

David Skender

Special Counsel

Perth

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About David

David Skender is an experienced dispute resolution lawyer who has advised and represented clients for almost 30 years in relation to a broad range of commercial, corporate and banking and finance matters in superior courts in Western Australia. He has acted for clients from a diverse range of sectors, including professional and financial services, mining and resources, construction and property development, telecommunications, manufacturing and healthcare.

David's experience also extends to restructuring and insolvency matters, both in relation to litigious disputes in an insolvency context and advice to insolvency practitioners in relation to their appointments.

Over the course of his career to date, David has worked at various Australian law firms and has practised solely as a barrister for seven years at the independent bar.

Having gained this experience, David is well placed to execute an effective and efficient dispute resolution strategy for clients.

Experience

- Acting in an appeal in the Court of Appeal of the Supreme Court of Western Australia (WA Court of Appeal) concerning trust claims over real property.
- Appearing in the then Federal Circuit Court and later on appeal in the Full Court of the Federal Court of Australia concerning an application to annul a bankruptcy.
- Appearing on behalf of a construction company in the WA Court of Appeal concerning the appeal of the dismissal of an application to set aside a statutory demand.
- Appearing for a trustee in bankruptcy concerning rights to alleged property of the bankrupt, which was the subject of proceedings in the Family Court of Western Australia.
- Appearing in the Supreme Court of Western Australia (WA Supreme Court) in relation to corporate oppression claims involving a failed healthcare venture.
- Acting in relation to claims of negligence against a firm of accountants in the WA Supreme Court.
- Advising an educational institution in relation to the application of defamation laws in the Republic of Singapore.

- Acting in relation to a construction industry claim for additional costs associated with scope changes for a refinery expansion.
- Acting for a building products manufacturer/wholesaler in relation to a product liability claim.
- Acting for directors of a mining services company in relation to a claim of oppression.
- Assisting in the consideration of patent claims for a mining company.
- Acting for a mining company in relation to a dispute with an overseas private equity firm concerning a convertible note deed.
- Acting for a mining company in relation to a dispute concerning the construction of a tenement sale and purchase agreement.
- Acting for the syndicate of financial institutions involved in the Bell Group litigation.
- Providing advice to a mining company in relation to jurisdictional issues concerning a research and development agreement with an overseas party.
- Acting for various Australian financial institutions in relation to loan defaults, security enforcement and related issues.
- Acting for insolvency practitioners in relation to the administration and later winding up of the Palandri Ltd group companies and various managed investment schemes.
- Acting for receivers and managers of the Australian Plantation Timber Ltd group companies and various managed investment schemes.
- Subject matter experience includes advising on:
 - Corporations law matters involving director's duties, oppressive conduct, validation of corporate acts and access to books and records
 - Corporate insolvency and personal bankruptcy
 - Contractual and quantum meruit claims
 - Equitable and trust claims
 - Misleading or deceptive conduct
 - Construction disputes
 - Professional negligence claims
 - Breach of confidence
 - Restraints of trade
- In an insolvency context, responsible for the conduct of:
 - Applications to set aside statutory demands and bankruptcy notices
 - Public examinations
 - The adjudication of proofs of debt and appeals of those adjudications
 - The conduct of creditors' meetings
 - Seeking directions from the court in relation to the conduct of the administrations
 - Insolvency practitioner remuneration and determination by the court
 - Applications concerning the validity of privately appointed receivers and managers
 - The realisation of assets, including those affected by managed investment schemes
 - The rights of members of managed investment schemes
 - The winding up of managed investment schemes

- The preservation of perishable property utilised in managed investment schemes
- Antecedent transactions including unfair preferences and uncommercial transactions
- Insolvent trading claims
- The reinstatement and winding up of deregistered local subsidiaries of a global corporate group under the instructions of the Chapter 11 trustee appointed in accordance with the US Bankruptcy Code
- Drafting deeds of company arrangement and creditors' trust deeds

Credentials

Education

- University of Western Australia, LL.B. (Hons.), 1993
- University of Western Australia, B.Comm., Accounting and Finance, 1992

Admissions

- Supreme Court of Western Australia, 1994

Memberships & Affiliations

- Member and Workshop Presenter, Australian Restructuring Insolvency and Turnaround Association

Expertise

Services

- Litigation
- Restructuring & Insolvency

Publications

- Co-author, "Competing Buy-Out Remedies for Corporate Oppression – The Consequences of Majorities Behaving Badly", *Brief*, February 2023.

About our firm

One of the world's strongest integrated law firms, providing insight at the point where law, business and government meet. We deliver commercially focused business solutions by combining our legal, lobbying and political capabilities and invaluable connections on the ground to a diverse mix of clients, from long-established leading corporations to emerging businesses, startup visionaries and sovereign nations. More than 1,500 lawyers in over 40 offices across four continents provide unrivaled access to expertise.