



Nicola A. Berry

Nationality: Jamaica, Barbados
Language: English

I. Background

Nicola is an attorney-at-law, arbitrator and the principal of Berrys Attorneys & Arbitrators. Prior to launching Berrys, Nicola was a partner in the largest law firm in Barbados where for thirteen years she provided advice to local, regional and international clients on a wide range of corporate and commercial law matters including banking, fintech, corporate finance, financial regulation, securities, trust, mergers and acquisitions, merger control, aviation, energy regulation, competition law, employment law, and arbitration. She continues to advise on these areas in her current practice.

During the early stage of her career, she practiced in the litigation and international law divisions of the Jamaica Attorney General's Chambers where she represented the Government before the courts (including the Court of Appeal), and advised on matters relating to CARICOM and trade law.

Nicola is a Fellow of the Chartered Institute of Arbitrators (London) and a member of their approved faculty. She serves as an arbitrator on the Arbitration Commission of the Barbados Olympic Association Inc. and is on the arbitration panel of the Arbitration and Mediation Court of the Caribbean (Barbados). She is a member of the BVI Arbitration Group which is associated with the BVI International Arbitration Centre.

Background (cont'd)

Nicola is also a member of the International Law Association (Caribbean Branch) and serves on the International Law Association's International Securities Regulation Committee. She has written various articles and delivered presentations to a variety of audiences at conferences and workshops.

2. Industry Experience

Energy and Natural Resources

Nicola is experienced in conducting matters raising diverse issues in the energy market including regulatory proceedings. Through her work in the Barbados energy market acting in legal matters, as a former Director of the Barbados Renewable Energy Association Inc. and a member of the Green Committee of the Barbados Chamber of Commerce and Industry, Nicola has gained an indepth understanding of the energy business and the legal issues which arise.

Nicola has served as an arbitrator and has advised on various issues relating to domestic and international arbitrations in the energy sector including the establishment of jurisdiction under bilateral investment treaties, enforcement of awards, the legal effect of the seat, and choice of arbitral rules.

Financial services and Banking

Nicola has structured and executed local and international financing transactions and provided advice on a spectrum of financial transactions involving lenders and borrowers. Her experience includes handling transactions such as acquisition finance, bond offerings, corporate lending, debt restructuring, intercreditor arrangements, secured lending, project finance and syndicated financings. She has also handled matters on behalf of insurance companies which included issues relating to investments by insurance companies, merger control and various regulatory matters.

Industry Experience (cont'd)

Fintech

Nicola understands the legal, regulatory and compliance landscape within which the fintech sector operates and the importance of investor protection mechanisms being built into the process.

Manufacturing, Retail & Distribution, Tourism

Nicola has experience in conducting various transactions across these industries including business structuring, share and asset purchases, amalgamations, franchising and distribution and joint ventures. She has handled public M&A, takeovers and private M&A. She understands the inherent complexities of both small and large M&A and the requirement to help structure transactions so that they meet the client's objectives. She helps her clients to identify potential issues and regulatory requirements from an early stage so that appropriate solutions can be implemented.

Merger reviews are becoming more frequent as the regulators continue to scrutinize business practices. Nicola has handled all aspects of the merger review process and helps her clients to know from the early stages whether a transaction triggers a merger filing.

Today ESG considerations are driving business strategies, performance and value creation that are sustainable. Nicola provides guidance on how to address environmental, social and governance objectives.

Securities

Nicola's clients value the depth of experience she has in the securities markets and working with the local market regulators. She helps clients seize the opportunities on capital markets. Her experience spans private placements, structured products, regulatory compliance, multi-jurisdictional offerings, initial public offerings, mutual funds, security registration, stock exchange listings, debt offerings and take-over bids. She understand the importance of keeping on top of the market developments, practices and policies in this area of her practice.

3. Arbitration Experience

- Arbitration Panel Member.
- Consulting Counsel in arbitration proceedings.
- Lead team member which negotiated the arbitration agreement with a state party.
- Advised on various issues relating to domestic and international arbitrations including the establishment of jurisdiction under bilateral investment treaties, enforcement of awards, the legal effect of the seat, and choice of arbitral rules.

4. Academic Qualifications

<i>2006 – 2007</i>	Masters of Laws , (Merit), University College London, Chevening Scholar .
<i>2000 – 2002</i>	Council of Legal Education Certificate , Norman Manley Law School, University of the West Indies, Mona, Jamaica.
<i>1998 – 2000</i>	Bachelor of Laws , (Upper Second Class Honours), Faculty of Law, University of the West Indies, Cave Hill Campus, Barbados.
<i>1994 – 1997</i>	Bachelor of Science, International Relations (Upper Second Class Honours), Faculty of Social Sciences, University of the West Indies, Mona Campus, Jamaica.

5. Professional History

<i>2021-current</i>	<i>Principal, Attorney-at Law & Arbitrator</i> , Berrys Attorneys & Arbitrators, Barbados.
<i>2020 – current</i>	<i>Arbitrator, Arbitration Commission</i> , Barbados Olympic Association.
<i>2008 – 2021</i>	<i>Partner (since 2014)</i> , Clarke Gittens Farmer, Attorneys-at-Law, Barbados.
<i>2002 – 2008</i>	<i>Attorney-at-Law</i> , Attorney General’s Chambers, Jamaica.

6. Professional Associations

- Fellow, Chartered Institute of Arbitrators (CIArb).
- Member, CIArb approved faculty for International Arbitration, Law Practice & Procedure and Law of Obligations: Contract and Tort courses.
- Former member, Executive Committee of the Barbados Chapter of the CIArb Caribbean Branch.
- Member of the newsletter committee of the CIArb Caribbean Branch.
- Member of the BVI Arbitration Group which is associated with the BVI International Arbitration Centre.
- Member of the International Law Association's International Securities Regulation Committee.
- Member, Barbados Bar Association.
- Member, Barbados Renewable Energy Association.
- Member, Green Committee, Barbados Chamber of Commerce and Industry.

7. Panel Admittance

- Arbitration and Mediation Court of the Caribbean (Barbados)

8. Bar Admissions

- Jamaica and Barbados

9. Conferences & Webinars

- "Panelist", "Energy Disputes", BVI International Arbitration Centre Arbitration Week, March, 2024.
- Moderator, "Barbados' Renewable Energy Industry – What have we achieved & How do we overcome the current challenges?", April 21, 2023.
- Moderator, "Sustainable Investing" Panel, International Law Association Caribbean Branch online Conference - "Justice and Resilience for the Caribbean: What role for International Law?", October 16, 2021.

Conferences & Webinars (cont'd)

- Presenter, “ADR- When you need an Internationally recognized Solution to a local legal problem” Webinar, co-panellist organized by the Arbitration and Mediation Court of the Caribbean and the Barbados International Business Association, March 9, 2021.
- Presenter, “Drafting an Effective Arbitration Clause” Webinar, co-panellist and moderator, organized by the Chartered Institute of Arbitrators Caribbean Branch - Barbados Chapter / The Barbados Bar Association/ The Arbitration and Mediation Court of the Caribbean, July 15, 2020.
- Presenter, “Viability of Maritime Arbitration in the Region”, Jamaica International Arbitration Centre Ltd. Conference, June 27-28, 2019.
- Guest Lecture, “Structuring an Initial Coin Offering From Barbados: Are the tokens securities?” Faculty of Law, Cave Hill Campus, Barbados, November 7, 2018.
- Presenter, Barbados International Business Association FINTECH Seminar: Barbados Blockchain Beach, April 6, 2018, Lloyd Erskine Sandiford Centre, St. Michael, Barbados.
- Presenter, Barbados International Business Association Breakfast Business Forum, “Operating in a Post Brexit World”. March 31, 2017, Lloyd Erskine Sandiford Centre, St. Michael, Barbados.
- Presenter, “The UK’s exit from the EU and its impact on Caribbean international financial centres – Storm in a Teacup”, Barbados International Business Week Conference, October 20, 2016.
- Presenter, “Competition Law and Energy Regulation in the Caribbean: Can competition law really apply to the energy sector?” Faculty of Law, University of the West Indies, Cave Hill Campus, Barbados’ 14th Annual Caribbean Commercial Law Workshop, August 23-25, 2015, Hilton Rose Hall Resort & Spa, Montego Bay, Jamaica.

Conferences & Webinars (cont'd)

- Guest Lecturer, “Caribbean Energy & Gas Law” course offered at the Faculty of Law, University of the West Indies, Cave Hill Campus, Barbados, November 6, 2014.
- Presenter, "The Legal Aspects of Risk Allocation in the Preparation of Power Purchase Agreements", Caribbean Electric Utility Service Corporation's 2014 Renewable Energy and Regulatory Conference and Forum, British Virgin Islands, September 21 - 23, 2014.
- Presenter, "Negotiating Renewable Energy Power Purchase Agreements - Keys to Drafting and Allocating Risks", Faculty of Law, University of the West Indies, Cave Hill Campus, Barbados' 13th Annual Caribbean Commercial Law Workshop, August 10-12, 2014, Hyatt Regency, Port of Spain, Trinidad and Tobago.

10. Articles

- “Arbitrating Trust Disputes”, Berrys Attorneys & Arbitrators, published on June 14, 2022
LinkedIn:
<https://www.linkedin.com/feed/update/urn:li:activity:6942204921161121792/>
- “Barbados Update on Merger Control Issues”, LexisNexis PSL Competition, August, 2024.
- Barbados country guide on Money Laundering Thompson Reuters, “Compliance Complete” internet subscription service (co-authored), June, 2021.
- Barbados country guide on Securities and Banking Law, Thompson Reuters, “Compliance Complete” internet subscription service (co-authored), June, 2021.
- “From ICOs to STO’s – Structuring a Security Token Offering from Barbados”, May 31, 2019, BusinessBarbados.com.
- “Are you an 'investor' in Barbados under the Canada Bilateral Investment Treaty”, December 18, 2014. BusinessBarbados.com.