



# PUMP COURT

## CHAMBERS

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## JASON NICKLESS

Ranked as a Leading Junior (Commercial Litigation)

Legal 500

Call: 2001

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Jason Nickless is experienced in commercial and civil litigation. He can be relied upon to provide carefully considered advice and robust representation in contentious disputes.

Before being called to the Bar in 2001, Jason Nickless worked as an academic at the University of Leuven and later as the managing director of his own consultancy company. He has published numerous books and articles on the subject of European Social Law. He was particularly involved in considering the impact of the EC provisions on competition and free movement upon social systems such as health care and pensions. He has given presentations at conferences and lectures at universities throughout Central and Western Europe including Barcelona, Brno, Brussels, Bucharest, Budapest, Genève, Graz, Helsinki, Kiev, Ljubljana, Luxembourg, Maastricht, Mangalia, Moscow, Ostend, Prague, Sarajevo, Strasbourg and Tallinn. He has undertaken consultancy work for the Council of Europe in Strasbourg and the European Commission in Brussels as well as government ministries and NGO's.

## Commercial

Jason Nickless is a commercial litigator with extensive experience in contractual disputes, corporate as well as personal insolvency, director's duties, company law, partnership, agency, unjust enrichment and contentious trust matters. He enjoys cases with an international flavour and has advised clients both on and off-shore. He has been called to the bar in the British Virgin Islands and recently appeared there before the Eastern Caribbean Supreme Court where he was involved in two appeals dealing with the inter-relationship between insolvency rules and arbitration clauses. He has dealt with a number of cases involving African mobile telephone companies. He regularly advises on conflict of law matters both inside and outside the EC jurisdictions, for example he has appeared in the High Court where he was able to resist the enforcement of a German order relating to the sale of a vintage Rolls

Royce in the UK and recently advised on jurisdictional issues in respect of a yacht brokerage in Gibraltar.

Jason Nickless is familiar with mechanisms by which to trace and recover assets. In May 2014 he published an article in *Trusts and Estates Law & Tax Journal* dealing with Quistclose Trusts and the use of trusts to pierce the corporate veil.

Jason Nickless has substantial experience in the field of insolvency dealing with matters in the High Court and County Courts. He has represented and advised corporations, liquidators and individuals in dealing with issues arising from statutory demands; injunctive relief; winding up; stays of moratorium; challenging the actions of liquidators and trustees; appointment and conduct of receivers; retention of title as well as commercial litigation for the recovery assets for liquidators.

He can be relied upon to provide clear and practical advice in all fields of commercial law. He is fully aware of the realities of the commercial world and the increasing need to maintain good business relationships in a difficult financial climate.

Jason Nickless recently represented a FIFA agent in a 5-day trial in a dispute with another agent over a finder's fee paid by a premiership football team which involved issues of legal personality, breach of trust and contractual mistake.

Jason Nickless has represented commercial parties in numerous mediations by providing advice on prospects of success in the main action, general strategy and how best to draft any agreement that may be reached.

Jason has been dealing with minority shareholder disputes and unfair prejudice petitions for over 15 years. He often represents parties in quasi-partnership situations where the company's roots have grown from family businesses and close friendships.

Jason been involved in cases where shares have been valued in the millions and he has indemnity insurance up to £25,000,000. He has experience in dealing with valuation evidence and discussions with experts.

His experience in probate and 1975 Act claims means that he can provide useful advice when dealing with cases involving a deceased director or shareholder. He has recently been involved in case which dealt with the inter-relationship between section 994 petitions and financial remedies upon divorce. His cases settle and usually at mediation. He can be relied upon to give carefully considered and practical commercial advice on both prospects of success and negotiation tactics.

Jason Nickless is Head of the Commercial Law practice group within chambers.

## Building & Construction

Jason Nickless has represented large scale builders, family firms and home owners in disputes involving allegations of defective works and breaches of contract. He has been involved with cases that rely upon standard contractual terms as well as those based upon nothing more than a handshake. He has recently been involved in a case dealing with alleged defects in a hydro-electric power facility in southern Africa. He is experienced in liaising with experts and appreciates the importance of understanding the specialised terms of art and practice involved in the many different types of construction process. He is fully familiar with provisions in respect of the Party Walls etc Act 1996 and recently represented an Indian restaurant in a 5 day appeal against an award.

## Property Law

Jason Nickless has expertise in property law. He has dealt with both commercial and residential disputes in this field including boundary disputes, easements, restrictive covenants, rights of way, access to neighbouring land, Party Wall etc Act 1996 appeals, overage, nuisance and trespass. Jason Nickless is experienced in dealing with the all too familiar 'spill over effects' of neighbor disputes and is able to provide assistance with (emergency) injunctive relief to protect property and person from damage, injury or harassment. Cases of interest undertaken by Jason Nickless include a highly contested dispute in which Mr Nickless was able to persuade the Court that the disconnection of electricity to unoccupied holiday chalets during the winter months amounted to an act of nuisance. A very recent case concerned the alleged pollution of a stream flowing beneath a coal yard and onto the claimant's residential property. That case involved complex issues of law relating to nuisance, trespass, Rylands v Fletcher, limitation and the Environmental Protection Act 1990.

Jason Nickless also undertakes work in respect of commercial and residential landlord and tenant matters. His cases have included those relating to the renewal of business leases, complicated disrepair, repossession, protection from eviction and service charges. He will undertake legal aid work and is able to prepare advices vis-a-vis the grant of such.

## Professional Negligence

Jason Nickless has experience in providing advice, drafting and representation concerning professional negligence of solicitors, accountants and surveyors. Many of his cases have involved complex issues of causation and limitation. He fully understands that clients who feel that they have been poorly treated by other professionals will find it difficult to trust their new advisors. Jason Nickless always aims to give clear, sympathetic and carefully considered

advice.

## Inheritance, Wills & Probate

Jason Nickless provides representation and advice in this very sensitive area of law. He can provide practical and carefully considered assistance with claims under the Inheritance (Provision for Family and Dependents) Act 1975 and all other areas of contentious probate. He appreciates that these claims are typically made when his clients are facing some of the worst times of their lives and are often in desperate need of practical and clear direction delivered in a thoughtful and considerate manner. Jason Nickless has a particular interest in capacity cases and liaises well with experts.

## Qualifications

- LLM, Katholieke Universiteit Leuven
- LLB (Hons), Durham University

## Professional associations

- Personal Injury Bar Association

## Publications

- Trusts in the commercial sphere: Trusts and Estates Law & Tax Journal, Number 156 (2014)
- Co-ordination of Social Security in the Council of Europe: Short Guide (co-written with Helmut Siedl) (Council of Europe: 2004)
- European Code of Social Security: Short Guide (Council of Europe: 2002)
- Trends & Developments in Old-Age Pension and Health-Care
- Financing in Europe During the 1990s (Council of Europe: 2002)
- Pathways for Social Protection in Europe (Ministry of Social Affairs & Health: 1998)
- The Impact of European Competition Law on Social Health Care Providers (MAKLU: 1998)