

# 'I would not be surprised if she were to emerge as a Supreme Court Justice' - Stars at the Bar 2016



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**Legal Week profiles ten of the most promising barristers of ten years call and under**

## **Anton Dudnikov, Essex Court Chambers, call 2008**

A fluent Russian speaker, Anton Dudnikov's talents are not limited to working on cases from that jurisdiction; far from it. As a junior he has acted in a bitter family dispute in Dubai about a worldwide portfolio of assets. London is the mainstay of his



practice, though, both in court or in international arbitrations.

The Commercial Court in London looks to be his stamping ground for many years to come; as he says himself, "more often than not, my cases have an international dimension, whether representing a Libyan-owned investment company, a state entity in the Middle East, or one of the Tchenguiz brothers in their battle with the Serious Fraud Office".



Highly praised for his advocacy skills by members of the judiciary, Dudnikov singles out two particular achievements from 2015 of which future instructing solicitors should take note. He won a "resounding victory" in the Commercial Court in *PCL v Regional Government of X*, which involved a \$100m claim against his client.

The case was closely watched by lawyers who do international arbitration and state-related work, he notes, saying partners have "mentioned to me several times already".

The other is high-value Russian related litigation; the case of *Otkritie v Threadneedle*, which, he says, "pitched a Russian bank against a City investment manager. There was a heavy hearing in the summer and the stakes were high - if we had lost, a claim worth many, many millions of dollars would have been chucked out. We won".

Lawyers are swift to praise Dudnikov, hailing him as "invaluable in complex Russian disputes; he understands the way Russian clients think, which sets him apart from the crowd." Another told *Legal Week*: "He delivers seriously high quality work in very tight timescales. He was comfortable under pressure; both from the judge and the other side," describing him as "always utterly reliable, which is critical in fast moving, high-stakes litigation".

One commercial silk who has worked with him says he works equally well with his leaders: "His integrity and respect for boundaries also impressed me; he knew when to take control but also when decisions had to be taken by his leader".

Dudnikov's careful understanding, teamwork, drive, legal acumen and strong advocacy skills will make him a popular choice as a junior from leaders both inside and outside his set, one from which firms and clients can only benefit.



**Edward Ho, 20 Essex Street, call 2009**



Edward Ho is pragmatic about the challenges facing barristers building their practices. "Gone are the days," he says, "when clients would hand over cases to their law firm of 30 years and leave them to it."

Clients, he notes "quite rightly want to be closely involved in what is going on, from choosing the counsel team to feeding in points for the closing speech at trial". To Ho, that can only be a good thing. So too is having Ho on your counsel team, it seems. Ho is "probably one of the best brains at the junior Bar", says one partner; "he works phenomenally hard"; another says that Ho has "a keen sense for litigation strategy that belies his call".

A strong work ethic comes naturally to Ho, who, early in his career, had to face his own personal and professional challenges, having broken his neck while snowboarding in 2012.

He says: "Readjusting to life in a wheelchair took determination and hard work, both fortunately transferable skills to life at the Bar, and some inspiration from others."

In rehabilitation, he watched the 2012 Paralympics on TV, and says: "Watching people compete in tough physical disciplines in which they proved what they were capable of not only gave me confidence that I could go back to the Bar," where, he jokes drily, "I had been sitting down a lot anyway," but "inspired me to prove that my limitations were no barrier to becoming the best advocate I could". And those who have worked with Ho agree.

"He is hard working and very resilient, which is unsurprising considering what he has been through", noted one partner; however, his rapport with the whole team, irrespective of seniority, make him memorable to work with, calling him "responsive, bright and easy to deal with" and "better than other juniors" they have worked with.

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***Always utterly reliable, which is critical is fast moving, high-stakes litigation***

As one partner put it, Ho's "tireless input was invaluable in achieving an outstanding result for clients".

One highlight for Ho in 2015 was hard-fought \$43m arbitration in the London Court of International Arbitration, which raised serious allegations of fraud, as well as very difficult English and German law issues.

"It was one of the most intellectually demanding cases of my career", says Ho, "so I was very glad that the hard work paid off in the right result for the client."

### **Catherine Jung, Essex Court Chambers, call 2010**

Described as "unflinching responsive, and both sensible and pragmatic in her advice", Catherine Jung is only too aware that "the junior commercial Bar cannot rest on its laurels".

She explains that her work often involves international arbitration; Jung herself acted last year in claims for a major global pharmaceutical company and a foreign regional government.

Here, the Bar is, "competing for work in a global market. Clients do not need to be represented by a member of the English bar - they can choose a lawyer or law firm from anywhere in the world to represent them".

One of the key challenges facing her brethren is "the need to ensure that English barristers remain one of the go-to choices for clients involved in international arbitration".

"Maintaining good relationships with instructing solicitors is of course crucial in this respect, but I think there is also a need to promote the English Bar worldwide," something that Jung and the internationally-minded 2016 Bar chairman, [Chantal-Aimee Doerries QC, is equally aware of.](#)

As a junior, Jung has developed her advocacy skills in interim applications over the last year, working alongside her set's leading lights like Graham Dunning QC, Jeffery Gruder QC and Paul Stanley QC.





"Although they obviously do not end with a final result for the case, they are often hard fought and complex, and so, when you do succeed, it's very satisfying", she says; indeed, Mr Justice Popplewell praised Jung's "able submissions" in the case of *Euro-Asian Oil SA v Credit Suisse AG*, due to go to trial later this year.

Lawyers say she is "very sharp, an excellent draftsman, [with] a very good sense of judgment", noting she "really does a good job of understanding the tactical dynamics and advising both on what can be done, and what should be done".

Jung also gets "great satisfaction from some of the settlements that have been achieved in a couple of the cases", hoping that "it's been at least in part due to the hard work of the teams on which I've been working that settlements favourable to my clients have been achieved".

Jung's feedback suggests the truth of it; she is praised for her "fantastic ability to grasp complex detail and simplify it quickly and effectively in the context of litigation".

"Her written work and analytical skills are razor sharp", one partner noted, and with a calm, understated, manner, she is also "very good fun to work with, with an excellent and necessary sense of humour in a tight spot".



#### **Nico Leslie, Fountain Court, call 2010**

Nico Leslie is highly regarded by those who work with him; lawyers hail him as "intelligent, thorough, very hardworking", praising his "fast turnaround" of advice in particular.

One partner says: "The thing that really sets him apart is how practical he is. He has the ability to see how lines of argument and strategy will work in practice and comes up with very clever drafting to deal with the thorniest of issues."

Unlike some barristers, the City partner added: "you could put him down in front of a client and have no worries whatsoever". The urbane Leslie, notes another, "has superb manners, is unflappable and handles tricky discussions extremely well."

Leslie, thanks to professional negligence cases like *Sloane v Saffery Champness*, says learning from leaders like Mark Simpson QC has taught him "the importance of being proactive in litigation; every day, you should ask yourself how to maximise the pressure on the other side".

Such diplomacy equips Leslie well for Fountain Court; he recognises that his will be an international practice; and is well prepared for it, being fluent in French and Italian, with a working knowledge of Serbo-Croat to boot.

Leslie, rightly, sees commercial disputes spanning multiple jurisdictions "ever more frequently"; with important new fora emerging, such as the Singapore International Commercial Court, he recognises the importance of "working alongside lawyers from different legal systems in pursuit of a client's goals".

He has worked with law firms with multi-country teams, and sees this trend increasing: as an example he acted "as part of a London counsel team assisting a Singapore firm in relation to arbitration between two Indian parties, with potential further claims against parties in France and the US".

That, to him, means "a truly international outlook, both in their legal thinking and in the way they market themselves"; although he notes that "the commercial Bar is perhaps still a step behind many solicitors' firms".

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***Her written work and analytical skills are razor sharp***

He has made substantial efforts to expand his international practice, most notably by spending nearly half a year with Clifford Chance in Singapore working on a range of commercial arbitrations, leaving him "profoundly impressed by the speed with which the Singapore market is expanding, and I have since worked on a number of Singapore cases from London"; he has hopes to appear in the Singapore International Commercial Court, something his set's annexe may one day facilitate.

As he says himself: "As many of our clients have a global footprint, it seems important to show that we have the same breadth of vision."





### **Gemma Morgan, Quadrant Chambers, call 2006**

What makes Gemma Morgan a Star at the Bar? One partner *Legal Week* spoke to was clear and concise: "She really cares about doing the best for her clients, and it shows."

She has been instructed by Clifford Chance, Stephenson Harwood and Clyde & Co, and retains a strong sense of commercial awareness, which, allied with a combination of intellect, enthusiasm, and emotional empathy, marks her out as someone special.

Partners praise her "razor sharp mind, ideally suited to complex commercial disputes". One partner tells *Legal Week*: "Her confident advocacy means she can win the ear of the judge even when pitted against far more senior opponents." He adds: "The clients I speak to tell me that the thing they appreciate is that she is excellent at giving a clear tactical steer at the outset and recognising the broader commercial considerations."

Appearances in the appellate case of *Compania Sud Americana de Vapores SA v Hin-Pro International Logistics Ltd*, a dispute over the true nature of an exclusive jurisdiction clause, as well as a \$2bn Nigerian arbitration are two examples of a busy practice.

Morgan is increasingly being instructed on international cases in which jurisdictional issues, either at the commencement stage, or the enforcement stage, are key.

She sees her role as "considering any available English law relief and remedies, to take advice from lawyers in other relevant jurisdictions to establish what options are



available there, to compare jurisdictions and then to consider the best tactics for moving clients' objectives forwards".

To her, it helps to have two things: "a good understanding of the way in which other jurisdictions work and an understanding that you are working as part of a large team in clients' best interests", as well as making your "advice succinct and easy to digest and to provide a clear explanation at the outset of how the process works and what clients can expect going forward".

Morgan, however, is keen to uphold London's virtues as a centre for dispute resolution: "It is really important not to lose sight of the huge legal market on our doorstep. At the commercial Bar we are in the very lucky position of having a major financial hub and a wealth of prospective clients only a mile up the road in the City."



**Craig Morrison, Brick Court Chambers, call 2008**

Craig Morrison, one litigation lawyer said, is "one of the outstanding intellects at the junior Bar; he has a remarkable ability to master law and facts and to present them in a clear and persuasive way".

Those skills will be brought to the fore against Essex Court's Anton Dudnikov in the ongoing dispute between the Libyan Investment Authority (LIA) and Societe Generale (SocGen); Morrison, alongside other barristers, acts for the LIA in its \$1.5bn fraud claim against SocGen, instructed by Enyo Law.

He says: "It's a fascinating case, raising issues of bribery and corruption in Gaddafi's Libya, and the Enyo team are a pleasure to work with. The trial promises to be both hard-fought and high-profile."

Morrison's biggest success of last year came in acting for KWL (the Leipzig Water Board) in its defence of a three-year \$300m claim by UBS, instructed by Addleshaw Goddard and Noerr.

"The trial was fought over 13 weeks, and we were delighted to secure a win against a high-profile investment bank, perhaps contrary to the trend of recent results in banking litigation in the English High Court."



With the case going to appeal, "We also have the opportunity to fight the case again, hopefully with the same result," he says, cheerfully.

Morrison pays tribute to the role his clerks play in developing the junior Bar, calling it "critical to their success".

"They are the front-end of Chambers for most solicitors, going out to seek new work and being the first person a solicitor speaks to when they call with new instructions. They also perform a key role in ensuring that the ongoing relationship with solicitors works smoothly once the case is up and running. They also, not unimportantly, negotiate our fees, a delicate but vital task."

Morrison's clerks, led by Julian Hawes and Paul Dennison, have secured him "fantastic work on a regular basis, [ensuring] that I have been part of some of the most high-profile cases at the Bar during my first six years of practice".

One lawyer told *Legal Week*: "We regard him as pretty much the cleverest junior we work with who has an unrivalled ability to apply the law to complicated facts in a manner which makes sense for all concerned and allows the client's case to be advanced as persuasively as possible."

They added: "He is an absolute delight to work with - responsive, good humoured, very quick to turn things around and as a result extremely popular even with the most demanding clients".

### **Tetyana Nesterchuk, Fountain Court, call 2011**

Nesterchuk, who is, like Essex Court's Dudnikov, a fluent Russian speaker, as well as being fluent in Ukrainian, brings a great deal of international nous to her practice, as well as being an increasingly accomplished public and commercial barrister.

Such virtues she shares in common with Timothy Dutton CBE QC, her leader in the long running QASA challenge of *R (on the application of Lumsdon) v Legal Services Board [2015]*, which ran up from the Divisional Court, the Court of Appeal and to the Supreme Court, which she calls "fascinating both from a legal and purely professional point of view".



The QASA litigation, over the compulsory assessment of criminal advocates by judges, divided the profession, in which she appeared against lawyers from Blackstone Chambers and Baker & McKenzie, raised questions of constitutional importance, as well as leading to the first in-depth analysis of the EU principle of proportionality by the Supreme Court.

Ultimately, the court agreed with the Bar Standards Board's view, a victory for her client in highly publicised litigation across the Bar.

Nesterchuk is conscious that her work is becoming more competitive, thanks to the increased use of arbitration by parties who wish to keep their disputes out of the public eye, which means "increased competition from boutique litigation firms, which are able to offer a seamless one-stop commercial dispute resolution service".

"Having come to the Bar after spending four years as a solicitor in a magic circle firm, my solution is not to join them but to show that young practitioners at the Bar can offer additional and complimentary services," she asserts.

To her, "a modern barrister ought to be able to pick up any task, as soon as it is clear that he or she is best placed to carry it out by virtue of the specific knowledge of the case or even simply availability".



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One solicitor labelled Nesterchuk as a "very efficient and very able lawyer", saying that "her knowledge of Russian language was a great plus, and actually an important factor in instructing her. Her ability to read and comprehend Russian documents and to communicate with Russian witnesses was very much valued".

Of particular note is her skill in handling expert witnesses, working intensively with her client's witnesses on one case, and ably demolishing the case of her opponent's: one lawyer noted her good ability in understanding complex and technical matters, saying her "cross-examination of the opposing party's expert was very confident".



**Laura Newton, Wilberforce Chambers, call 2009**



Having left 11 Stone Buildings in September before its demise in October 2015, Laura Newton will surely be a great asset for Wilberforce Chambers.

Newton was regarded by an impressive range of peers at the Bar as a trophy arrival for practice director, Nick Luckman's set, as it seeks to widen its commercial law work streams. Newton herself continues to gain notice and praise for her developing high value disputes and civil fraud practice areas.

No stranger to offshore work, she is currently being led by the formidable duo of Terence Mowschenson QC and Lawrence Cohen QC in an offshoot of a long-running dispute over the estate of Sir Jack Hayward in the Bahamian courts and in the British Virgin Islands.

Other barristers describe her as "winning plaudits left, right and centre", and note that the level of her advocacy is "far beyond her year of call".

One magic circle partner said: "She is technically brilliant and digests and cuts through very large volumes of material to identify the key issues with remarkable speed".

He adds that on matters that he instructed her on "it has seemed as though she has been up-to-speed and advising pretty much instantaneously. Consistent with this, she turns work around extremely quickly. She has excellent recall of detail in documents, as good as any I have seen. She is very user-friendly and carries her ability with modesty and charm".

Other partners agree: "on a human level, she is really friendly and personable".

Newton clearly relishes advocacy, saying she has been fortunate enough to "run my own cases from start to finish from an early stage in my career", alongside her led work.

"My biggest personal achievement in the last 12 months was in a contractual dispute between two hedge fund managers upon which I had advised at the commencement of proceedings and further as the case progressed."

"The case culminated in a two day trial in which my clients were ultimately successful. It was rewarding to find that my initial advice was vindicated, and to have the

opportunity to cross-examine a number of factual witnesses on a number of straight conflicts of fact, as to which my clients' evidence was ultimately preferred."

To her: "There is no better opportunity to hone one's advocacy skills and tactical nous than by running a case to trial oneself."

### **Daniel Saoul, 4 New Square, call 2008**

Having originally trained in Herbert Smith Freehills' litigation practice, Daniel Saoul is fast developing a reputation as a go-to junior in the commercial sector; with appearances as a sole advocate before both the Court of Appeal and the Supreme Court, his appellate credentials are catching up with his first instance advocacy.

Solicitors say he is "very thorough, very knowledgeable on conflicts and foreign law issues and very aggressive" as an advocate, being particularly praised for "having delivered some very high quality cross-examination" in tough arbitral hearings and court appearances alike.



With core practice areas ranging from commercial disputes, sports law, and panel work for the Government Legal Department, he enjoys a strong diversity of practice to go with his commercial outlook, and ability to harness 'out-of-the-box' thinking on his clients' cases to their best effect.

Although Saoul himself has acted in litigation as varied as the Supreme Court case of *Apex v Prince Abdulaziz*, the long-running series of proceedings in *BTA Bank v Ablyazov* as well as the major litigation that was *London Underground v Freshfields Bruckhaus Deringer*, a £140m professional negligence claim relating to the drafting and execution of complex financing for the regeneration of the tube network, since settled, his sports law practice is also important to him.

In 2015 he acted for two high profile sportsmen accused of breaching anti-doping regulations; one, he says, "was a Rugby Union Premiership player, another former darts world champion".



"Both had tested positive for cocaine and the standard ban under the World Anti-Doping Code (at the time) was two years, which could only be reduced in exceptional circumstances, a provision rarely invoked."



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### ***Cross-examination of the opposing party's expert was very confident***

Both cases, he says: "featured unusual mitigating circumstances, involving very difficult personal histories. The individuals concerned were extremely brave in wanting to get their stories across, even though they knew the prospects of shortening the ban were slim. I worked closely with them to support them through the process and prepare their cases for trial".

"Through a combination of powerful and honest evidence on their part and legal argument on mine, we ultimately secured significantly reduced bans, against the odds."

In practice, he says, "this may have made the difference between these individuals continuing their careers, or an enforced retirement from professional sport".

To Saoul "It is a good feeling to help achieve tangible results of this kind for clients in difficulties."



#### **Nehali Shah, One Essex Court, call 2008**

With instructions from firms ranging from Mishcon de Reya to White & Case and Allen & Overy, Nehali Shah is a barrister with not just potential, but also of increasing prominence.

The fact that she has often been led by Lord Grabiner QC, One Essex Court's head of chambers, should tell its own story; Grabiner is an assiduous manager of, and mentor to, his set's increasingly strong junior talent, having worked with many former Stars at the bar, including Sebastian Isaac, Conall Patton and Douglas Paine, to name three.

Now Shah joins that list; and is also being led by the junior generation of silks, with 2007 Star, Daniel Toledano QC, working with her in a high profile professional services negligence claim.

Shah is anything but stuffy; she is bright, personable, and capable. She engenders confidence in her skills from the moment you meet her. She has a fresh, modern outlook, too, telling *Legal Week*: "Gone are the days of ribbon-bound instructions and barristers luxuriating, uncontactable with long turn-around times: barristers are now expected to be constantly available and my iPhone keeps me in constant contact and fully up-to-speed."

To her, it is "rewarding and invaluable it is to brainstorm and to bounce ideas off one another, as everyone has their own perspective and experience to bring to bear".

Her skills as a strong team player are exemplified by her comment that "the best arguments are improved by testing and sense-checking those with others and the best strategies are formed by talking them through as a team".

2015 has seen Shah's work in the latest episode in long-running Cruz City case regarding the enforcement of an LCIA award now worth over \$350m, where she says she has "enjoyed appearing in a series of cases in the Commercial Court and the Court of Appeal".



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Shah has worked on a variety of issues aiding the enforcement of that debt, relating to slum-clearance land in Mumbai, including disclosure orders, worldwide freezing orders, and receivership orders.

To her, "the hard-fought cases have been really interesting as they have involved creative legal thinking, and it has been very rewarding to obtain a series of measures for our client and to assist in the co-ordination of enforcement efforts around the globe".

One leader praises her output, saying her hard work and legal acumen is displayed "with good nature and apparent effortlessness". He adds: "I would not be surprised if one day she were to emerge as a Supreme Court Justice - she's that good."

**For more, see:**

- [\*\*Stars at the Bar 2014 - profiling this year's most promising junior barristers\*\*](#)
- [\*\*Stars at the Bar 2013 - the up-and-coming barristers making their mark\*\*](#)
- [\*\*First among equals: Stars at the Bar 2012\*\*](#)