Curriculum Vitae

# Mark Davies

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RICHMOND
CHAMBERS

# Mark Davies

Barrister

Mark is a litigation specialist with substantial experience in all forms of legal proceedings, as well as mediation and arbitration work. Mark is known for his perseverance and agility when advocating for clients in highly complex matters and for achieving excellent outcomes, no matter the odds. Mark has extensive advocacy experience at courts of all levels. He also works in the Sports Law field across dispute resolution and integrity matters.

Mark worked as a Crown Counsel at the Crown Law Office where he prosecuted jury trials and undertook criminal appeals. He was junior counsel in the Scott Watson trial, subsequently appearing in the Court of Appeal and Privy Council. He then practiced for several years at Freehills in Sydney specialising in commercial litigation. For over 20 years Mark worked at Meredith Connell and was one of the lead Partners responsible for establishing and growing its commercial and civil litigation practice. Mark was also responsible for setting up MC's Sports Law practice.

Mark acts for a wide range of private corporate clients as well as Crown entities and provides a full range of civil, regulatory and commercial litigation advice and advocacy services to his clients. He has specialist expertise in contractual disputes, construction matters, valuation issues, property and leasing disputes and insolvency litigation, particularly around breaches of directors' duties. Mark advises many clients on Fair Trading Act compliance and advertising issues. Mark has recently acted for a healthcare provider following a cyber-attack and can advise on the relevant legal and Privacy Act processes that follow such an incident.

Whether the issues involve cybercrime, property disputes, construction matters, valuation issues, contract law, tort claims, Fair Trading Act and advertising claims Mark has the ability and experience to assist you to obtain the best possible outcome. His approach is rigorous and commercial, guided by delivering the best outcome for his clients and never losing sight of the big picture.

## Recent Experience

Mark has recently acted for a major medical entity following a cyber-attack. An urgent High Court injunction was obtained and as a result of this experience Mark has developed detailed knowledge of how to respond to such incidents including the requirements of the Privacy Act and the role of the Office of the Privacy Commissioner.

Mark was counsel in the high-profile case brought by Fuji Xerox New Zealand against its former Managing Directors and CFO from 2019 to 2023. Over this time he gained specialist experience acting for offshore entities and Japanese corporations in particular.

From 2015 to 2022 Mark was responsible for assisting the Ministry of Education to obtain recoveries in relation to defective buildings in its national school portfolio. This programme was run over many years on a national scale and Mark oversaw the filing of multiple claims in the High Court. This involved Mark appearing in multiple court hearings and mediations and was successful in recovering substantial funds for the Crown. Mark continues to act for the Ministry in many contentious matters.

Mark was lead trial counsel in the Minister of Education & Ors v H Construction North Island Ltd (formerly Hawkins Construction North Island Ltd) case that resulted in a substantial judgment of over $13 million. He was then successful in securing a costs award against the parent company for over $1 million before continuing to act for the liquidators in claims issued against the directors in the High Court.

Mark has acted on several of the major cases involving recoveries by liquidators for breaches of directors duties. In Morgenstern & Anor v Jeffreys an award of $3.49 million made by the High Court was upheld in the Court of Appeal, where Mark represented the liquidators.

Mark has appeared in many rent review arbitrations as counsel for Restaurant Brands, Farmers and the Crown. He has appeared in several of the leading cases on the question of obtaining leave to appeal from arbitration awards, including the Restaurant Brands Ltd v QST Ltd series of cases.

In the Sports Law field, Mark has acted for the Blues Super Rugby franchise as well as assisting other sporting bodies with their legal needs.

Mark is active in community matters, holding positions as Chairman of the North Shore Cricket Club and as an appointee of the Westlake Boys High School Foundation. He is also a New Zealand Cricket First Class Code of Conduct Commissioner.

## Credentials:

LLB/BA (Criminology & Psychology), Victoria University of Wellington

M Phil, University of Cambridge (United Kingdom)