

Nadia Chiesa

Description

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nadia@spcaribbean.com

Nadia is an experienced advocate who specialises in complex commercial litigation and multi-jurisdictional disputes across the Caribbean.

Nadia acts for clients on disputes involving shareholder rights and director's duties, urgent injunctive relief, the registration and enforcement of foreign judgments and arbitral awards, and offshore trusts and estates matters. She also assists clients with anti-corruption, anti-money laundering and regulatory compliance issues, including extra-territorial freeze orders pursuant to anti-money laundering legislation, MLAT enforcement, treaty rights and obligations in these areas, and general due diligence relating to offshore banking and trusts requirements.

She has appeared as lead counsel before the Caribbean Court of Justice, and frequently represents clients at the Eastern Caribbean Supreme Court and Eastern Caribbean Court of Appeal, as well as all levels of court in Ontario.

With a keen interest in Constitutional litigation, Nadia has successfully acted in precedent-setting challenges to the anti-LGBT laws in St. Kitts and Nevis, and Antigua and Barbuda.

Prior to joining the firm, Nadia was a partner at a Bay Street law firm in Toronto, Canada.

Select Engagements

- Lead counsel on a successful appeal to the Caribbean Court of Justice regarding standing to bring an action for the appointment of an inspector to investigate the affairs of the respondent company under s 110(1)(b) of Belize's Companies Act Cap 250
- Litigation and advice in respect of Belize's company, banking and regulatory laws for onshore and offshore entities
- Litigated the discharge of extra-territorial freeze orders registered in the Eastern Caribbean pursuant to anti-money laundering legislation and advised on Mutual Legal Assistance Treaty (MLAT) enforcement, and treaty rights and obligations in these areas
- Represented the minority shareholder of a Nevis LLC with respect to a claim for relief from unfair prejudice in hard-fought litigation in Nevis and the Commercial Division of the Eastern Caribbean Supreme Court in BVI, and in contemporaneous related actions in Belize and the US

- Advised the majority shareholder of one of the largest privately held corporations in the Caribbean with respect to corporate governance issues arising from a government financial intervention
- Same-sex marriage issues (appeal heard and judgment pending), declarations of breach(es) of the Turks and Caicos Islands Constitution as to protected rights (Section 9, private and family life; Section 16(3) protection against discrimination on the grounds of sexual orientation) in respect of immigration exemption refusal for same sex spouse of TC Islander. Appeal in respect of undecided Section 7 equality before the law, and cross-appeal by Government on still-unremedied declarations of breach. With Tim Prudhoe on appeal
- Successfully Constitutional challenge to the criminal “buggery” laws in St. Kitts and Nevis. The Court struck down these anti-LGBT laws because they contravened Constitutionally guaranteed rights to freedom of expression and personal privacy
- Represented claimants in striking out Antigua and Barbuda’s laws which criminalise consensual, private, same-sex intimacy between adults as unconstitutional. With this landmark decision, Antigua and Barbuda became the first country in the Eastern Caribbean to rule these “buggery and serious indecency laws” to be unconstitutional
- Acted in a constitutional challenge to the eligibility of the Leader of the Opposition in St. Kitts and Nevis to continue to hold his seat in government. The case involved the interpretation of a provision found in the Constitutions of most common law Caribbean countries, and resulted in the first reported decision on that question

Credentials

- Ontario, Canada
- British Virgin Islands
- Belize
- Jamaica
- Montserrat
- St. Kitts and Nevis
- Turks and Caicos Islands

Education

Bachelor of Journalism (Honours), Toronto Metropolitan University (formerly Ryerson University)

Osgoode Hall Law School, JD

Hugh Wooding Law School, Trinidad, LEC

Professional & Community Involvement

Commonwealth Lawyers Association

Caribono

The Advocates' Society

Alumni Mentor, Osgoode Hall Law School (Toronto)

Recent writing and speaking engagements:

Panellist, "*Disclosure, Documents, Dispositions, and More: A Discussion of Pre-trial Discovery Practices around the Globe*", American Bar Association's International Law Section 2024 Annual Conference, May 2024

Co-Author, "*Aspects of Comparative Insolvency in the Caribbean, Central (Belize) and South (Guyana) America*", Gore-Browne on Companies Special Release March 2024

Speaker, "*Cheat, Prey, Shove: Attorneys' Ethical Obligations under Jamaica Canons of Professional Ethics*", Jamaican Bar Association's Annual Legal Conference, December 2023

Speaker, "*Mental Incapacity – Offshore Developments*", STEP Bermuda, November 2023

Co-presenter, STEP BVI, "*Case Update in the Era of Sanctions Sledgehammer*", 28 September 2023

Faculty, McGill SGI Transformative Business Law Summer Academy, Montreal, Canada May 30-June 1, 2023

Chair, "*Practical legal training – Is online training effective? Lessons learned from the pandemic*", 23rd Commonwealth Law Conference 2023, Goa, India, March 8, 2023

Speaker, "*Commercial Injunctions: What Clients Need to Know About the Undertaking as to Damages*", Jamaican Bar Association's Annual Legal Conference, December 2022

Guest Lecturer, "*Shareholder Remedies: From Legislation to Real Life*", Osgoode Hall Law School, Toronto, Canada, November 16, 2022

Guest Lecturer, "*Shareholder Remedies: From Legislation to Real Life*", MonaLaw (LLM), University of the West Indies, Kingston, Jamaica, November 14, 2022

Guest Lecturer, "*Litigation Across Borders and Legal Cultures: A Practical Perspective*", McGill University, Faculty of Law, Montreal, Canada, October 5, 2022

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