

DAVID RUSSELL PRITCHARD SC

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QUALIFICATIONS

BA (NSW) - 1981

LLB (Syd) - 1984

College of Law - 1985

Admitted as Solicitor - 1986

Admitted to the NSW Bar – 1991

Appointed Senior Counsel – 2007

PROFESSIONAL CAREER

1986 – 1991

Employed as solicitor and, subsequently, senior associate at Allen Allen & Hemsley, solicitors, in the general commercial transactions department and, subsequently, litigation department of the firm. Work included:

- commercial transactions and corporations matters involving share sale and purchases, asset sale and purchases, leases, mortgages, licenses of real and personal property and corporate regulatory compliance; and
- commercial litigation in the Commercial and Equity Divisions of the Supreme Court of New South Wales and the Federal Court of Australia involving all types of commercial disputes for the firm's clients such as TCN Channel 9, Westpac, Partnership Pacific, Bayer, Bond Brewing, Saab, Sidexo and a number of foreign corporations

1991	Admitted as Barrister of the Supreme Court of New South Wales and Federal and High Courts
1991 – 1992	Reader on 10 th Floor, Wentworth Chambers and read with Noel Hutley of Counsel
1993 – 1997	Third Floor, Selborne Chambers
1998 – present	Third Floor, St James Hall Chambers

SPECIALIST AREAS OF PRACTICE AT THE BAR

Banking and Finance

Briefed in the interests of and against financial institutions in respect of commercial disputes concerning financial arrangements and enforcement of and challenges to all types of securities including mortgages, charges and bills of sale and disputes in relation to the validity of the appointment and conduct of receivers appointed out of court, exercise of mortgagee powers of sale and cheques and payment actions.

Bankruptcy and Insolvency

Briefed in the interests of and against liquidators, voluntary and deed administrators and trustees in bankruptcy including on applications to set aside bankruptcy notices and statutory demands, hearing of sequestration and winding up applications, deceased estates, public examinations by liquidators and trustees, applications in respect of voluntary administrations and deeds of company arrangements, applications to set aside unfair or preferential transactions and applications to the Court for directions and judicial advice.

Commercial Disputes

Briefed in all types of commercial disputes including contests in relation to contract formation, breaches of contract, contract enforcement, setting aside or varying of contracts at common law, in equity and under relevant legislative provisions, rectification of written contracts, fraud, assignments, franchise disputes, building disputes, guarantee and indemnity disputes, insurance claims and indemnity disputes.

Equity and Corporations Act proceedings

Briefed in general equity matters concerning applications for specific performance of contracts, permanent and interlocutory injunctions, mareva injunctions, breaches of fiduciary duty, confidential information claims, unconscionable transactions, undue influence, breaches of trust and trustee disputes, partnerships and joint venture disputes, taking of accounts, shareholder disputes, Court appointed receivers, restitutionary claims, constructive and resulting trusts, shareholder oppression claims and provisional liquidation, statutory demands, winding up on just and equitable grounds, breaches of directors duties, company meeting disputes applications to the Court for directions and ASIC examinations.

Real and Personal Property Disputes

Briefed in all types of disputes concerning contracts for sale of land, commercial leases under the *Retail Leases Act* and otherwise, mortgage enforcement, easements, caveats, restrictive covenants, possessory title claims, co-ownership disputes, priority disputes, put and call options, appointment of trustees for sale or partition claims, larger strata title and company title disputes and Torrens Assurance Fund claims.

Professional Negligence Claims

Briefed in the ultimate interests of Lawcover Pty Limited in respect of professional negligence claims made against New South Wales solicitors, including applications for personal costs orders against legal practitioners. Also briefed in respect of claims of professional negligence against accountants, financial advisors, auditors, pest inspectors and valuers.

Appeared in the Supreme Courts of New South Wales, Queensland and South Australia, Federal Court of Australia, District Court of New South Wales, Industrial Relations Commission, Independent Commission Against Corruption, Administrative Decisions Tribunal (NSW), Consumer, Trader & Tenancy Tribunal (NSW), Administrative Appeals Tribunal (Cth), Australian Securities and Investment Commission and Trade Practices Commission/Australian Competition & Consumer Commission examinations and Company Auditors and Liquidators Disciplinary Board and other professional disciplinary bodies.

OTHER EXPERIENCE

Member, Review Panel, Office of Legal Services Commissioner (NSW)
Instructor and Examiner, NSW Bar Readers Course
Sydney Hockey Association Judiciary
Formerly Occasional Speaker at College of Law

Dated: 14 February 2012