



Michael Morrison Partner

LLB, BA (Victoria University)

Barrister and Solicitor of the High Court of New Zealand

Admitted to practise in England and Wales

PROFILE

Dispute Resolution and Commercial Litigation

Michael is a highly experienced commercial litigator with extensive experience as an advocate appearing in the High Court, Court of Appeal and Supreme Court. Michael has also appeared in tribunals and he regularly represents clients in mediations. Prior to joining Morrison Mallett in late 2016 he headed the commercial litigation department at a leading New Zealand commercial law firm, having previously worked in London as a Senior Associate in the dispute resolution department at Baker & McKenzie. In addition to Michael's legal experience, he has played cricket to regional representative level in New Zealand and at premiere club level in the UK. Michael retains an involvement in cricket through his chairmanship of the Cornwall Cricket Development Foundation and is also an active and participating sailor at the Wakatere Boating Club on the North Shore in Auckland.

PROFESSIONAL EXPERIENCE

- :: Dispute Resolution and Commercial Litigation
- :: Corporate Insolvency and Debt Recovery including Personal Property Securities Act 1999
- :: Property and conveyancing related disputes
- :: Trusts (domestic and NZ foreign/ managed trusts and trust law based litigation) and civil fraud
- :: Company and Directors Duties
- :: Professional Negligence
- :: Trade Practices
- :: Securities Law
- :: Construction

Important recent cases include:

- :: ***Priest v Ross Asset Management Limited*** [2016] NZHC 1803 – acted for successful plaintiffs in respect of their claims to recover shares held by two companies formerly owned and managed by Mr David Ross, involving complex issues as to bare trusts, equitable tracing, competing equities and corporate insolvency.
- :: ***BDM Grange Limited v Trimex Limited*** [2015] NZHC 2469 – acted for defendant in its successful defence of claims brought following the termination of a long term distribution agreement based on allegations of partnership and/or joint venture with alleged breaches of fiduciary duties. Counterclaims were also successfully pursued seeking recovery of unpaid royalties.
- :: ***Messenger v Stanaway Real Estate Limited*** [2015] NZHC 1795 – acted for successful plaintiffs in pursuing negligence claims against their real estate agent.

- :: ***Official Assignee v Kingston*** [2015] NZHC 1416 and [2016] NZCA 415 – acted for defendant in complex property dispute concerning issues as to settlement procedures and futility of tender.
- :: ***StockCo Ltd v Gibson*** [2012] 11 NZCLC 98-010 – acted for StockCo against receivers of the Crafar Group of companies appointed by Group's lenders, Westpac, Rabobank and PGG Wrightson, in respect of complex issues as to the correct priority of competing security interests registered over livestock under the Personal Property Securities Act 1999.
- :: ***Diver v Loktronic Industries Ltd*** [2012] 2 NZLR 388 – acted for successful appellant in overturning a High Court judgment finding liability in respect of the intentional economic torts of inducing breach of contract, interference with business by unlawful means and conspiracy by unlawful means.

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PROFESSIONAL EXPERIENCE

:: ***New Technology Business Solutions Group Ltd v Appello Services Ltd*** [2012] NZHC 1024 - acted for successful defendant in High Court proceedings defending against injunctive relief seeking to terminate various software licences.

:: Acted for the Financial Markets Authority in respect of civil claims for recovery of compensation and penalties under Sections 55-57 of the Securities Act 1978 against directors of a major failed finance company.

:: Acted for Berkshire Fund III in respect of the \$260 million claim brought by the Securities Commission alleging insider trading in the shares of Tranzrail.

:: Represented four of the Indian-based directors in responding to the Royal Commission on the Pike River Coal Mine Tragedy.

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CONTACT DETAILS

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