
DAVID SMITH

Barrister

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Curriculum vitae

David practises primarily in corporations/insolvency, equity and trusts and general commercial litigation.

Since joining the Bar in 2018, David has appeared in the NSW Court of Appeal, the Supreme Court of NSW, the Federal Court of Australia, the District Court of NSW, the Local Court of NSW and the NSW Civil and Administrative Tribunal. Appearances have included final hearings (including cross-examination), both led and unled.

Prior to joining the Bar, David earned a broad range of litigation experience working for 10 years as a solicitor at leading firms in Sydney, London and Hong Kong.

A. ADMISSIONS

2008 Solicitor, Supreme Court of New South Wales

2009 Solicitor, High Court of Australia

2018 Barrister, Supreme Court of New South Wales

B. EDUCATION

2010 Master of Laws, University of Sydney

2007 Bachelor of Laws with First Class Honours, University of Technology, Sydney

C. PRINCIPAL AREAS OF PRACTICE

- Administrative law
- Commercial
- Corporations Law
- Equity
- Insolvency
- Insurance litigation
- Property

D. PROFESSIONAL EXPERIENCE

From September 2018	Barrister
Jan 2017 to Jun 2018	Senior Associate, Harney Westwood & Riegels, Hong Kong (practising British Virgin Islands, Cayman Islands and Bermuda law)
Jan 2013 to Dec 2016	Foreign Qualified Lawyer, Mayer Brown International LLP, London
Jan 2012 to Dec 2012	Foreign Qualified Lawyer, Bingham McCutchen (London) LLP, London (now Akin Gump LLP)
Mar 2009 to Apr 2011	Lawyer, Clayton Utz, Sydney
Jan 2008 to Feb 2009	Tipstaff, the Hon. Justice White, Supreme Court of NSW (Equity Division)

E. EXAMPLES OF PAST INSTRUCTIONS

1. Junior counsel in *Twigg v Twigg* [2019] NSWSC 373; *Twigg v Twigg* [2019] NSWSC 1356; *Twigg v Twigg* [2019] NSWSC 1363. Various interlocutory applications, including for a freezing order, concerning a discretionary trust dispute involving in excess of \$150 million being conducted in the Commercial List.
2. Junior counsel for the successful appellant in *El Ali v Tritton* [2019] NSWCA 111 concerning damages for breach of a contract for sale of land.
3. Junior counsel in *BKP19 v Minister for Immigration, Citizenship and Multicultural Affairs* [2019] FCA 414, 761 and 809 concerning the removal of a refugee from Nauru to Australia for medical treatment.
4. *Pacific Andes/China Fisheries Group*. Acted for the liquidators appointed to BVI companies in the group in 2017/18. Highly contentious proceedings concerning an underlying asset valued at around US\$1.5 billion. Involved allegations of fraud against former directors, opposing creditor interests and a jurisdictional contest with Chapter 11 proceedings in the United States [solicitor].
5. *JTrust Asia Pte Limited v (1) Konoshita and (2) APF Group Co Limited*. Acted for a creditor alleging fraudulent misrepresentations, knowing receipt and knowing assistance and seeking to recover worldwide assets of around US\$100 million from BVI defendants in 2017/18. Involved multiple *ex parte* and *inter partes* hearings seeking urgent relief including freezing orders and the appointment of receivers by the Court [solicitor].
6. *Z-Obee Holdings Limited*: Acted for the provisional liquidators of a Bermuda company listed on the Stock Exchange of Hong Kong in a restructuring by way of parallel schemes of arrangement implemented in Bermuda and Hong Kong in 2017 [solicitor].

7. *Merchant Navy Ratings Pension Fund Trustees Ltd v Stena Line Ltd* [2015] EWHC 448 (Ch); [2015] Pens LR 239. Acted for the trustee of a defined benefit superannuation scheme in proceedings seeking the Court's approval for proposed amendments to the trust deed and rules directed at curing a £300m funding deficit [solicitor].
8. *In the matter of the Coniston Hotel (Kent) LLP (in liq); Berntsen v Tait* [2014] EWHC 397 (Ch); [2014] EWHC 1100 (Ch); [2015] EWCA Civ 1001. Substantive proceedings in the Companies Court in the Chancery Division. Appeal in the Court of Appeal. Costs assessment proceedings in the Senior Courts Costs Office. Bankruptcy proceedings in County Court. Acted for the former administrators of the LLP in proceedings concerning allegations of misconduct during the administration [solicitor].
9. *Habas Sinai Ve Tibbi Gazlar Istihsal Endustrisi v VSC Steel Company Ltd* [2013] EWHC 4071 (Comm); [2014] 1 Lloyd's Rep 479. Acted for a Hong Kong importer against a Turkish steel producer. Appeal against an arbitration award. Heard in the Commercial Court in the Queens Bench Division [solicitor].
10. Advising a New York hedge fund specialising in distressed debt investments on litigation risks. The fund had a holdout stake in several series of English law governed Greek bonds when Greek sovereign debt was subject to restructuring proposals throughout 2012 [solicitor].