

Matthew Smith

Barrister

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CURRICULUM VITAE

AREAS OF PRACTICE

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

QUALIFICATIONS

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

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- Unpublished Student Paper Award (Legal Research Foundation, 2006)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)

SPECIAL AREAS OF EXPERTISE

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

Matthew is also 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.

In his advice and litigation work, Matthew focuses in particular on helping parties to identify practical and results-oriented uses of the different public law tools which are commonly available as means for solving public law problems.

Reflecting his special areas of expertise, Matthew is also the sole author of the *New Zealand Judicial Review Handbook* (Thomson Reuters: 2011) – a comprehensive text on the law and practice of judicial review in New Zealand.

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)

Matthew returned to the Bar in 2011. 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 at Russell McVeagh in Wellington, where he was a member of the firm's General Litigation and Public Law and Policy practice groups led by Dr Andrew Butler.

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 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 Evidence and Fact-Finding techniques. As part of his LLM degree, Matthew also completed a three-week Trial Advocacy Workshop.

RECENT CASES

- *The Trillian Trust v Secretary for Internal Affairs* HC Wellington CIV-2010-485-2411, 14 November 2011: junior counsel for applicant in judicial review challenge to a decision under the Gambling Act 2003.
- *Te Runanga O Ngati Manawa v Attorney-General* HC Wellington CIV-2011-485-1233, 2 November 2011: counsel for sixth defendant in interlocutory application to strike out proceeding.
- *Ibrahim v Associate Minister of Immigration* HC Wellington CIV-2011-485-1142, 18 October 2011: counsel for applicant in interlocutory application as to security for costs in judicial review proceeding.

PUBLICATIONS, SEMINARS AND SPEECHES

Books

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

Published articles

- “*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

- “*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

INSTRUCTIONS

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

25 November 2011