

**Maggie Kearney**  
Tenth Floor Chambers  
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## QUALIFICATION

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Barrister of the Supreme Court of New South Wales – 29 August 2022

Admitted to the High Court of Australia – 16 January 2019

Solicitor of the Supreme Court of New South Wales – 9 November 2018

## EDUCATION

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2020-2021	<b>Master of Laws (LLM), Distinction</b> – University of Sydney, Ross Waite Parsons Scholar
2018	<b>College of Law Diploma of Legal Practice</b> – New South Wales College of Law
2014-2016	<b>Juris Doctor with Distinction</b> – University of New South Wales
2010-2013	<b>Bachelor of Arts</b> (Majors: Musicology, English Literature) – Australian National University
2009	<b>Higher School Certificate (Dux)</b> – St George Girls' Selective High School

## PROFESSIONAL EXPERIENCE

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2022-	Barrister, Tenth Floor Chambers
2020-2022	Senior Associate, Commercial Litigation, Corrs Chambers Westgarth
2018-2020	Lawyer, Intellectual Property & Media, Ashurst
2017-2018	Tipstaff to the Hon. Justice David Hammerschlag, Supreme Court of New South Wales (Head of Commercial, Technology & Construction and Commercial Arbitration Lists)
2016	Law Tutor, UNSW Nura Gili Program (Torts, Criminal Law)
2015-2016	Clerk / Paralegal, Dispute Resolution, Ashurst
2013-2015	Paralegal, Kennedys Law Firm

## SELECT CASES

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### **Led**

#### **Federal Court**

- *DC Rd DC Pty Ltd v Zhang & Cai*: Led by C Colquhoun SC, B Smith, ongoing Federal Court proceedings relating to misleading and deceptive conduct and breach of fiduciary duties concerning property transactions.
- *Insignia Financial Pty Ltd v NAB*: Led by R Mansted, ongoing Supreme Court proceedings, acting for plaintiff in claim for breach of warranties under share sale agreement.

#### **NSW Court of Appeal**

- *Picos v Bar Council of NSW* [2023] NSWCA 218: Led by K Morgan SC, successful Court of Appeal proceedings opposing claim by individual who was refused a practising certificate seeking review of Bar Council decision.
- *Law Society of New South Wales v O'Brien*: Led by K Morgan SC, ongoing Court of Appeal proceedings on behalf of the Law Society against solicitor for removal from Supreme Court roll.

#### **Supreme Court**

- *Eczanes Pharmaceuticals Pty Ltd v Pharmpro Pty Limited*: Led by S Balafoutis SC, ongoing Supreme Court proceeding concerning joint venture dispute.
- *Gazal v Setiawan & Anor*: Led by S Balafoutis SC, ongoing Supreme Court proceedings in bailment and conversion.
- *Kian Yan Sim v Resolution Life Australasia Pty Ltd*: Led by N Owens SC, ongoing Supreme Court proceeding acting for life insurer in contractual claim for payment of life insurance.
- *Haire v Australian Capital Territory Integrity Commission*: Led by K Morgan SC, ongoing proceedings in the ACT Supreme Court for apprehended bias.

#### **Other Tribunals**

- *Commercial Radio Australia ats Phonographic Performance Company of Australia Ltd*: acting for CRA in the Copyright Tribunal, led by J Hennessey SC, J Beaumont, A Campbell.
- *ACT Integrity Commission, Operation Kingfisher Inquiry*: led by K Morgan SC acting for key witness in a corruption inquiry in the ACT.

### **Unled**

#### **Federal Court**

- *Jayson van Emmerik v Never Stop Building Services Pty Ltd*: Federal Court, successful application to set aside bankruptcy notice.

### **Supreme Court**

- *Annor v Howard* [2023] NSWSC 1084: successfully defending application to remove solicitor from acting under the Court’s inherent jurisdiction.
- *Samnani v Samnani*: family provision claim, acting for defendant in family provision proceedings.
- *In the matter of Historic Aircraft Restorations Pty Ltd*: Corporations List proceeding seeking financial disclosure on behalf of shareholders.

### **District Court**

- *Demco N.V v OEMG Global Pty Ltd*: acting for OEMG in claim regarding joint venture and breach of contract.
- *Wolverine Nominees Pty Ltd atf The Wolverine Trust v Newcastle Marine Services Pty Ltd*: proceedings claiming damages for breach of contract and bailment and conversion for damage to luxury boat.

### **Local Court**

- *V.G DNEPR Pty Ltd v MVI Industries Pty Ltd*: acting for tenant in proceedings for recovery of bond monies and defending cross-claim for failure to make good premises.
- *Amalgamation Pty Ltd v Fortune River Pty Ltd*: acting for lessor in claim by commercial tenant seeking damages for alleged overpayment of rent due to damaged premises.
- *Bilanksy v Nadile*: part-heard, acting for roofer in enforcing contract for services and avoiding claim for defective work.
- *Dal Broi Concreting Pty Ltd v Integrity New Homes Pty Ltd*: Griffith Local Court, claim in debt and negligence regarding building works.

### **Other**

- *Griffiths v Owners SP 19887*: NCAT Proceeding relating to strata dispute regarding proposed works, breach of statutory duty and proposed by-law.
- *Matai v Australian Securities and Investments Commission* [2023] AATA 340: AAT, application seeking a stay of an ASIC banning order against a financial adviser.
- *Gobert v Gobert*: FCFCOA (Div 1), acting for second tier lender in family law proceedings, successfully recovering debt.

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### **MEMBERSHIPS AND COMMITTEES**

- NSW Bar Media and Information Law & Technology Committee - 2023
- NSW Bar New Barristers Committee - 2023
- New South Wales Bar Association – 2022 onwards
- Communications and Media Law Association – 2019 onwards

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## OTHER ACHIEVEMENTS

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- Peteris Ginters Prize Winner for highest pass in Ethics in Bar Exam, 2022
- Ross Waite Parsons Scholarship, University of Sydney, 2020 - 2021
- Published in Financier Worldwide Magazine as co-author, 'Intellectual Property Disputes: arbitrate or litigate?' February 2020
- Published in the Communications and Media Law Association as co-author, 'Diving into the Deep End: Dealing with Deepfakes Online' Communications Law Bulletin, 2019
- Awarded Distinction, UNSW Juris Doctor, 2016
- Bruce Hall prize for outstanding academic achievement, ANU 2012
- Dux, St. George Girls' Selective High School, 2009

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## PRO BONO WORK

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October 2021 – June 2022	Volunteer solicitor, Refugee Legal Clinic, Afghanistan 449 Clinic
September 2021 – July 2022	Volunteer senior lawyer, Homeless Person's Legal Service
January 2019 – September 2019	Volunteer solicitor, Lou's Place, Kings Cross

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## COMMUNITY INVOLVEMENT AND LEADERSHIP

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- University of New South Wales career mentor, 2018-2020
- Judicial Liaison Officer, Australian Rugby Union, HSBC Rugby 7s Tournament Sydney, assisting the Australian Rugby Judiciary in collecting evidence, running judicial hearings and determining judicial outcomes in relation to Code breaches, 2018, 2019
- University of New South Wales Mooting Judge, 2018
- Volunteer at Plunkett Street Primary School, 2018
- King and Wood Mallesons Juris Doctor Impact Mentor, University of New South Wales, 2015