

CURRICULUM VITAE

NAME Dr Andrew Stephen Butler

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ACADEMIC QUALIFICATIONS

Bachelor of Civil Law (BCL), University College Dublin, 1989 (First Class Honours)

Master of Laws (LLM), Osgoode Hall Law School, Toronto, 1991

Doctor of Laws (PhD), European University Institute, Florence, 2002

CAREER TO DATE

Thorndon Chambers, September 2018 –

I commenced practice as a barrister sole at Thorndon Chambers in September 2018.

Russell McVeagh, May 2005 –September 2018

Senior Solicitor (2005), Associate (2006), Partner (2007)

I joined the Litigation practice of Russell McVeagh's Wellington Office in May 2005, becoming a partner in December 2007.

Though based in the Litigation Group, I was involved in a wide variety of files across a large number of teams, including tax, banking and finance, public law, and corporate advisory. My practice has been varied, covering areas as diverse as ACC law, Crown entity governance, human rights law, electricity lines pricing, competition law, contract, negligence, trusts, inquiries, judicial review, tax avoidance.

Crown Counsel, Crown Law Office, 1999–2005

From 1999 to 2005 I was Crown Counsel in the Human Rights Team at Crown Law. While there I appeared for the Crown on some of the most significant public law cases in that period.

Admission to the New Zealand Bar, 1994 and to the Roll of Solicitors of England & Wales, 1996

Lecturer, then Senior Lecturer, Faculty of Law, Victoria University of Wellington, 1991–1999

Subjects taught included Equity & Succession, Trusts, Restitution, Public Law.

LITIGATION EXPERIENCE

Over the course of my career as a practitioner, I have gained substantial experience as a seasoned advocate:

- I have appeared before the Supreme Court on 8 substantive appeals and 3 oral leave applications. I have appeared before the Court of Appeal on more than 35 substantive appeals and before the High Court on more than 60 substantive matters (including trials, judicial reviews, appeals and originating applications).
- I have substantial experience in appearing as counsel in some of the most high profile and sensitive matters to come before the New Zealand courts. Examples include litigation over Algerian refugee Ahmed Zaoui, the detention of the Tampa boat refugees, reforms to funding of special education, Lecretia Seales' challenge to the prohibition on medically aided dying, multiple aspects of the collapse of the financial empire of Allan and Jean Hubbard following their placement in statutory management, one of New Zealand's largest tax cases (BNZ's cross border conduit transactions), numerous appearances for the Human Rights Commission on high profile human rights matters, and frequent appearances for the Accident Compensation Corporation on matters which have attracted significant media interest.
- My litigation practice has spanned across the legal canon:
 - core commercial litigation (contract disputes, negligence, competition law, tax avoidance and income tax)
 - public and constitutional law (including many judicial reviews both for and against the Crown and Crown agencies)
 - accident compensation appeals before the Supreme Court, Court of Appeal, High Court and District Court (including treatment injury, causation, entitlements)
 - trusts and equity (including issues as to removal of trustees, beneficiaries' information rights, litigation of New Zealand law-governed offshore trusts, the application of family law statutes to trusts)
 - human rights (including cutting edge trials on the law of discrimination and damages under the Human Rights Act 1993, and core cases concerning the substantive rights and remedies available under the New Zealand Bill of Rights Act 1990)
- My litigation experience has encompassed multiple perspectives. Six years as Crown counsel at the Crown Law Office enabled me to see issues from a Crown, "whole of government" and model litigant perspective. Thirteen years in a commercial law firm environment have instilled in me the importance of focused, succinct advice,

the value of cut-through representation and the value of principle tinged with pragmatism.

SPECIALISATIONS

While, as the section on my “Litigation Experience” makes clear, my experience spans the legal canon, I have acknowledged expertise in several areas including:

- Trusts and Equity;
- Public and Constitutional Law; and
- Human Rights.

Further information about these specialisations is available at www.chambers.co.nz.

PUBLICATIONS AND ADVISORY GROUPS

I am the general editor of *Equity and Trusts in New Zealand* (Wellington, Brooker's, 2009) 2nd ed. It is a 1,300 page text on the law of equity and trusts. This text has been frequently cited by the courts as authoritative. In addition to my editorship role on other chapters, I wrote 16 of the 44 chapters. (The third edition is currently being written.)

I am co-author of the *New Zealand Bill of Rights Act: A Commentary* (Wellington, LexisNexis, 2015) 2nd ed. It is a 1,900 page text on the law under the New Zealand Bill of Rights Act. It is frequently relied upon by counsel and judges in the courts.

Together with Sir Geoffrey Palmer QC I have written two books arguing for the enactment of a written constitution for New Zealand: *A Constitution for Aotearoa New Zealand* (Wellington, VUP, 2016) and *Towards Democratic Renewal* (Wellington, VUP, 2018).

I am editor of the *Human Rights Reports of New Zealand (HRNZ)* published by Thomson Reuters, and the New Zealand correspondent for *Butterworths Human Rights Cases (BHRC)*, the leading English language law report series dedicated to human rights decisions around the world.

I was a member of the Law Commission's Trust Law Reform Advisory Group (2010–2014).

I was an advisor to the Law Commission's Search and Surveillance Powers Project, contributing three chapters to the Commission's final report (chapters 2, 11 and 14) (2007, NZLC R97). I subsequently was a member of the Commission's Expert Advisory Panel on the review of the Search and Surveillance Act (2017, NZLC R141).

I was a member of the State Sector Act Reform Reference Group that has assisted the State Services Commission develop proposals on reform of the State Sector Act 1988 (2018).

I have published over 50 articles (including book chapters) in New Zealand and overseas. A list is available upon request.

SEMINARS, CONFERENCES, ETC

I am a popular presenter of seminars and workshops on all aspects of public law and numerous private law subjects, particularly equity and trusts. I do several each year.

PROFESSIONAL INVOLVEMENT

I am a trustee and chairperson of the New Zealand Law Foundation. The Law Foundation funds legal research and education.

I have been convenor of the New Zealand Law Society's Human Rights & Privacy Committee since 2007 with a brief hiatus in 2017–2018 (having been a member of that Committee since 1999). This role requires me to organise submissions by the Law Society on Bills and government-related reports that affect human rights and privacy rights. As a result I have regularly appeared in front of select committees.