

Nigel A. Cotman, SC

Admission:

New South Wales Bar, 1975
Appointed as Bar ADR Arbitrator, 2011

Appointed as Senior Counsel: 1996

Professional Membership:

- NSW Bar Association
- International Society of Barristers

Experience:

1970, graduated BEc (Syd), majoring in Accounting.

Worked in chartered accounting firms in audit and tax, 1966-1971.

Tutor in accounting and commercial law, UNSW Commerce Faculty, 1971-1975.

Graduated LLB (NSW) 1975.

Senior Lecturer and Head of Department of Legal Studies Kuring-gai CAE, 1975-1979.

Graduated LLM(Hons) (Syd).

Commenced practice at Bar, 1980.

Occasional lecturer in competition law. Instructor in expert witness training for accountants. Advocacy instructor. Lecturer on technology in legal practice.

Appointed an Assistant Commissioner, ICAC, to conduct the Grains Board Inquiry.

Mediator and Expert Determination

Areas of Expertise

- Commercial
- Equity
- Insolvency
- Mediation/ADR
- Professional Malpractice
- Property
- Trade Practices & Competition
- Regulatory tribunals and commissions
- Accounting and quantitative and financial analysis
- Technology in computing, communications and business applications.

Nigel's experience and background in accounting and tax, in practice and teaching the subject at UNSW, gives him an acute understanding of commercial transactions and the financial and accounting implications of them. He is able to meet accounting issues and accountant witnesses on terms where they understand each other and their limits in the litigation process. Nigel has trained accountants aspiring to be expert witnesses as well as cross examining those that have and has acted for, and against, accounting firms in litigation and regulatory proceedings. He lectures on accounting experts to lawyers and accountants. He has acted as an expert in determining accounting issues remitted for consideration outside the court process and as a mediator in circumstances where an appreciation of the commercial dimensions of the problem may assist the parties resolve their differences.

Nigel has been closely involved in the development of computing since studying programming and teaching the subject in the 1960's and 1970's and working with computer applications to litigation and practice management since. He introduced the use of personal computers to the support of large scale litigation in the "Tradestock" litigation in the 1970's.

He lectures to the Bar, and lawyers generally, on the use of technology in practice management and litigation support. He has a significant understanding of the technologies that drive modern computing and the convergent technologies to which lawyers and their clients are exposed.

Nigel's practice over time has encompassed civil and criminal work. He prosecuted in R v Saffron and the "Bottom of the Harbour" schemes. He has defended in white collar and general crime. He was appointed as an Assistant Commissioner of ICAC to conduct the Grains Board inquiry.

However, his principal practice has been and is in civil litigation in the Supreme Court and Federal Court of Australia, in commercial and equity matters and insolvency.

That practice, combined with his background before his Bar career, has exposed Nigel to a wide range of businesses, business issues and solutions, and business disasters and successes over time, so that he brings the insights of that past experience and perspective to current issues.

Nigel also has been appointed a mediator by parties seeking out of court resolution to their issues. Likewise, he has been appointed an expert for determination of technical accounting issues or the striking of accounts.

Of Note:

- Reliance Finance Corporation Pty Ltd v Heid and Another;
- R v Saffron;
- Pont Data Aust v ASX Operations;
- Vagrand Pty Ltd v Fielding;
- AWA v Daniels; Daniels v Anderson;
- Burns Philp Investment Pty Ltd v Dickens [No 2];
- Hemmes Hermitage Pty Ltd v Abdurahman and Another;
- Pace v Antlers Pty Ltd;
- Telstra Corporation Ltd and Others v Seven Cable Television Pty Ltd and Others;
- Foxtel v Seven Cable Television;
- Mandalong Progress v Min Planning;
- Lawrence v Kempsey SC;
- Jeogla P/L v ANZ Banking Group;
- Mills v Ruthol Pty Ltd;
- Valamios v Demarco;
- Central Exchange Ltd (ACN 000 724 843) v Rivkin Financial Services Ltd (ACN 061 287 045)

Outside the Law

Rose Bay Surf Club; CYCA; Kayaking; Swimming.