

WILLIAMS LOVE & NICOL LAWYERS



COMMERCIAL
LITIGATION AND
DISPUTE RESOLUTION



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AREAS OF EXPERTISE

- * ADJR proceedings
- * Appellate
- * Commercial litigation
- * Competition and trade practices
- * Contractual dispute resolution
- * Corporations and insolvency law
- * Covenants in restraint of trade (business, partnership and employment)
- * Court and tribunal advocacy
- * Employment and industrial relations
- * Local government, planning and environmental law
- * Insurance claims
- * Native title
- * Products liability
- * Property litigation
- * Securities litigation
- * Tribunal appearances
- * Unlawful discrimination and equal opportunity



COMMERCIAL LITIGATION AND DISPUTE RESOLUTION

Commercial disputes, and the decision to litigate, need to be approached as carefully as any other major investment or strategic business decision.

The element of risk and uncertainty associated with every litigation matter can cause considerable stress – whether this is personal, professional or financial – and provide a major distraction from critical day-to-day activities.

We manage this uncertainty by ensuring that the facts of the case are well understood early in the matter. Our advice will reflect the strength of the legal arguments and the evidence available to support the facts.

We regularly represent our clients in State and Federal Courts and tribunals and are skilled in managing large, complex cases. We have extensive experience in the effective engagement and briefing of counsel.

We also recognise that the best possible commercial outcome for a client may not involve litigation at all and that resolving the dispute at an earlier stage may achieve a better result, faster and more cost-effectively.

Our services also include assisting our clients to identify and reduce legal risk associated with their activities.



CLEAR THINKING AND A STRATEGIC APPROACH FOR THE RIGHT RESULT

PEOPLE

John Wilson, Legal Director

John has two decades worth of day-to-day litigation experience. He acts for a number of leading local and international firms, as well as government agencies (including local government councils).

John is the premier industrial relations and employment lawyer in the ACT region. He is the only lawyer practicing in the ACT who is an accredited specialist industrial relations and employment lawyer under the NSW Law Society's rigorous scheme.

As such, John's litigation practice primarily focuses on administrative law (including Public Service Act matters), employment and industrial relations, unlawful discrimination and equal opportunity, and covenant in restraint of trade litigation (including business, partnership and employment restraints).

John has been counsel or instructing lawyer in the three major industrial relations cases affecting the ACT in the past decade or so: the Union Picnic Day case, the Visiting Medical Officers Association registration case and the Fire-fighting Industries Employees (ACT Fire Brigade) Award 2000 work value case.

John was either counsel or instructing lawyer in the following important or precedent setting cases: *Bennett v Chief Executive Officer of the Australian Customs Service* [2004] FCAFC 237; *Bennett v The President, Human Rights and Equal Opportunity Commission* [2003] 204 ALR 119; *Bryant v Defence Housing Authority* [2002] ACTSC 43, 24 May 2002; *Brown v Colin Power and Kay Power t/as Royal Hotel Tumut* (1996) 66 IR 1 (Industrial Relations Court of Australia); *Magnet Mart Certified Agreement 2001-2004* PR923848, 22 October 2002 (AIRC, full bench); *National Gallery of Australia v Jane Douglas* (1999) ACTSC 79, 22 July 1999; *Oakton Services Pty Ltd v Northcott Partners Pty Ltd* ACTSC 729 of 2008; *Potter v Australian Capital Territory* (1997) 74 IR 403 (Industrial Relations Court of Australia); *Striptease Artists Australia Inc.* PR919278, 25 June 2002 (AIRC), and *Jane Wolfe v Commonwealth of Australia* represented by the Defence Materiel Organisation & Ors, Federal Court, ACD16 of 2009.

PEOPLE

John Larkings, Senior Associate

John is an experienced commercial litigator having conducted a broad range of commercial and administrative cases in various Federal, State and Territory jurisdictions.

John is adept at the procedural, strategic and commercial aspects of the conduct of litigation. In addition to the carriage of litigious matters, John has also appeared as counsel in several Federal, State and Territory jurisdictions, including the ACT Court of Appeal, and has conducted several public examinations of company directions in insolvency matters.

John has considerable experience in relation to insolvency and debt recovery. He acts as a solicitor for several Canberra-based company liquidators in respect of winding-up companies, preference recoveries, proceedings against directors for insolvent trading, and the conduct of company examinations.

John continues to act directly on numerous cases and provides strategic and procedural direction on most of the firm's commercial litigation matters. Significant decisions include conduct of *Queanbeyan City Council v ACTEW Corporation Ltd and Another* (2009) 178 FCR 510; *Australian Capital Territory v Queanbeyan City Council* [2010] FCAFC 124; and appearing as counsel in *Benjamin v GB Franchising Australia Pty Ltd* (2009) 1 ACTLR 287; *Dataflex Pty Ltd v Commissioner for ACT Revenue* [2009] ACAT 44 and *Gail Freeman & Co Pty Ltd ACN 008 653 683 (in liq) v Deputy Commissioner of Taxation* [2007] FCA 1381.

Natalie Cujes, Special Counsel

Natalie Cujes joined Williams Love and Nicol in October 2009 as Special Counsel in commercial and federal law litigation (including trade practices and corporations matters). For almost a decade, Natalie was a Registrar of the Federal Court of Australia and of the Federal Magistrates Court of Australia. She brings a wealth of knowledge and practical experience in court practice and procedure from those former roles and as a senior litigator in private practice for a number of years prior to her court appointments. She also lectures in business law and competition and consumer law.

PEOPLE

Zoë McCormick, Solicitor

Zoë has a range of litigation experience spanning across both the government and private sector.

Prior to working for Williams Love & Nicol Lawyers, Zoë was employed as a legal officer by the Commonwealth Department of Immigration and Citizenship. During this time she was responsible for managing the conduct of litigation on behalf of the Minister and the Commonwealth in both civil disputes and administrative law judicial review. During this time Zoë worked closely on a number of sensitive and high profile matters involving complex political and legal issues.

Zoë is currently a member of the Commercial Litigation and Dispute Resolution team, managing litigious matters on behalf of a wide range of clients and has appeared in the NSW Courts, ACT Magistrates Court and the ACT Supreme Court.

Nathan Moy, Solicitor

Nathan joined Williams Love & Nicol in April 2010.

His previous experience includes working as a legal officer in superannuation with the Australian Government. In that role, he was responsible for managing complex claims for compensation and disputes before the Superannuation Complaints Tribunal. His experience also includes advising fund trustees and administrators about the operation of superannuation schemes.

As a member of the commercial litigation and dispute resolution team, Nathan's core areas of practice are civil litigation, commercial disputes, and personal and corporate insolvency. He manages a wide portfolio of matters and has experience appearing in the ACT Civil & Administrative Tribunal, ACT Courts and the Federal Magistrates Court.

Juno Tajudeen, Solicitor

Juno joined the business and commercial law team at Williams Love & Nicol in April 2010. In this section, Juno worked on a range of matters including drafting commercial contracts, providing franchising advice, managing settlement for large corporate takeovers and general commercial advice.

Before joining Williams Love & Nicol, Juno worked as a law clerk in family law and participated in the Clinical Youth Law Program at the Youth Law Centre ACT. Juno also has a Diploma of Information Technology from Temasek Polytechnic, which included an internship at Microsoft Singapore.

As a member of the commercial litigation and dispute resolution team, Juno's core areas of practice include contractual disputes, civil litigation and advising on corporate insolvency matters. Juno has experience appearing in the ACT Civil & Administrative Tribunal, ACT Courts and the Federal Magistrates Court.

IN FOCUS – CONTRACTUAL DISPUTES

Williams Love & Nicol manages a significant portfolio of contractual dispute matters on behalf of its diverse range of clients. Work volumes in this specific field are driven by our considerable volume of insolvency recoveries, insurance recoveries and motor vehicle leasing recoveries. Williams Love & Nicol works closely with these clients throughout the debt recovery process.

Contractual dispute matters managed by Williams Love & Nicol typically relate to outstanding debts under a range of finance arrangements, including lease and hire arrangements. Many of these cases concern motor vehicle lease recoveries, and insurance recoveries for a variety of incidents.

For the most part, these are concluded by negotiated settlement. Where court proceedings are necessary, Williams Love & Nicol has developed management procedures to ensure that recovery is pursued in an efficient and effective manner, with the majority of court proceedings conducted through the ACT Magistrates Court or NSW Local Courts under jurisdictional requirements.

Williams Love & Nicol has also applied its experience to enforcement proceedings in cases where appropriate to do so, for example, through personal insolvency proceedings under the Bankruptcy Act 1966 (Cth), as well as being well experienced in corporate recovery strategies.

A FIRM FOCUS ON BUSINESS MATTERS

AT WILLIAMS LOVE & NICOL, WE BELIEVE THAT YOU SHOULD EXPECT MORE FROM YOUR LAWYERS THAN JUST HIGH QUALITY LEGAL WORK.

Our priority is to serve our clients through the highest standards of integrity, straightforward communications and innovative solutions as well as a real commitment to promoting our clients' success.

We offer highly skilled and accessible legal practitioners and specialists who are capable of going beyond the traditional legal role of reactive adviser to working as an extension of our clients' businesses.

Our clients receive cost-effective legal services, as well as the attention, respect and courtesy that comes with our more accessible and personable firm.



EFFECTIVE, EFFICIENT SUPPORT

Williams Love & Nicol has extensive quality assurance systems and procedures in place for the conduct of all matters. Our ability to respond promptly is supported by our significant investment in resources, systems and procedures to enhance our ability to capture and retrieve 'knowledge' created by our lawyers.

Our knowledge management strategy covers a diverse range of issues including the availability of research tools and resources electronically, development of online precedents, and management of the firm's database which houses significant advices and other documents.

ACCREDITED SPECIALISTS

Our partners each manage a strategic business unit within the firm: planning and local government, employment and industrial law, commercial litigation, commercial and business law, and property law.

Each partner has been accredited by the Law Society of NSW as a specialist in his area of practice, and has worked at senior levels in major national law firms. This experience enables us to provide high quality legal services without the costly, burdensome structures often associated with larger firms.

- * John Wilson: NSW Accredited Specialist in **Employment and Industrial Law**
- * Alan Bradbury: NSW Accredited Specialist in **Planning and Local Government Law**
- * Mark Love: NSW Accredited Specialist in **Business Law**
- * David Toole: NSW Accredited Specialist in **Property Law**



ABOUT OUR FIRM

Williams Love & Nicol is a premier commercial law firm providing full client services from our base in Canberra. Our practice is focused on providing commercially realistic and practical advice that is timely, legally sound and delivers value for money.

With a total professional staff of more than 15 lawyers, our structure is designed to ensure that we effectively manage matters ranging in size and complexity. This includes enabling tasks to be allocated to the appropriate skill level for greatest efficiency and cost-effectiveness.

The diversity of our practice means we can quickly assemble a team with the most relevant skills and experience for any commercial matter.

CONTACT

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