

Matthew Smith

Barrister

Thorndon Chambers

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CURRICULUM VITAE

AREAS OF PRACTICE

- Civil and Commercial Litigation
- Judicial Review Proceedings
- Public and Regulatory Law
- Bill of Rights Act / Human Rights
- Inquiries and Reviews
- Public International Law

SPECIAL AREAS OF EXPERTISE

While Matthew's main area of practice is civil and commercial litigation, he has a special expertise in judicial review, and is able to do a variety of public law work, for plaintiffs, for defendants and for third party interveners.

Matthew is experienced in providing legal and strategic advice and support on a full range of public law issues and options, including questions of statutory interpretation, and issues of constitutional and administrative law.

Matthew is sole author of the *New Zealand Judicial Review Handbook* (Thomson Reuters: 2011) – a comprehensive text on judicial review in New Zealand.

QUALIFICATIONS

- LLM (Harvard Law School, 2009)
- LLB (First Class Hons.) (University of Otago, 2005)
- BA (University of Otago, 2005)

Matthew graduated from the University of Otago in 2005, where he obtained undergraduate degrees in Law (First Class Honours) and Arts (Political Studies). While he was at Otago, Matthew tutored in the first year Legal System course and

in the second year Public Law course. Matthew has also tutored Property Law at Victoria University of Wellington during his time as a Judges' Clerk.

Over 2008-9, Matthew completed a Masters of Law at Harvard Law School, where he was a Frank Knox Fellow. His LLM studies focused on Administrative and Regulatory Law, Constitutional and Human Rights Law, Energy and Environmental Law and the law relating to Fact-Finding. As part of his LLM degree, Matthew also completed a three-week Trial Advocacy Workshop.

ACADEMIC AWARDS

- Frank Knox Fellow (Harvard University, 2008-9)
- Graduation Prize in Law (University of Otago, 2006)
- Unpublished Student Paper Award (Legal Research Foundation, 2006)
- Best Individual Mooter (ALSA Annual Conference, 2004)
- Scholarship in Law (University of Otago, 2004)
- Scholarship in Law (University of Otago, 2003)

ADMITTED TO THE NEW ZEALAND BAR (2007)

PROFESSIONAL EXPERIENCE

- Barrister, Thorndon Chambers (2011-)
- Legal Fellow, Helsinki Citizens' Assembly, Turkey (2010)
- Solicitor, Russell McVeagh Lawyers (2009-10)
- Barrister, Stout Street Chambers (2008)
- Judges' Clerk, High Court of New Zealand (2006-8)
- Legal Intern, UNHCR South Pacific Regional Office (2005-6)
- Summer Intern, Bill of Rights Act Team, Crown Law Office (2004-5)

Prior to joining Thorndon Chambers, Matthew's professional experience included roles as a Judges' Clerk at the High Court in Wellington, a junior barrister at Stout Street Chambers, and a Solicitor in Dr Andrew Butler's General Litigation and Public Law and Policy practice groups at Russell McVeagh in Wellington.

RECENT CASES

- *Creswick Valley Residents Association Inc v Wellington City Council* [2012] NZHC 644: Junior counsel for the applicant in a successful judicial review challenge to Council decisions rezoning land and granting a non-notified resource consent in relation to use of the land.

- *Proprietors of Wakatu v Attorney-General* HC Wellington CIV-2010-442-181 (decision pending): Junior counsel for the plaintiffs in a claim against the Crown alleging breach of trust, breach of fiduciary like duty, and breach of relational good faith.
- *Creswick Valley Residents Association Inc v Wellington City Council* HC Wellington CIV-2011-485-2438, 23 December 2011: Junior counsel for the applicant in a successful application for interim orders under the Judicature Amendment Act 1972.
- *The Trillian Trust v Secretary for Internal Affairs* HC Wellington CIV-2010-485-2411, 14 November 2011: Junior counsel for the applicant in a successful judicial review challenge to a decision suspending a class 4 operator's licence under the Gambling Act 2003.
- *Te Runanga O Ngati Manawa v Attorney-General* HC Wellington CIV-2011-485-1233, 2 November 2011: Counsel for the sixth defendant in an interlocutory application to strike out claims alleging breach of fiduciary duty in the Treaty of Waitangi settlement context.
- *Ibrahim v Associate Minister of Immigration* HC Wellington CIV-2011-485-1142, 18 October 2011: Counsel for the applicant opposing an application for security for costs in a judicial review proceeding.

PUBLICATIONS, SEMINARS AND SPEECHES

Books

- *New Zealand Judicial Review Handbook* (Thomson Reuters: 2011, with a Foreword by Justice McGrath)

Published articles

- “*State asset sales: some Public Law limits*”, NZ Lawyer, issue 177, 10 February 2012
- “*Self-represented litigants*”, [2012] NZLJ 12
- “*The law of common sense*”, NZ Lawyer, issue 172, 4 November 2011
- “*Embracing proportionality review*”, [2011] NZLJ 224
- “*Public sector restructures and cuts*”, [2011] NZLJ 208
- “*Some fact-finding principles*”, [2010] NZLJ 347

- “*Summary Affirmance Decisions*”, [2009] JR 177
- “*The Adjudicatory Fact-finding Tools of the European Court of Human Rights*”, [2009] EHRLR 206
- “*The Relevance of the Work of the International Criminal Court to Refugee Status Determinations*”, (2008) 20 IJRL 166

Unpublished papers, seminars and speeches

- “*Public Law Update*”, Internal Seminar, Department of Conservation National Law Conference, 23 March 2010
- “*The Treaty of Waitangi as an Implicit Fetter on the Exercise of all Public Law Powers*”, Internal Seminar, Crown Law Office, 2 March 2010
- “*Judicial Review Trends*”, Internal Seminar, Russell McVeagh, June 2010
- “*Judicial remedies and their strategic use*”, Internal Seminar, Russell McVeagh, December 2009
- “*Judicial approaches to fact-finding*”, Internal Seminar, Russell McVeagh, September 2009
- “*Why We Have Judicial Review, and What We Can Achieve With It*”, Guest Lecture, University of Otago, July 2008

RECENT COMMUNITY INVOLVEMENT

- *Volunteer Judge, Russian National Rounds of the Jessup International Law Moot Court Competition*: January-February 2009 (written memorials and oral rounds), January 2011 (written memorials) and January 2012 (written memorials).
- *Campaign Volunteer, Obama Presidential Campaign*: November 2008 (voter protection, telebanking and canvassing work for the Obama campaign in Akron City, Ohio, USA).

INSTRUCTIONS

Matthew can be instructed directly. He also accepts instructions to junior for and provide assistance to senior counsel.

13 April 2012