



**Andrew Nicol**

**Education**

M.A. (Cantab.)

NEW SQUARE



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**Year of Call:** 1991

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## Profile

**'A fantastic advocate who is very commercially aware' - Legal 500 (2015).**

Variously described as "a fantastic proactive advocate with a quick turnaround", "very thorough and very clever", "excellent on his feet and not someone you want peering back at you if you are in the witness box", "especially effective in case heard in the Chancery Division", "extremely bright and approachable" and "a barrister who really understands solicitors' needs" Andrew is a courtroom advocate and team player who strives to obtain the best possible commercial results for his clients. Those clients include banks, building societies, secondary lenders, major insurers, well known plcs and prominent individuals.

Andrew cut his teeth at the Bar in the wake of the last property slump of the early 1990s and acted in many high profile cases on behalf of both lending institutions and professional indemnity insurers. He remains intimately involved in such issues as loan syndication, lending, valuations, conveyancing and related insurance issues.

Andrew regularly appears in all Divisions of the High Court including the Commercial Court the TCC and the Senior Courts Costs Office and has acted in many Arbitrations (both ICC and domestic). He also frequently attends mediations on behalf of clients where his commercial approach to legal problem solving is at the fore.

Andrew has a burgeoning and broad based commercial practice which encompasses all the major areas of work undertaken at 4 New Square. He lives with his young family in Central London and the French Alps and has a passion for sports (particularly winter sports, rugby and salmon fishing).

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## Professional Liability

For many years Andrew has been listed as a leading junior in the field of professional liability by both *Chambers Guide to the Legal Profession* and *The Legal 500*. His work in this area spans all the professions (save the medical profession) and he has regularly been instructed by all the leading insurers in the field. He has many reported cases to his name at first instance and in the Court of Appeal

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## International Arbitration

Andrew has extensive experience of arbitrations, mediations and adjudications including:

- Commercial Arbitrations (both ICC and domestic)
- Construction and engineering arbitrations
- Many mediations and adjudications

Recent arbitrations include a dispute between two major UK plcs as to the warranties in a Share Purchase Agreement, a dispute between the parties to an agreement relating to the sale of a Russian Bank and a dispute in respect of the refurbishment of one of the most expensive private houses sold in London.

Andrew is happy to represent clients at mediations at which he seeks to avoid a "barristerial" approach but instead to achieve sensible commercial solutions to disputes.

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## Commercial Dispute Resolution

Andrew has wide experience of a broad range of commercial work, including sale of goods, corporate and personal insolvency, share warranty and other contractual claims and banking and other lenders' disputes.

Andrew's recent caseload has included a number of disputes in relation to share purchase agreements, company takeovers, business purchases and company collapses.

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## Insurance & Reinsurance

By the very nature of much of his practice Andrew spends a great deal of his time considering insurance issues. He is regularly instructed by insurers to defend claims on behalf of their clients and to consider coverage issues and policy terms. He has recently advised insurers on their liability or otherwise to respond to a claim made by a premiership football club following the catastrophic injury to one of its players whilst on international duty, advised insurers in respect of a multi-million pound fire claim, represented SIF pursuing a claim against an assured and on many occasions advising as to what circumstances could give rise to a claim on an insurance policy.

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## Costs

Disputes in relation to legal costs form an important part of Andrew's practice. There can be no greater frustration to any litigator than the issue of costs forming a logjam preventing dispute resolution. Careful consideration needs to be given to the issue of costs before, during and after dispute resolution. Andrew well understands the frustration of lawyers and clients when disagreements over costs arise. Whilst the majority of such disputes are apt for informal resolution Andrew has longstanding experience of the Courts' Costs' Jurisdiction. He has most recently been instructed in the Senior Courts Office in a dispute relating to the "Special Circumstances" referred to in Section 70 of the Solicitors Act 1974 and their inter-relationship with potential negligence claims against solicitors (opponent Simon Browne QC) and in the Court of Appeal in the case of *Wagenaar v Ski Weekend* which considered the applicability of the Qualified One Way Costs Shifting Provisions post-Jackson.

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## Construction & Engineering

Andrew regularly acts for parties involved in construction disputes both in the TCC and arbitrations/adjudications. Recent cases have included disputes about the construction of hotels, large properties in Docklands, contaminated land and allegedly defective tunnel design.

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## Sports Law

In his youth Andrew played first class rugby and he remains passionate about the game and about sport generally. Andrew has an evolving sports law practice. He recently advised insurers in relation to a claim made by a premiership football club after one of its players who was catastrophically injured whilst on international duty. Andrew's other particular passion is mountain sports and he has advised a number of members of the UIAGM (Mountain Guides) in relation to professional negligence claims made against them. He is currently instructed in a dispute in which allegations of professional negligence are made against a French ski instructor.

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