



LennoxPaton



Scott Cruickshank

Managing Partner (BVI)

British Virgin Islands Office

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Overview

Scott is the Managing Partner and Head of Litigation of the British Virgin Islands office. He has considerable experience in areas such as shareholder disputes, insolvency, fraud and asset tracing, trust litigation, and corporate and commercial disputes generally.

Scott studied Law at the University of Glasgow in Scotland where he graduated with a Bachelor of Laws (LLB) (with Honours in Commercial Law) in 1995, and a Diploma in Legal Practice (Dip.LP) in 1996.

Prior to February 2008, Scott was a practising Barrister at the Scottish Bar where he built up a sizeable and successful practice as a corporate and commercial litigator. In February 2008, Scott relocated to the BVI where he worked initially with another leading offshore firm prior to joining Lennox Paton.

Scott routinely works with large city law firms, financial institutions and corporate and commercial clients based throughout the world with respect to large multi-jurisdictional disputes and transactions. He has considerable courtroom experience matched with an acute commercial acumen.

In addition to corporate and commercial litigation, Scott also has a wide experience of ADR procedures such as arbitration and mediation.

Scott is a Fellow of INSOL International, being the first BVI practitioner to have successfully completed the INSOL Global Insolvency Practice Course. Scott is also a member of the Recovery and Insolvency Specialists Association (RISA) in the BVI (and is a former board member and former member of RISA's Technical Advisory Committee); and a member of the BVI Bar Association. He also remains a non-practising member of the Faculty of Advocates in Scotland.

Scott is consistently ranked by Chambers Global and has been ranked by The Legal 500 Caribbean 2020 and the Who's Who Legal 2018. He also received Lexology's Client Choice Award 2020 for Asset Recovery in the British Virgin Islands. (See Recommendations)

Examples of recent work

Kevin Stanford v Chesterfield United Inc.

- Acting for creditor in the liquidation of Chesterfield United Inc
- Intervening in an application under Section 273 of the Insolvency Act, 2003 made by Mr Stanford to challenge the liquidators' decision to reject his claim
- Dealing with issues to do with Mr Stanford's ability to bring such a claim on the basis that he is not a creditor of Chesterfield or a shareholder
- Dealing with allegations of fraud on the part of all parties

Storca and Ors v Minco Enterprises Limited and Ors

- Acting for two BVI companies in a dispute involving a number of trust entities and the beneficiaries to the trust.
- Initially instructed to challenge a freezing injunction and ancillary relief granted on an ex parte basis
- Applying to Court of Appeal to overturn temporary freezing injunction granted by BVI Court
- Making applications to challenge the BVI Court's jurisdiction to deal with the claim based upon arbitration clauses contained in various agreements between the parties and also in the memorandum and articles of association of the companies.
- Challenging jurisdiction on the grounds of forum non conveniens
- Making strike out application based on successful arbitration proceedings

Eurochem and Ors v Kopist and Ors

- Representing BVI companies and foreign private individuals
- Defending fraud claim relating to allegations of manipulating the international fertiliser market
- Successfully defending application for freezing injunction against the clients
- Challenging the jurisdiction of the BVI Court on grounds of forum non conveniens and failure to establish a good arguable case sufficient to allow the claim to be served on parties located outside of the territory

Mark Byers et al v Chen NingNing

- Acting for BVI and UK liquidators
- Action to recover assets
- Claims brought under Part IX of the Insolvency Act, 2003 against delinquent officers to include fraudulent and insolvent trading

Inna Gudavadze and Others v Carlina Overseas Corporation and Others

- This was a high value shareholder dispute in the BVI. We acted for the company in the complex dispute. The company is based out of Azerbaijan, and concerned among other things ownership of an oil terminal on the Black Sea in Georgia. The dispute was with the estate of the late Georgian oligarch, Bardi Patarkasishvili



Scott Cruickshank



Practice Areas

- Litigation & Dispute Resolution
- Insolvency & Restructuring
- Corporate & Commercial
- Trust & Foundations

Recommendations

Scott is consistently ranked by Chambers Global. He is also ranked as a leading lawyer by The Legal 500 Caribbean and was named the exclusive winner of Lexology's **Client Choice Award 2020** for Asset Recovery in the British Virgin Islands.

Commentators describe Scott Cruickshank as *"an excellent and very experienced cross-border insolvency litigator."* Another source reported: *"He is on top of his brief, very responsive and adds real value to the client's case."* He handles a broad range of commercial litigation and insolvency matters. He is noted for his many years' experience handling a wide range of commercial disputes, including significant asset tracing and insolvency matters. One commentator acknowledged his *"extensive experience with trust litigation"* before further complimenting his *"very good interpersonal skills."* (**Chambers Global 2021**)

The team is very well led by Scott Cruickshank who is very personable as well and brings in excellent work. Scott's client care is also of a very high standard and similarly offers excellent strategic decision-making on cases.' (**The Legal 500 Caribbean 2021**)

'Scott Cruickshank: Managing Partner in the BVI, Scott has a wealth of invaluable BVI related knowledge. He is a tough but very smart lawyer, passionately committed to the client's very best interests. Great to work with.' (**The Legal 500 Caribbean 2021**)

'The three lawyers at the firm Scott Cruickshank, Jonathan Child and Philip Baldwin oversee a substantial commercial practice. The firm benefits from its compact size with clients having access directly to experienced lawyers. The firm attracts clients from the UK, Russia and Asia and can more than hold their own with the larger firms. The advantage to clients and overseas law firms is that their work is dealt with by a focused joined up team.' (**The Legal 500 Caribbean 2021**)

'Scott Cruickshank is justifiably recognised for his extensive trust/corporate work.' (**The Legal 500 Caribbean 2021**)

The Legal 500 Caribbean (2020) describes Scott as **"a seasoned and well-respected litigator who ranks amongst the best on island"**, and **"an experienced, user-friendly, and effective offshore litigator."**

Quotes from Chambers Global:

Scott Cruickshank is noted for his many years' experience handling a wide range of commercial disputes, including significant asset tracing and insolvency matters. One commentator acknowledged his **"extensive experience with trust litigation"** before further complimenting his **"very good interpersonal skills."** (2020)

Scott Cruickshank is BVI managing partner of Lennox Paton and has considerable experience in commercial litigation. One peer noted: *"I have referred him work and will continue to do so."* He is an established figure in the market, with another commentator stating that **"he's an intellectual powerhouse."** (2019)

Scott Cruickshank is managing partner of Lennox Paton's BVI office, having been based in the jurisdiction since 2008. Peers in the market regard him as a **"very nice guy"** with **"a sensible head"** on his shoulders. His experience spans shareholder disputes, asset tracing cases and high-value trust disputes, in addition to commercial litigation (2018)

Commentators are full of praise for Scott Cruickshank, highlighting the standard of his client service and wealth of BVI litigation experience. Sources describe him as **"very efficient and very commercial"** (2017)

"experienced practitioner who is well regarded, with sources highlighting his combination of detailed legal knowledge and good commercial judgement" (2016)

"always on the ball, very thorough, very personable and very easy to work with" (2015)

"extensive experience in insolvency and trust litigation" (2014)

"very thorough and professional, and provides fantastic client care" (2013)

Scott is also ranked by Who's Who Legal for Asset Recovery (2018).

Background & Qualifications

- Bachelor of Laws (LL.B) (with Honours in Commercial Law) - University of Glasgow 1995;
- Diploma in Legal Practice (Dip.LP) - University of Glasgow, 1996;

Memberships & Professional Affiliations

- BVI Bar Association
- Fellow of INSOL International
- Board member of the Recovery and Insolvency Specialists Association (RISA) in the BVI
- Faculty of Advocates in Scotland

News & Articles

[Byers v Chen Ningning 2021: case summary \(March 2021\)](#)

Scott has written and contributed to numerous articles on BVI law and is the co-author of the BVI chapter of:

- (1) Avoidance of Antecedent Transactions and Cross-Border Insolvency, published by INSOL International in 2014;
- (2) Enforcement of Judgments and Arbitral Awards, a Global Guide from Practical Law (2nd Edition; 2015);
- (3) [The International Comparative Legal Guide to Litigation & Dispute Resolution](#), (8th, 11th and 13th editions); and
- (4) Litigation & Dispute Resolution (2nd to 8th Editions; 2013-2019).