

## Sir David Baragwanath KC

Call Date: 1964 | Silk Date: 1983 (New Zealand)

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### Nations.

He is an Overseas Bencher of the Inner Temple and former New Zealand Member of the Permanent Court of Arbitration, The Hague, resident primarily in Switzerland; He has resumed non-advocacy practice as KC (New Zealand).

He graduated LLB from the University of Auckland and BCL 1st class from Balliol College Oxford where he was a Rhodes Scholar. He was a Fulbright Scholar at the University of Virginia, USA. He has had visiting appointments to a number of universities around the world including Wolfson College, Cambridge and Queen Mary, London. He is a Visiting Professor at the University of Northumberland and an Honorary Professor at the University of Waikato, NZ.

As Queen's Counsel in New Zealand he practised broadly, especially in public and commercial law. Representing the Maori people he led in seminal cases in the Court of Appeal which recognised and helped restore indigenous rights in land, forests, fisheries and language, as used in broadcasting. He represented New Zealand universities in proceedings settled by legislative recognition of their status and role. He was briefed by the Solicitor-General in complex criminal fraud. He appeared as leading counsel assisting the Royal Commission of Enquiry into the Mt Erebus air disaster in Antarctica, which resulted in the Human Factors Management Report of events such as Chernobyl, Bophal, Clapham Junction, King's Cross and other major high technology systems catastrophes. He appeared in that case and others before the Privy Council. He was the Presiding Judge of the Court of Appeal of Samoa for some years and served as a Member of the Judicial Council and Legal Services Committee, Government of Bermuda.

The reports of the New Zealand Law Commission of Evidence, later codified by legislation, Juries in Criminal Cases, Treaty Making and the Role of Parliament, Crown Liability and Judicial Review, and association with UNCITRAL resulting in legislation on Cross-Border Insolvency and E-Commerce, took place during his presidency of that Commission.

His judgments of the Court of Appeal of New Zealand rejected the need for consideration on the variation of a contract, interpreted the Personal Properties Securities Act which did away with floating charges, and developed New Zealand's rejection of tort immunity for local authorities.

At the Special Tribunal for Lebanon he has ordered trial for criminal contempt of corporations, and endorsed the existence under customary international law of a crime or terrorism and a right of access to official

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information.

He has written and lectured on a wide range of legal topics, most recently the potential of public international law, the future of international financial disputes and terrorism. He currently chairs the advisory board of P.R.I.M.E. Finance.