

Nicholas Tam 000

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VCard



Areas of expertise

Banking Disputes >

Corporate and Financial Services Disputes >

Dispute Resolution >

Enforcement of Judgments and Awards >

Fraud and Asset Tracing >

International Arbitration >

Shareholder and Valuation Disputes >

Background and experience

Nicholas is an Asia-based offshore litigator handling complex multi-jurisdictional disputes spanning banking, insolvency and restructuring, shareholder disputes, trusts, and general commercial matters. He advises in relation to matters before the BVI and Cayman Courts and arbitrations worldwide, including under the CIETAC, FOSFA, HKIAC, ICC, LCIA, LMAA and UNCITRAL Rules. He has a strong track record managing multi-jurisdictional teams to obtain judgments or awards and thereafter achieving their enforcement, including in 'difficult to enforce' jurisdictions such as Bangladesh and China.

Nicholas joined Ogier in 2018 after almost 5 years with the Hong Kong office of leading maritime lawyers Ince & Co, where he specialised in dispute resolution, insolvency, transport, and trade and appeared frequently before the High Court of Hong Kong. He is sought-after by clients, industry associations, and global media as a thought leader on international trade sanctions and has been interviewed and published by media outlets including CNN and Lloyd's Intelligence. At Ogier he has advised liquidators, creditors, licensed fund managers, and directors of offshore companies listed on the Hong Kong, London, New York, and NASDAQ stock exchanges in relation to some of the most complex company and insolvency matters litigated before the BVI and Cayman Courts. Highlight matters include the restructuring of Luckin Coffee, the liquidation of the Adamas Funds, and numerous bondholder restructurings involving offshore investment structures into real estate assets in Hong Kong and Mainland China. He has also advised a global bank in Cayman litigation against the Saad Group, which collapsed after conducting the world's largest Ponzi scheme valued in excess of US\$330 billion. Many of his cases have led to landmark judgments redefining the law in BVI and Cayman.

He read law and economics at The University of Melbourne and was the 2011 National Champion of the Sir Harry Gibbs Australian Constitutional Law Moot. Shortly thereafter he relocated to Hong Kong to complete the PCLL at The University of Hong Kong, from which he graduated with the Sir Po-shing Woo Gold Medal in Law as the top student in the litigation stream. Subsequently, Nicholas has qualified as a Member of the Chartered Institute of Arbitrators and an Associate of the Hong Kong Institute of Arbitrators, and has been appointed to the List of Arbitrators for the Cayman International Mediation & Arbitration Centre.

Nicholas is the first offshore lawyer and the first Australian to be granted rights of audience before the Astana International Finance Centre Court. This enables him to advise and represent clients with interests in Kazakhstan and Central Asia, a region of increasing importance and activity as part of the 'One Belt, One Road' initiative.

Prior to commencing his legal career, Nicholas was a researcher in the Washington DC office of US Senator Mike Crapo, the Ranking Member of the US Senate Banking Committee, which gives him unique insight into government and regulatory matters affecting the financial sector.

Publications

- Aircraft Finance: Regulation, Security and Enforcement (Sweet & Maxwell)
- Aircraft Liens and Detention Rights (Sweet & Maxwell)
- Atkin's Court Forms: Hong Kong (LexisNexis)
- Infrastructure Procurement After the Credit Crunch: A Guaranteed Future for PPPs in Australia? [2012] 7(1) EPPPL 30
- Lexis Practical Guidance HK: Carriage of Goods
- Lexis Practical Guidance HK: Cross-Border Trading

Memberships

- AIAC Young Practitioners Group
- Australian Chamber of Commerce
- Chartered Institute of Arbitrators
- HK45
- Hong Kong Institute of Arbitrators
- Law Society of Hong Kong

Admitted in:

2015 - Victoria, Australia

2017 - Hong Kong

2019 - Astana International Finance Centre

2019 - Norfolk Island

2022 - New Zealand

2023 - England & Wales

2023 - Pitcairn Islands

2023 - British Virgin Islands

News and insights

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13 September 2023 | 4 min read

The BVI Commercial Court – a rich region for unpaid creditors?

Justin Davis □□□

Team: Shane Quinn □□, Nicholas Tam □□□

📍 British Virgin Islands

Insight

10 August 2023 | 8 min read

Understanding the inspectorship remedy in the Cayman Islands

Gemma Bellfield (nee Lardner)

Team: Oliver Payne □□□, Corey Byrne, Nicholas Tam □□□, Kelvin Cheung □□□

📍 Cayman Islands

Insight

13 April 2023

Cayman Islands: recovery of foreign attorneys' fees for successful litigants

Michael Snape □□□

Team: Christopher Levers, Nour Khaleq, Nicholas Tam □□□

📍 Cayman Islands, Hong Kong

Insight

1 November 2022

Nicholas Tam named one of Greater China's leading young lawyers by LexisNexis

News

1 November 2022

□□□□ LexisNexis □□□□□□□□□□□□□□□□ Nicholas Tam named one of Greater

China's leading young lawyers by LexisNexis (Simplified Chinese)

News

1 October 2021

Snapshot: bearer share companies in the British Virgin Islands (Japanese)

Oliver Payne 000

Team: Justin Davis 000, Nicholas Tam 000

📍 Hong Kong, British Virgin Islands

Insight

19 May 2021

Snapshot: bearer share companies in the British Virgin Islands

Oliver Payne 000

Team: Justin Davis 000, Nicholas Tam 000

📍 British Virgin Islands

Insight

10 May 2021 | 5 min read

Grand Court strikes out a creditor's winding up petition and comments on the relationship with arbitration clauses

Michael Snape 000

Team: Christopher Levers, Nour Khaleq, Nicholas Tam 000

📍 Hong Kong, Cayman Islands

Insight

10 May 2021 | 1 min read

Grand Court of the Cayman Islands strikes out a creditor's winding up petition (Simplified Chinese)

Michael Snape 000

Team: Christopher Levers, Nour Khaleq, Nicholas Tam 000

📍 Cayman Islands, Hong Kong

Recognition

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LexisNexis 40 Under 40 Greater China, 2022