

Curriculum Vitae

Sam Hall

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Education

2009 – 2015

Bachelor of Laws (Hons) / Bachelor of Commerce, Finance with Distinction

Deakin University

- Deans Merit List (Top 3-5% of Graduating Class).
- Taxation Law prize (2012), Workplace Law prize (2014).
- Exchange completed at the University of East Anglia, Norwich, United Kingdom (2013).

Experience

Feb 2022 –

Present

Associate

Walkers (Cayman) LLP

- Associate in the Insolvency and Dispute Resolution, specialising in contentious and non-contentious insolvency matters and general offshore disputes.

2016 – 2021

Senior Associate (Jul 2021 to Dec 2021), Solicitor (Jun 2017 to Jun 2021), Graduate (Sep 2016 to Jun 2017)

Herbert Smith Freehills

Trust dispute (June 2021 to December 2021)

- Represented an Australian mutual fund in defence of a dispute brought by an investor in one of its most successful property funds. The dispute involved allegations of breach of trust, acting beyond power and misleading or deceptive conduct.
- Acted as the lead senior associate with carriage of interlocutory applications and correspondence, and the preparation of lay evidence. Leading a team of junior lawyers, we successfully produced significantly detailed and complex lay evidence in a period of 6 weeks, receiving excellent praise from our client and Counsel team.

Flex commissions class action (June 2021 to December 2021)

- Represented an Australian retail bank facing a class action in the Supreme Court of Victoria in respect of "flex commissions" paid to accredited car dealers that introduced car loans to the bank.
- The case included, amongst others, claims for misleading or deceptive conduct and unfair conduct.
- I was one of two senior associates with carriage of the matter, involved with all aspects of interlocutory steps, discovery and the consideration of evidence to be led in defence of the claims.

Software collaboration contract dispute (February 2021 to December 2021)

- Represented a leading ASX-listed aged care provider in a ~\$25m contract claim by a software development company in respect of the development of a novel care management software solution.
- I had sole carriage of acting for the defendant in this contract dispute (and plaintiff by way of counterclaim), including having responsibility for:
 - *Discovery*: lead the scoping and review of 40,000 documents over a one-month period, prepared the discovery advice and client affidavit in respect of discovery, and briefed the General Counsel on the key findings from discovery (including "hot docs" and implications for evidence);
 - *Mediation*: lead the preparation of a detailed prospects advice and presentation to the board, the defendant's mediation position paper and acted in the mediation (without Counsel).
 - *Interlocutory*: responsible for all interlocutory applications and correspondence with the plaintiff's solicitor and the Supreme Court of Victoria in respect of the proceeding.
- Achieved a successful settlement the dispute on a "walk-away" basis, with each party bearing their own costs.

Regulatory investigation by the Commodity Futures Trading Commission (CFTC) (February 2021 to September 2021)

- Acted as joint-Counsel to an Australian retail bank (acting with Sullivan & Cromwell in NYC) in its investigation by the CFTC into alleged market manipulation (including alleged spoofing) by a futures trader at the bank's Hong Kong trading desk.
- I had responsibility for managing the bank's response to several regulatory notices, requesting

information and documents, issued by the CFTC, the Australian Securities and Investments Commission (**ASIC**) and Hong Kong's Securities & Futures Commission (**SFC**), including supporting the bank in its engagement and interactions with the ASIC and the SFC.

- Worked closely with the Sullivan & Cromwell team to successfully convince the CFTC that no misconduct occurred, resulting in the closure of the CFTC's investigation without prosecution.

Takata Airbags Class Action (Mar 2018 to December 2021)

- Represented a Japanese automotive manufacturer in the largest product liability class action in Australia's history.
- The proceeding involved in excess of 500,000 potential group members, and was case managed with proceedings brought against five other automotive manufacturers, comprising a potential group size of over 2,000,000 group members across the six proceedings that are being heard together.
- Key workstreams and responsibilities on this matter included:
 - *Discovery:*
 - Led and coordinated a team of 20+ across the Melbourne, Perth, Sydney, Shanghai and Tokyo offices.
 - Coordinated the review of >100,000 documents (out of >1,000,000 potential document pool), including a significant portion of Japanese, Chinese, Spanish and German language documents.
 - Managed the review/assessment of potentially highly probative foreign language documents identified as candidates for translation for review and use by the evidence teams.
 - Successfully concluded discovery in 2021, having ultimately discovered >60,000 documents across 15 tranches of discovery.
 - *Lay evidence:*
 - Drafted an 80 page affidavit (with >200 exhibits) for a key senior Japanese engineer.
 - Responsible for drafting the preliminary witness outlines for three additional potential witnesses.
 - Attended and jointly or solely conducted 30+ witness interviews over the course of the lay evidence preparation, including attending two trips to Japan for in-person interviews, all of which was conducted through interpreters.
 - Worked closely with the team drafting five other substantive affidavits, to ensure consistency with case theory and accuracy across a factual matrix that spanned a 20 year time period, involving multiple custodians spread globally.
 - Managed a team of graduates and juniors solicitors arranging for the translation of the Japanese witness affidavits and exhibits.
 - Drafted narrative papers in relation to key issues raised by the pleadings, and responsible for preparing and updating the lay evidence matrix and matter precis.
 - Presented evidence summaries to the Counsel team and client during various evidence conferences.
 - *Expert evidence:*
 - Responsible for the initial identification and assessment of potential experts across multiple fields including, mechanical engineering, chemical engineering, energetic materials, pyrotechnics and statistics.
 - Responsible for the formulation of factual assumptions based on the lay evidence and identification of key documents, incorporated into the briefs to expert witnesses.
 - Responsible for reviewing and ensuring the factual accuracy of, and consistency between, the expert reports and lay evidence.
 - Drafted a proposed statement of agreed scientific facts to attempt to limit the issues in dispute at trial.
 - *Mediation:*
 - Drafted the mediation position paper and supporting materials for mediation.
 - Attended and advised in a 7-day mediation, successfully resulting in a commercial settlement of the proceeding without admission of liability.
 - *Interlocutory/Applications:*
 - Drafted and amended the defence and led responses to requests for further and better particulars, requests for technical information, and notices to produce.

- Preparation of briefs to Counsel and Court materials for >6 interlocutory hearings.
- Drafted evidence and submissions in relation to key applications filed by the Plaintiff in relation to commission for the litigation funder and an application by the defendants for registration and class closure. These applications spanned approximately 18 months, and involved multiple rounds of evidence, submissions and hearings (including appeals).
- Drafted evidence and the financial model in relation to a successful application for security for costs. Our client received \$4.5 million in security for a portion of the work to be completed on the matter.

Foreign exchange cartel class action (February 2020 to December 2021)

- Represented an investment bank in a class action in the Federal Court of Australia in relation to alleged illegal cartel conduct in the foreign exchange market between 2008 and 2013. The case was filed against 5 global investment banks.
- Key responsibilities on this matter included:
 - Reviewed discovered material from foreign proceedings, including thousands of pages of trader chatroom records, to prepare assessment papers considering whether cartel conduct had occurred under Australian law. This work was preliminarily used in support of a successful application by the defendants to resist significant amendments to the pleadings sought by the Plaintiff.
 - Liaised and attended conferences with international Counsel to coordinate the global defence of regulatory investigations and class actions filed in jurisdictions including Australia, Canada, UK and US.

Regulatory investigation concerning alleged loan misclassification (January 2020 to January 2021)

- Represented a retail bank in relation to a regulatory investigation by the ASIC concerning alleged misclassification of loans.
- Key responsibilities on this matter included:
 - Lead the review and factual analysis of >5,000 customer loan files and bank policies, procedures and training materials. This involved the identification of potentially critical documents and developing narrative and briefing papers for the client and Counsel team, addressing potential areas of liability.
 - Coordinated and delivered the client and Counsel briefing and presentation on the potential areas of liability and next steps in relation to the investigation.
 - Coordinated the gathering of information from various segments of the bank and drafting of written responses to regulatory notices issued by ASIC.
 - As part of a team of five working to a very short timeframe, we persuaded the ASIC not to pursue a contravention proceeding in relation to the issues raised by the investigation.

Contractual advice (Jan 2020 to May 2020)

- Represented a media software billing company in a contractual dispute concerning payment clauses under various amended contracts.
- Responsible for conducting the legal research and developing a legal memorandum and short-form client advice addressing issues of contractual interpretation, conflicting and implied terms.
- We assisted the client implement our advice by way of further correspondence, enabling the parties to reach a commercial compromise and maintain their developing commercial relationship with the counterparty.

Schemes of arrangement in the Victorian Supreme Court and Federal Court of Australia

- Assisted the Corporate practice group at HSF in successfully obtaining court approval for three schemes of arrangement, including in respect of a complex re-domiciling scheme, and a subsequent merger, for Amcor Ltd (re-domiciled from Australia to Jersey, tax resident in the UK, with a NYSE listing and foreign exempt listing on the Australian Stock Exchange).
- Responsibilities for the court approval processes of the schemes of arrangements have included:
 - Drafted several witness affidavits in support of the scheme approvals, including to explain complex deal mechanisms and shareholder protections.
 - Reviewed, interpreted and concisely explained scheme and merger documentation, including complex US merger documentation and re-domiciling agreements.
 - Assisted the Corporate practice group with its engagement with ASIC to resolve any concerns that ASIC raised with the schemes.
 - Prepared briefs for Counsel to appear and instructed Counsel during approval hearings.

Graduate Program (Sep 2016 – Mar 2018)

1st Seat: Disputes, Commercial Litigation (Sep 2016 – Mar 2017)

- Worked on the successful settlement of the final bushfire class action arising out of the 2014 Victorian bushfires (*Williams v AusNet Electricity Services Pty Ltd*, S CI 2014 5296). Key responsibilities on this matter included:
 - the preparation of research memoranda on areas including: assumption of responsibility by state entities, assessment of damages, and valuation methodology;
 - document review and developing the estimated quantum of damages; and
 - working closely with Senior Counsel preparing witnesses for trial, including cross examination preparation.
- Represented a retail bank in relation to a regulatory investigation over alleged breaches of the National Consumer Law. Key responsibilities on this matter included:
 - identification of potential experts to be engaged to provide opinion evidence;
 - factual analysis over complex and detailed customer loan files to develop scenario matrices and potential areas of liability; and
 - drafting witness proofs of evidence, including attending client interviews.

2nd Seat: Corporate, Takeovers & Schemes (Mar 2017 – Sep 2017)

- Advised Swisse Wellness on various ASIC and corporate governance issues, including various amendments to corporate entities and their constituent documents.
- Advised Tabcorp on the proposed \$11 billion scheme of arrangement with Tatts – key responsibilities included performing verification of the Tatts scheme booklet, and researching and responding to legal questions raised by ASIC in relation to the scheme booklet.
- Drafted an advice for DHL on the regulatory framework governing the implementation of B2C-distribution platforms in Australia.

3rd Seat: Finance (Sep 2017 – Mar 2018)

- Advised the borrowers under a \$400 million syndicated facility agreement in respect of a commercial, residential and retail office tower in Melbourne.
- Advised the lenders under a \$100 million refinancing of a bilateral facility agreement.

Extracurricular activities

- Member of the HSF Contentious Regulatory and International Arbitration Working Groups; Co-Captain of the HSF Cricket team; Co-Chair of the 2017 HSF AFL Footy Tipping competition (Aus-wide).
- Presenter/HSF representative at various graduate, recruitment and networking events.

**Mar 2016 –
May 2016**

Paralegal

Herbert Smith Freehills

- Commercial Litigation, and assisted Professor Bob Baxt publish the Baxt Report, and contributed to Professor Baxt's chapters in the textbook, *Securities and Financial Services Law* (9th edition).

**Apr 2015 –
Dec 2015**

Paralegal

MinterEllison

- Real Estate, Environment and Planning team.

**Nov 2014 –
Jul 2015**

Vacation Clerkships/Schemes

- Herbert Smith Freehills (Corporate, Takeovers & Schemes).
- King & Wood Mallesons (Projects & Real Estate).
- Arnold Bloch Leibler (Litigation & Dispute Resolution).

**Nov 2013 –
Apr 2014**

Advocate

Twenty First Willem C. Vis International Commercial Arbitration Moot

- Completed 3 written memoranda on an international commercial arbitration moot court problem.
- Competed at the oral competition held in Vienna, Austria, defeating 289 other law schools to win the moot, and received an honourable mention award for best individual oralist.

Publications

- Feb 2019** **Financial Services Industry Royal Commission – Final report**
Herbert Smith Freehills – publication
- Contributed to and led the firm-wide coordination of HSF’s client briefing paper on the Final report of the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry, released on 4 February 2019.
- Apr 2018** **Insurer on notice of potential indemnity waives compliance with duty of disclosure**
Herbert Smith Freehills – Legal Briefings
- Contributed to legal briefing note authored by Mark Darwin and Guy Narburgh on the New South Wales Court of Appeal decision of *QBE Underwriting Ltd as managing agent for Lloyds Syndicate 386 v Southern Colliery Maintenance Pty Ltd* [2018] NSWCA 55.
- Oct 2017** **The Federal Court of Australia Recognises and Enforces ICSID Award**
HSF Arbitration Notes
- Co-authored article with Brenda Horrigan and Anne Hoffmann, on the decision in *Lahoud v The Democratic Republic of Congo* [2017] FCA 982, where the Federal Court of Australia recognised and enforced an award and decision of the ICSID.
- Jun 2017** **SAI Corporate Law Bulletin**
Published by SAI Global on behalf of Centre for Corporate Law and Securities Regulation, Faculty of Law, The University of Melbourne
- June 2017, Bulletin No. 238 - summary of the Federal Court of Australia decision of *Robinson, in the matter of Reed Constructions Australia Pty Ltd (in liq)* [2017] FCA 594.
 - May 2017, Bulletin No. 237 - summary of the Supreme Court of Victoria decision of *ASIC v Flugge (No 2)* [2017] VSC 117.
 - December 2016, Bulletin No. 232 - summary of the New South Wales Court of Appeal decision of *Treloar Constructions Pty Limited v McMillan* [2016] NSWCA 302.
- Apr 2017** **All Australian States and Territories are now Model Law jurisdictions**
HSF Arbitration Notes
- Co-authored article with Don Robertson, Leon Chung and Anne Hoffman, on the adoption of the model law in the Australian Capital Territory domestic commercial arbitration legislation.
- 2016** **The Baxt Report**
Thompson Reuters
- Contributed to Issues 2 (May) and 3 (July), discussing Australian Corporate Law.
- 2016** **Securities and Financial Services** (Law 9th edition, LexisNexis Butterworths)
Ashley Black, Bob Baxt and Pamela F. Hanrahan
- Contributed to Chapters 11/12, authored by Professor Baxt.

Voluntary Experience

- 2014 – 2017** **Professional Development Committee | Young Lawyers Member**
Law Institute of Victoria
- 2011 – 2015** **Volunteer Legal Case Worker**
Springvale Monash Legal Service Inc

Admissions

- 09 Mar 2022** **Attorney-at-law**
Grand Court of the Cayman Islands
- July 2017** **Solicitor**
High Court of Australia
- June 2017** **Australian Lawyer**
Supreme Court of Victoria

Professional Membership

- Member of the Cayman Islands Law Society since March 2022.
- Young Member of the Institute for Transnational Arbitration (ITA) since 2017.
- Student Member of the Chartered Institute of Arbitrators (CIArb), Australia Branch from 2014 – 2017.
- Member of the Law Institute of Victoria since 2011.
- Member of the Melbourne Cricket Club since 2006.