

DAVID ASH

Barrister

FREDERICK JORDAN CHAMBERS

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David maintains a broad civil practice spanning administrative law, corporations law, trade practices, insolvency and bankruptcy, equity, real property, trusts, succession and family provision.

He regularly advises and appears for executors, beneficiaries and trustees in State and Federal Courts and statutory tribunals, as well as appellate courts, and has appeared in constitutional matters before the Supreme Court of New South Wales, Court of Appeal and High Court of Australia. With a strong interest in mediation, David has become accredited as a mediator by the NSW Bar Association under the National Standards and is also a mediator approved by the Supreme Court of New South Wales. He accepts retainers to act as mediator and regularly appears as counsel in mediations.

Prior to being called to the Bar, David practised as a solicitor at a well-established law firm, now HWL Ebsworth, where he practised in commercial litigation and insolvency litigation. While in private practice, David conducted complex litigation on behalf of blue-chip clients, which included some of Australia's largest financial institutions. He has also worked as a research officer at the Judicial Commission of New South Wales.

David temporarily left practice as a solicitor to pursue an interest in writing, during which time his work was published in several magazines and newspapers, including Elle and The Sydney Morning Herald. He has worked as an editor of publishing house HarperCollins and as a legal editor with the Law Book Company. He is the current editor of The Forbes Flyer (the quarterly newsletter of the Francis Forbes Society for Australian Legal History) and holds a Master of Laws and a Bachelor of Arts from the University of Sydney.

ADMISSIONS TO PRACTICE

- 1998 Admitted to the Bar of New South Wales
- 1987 Admitted as a Solicitor of the Supreme Court of New South Wales

PROFESSIONAL QUALIFICATIONS

- 2015 Nationally Accredited Mediator
- 1996 Master of Laws: University of Sydney
- 1984 Bachelor of Arts: University of Sydney

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PRINCIPAL AREAS OF PRACTICE

- Administrative Law
- Commercial Law, Corporations and Trade Practices
- Constitutional Law
- Equity, Real Property, and Trusts
- Insolvency and Bankruptcy
- Mediation, Arbitration, and Alternative Dispute Resolution
- Succession and Family Provision

PROFESSIONAL EXPERIENCE

- 1998 - present Barrister, Frederick Jordan Chambers
- 1996 - 1998 Research Officer, Judicial Commission of NSW
- 1995 - 1996 Legal Editor, Law Book Company
- 1992 - 1994 Editor, HarperCollins
- 1989 - 1990 Solicitor, Abbott Tout (now HWL Ebsworth Lawyers)

PROFESSIONAL MEMBERSHIPS

- Member, New South Wales Bar Association
- Member, Francis Forbes Society for Australian Legal History
- Former Member, NSW Bar Council

PUBLICATIONS

- *Barristers and elected office* NSWBarAssocNews 41; (2013 Winter) Bar News: Journal of the NSW Bar Association 6 - 2013
- *Advocacy, legal practice and truth* NSWBarAssocNews; (2012 Autumn) Bar News; Journal of the NSW Bar Association 8 - 2012
- *Sir Adrian Knox* NSWBarAssocNews 14; Bar News: Journal of the NSW Bar Association 60 – Winter 2011
- *Sir George Rich* [2010] NSWBarAssocNews 17 Bar News: Journal of the NSW Bar Association 46 – Winter 2010
- Editor, The Forbes Flyer - quarterly newsletter of the Francis Forbes Society for Australian Legal History

SPEAKING ENGAGEMENTS

- *Mediation*: Sydney seminar - 2017
- *An overview of corporations*: Two Sydney seminars - 2016
- *Juster, cheaper, quicker? The Civil Procedure Act a decade on*: Fiji conference - 2015
- *The corporation and constitutional patriotism – An inescapable price?*: University of Adelaide conference - 2015
- *Historical development of corporations law*: NSW Supreme Court tutorials - 2014
- *Sir Francis Forbes*: Guest speaker Kalari Lachlan River Arts Festival Forbes - 2013
- *Historical development of insolvency laws*: NSW Supreme Court tutorials - 2013

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SELECT CASES

- *Davis v NSW Land and Housing Corp* (2016) 18 BPR 36,459 – NSW Court of Appeal – Acting for a public tenant in a matter involving the scope of the power to cancel residential tenancies
- *Needham & Trustees of Bankrupt Estate of Needham* [2017] FamCAFC 94 – Family Court Full Court – Acting for the trustee of a bankrupt estate of a spouse in property adjustment proceedings
- *Paphos Providores Pty Ltd v Constable Ladha* (2015) 91 NSWLR 400 – NSW Court of Appeal – Acting in a constitutional challenge to the government’s power to seize and destroy goods where no criminal charge is to be laid. (A subsequent application for leave to appeal to the High Court was dismissed)
- *Gerace v Auzhair Supplies Pty Ltdf (in liq)* (2014) 87 NSWLR 435 – NSW Court of Appeal - Acting for company directors in relation to a claim by the company’s liquidator. (A subsequent application by the liquidator for leave to appeal to the High Court was dismissed)
- *Stankovic v Van der Velde* [2013] FCAFC 57 – Federal Court Full Court - Acting for the trustees of a bankrupt’s estate in a challenge to his bankruptcy