for the claimants, Commercial Court and Court of Appeal)
- *National Bank Trust v Yurov & ors* (for the claimants, Commercial Court)

Nathan's involvement included substantial **pre-trial applications** (for worldwide freezing relief (or its discharge), *Norwich Pharmacal* orders, and cross-examinations on assets), as well as appearing at the **lengthy trials** of the *Fiona Trust*, *Novoship* and *Otkritie* cases, in various subsequent **Court of Appeal hearings**, and in **ancillary committal, enforcement and related proceedings** (in the Commercial Court, Court of Appeal and the Supreme Court of Gibraltar).

Other recent fraud cases also include acting for *Network Rail* in a 'phantom worker' case; and for the owners of retail outlets in a claim arising from an alleged invoicing fraud.

COMMERCIAL DISPUTE RESOLUTION

Nathan has a special interest in, and particular experience of, working as part of a team of lawyers in **major commercial litigation**. This has included appearing in some of the biggest Commercial Court cases of recent years, including:

- the *Metro v. Glencore* litigation;
- the *Fruit Shippers (Molestina v. Ponton)* case;
- the *BCCI (Three Rivers) v. The Bank of England* action;
- *Fiona Trust v. Privalov & ors*;
- *BTA Bank v. Ablyazov & ors*;
- *Novoship UK v. Mikhaylyuk & ors*;
- *Otkritie v. Urumov & ors*; and
- *National Bank TRUST v Yurov & ors*.

As a result, Nathan has particular detailed experience of English **civil procedure**; issues relating to **disclosure, privilege, evidence, costs, case management and enforcement** (including **committal for contempt**); as well the myriad **conflict of laws** issues (in terms of **service, jurisdiction and choice of law**) that arise in large, international, multi-party commercial

disputes.

Drawing on this wide experience of such litigation, Nathan now generally leads the team of barristers on even the most substantial cases.

INSURANCE & REINSURANCE

Nathan acts for and against major insurers in litigation and arbitration relating to all types of marine and non-marine insurance and reinsurance, including recently for the successful Claimants in the Commercial Court and Court of Appeal case of *Sealion Shipping v Valiant Insurance* (concerning a loss of hire marine insurance policy): [2013] 1 Lloyd's Rep 108.

He acted for Lloyd's in various actions against Names following the Equitas restructuring; and also has experience of advising in non-litigious contexts, including policy drafting and FSA authorisation issues.

INTERNATIONAL TRADE, TRANSPORT & COMMODITIES

Nathan has wide experience of disputes involving all types of commodity (with particular recent experience in the fields of oil, steel, sugar and petcoke). He has acted in and advised on court-based commodity disputes (including in particular the *Glencore v. Metro* litigation relating to the ownership of oil at the Fujairan oil terminal), as well as in arbitrations under institutional rules, such as GAFTA, the LME, the LMAA, the Sugar Association of London and the Refined Sugar Association.

SHIPPING & ADMIRALTY

Nathan has extensive shipping experience, both in court and arbitration, including bareboat, time and voyage charter cases, as well as more general shipping-related contractual disputes and frauds. He has been recommended as a leading junior for shipping work for many years, in both the Chambers UK and Legal 500 guides.

CAREER

1997 Called to the Bar: Gray's Inn

1998 Essex Court Chambers

EDUCATION

1996 BA (First Class Hons), Magdalen College, Oxford University

1995 Diploma in French Law, Paris University, Panthéon-Assas

AWARDS

1996 Prince of Wales Scholarship, Gray's Inn

1996 Norton Rose Prize for Company Law, Oxford University

1994 Tutorial Prize in Law, Magdalen College, Oxford

1994 Scholarship, Magdalen College, Oxford