

## **ROWAN DAVID BUTLER**

**SUMMARY:** Barrister Sole, Bankside Chambers, Auckland, New Zealand.

**EDUCATION:** University of Auckland, Auckland, New Zealand: 1997—2000  
**Bachelor of Laws:** 2000  
**NZ Institute of Professional Legal Studies:** 2001  
**Admission to the Bar:** May 2001

**AREAS OF PRACTICE:** Insurance (Professional Negligence and Statutory Liability); Fraud & Regulatory (Health & Safety, Fair Trading Act and Securities Act prosecutions; Inquests); General Civil Litigation.

### **CAREER HISTORY**

#### **OCTOBER 2011 TO PRESENT – Barrister Sole, Bankside Chambers**

I appeared as co-counsel in *R v Petricevic & Ors* [2012] NZHC 665 before His Honour Venning J in a lengthy trial on indictment. The charges consisted of Securities Act, Companies Act and Crime Act offences. I was one of two counsel for the finance director. My role included cross-examining in-house counsel, the receiver, one of the co-accused and a defence expert (amongst others). In addition, I delivered the closing address on behalf of our client.

#### **DECEMBER 2010 TO 2011 - Associate, COOK MORRIS QUINN, Auckland**

CMQ were the instructing solicitors for directors of both Nathans Finance and Bridgecorp. I assisted in the defence of directors from both companies. In terms of Bridgecorp, I appeared in the following pre-trial arguments:

- *R v Petricevic & Anor* (High Court, 12 July 2011, Venning J.)- Application for a Stay
- *R v Roest* (High Court, 19 July 2011, Venning J.)- Application to Quash Counts

I recently argued the following High Court appeal (which was an appeal against conviction in a Health & Safety context):

- *Builders Corner Ltd & Anor v Dept. of Labour* (High Court, 19 July 2011, Brewer J.)

During my time with CMQ, I appeared before the Health Practitioners Disciplinary Tribunal & the Nursing Council. Additional cases of note include:

- *Ministry of Fisheries v Wills* (20 July 2011, Holderness DCJ) — defended hearing
- *PCC v A Pharmacist* (NZHPDT, 11 May 2011) – penalty hearing

## **JULY 2008 - DECEMBER 2010 - Solicitor, JONES FEE, Auckland**

At Jones Fee I specialised in: professional negligence claims; statutory liability; property insurance litigation; and general insurance litigation. I appeared in numerous mediations; JSC's; trials and interlocutories. I was fortunate enough to appear in the following reported cases:

- *Saunders & Houghton* [2010] 3 NZLR 331 (CA); (junior counsel in "the Feltex Class Action")
- *Houghton & Saunders* (2009) 19 PRNZ 476, 177 (counsel in support of application for stay)

Other cases include:

- *Warburton v Sutton & Ors* (Hamilton District Court, November 2011, Wolff DCJ.)
- *Bacic v Tulip Holdings Ltd* (In Liq.) (WHT, 11 June 2009)
- *Crosswell Family Trust v Auckland City Council* (WHT, December 2009)

## **JANUARY 2008 - JUNE 2008 - SERIOUS FRAUD OFFICE, LONDON - Operation Holbein**

*R v GG Plc & Ors* [2008] UKHL, was one of the most significant (and ill-fated) prosecutions in the history of the UK SFO. The SFO prosecuted various pharmaceutical companies and directors with Common Law Conspiracy to Defraud. The case, at the time, involved the largest amount of data ever seen in a British Courtroom. While the case was criminal, it concerned allegations of a price-fixing cartel. So, if New Zealand proceeds to criminalise such conduct, I will be well placed to take advantage of my UK experience. My (very small) role in the case was that of 'Case Progression Officer' which was a position created under the Criminal Procedure Rules of 2005. My responsibilities largely related to case management. This included corresponding directly with the High Court Judge managing this case. I had responsibilities to internal counsel and three Queen's Counsel and was fortunate enough to attend as instructing solicitor in the House of Lords when the Lords delivered their decision.

## **FEBRUARY 2007 - JANUARY 2008: TRAVELLING HOLIDAY**

## **FEBRUARY 2002 - DECEMBER 2006: CROWN PROSECUTOR - NEW ZEALAND**

Between the dates referred to above, I worked for both Almao Douch (Hamilton) and Meredith Connell (Auckland).

As well as gaining significant criminal litigation experience (I prosecuted over 50 jury trials), I obtained broad regulatory experience. My clients consisted of various Governmental bodies including: the Commerce Commission, the Accident Compensation Corporation, and the Ministry of Health.

I appeared on behalf of these clients in a number of complex hearings. I have appeared in jury trials in both the District and High Court. I have prosecuted numerous appeals in the High Court and appeared as Junior Counsel in the Court of Appeal. In terms of regulatory matters, I have prosecuted numerous defended hearings, depositions and inquests.

Cases of note include:

- *R v Punnett* [2006] 1 NZLR 133; (junior counsel)
- *R v A* [2006] BCL 982; (co-counsel)
- *R v JHK* (2005) 21 CRNZ 847;
- *Commerce Commission v Ecoworld* [2006] DCR 716 (HC);
- *Commerce Commission v Ecoworld* [2005] DCR 912 (DC); (co-counsel)
- *Trow v Police* [2005] BCL 434; [2004] BCL 923,445;
- *Flyger v CIR* (2004) 21 NZTC 18,431 (HC)
- *Medsafe v ITP; Zhu* — prosecutions under the Medicines Act
- *Inquest into the Death of Mr F Day*

#### **PERSONAL PURSUITS AND INTERESTS**

Outside of law, I am a keen runner and have run a sub-3 hour marathon. I am also a co-owner and director of The Honesty Box Ltd - an online produce delivery company ([www.thehonestybox.co.nz](http://www.thehonestybox.co.nz)). This business, in particular, has provided valuable insight into running a small company.

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