

Richard Raymond KC

Canterbury Chambers

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Key areas of practice

- A diverse commercial and civil dispute resolution practice.
- Act for New Zealand insurers on professional indemnity claims, directors' and officers' liability, public liability, statutory liability and general insurance.
- Disputes in insurance, indemnity, contract, tort, partnerships, trusts and estates, health and safety and construction.
- Defence of professional service providers, including engineers, solicitors, architects, accountants, financial advisors, project managers, farm management consultants and brokers.
- Act for a range of NZ companies, trustees and personal clients.
- Counsel before numerous professional disciplinary bodies including NZLS, NZICA, IPENZ, and FMA, and other statutory tribunals.
- Arbitration and mediation.
- Independent investigations and reviews.

Background

After graduating with a BCom LLB from the University of Otago in 1988, I worked in commercial litigation in Wellington and London commercial firms. I was Senior Crown Counsel with the Crown Solicitor's Office in Christchurch from 1993 to 1997.

I was a partner in Duncan Cotterill's litigation team for 13 years from 1998, and served as Chairman of the firm from 2008 to 2010.

I joined the independent bar in 2011. I was appointed Queen's Counsel in June 2016.

I act for several of New Zealand's major insurers, primarily in the defence of professional service providers. I also conduct cases concerning directors' and officers' liability, public liability, statutory liability and general insurance.

I act against insurers for private clients and companies in the same areas and have resolved disputes concerning life and health insurance issues, and since 2011, business interruption and material damage claims arising out of the Canterbury and Kaikoura earthquakes.

I act for clients in numerous professional disciplinary forums, statutory tribunals, inquiries, arbitrations and mediations.

Recent cases:

- Litigation in negligence, numerous insurance issues, estoppel, contract, limitation, estates (undue influence, reverse PRA claims, FPA and TPA claims, mutual wills and capacity), trusts (breach of duties and removal proceedings), major defective building claims, shareholder disputes, injunctive relief, health and safety prosecutions, competition law, Fair Trading Act prosecutions (health supplements sector) and Companies Act issues (oppressed minority shareholder), including:

- *James Howard Nigel Smalley v Grant Robert Williamson and others* CA338/2022, [2023] NZCA 174 and SC 66/2023, [2023] NZSC 101 (successful defence of the High Court judgment in the Court of Appeal).
- *Christian Church Community Trust v Bank of New Zealand* [2023] NZHC 2523; [2023] 3 NZLR 190 (substantive judgment granting interim injunction) *Christian Church Community Trust v Bank of New Zealand* [2023] NZHC 3464 (application for leave to appeal).
- *The Christian Church Community Trust and others v Bank of New Zealand* [2022] NZHC 3271, (urgent injunctive relief to restrain the closing of accounts).
- *Glass v Glass* [2022] 3233 (leave application to bring Property (Relationships) Act 1976 claim, Family Protection Act 1955 and Law Reform (Testamentary Promises) Act 1949 issues, trust and estate issues).
- *Canaan Farming Dairy Ltd v Westland Dairy Company Ltd* [2022] NZHC 2524 (successful application for an interim injunction requiring Westland to collect Canaan's milk supply from its farms – commercial contracts – injunctive relief).
- *Williamson v Smalley* [2022] NZHC 1452 (successful summary judgment application for an order for specific performance requiring the transfer of shares from exiting shareholder following expert determination of value of shares) and also *Williamson v Smalley* [2022] NZHC 1789 (successful defence of application for stay of judgment).
- *Body Corporate 355492 v Chestney & Others* ("Oaks Shores") [2022] NZHC1494 (application for review of decision of Associate Judge in complex litigation alleging negligent conduct by QLDC in issuing consents, inspections and code compliance for apartments – limitation – Building Act 2004 long-stop issues and strike-out).
- *Inch v Inch* [2022] NZHC 286 and 499 (trustee removal – trust dispute – fiduciary duties – constructive trust).
- *R v D and Others* [2021] NZDC 2772 [18 February 2022] (successful discharge on all charges arising out of Operation Inca, an extensive long-standing Police investigation arising out of the NZ Harness Racing industry and allegations of "race fixing" and "illegal betting").
- *Body Corporate 384825 v Queenstown Lakes District Council* ("Oaks Club") [2021] NZHC 2327 (a building defects claim – 70 apartments – negligence – amended pleading – admission of supplementary briefs).
- *Clark v Clements* [2021] NZHC 2716 (successful defence of a claim of mutual wills, s 30 Wills Act 2007).
- *WorkSafe New Zealand v Whakaari Management Ltd and others* (counsel for White Island Tours Limited in the WorkSafe prosecution following the December 2019 volcanic eruption of Whakaari/White Island).
- *Ready v The Christian Church Community Trust and others* [2021] NZHC 962 (media access to Court file, trustee removal proceedings, Trusts Act 2019).
- *Goodier v IAG New Zealand Limited* [2019] NZHC 2176 (re liability post land-slip event, insurer liability for land).
- *Cogle v IAG New Zealand Limited* [2019] NZHC 958 (re fraud, inspection of computer hard-drives, policy avoidance).
- *Bruce and Willetts v IAG New Zealand Limited* [2018] NZHC 3444 (re standard of repair on EQ rebuild, general damages, insurer obligations).

- *Kain and others v Public Trust* [2018] NZHC 1547 (re process and procedure, trustee application for directions).
 - *Walker v Forbes* [2017] NZHC 2694 (re discoverability of an insured's insurance arrangements).
 - *Lee & Ors v IAG New Zealand Limited* [2017] NZHC 2626 (re policy interpretation on an indemnity clause and an insurer's liability for interest in an insurance context).
 - *Worldclaim New Zealand Limited v Sayers* [2017] NZHC 1053 (Counsel for Worldclaim in obtaining search and seizure and freezing orders).
 - *Commerce Commission v PGG Wrightson Limited & Ors* [2016] NZHC 2921 (Commerce Act issues).
 - *Re Sheward (dec'd), Drummond v Davidson* [2016] NZHC 1888 (estate litigation including undue influence).
 - *Stevenson Brown Limited v Montecillo Trust* [2016] NZHC 684 & [2017] NZCA 57 (negligence and contract).
 - *Blakesfield Limited v Foote* [2015] NZAR 1140 (nuisance).
 - *Haricot Investments Limited v Maerewhenua District Water Resource Company Limited* [2014] NZHC 2781 (alleged minority oppression).
 - *New Zealand Home Bonds Limited v Gill* [2014] NZHC 312, and on the applications for leave to appeal, *New Zealand Home Bonds Limited v Gill* [2014] NZHC 1278, and *Gill v New Zealand Home Bonds* [2014] NZCA 506.
- Significant Protected Disclosure investigations (2023) for a large Government department across multiple alleged issues.
 - Independent investigation and review of New Zealand Broadcasting School – Te Whaitua Whakapaoho o Aotearoa; 16 April 2022. Appointed in November 2021 to investigate allegations, inter alia, of harassment, bullying and discrimination and extensive review of policies, procedures and best practice by Ara Institute of Canterbury Ltd. Five-month review, 61 adopted recommendations (report available online).
 - Counsel for the families before the *Royal Commission of Inquiry on the Pike River Mining Disaster*.
 - Counsel for various parties in the litigation involving the collapse of:
 - *South Canterbury Finance Limited* (including the Serious Fraud Office prosecution);
 - *Capital & Merchant Finance Limited* (audit negligence);
 - *Strategic Finance Limited* (audit negligence); and
 - *Property Ventures Limited* (*Walker v Forbes* [2017] NZHC 1212) (audit negligence and directors' duties).
 - Counsel assisting the High Court in a leading Bill of Rights Act 1990 and medical ethics case (*The Chief Executive of the Department of Corrections and Canterbury District Health Board v All Means All* [2014] 3 NZLR 404).
 - Counsel for the Coroner in the 2012 Coronial Inquiry arising out of the *CTV building collapse* in the 2011 Christchurch earthquake, and several related earthquake inquiries.
 - Counsel for insurers before Canterbury Earthquakes Insurance Tribunal, including *Birchs Road Limited v EQL and IAG New Zealand Ltd* CEIT-0051-2019.
 - Counsel for various parties (engineers) before the *Canterbury Earthquakes Royal Commission*.

- Professional disciplinary proceedings for solicitors, accountants, engineers and financial advisers.
- Disciplinary issues under the Education Act 1989 and academic appeals (schools and a University).
- Numerous Coronial inquiries.
- Acting for defendants on numerous WorkSafe prosecutions under the Health and Safety at Work Act 2015 (and its predecessor) involving deaths or serious injury; including White Island prosecution.
- **Arbitrations**, in construction disputes, rural sector and shareholder disputes, engineering projects, ground rental and valuation disputes.
- **Mediations**, across a very wide spectrum of commercial and private matters, including complex family and trust disputes in the rural and industrial sectors, sub-division/land developments and forestry projects.
- Deputy Chair, New Zealand Institute of Chartered Accountants Appeals Council.
- Acted as Chair of the Appeals Committee of the Royal Australian and New Zealand College of Radiologists (2017).