

David Goddard QC

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CURRICULUM VITAE

Qualifications

BA (Hons) (Victoria University of Wellington); MA (Oxon)

Admitted to the bar of England and Wales: 1988 Admitted to the New Zealand bar: 1989

Appointed Queen's Counsel: 2003

Professional experience

David Goddard has a wide ranging commercial litigation practice, with an emphasis on competition law and regulation, company law, contract law, public law and international law.

David studied mathematics and French at Victoria University of Wellington, obtaining a first class honours degree in mathematics and the Sir Robert Stout Scholarship for the best first degree in the University across all faculties. He began his legal studies in New Zealand, then studied law at Oxford University (on a Rhodes Scholarship), obtaining a first class honours degree.

David spent two years as a lecturer in law at Bristol University, before returning to New Zealand to join Chapman Tripp (a leading New Zealand law firm) in 1988. He was a litigation partner at that firm from 1991 to 1998. He began practice as a barrister sole in 1999. From 2001 to 2003 he held a part-time appointment as Special Counsel – International with the Ministry of Economic Development, advising on cross-border coordination of business laws.

David has appeared as counsel in the High Court, Court of Appeal, Privy Council and Supreme Court and before arbitral tribunals in a wide range of civil and commercial cases. He has extensive experience representing clients in mediations and other forms of alternative dispute resolution.

David has been appointed as an arbitrator to determine a number of commercial disputes. He is an Associate Member of the Arbitrators' and Mediators' Institute of New Zealand (AMINZ), and a member of the AMINZ Arbitration Panel and the Arbitration Appeal Panel. In 2011 David was appointed as a member of the Commonwealth Secretariat Appeals Tribunal.

David has taught at universities in New Zealand, Australia and England. He is the moderator of the contract law papers of the six New Zealand university law schools, appointed by the Council of Legal Education. He is a member of the editorial boards of the Journal of Private International Law and the New Zealand Universities Law Review.

David also has a substantial involvement in legal policy advice. His policy advice practice focuses on advising governments and intergovernmental organisations on reform of commercial laws and institutions to facilitate market activity and economic development. Projects which David has undertaken, in addition to his litigation practice, include advising Parliamentary Committees and Government Departments on a wide range of commercial law and cross-border issues; representing the New Zealand Government in negotiations with Australia on a number of legal coordination initiatives; membership of the Trans-Tasman Working Group on Court Proceedings and Regulatory Enforcement, established by the Australian and New Zealand Governments; representing the New Zealand Government at meetings of the Hague Conference on Private International Law; conducting a Ministerial Inquiry into ACC Funding and Accreditation of Physiotherapy Services; and providing policy advice on commercial law and governance issues to Governments and intergovernmental organisations in Bangladesh, Hong Kong, Jamaica, Niue, Samoa, Sri Lanka, Tonga and Vietnam.

Publications

Books and contributions to books

Conflict of Laws: the international element in commerce and litigation (New Zealand Law Society seminar booklet, 1991)

“Execution of Documents by Companies” in Prebble (ed) *Dimensions in Business Finance Law* (Butterworths, Wellington, 1992)

New Zealand section of *International Execution against Judgment Debtors* (Oceana Publications Inc, New York) (with Helen McQueen)

Company Law I - Getting started (New Zealand Law Society seminar booklet, 1994) (with Sian Elias QC, Jack Hodder, David Stock)

Morison's Company Law (5th ed, Butterworths, Wellington, 1994) chapters 6 (Reregistration), 13 (Nature and issue of shares), 15 (Share buybacks and financial assistance), 16 (Shareholders' rights and obligations) 46 (Amalgamations) and 48 (Court-approved arrangements, amalgamations and compromises)

“Conflict of Laws: Jurisdiction and Foreign Judgments” title of *The Laws of New Zealand* (Butterworths, Wellington)

Developments in the Law of Obligations - tort, equitable duties and the effect of contractual relationships (New Zealand Law Society seminar booklet, 1996) (with Professor Charles Rickett)

“Corporate Personality: Limited Recourse and its Limits” in Grantham and Rickett (eds) *Corporate Personality in the 20th Century* (Hart Publishing, Oxford, 1998)

Deception in Commercial Dealings (New Zealand Law Society seminar booklet, 1999) (with Terence Arnold QC)

Private International Law in New Zealand (New Zealand Law Society seminar booklet, 2001) (with Helen McQueen)

“Business laws and regulatory institutions: some approaches to CER coordination” in A Grimes, L Wevers & G Sullivan (eds) *States of Mind: Australia and New Zealand 1901 – 2001* (Institute of Policy Studies & Stout Research Centre, 2002).

“Company Law Reform – Lessons from the New Zealand Experience” in A Borrowdale, D Rowe and L Taylor (eds) *Company Law Writings – A New Zealand Collection* (Centre for Commercial and Corporate Law Inc, 2002) (revised version of article published at (1998) 16 C&SLJ 236)

“Contracts that Lessen Competition – what is section 27 for, and how has it been used?” (with Professor Dennis Carlton) in M Berry & L Evans (eds), *Competition Law at the Turn of the Century: a New Zealand Perspective* (Victoria University Press, 2003)

“Cross-Border Issues” in *Legislation Advisory Committee Guidelines* (2003 edition)

Drafting Better Pleadings (New Zealand Law Society seminar booklet, 2006)

Deception in Commercial Dealings (New Zealand Law Society seminar booklet, 2008) (with Hon Justice Arnold)

Drafting Better Court Documents (New Zealand Law Society seminar booklet, 2009)

Articles and selected papers

- “The Myth of Subjectivity” [1987] *Legal Studies* 263
- “Equity, Volunteers and Ducks” [1988] *The Conveyancer and Property Lawyer* 19
- “Insolvent Trusts and Third Party Contracts” (1987) 2 *Trust Law and Practice* 51
- “Solicitors’ Liability to Third Parties: *Clarke v Bruce Lance & Co*” (1988) 4 *Professional Negligence* 129
- “The Reciprocal Enforcement of Judgments Amendment Act 1992: a half step towards CER” (1992) *NZ Recent Law Review* 180
- “New Zealand’s contract statutes: international transactions” in *New Zealand Law Commission Contract Statutes Review* (NZLC Report 25, 1993)
- Book review: *Cheshire and North’s Private International Law (12th ed)* [1993] *NZLJ* 71
- “Seals: more dangerous than endangered” [1994] *Butterworths Company and Securities Law Bulletin* 38
- “Contracts to issue shares under the Companies Act 1993” [1995] *Butterworths Company and Securities Law Bulletin* 18
- “Disclosure in Annual Reports: the season is upon us” [1995] *Butterworths Company and Securities Law Bulletin* 58
- “Convergence in corporations laws-towards a facilitative model” (1996) 26 *VUWLR* 191
- “Taking Regulation Sceptically” - comment on paper by Professor Michael Trebilcock in *Deregulation of Public Utilities: Current Issues and Perspectives* (Centre for Corporate Law and Securities Regulation, University of Melbourne, 1996)
- “Paying Dividends in the Course of Litigation - Solvency Test Issues” [1996] *Butterworths Company and Securities Law Bulletin* 146.
- “Long term contracts: a law and economics perspective” [1997] *NZ Law Review* 423
- “The 1993 Act comes into its own” [1997] *Butterworths Company and Securities Law Bulletin* 94.
- “Company Law Reform – Lessons from the New Zealand Experience” (1998) 16 *C&SLJ* 236
- “Tort Liability of Directors; Compromises with Creditors” [1998] *Butterworths Company and Securities Law Bulletin* 62.
- “Voidable preferences: when is a creditor preferred?” [1999] *Butterworths Company and Securities Law Bulletin* 10
- “Global Disputes - Jurisdiction, Interim Relief and Enforcement of Judgments” (paper presented to New Zealand Triennial Law Conference, Rotorua, April 1999)
- “Directors and corporate groups – the New Zealand experience” (paper presented to Law Council of Australia 1999 Corporate Law Workshop, Sydney)
- “Making Business Law – the CER Dimension” (paper commissioned by NZ Ministry of Commerce, August 1999: http://www.med.govt.nz/buslt/bus_pol/bus_law/cergoddard/index.html)
- “Directors’ liability for trading while insolvent: a critical review of the New Zealand regime” in *Company Directors’ Liability for Insolvent Trading* (Centre for Corporate Law and Securities Regulation, University of Melbourne, 2000)
- “Security of Contract – why it matters, and what that means” (paper presented to 10th annual Journal of Contract Law Conference, Auckland) (2000) 6 *NZBLQ* 82, (2000) 16 *JCL* 123
- “Does the Internet require new norms?” *International Law FORUM du droit international* 2: 183-195, 2000

“Cross-border dispute resolution in civil and commercial cases: current developments and new proposals” in *International Legal Challenges for the Twenty-First Century* (Proceedings of a Joint Meeting of the Australian and New Zealand Society of International Law and the American Society of International Law, 26 – 29 June 2000): <http://law.anu.edu.au/anzsil/ANZSILASILProceedings.pdf>

“Contracts that Lessen Competition – what is section 27 for, and how has it been used?” (paper presented to Competition Law Conference, November 2000, with Professor Dennis Carlton, University of Chicago)

“Rethinking the Judgments Convention – a Pacific Perspective” *Yearbook of Private International Law* 2001, Volume 3 (2001), pp. 27-62

“Cross-border fraud: is our civil law adequate?” (paper presented to LawAsia Conference/New Zealand Law Conference, Christchurch, October 2001)

“Business laws and regulatory institutions: some approaches to CER coordination” (paper presented to Institute of Policy Studies/Stout Research Centre conference “States of Mind”, Wellington, November 2001)

“Trans-Tasman Legal Coordination – The Next Frontiers” (paper presented to Australian and New Zealand Society of International Law Conference 2003, Wellington NZ)

“Relationship Property Disputes – the International Element” (paper presented to New Zealand Law Society Family Law Conference, Auckland 2003)

“Shareholder approval of directors’ decisions” (paper presented to LexisNexis Corporate Law Masterclass, Auckland, November 2004)

“Section 98 of the Commerce Act 1986: where do the limits lie?” (paper presented to Competition Law & Policy Institute Workshop, Wellington, August 2006)

“Regulatory Error: Review and Appeal Rights” (paper presented to Legal Research Foundation Conference, Auckland, September 2006)

“Case study: Trans-Tasman Court Proceedings And Regulatory Enforcement” (paper presented to Legal Research Foundation Conference, Wellington, March 2007)

“ ‘Are we there yet?’: is there a contract, and what does it contain?” (paper presented to New Zealand Law Society Law of Obligations Intensive, Auckland and Wellington, July 2007)

“Review for error of law – some comments” (paper presented to New Zealand Law Society Judicial Review Intensive, Wellington, September 2007)

“Contract Law Update” (paper presented to New Zealand Law Society Commercial Law Intensive, Wellington and Auckland, May 2010)

“Public Law and Regulation” (paper presented to New Zealand Law Society Public Law Conference, Wellington, March 2011)

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