

Ewelina Clyde-Smith

Counsel

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VCard



Areas of expertise

Banking Disputes >

Corporate and Financial Services Disputes >

Crypto Disputes >

Dispute Resolution >

Fraud and Asset Tracing >

International Arbitration >

Legal >

Restructuring and Insolvency >

Trusts Advisory Group >

Background and experience

Ewelina is a solicitor advocate and advises on complex, high-value financial crypto disputes and insolvency cases including:

- advising in relation to all forms of crypto disputes
- acting for insolvency practitioners and successfully obtaining orders for sale over a structured investment vehicle in respect of disputes with other shareholders
- bringing as well as defending proceedings in respect of obtaining leave to commence derivative actions
- advising in relation to unfair prejudice claims
- providing tactical advice on interim measures including injunctions and enforcement of worldwide freezing orders in foreign jurisdictions
- acting successfully on jurisdictional challenges as well as on various other interim applications
- as a solicitor advocate, presenting applications for company restorations, appointments of liquidators and terminations of company liquidations
- acting for a high net worth individual involved in dispute relating to the corporate vehicles through which assets were held and managed, asset tracing and obtaining protective measures.

Ewelina is part of Ogier's multi-disciplinary Restructuring & Insolvency team. Ewelina advises in relation to all aspects of contentious insolvency, acting for creditors, members, insolvency practitioners and other stakeholders in an insolvency and restructuring process. She also advises

on all aspects of liquidations, schemes of arrangement, company restorations and company insolvency generally. Ewelina is often instructed on debt recovery matters which involve drafting demand letters, issuing debt proceedings and registration of the judgment debts. She also advises on applications where recognition of the foreign insolvency practitioners is sought.

Ewelina's most recent work includes advising the joint liquidators of Three Arrows Capital Ltd (in liquidation) in relation to all aspects of insolvency issues relating to cryptocurrency business. The case involves novel point in which the BVI court has endorsed what is believed to be its first extra-territorial order summoning directors of a BVI company (in liquidation) to appear for private examination by joint liquidators.

Ewelina also worked on the restructuring and debt refinancing of Constellation Overseas, including a ground-breaking "soft touch" provisional liquidation in the BVI.

Previous to working in the British Virgin Islands, Ewelina worked for Ogier in Jersey where in addition to commercial and insolvency cases she also advised in relation to all disputes involving trust structures (both commercial and private wealth).

Prior to joining Ogier, Ewelina spent two years with a boutique firm based in the City of London, specialising in complex and high-value commercial, banking and financial dispute resolution. Through working in commercial litigation, Ewelina assisted in High Court cases arising from contractual disputes and gained invaluable experience in all stages of litigation. She assisted in banking litigation as well as cases involving financial assistance, share sales, the dissolution of companies, shareholder and partnership disputes, commercial insurance policies, breach of trust and professional negligence. She also gained an insight into insolvency procedure and the governing statutory regime. Ewelina's work also included international arbitration (particularly in the LCIA) and mediation.

Professional Memberships include: Bar of England and Wales, Solicitor Advocate England and Wales, BVI Bar Association, Restructuring and Insolvency Association (BVI) and INSOL International.

Admitted in:

2013 - England & Wales (non-practising)

2016 – British Virgin Islands

2017 - Solicitor Advocate, England and Wales (non-practising)

Languages:

Polish (native)

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Languages

Polish

English

Examples of work

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3 August 2014

Ogier assist Kentz Corporation

Simon Dinning

Team: Ewelina Clyde-Smith

📍 Jersey

Deal

News and insights

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9 November 2023 | 2 min read

Ogier's BVI team praised for 'unparalleled expertise' in Legal 500 2024

News

23 February 2023 | 2 min read

Three Arrows case sees what is believed to be BVI's first ever extra-territorial summoning of company directors to appear for a private examination by joint liquidators

Brian Lacy

Team: Justin Davis 0000, Oliver Payne 0000, Romauld Johnson, Ewelina Clyde-Smith

📍 British Virgin Islands

Insight

11 November 2022 | 1 min read

Ogier in BVI praised as "the go-to firm" in Legal 500 2023

Brian Lacy

Team: Michael Killourhy, Nicholas Burkill, Nicholas Brookes, David Welford, Ewelina Clyde-Smith, Alexander Muksinov, and 3 more

📍 British Virgin Islands

News

12 November 2021

The Eastern Caribbean Court of Appeal continues protection for Nam Tai shareholders

Nicholas Burkill

Team: Ewelina Clyde-Smith, James McDermott

📍 British Virgin Islands

Insight

11 November 2021 | 1 min read

Ogier "the Rolls Royce firm in the BVI" in Legal 500 Caribbean Guide 2022

Nicholas Brookes

Team: Nicholas Burkill, Michael Killourhy, Brian Lacy, Simon Schilder, David Welford, Marie-Claire Fudge, and 3 more

📍 British Virgin Islands

News

31 March 2021 | 1 min read

Ogier's BVI Dispute Resolution team named Litigation Practice of the Year

Brian Lacy

Team: Nicholas Burkill, Nicholas Brookes, Justin Davis ￼￼, David Welford, Alexander Muksinov, Ewelina Clyde-Smith, and 4 more

📍 British Virgin Islands

News

5 March 2021

BVI commercial courts effective support of the us market

Nicholas Burkill

Team: Michael Killourhy, Ewelina Clyde-Smith, James McDermott

Insight

17 November 2020 | 1 min read

Ogier in the BVI recognised as the stand out offshore firm

Nicholas Brookes

Team: Nicholas Burkill, Michael Killourhy, Brian Lacy, Simon Schilder, Christian Burns-Di Lauro, Marie-Claire Fudge, and 3 more

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News

20 July 2020 | 10 min read

Constellation: a dazzling success for BVI restructuring

Brian Lacy

Team: Michael Killourhy, Ewelina Clyde-Smith

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Insight

Recognition

"Recommended"

Legal 500 Caribbean, 2023