

Norberto Ayala Rodriguez

Norberto is an Associate at Bedell Cristin Cayman Partnership.

Norberto was previously a solicitor at Herbert Smith Freehills in Melbourne in the Disputes team with almost five years' experience (including his graduate year) in private practice with large, reputable law firms in Australia. He was admitted to practice in December 2019.

At Herbert Smith Freehills, he worked on and often took a leading role in a wide range of commercial disputes – for example: a large product liability class action for a major US pesticide manufacturer, a commercial arbitration for a Canadian oil and gas company, a derivative (shareholder) action for an ASX-listed, US-based, multi-boutique asset management firm, and two separate proceedings brought by the Australian Securities and Investment Commission against one of the 'big four' Australian banks. He has also acted on behalf of liquidators in Federal Court insolvency proceedings following the high-profile collapse of a \$1B publicly listed group of companies.

In addition to English, he speaks Spanish fluently and French proficiently.

Education

2019

College of Law, Melbourne
Graduate Diploma of Legal Practice

Awarded a High Distinction in Commercial and Corporate Practice

2014 – 2018

Monash University, Melbourne
Bachelor of Laws (with Honours)

Awarded a High Distinction in Contract Law A, Contract Law B, Criminal Law A, Criminal Law B, Ethics, Litigation & Dispute Resolution, Constitutional Law and Administrative Law.

Norberto also studied, via exchange programs, at:

- Universidad Autónoma de Madrid: International Private Law, Commercial Law and EU Competition Law.
- Université Sorbonne Nouvelle (Paris): Judicial Cultures, International Politics, the EU and French Literature.
- Monash Malaysia (Kuala Lumpur): International and Comparative Taxation Law.

Employment

June 2023 – Present

Bedell Cristin, Grand Cayman, Cayman Islands
Associate, Litigation

**Dec 2021 –
May 2023**

**Herbert Smith Freehills, Melbourne
Solicitor, Disputes**

As a solicitor in the Disputes team, Norberto works on complex and significant high-stakes litigation, including financial services regulatory proceedings, commercial arbitrations, class actions, directors' duties proceedings and various other contractual disputes, including on behalf of a major port authority and an international logistics company. Norberto is often responsible for key aspects or 'workstreams' on these matters and is involved in client and matter management and strategic discussions.

Examples of matters

- Acting for one of the big four Australian banks in relation to two separate Federal Court proceedings commenced by ASIC, seeking tens of millions of dollars in penalties for alleged breaches of consumer credit legislation. Norberto has co-drafted pleadings, letters to the regulator and advices to the client. He has independently prepared memoranda to the client and/or external counsel analysing relevant evidence and weighing up strategic considerations, and has prepared and managed internal work plans and pipelines.
- Acting for a major US pesticide manufacturer in a Federal Court class action where the lead plaintiff (representing thousands of group members) has allegedly developed an illness as a result of use and exposure to the client's product. Norberto's responsibilities include taking ownership of and managing one of the key streams of scientific expert evidence. This has involved critically analysing the plaintiff's expert's evidence, working with the client's expert and US counsel to test assumptions, reasoning, methodologies and conclusions, and preparing related advice to the client.
- Acting for a large oil and gas company headquartered in Canada in defence of a claim that a large (by monetary value) IT services contract was invalidly terminated. Among other things, Norberto has led and co-drafted affidavit evidence and successfully defended a voluminous privilege challenge.
- Acting for an asset management firm in relation to a derivative action brought by a shareholder of the client against former directors. Norberto has assisted in discovery (including managing and instructing e-discovery lawyers and paralegals), and the preparation of evidence in support of hundreds of confidentiality claims pursued by the client.

Dec 2019 –
Nov 2021

Hall & Wilcox, Melbourne
Lawyer, Commercial Dispute Resolution

As a lawyer in the Commercial Dispute Resolution team at Hall & Wilcox, Norberto worked on a variety of matters: contractual disputes, land resumption and compensation proceedings, taxation disputes, employment disputes, insolvency proceedings (recovery actions), IP disputes and trusts disputes. He was entrusted with liaising directly with clients and external counsel and with drafting important *inter partes* correspondence, expert briefs and key court documents such as pleadings and witness statements.

Examples of matters

Insolvency

- Acting for liquidators in Federal Court proceedings following the high-profile collapse of a \$1B publicly listed group of companies. Proceedings were commenced against 16 of Australia's largest builder groups to recover the company's receivables (\$150M+) with the dispute drawing upon construction law, insolvency law, banking and finance law and involving novel property law arguments in Court. Norberto's role on this matter included instructing more junior lawyers and law graduates.

Commercial disputes

- Acting for a statutory authority in relation to a complex contractual dispute in the Supreme Court where the contractor was seeking payment of \$10M above the contract price. The services contract was for a 10-year term and over 500 pages, relating to sensitive environmental matters. Norberto was tasked with preparing key evidence and given carriage of certain claims and counterclaims in the proceeding.
- Assisting in a matter acting for the trustees of a high wealth family group in relation to proceedings commenced to recover assets worth in excess of \$600M arising out of breach of fiduciary and directors' duties.

Land resumption and compensation

- Acting for a statutory authority in Supreme Court proceedings concerning multiple claims for compensation following the compulsory acquisition of land. These matters involved complex issues requiring expert evidence in valuation, planning, engineering and other technical areas, and also novel questions of statutory interpretation, fought against well-resourced developer landowners. The total value of claims defended against in just one set of proceedings exceeded \$103M.

**Feb 2020 –
Aug 2020**

**Department of Transport, Melbourne
Secondee Lawyer, Land Acquisition**

Whilst on secondment to this key client, Norberto had carriage of up to 50 compulsory acquisition and compensation disputes at a time, which involved litigation in Victorian Civil and Administrative Tribunal and the Supreme Court of Victoria. He instructed external solicitors, led negotiations with the landowners, and prepared internal memoranda, advices and briefings.

**Mar 2019 –
Nov 2019**

**Hall & Wilcox, Melbourne
Law Graduate, Various departments**

Norberto undertook four (~3-month) graduate rotations in:

- Tax (advising on trust matters, restructures and disputes with the Australian Taxation Office).
- Commercial Dispute Resolution.
- Private Clients (drafting of wills, structuring estates and litigating Part IV claims).
- Employment (advising in relation to employment and industrial disputes, and defending litigation in the Fair Work Commission).

A partner in the disputes team at Hall & Wilcox requested that Norberto 'settle early' in commercial litigation, which he did in December 2019.

Languages

Norberto was born in Cuba and raised in Australia, so he speaks English and Spanish at a native level. He is also proficient in French, having studied it at university and having lived in France for a year.