



RICHARD SCOTT WOTHERSPOON

P: +61 3 8600 1713

M: +61 419 339 945

List Y: +61 3 9225 6777

wotherspoon@chancery.com.au

Chancery Chambers, Level 25

200 Queen Street

Melbourne VIC 3000

ADMISSIONS

Barrister and Solicitor of the Supreme Court of Victoria (1992)

Solicitor of the Supreme Court of England and Wales (1993)

Signed the Roll of Counsel of the Victorian Bar (1994)

QUALIFICATIONS

Honours Degree of Bachelor of Laws, Monash University

Bachelor of Civil Law, University of Oxford

Bachelor of Economics, Monash University

AREAS OF PRACTICE

- Corporations Law & Securities Law
 - Banking & Finance
 - Contractual Disputes
 - Superannuation
 - Property Probate
 - Insurance Law & Professional Negligence Law
- **Appellate**
 - Civil Appeals
 - **Equity and Trusts**
 - Wills & Probate
 - Real Property

PROFILE

Scott Wotherspoon has a broad commercial practice and has been listed by Doyle's as a leading commercial litigation counsel.

Scott has particular expertise in company law and property, especially disputes involving probate and trusts, both at the trial and appellate levels. He has a strong interest in complex cases involving commercial equity and the transfer of personal and proprietary rights.

Scott is available to advise and appear in the trial division of the Supreme Court of Victoria, the Victorian Court of Appeal and the Federal Court of Australia.

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RECENT CASES

Court of Appeal of Victoria

Gardiner v Hughes (No 2) [2019] VSCA 198 (Succession; revocation of probate and prima facie case requirements)

Ross v Simmons [2018] VSCA 342 (Succession; limitations and accrual of cause of action where administration of estate has not commenced)

Gardiner v. Hughes (2017) VR 394 (Succession; standing of next of kin to revoke grant of probate).

Re application by Olrey Pty Ltd (as trustee of FRG Investments Trust) [2016] VSCA 8 (Trusts and trustees; appeal against primary judge's orders providing judicial advice to trustee).

Supreme Court of Victoria

Hall v Hall & Ors (No 3) [2019] VSC 113 (Costs dispositions relating to trust litigation)

Hall v Hall & Ors (No 2) [2019] VSC 60 (Applications associated with scheme of family arrangement)

Hall v Hall Ors (No 1) [2018] VSC 692 (Approval of trustees' scheme of family arrangement)

Re Gardiner (No 3) [2018] VSC 414 (Prima facie case requirements for revocation of grant of probate).

Simmons v Ross [2018] VSC 306 (Estate administration and limitations of actions)

Re Gardiner (No 2) [2017] VSC 699 (Disqualification of judge for apprehended bias)

Traparco Pty Ltd (as trustee of the KW Mackenzie 'I' Trust) v Pescott & Ors [2017] VSC 649 (Trustee's claim to recover scheme costs of deed of family arrangement).

Re applications by Olrey Pty Ltd (as trustee of FRG Investments Trust) [2016] VSC 18 and [2015] VSC 643; (Judicial advice applications respecting litigation in *Ying Mui v Hoh* (2017) 119 ACSR 577; [2017] VSC 29).

PROFESSIONAL EXPERIENCE

1991 - 1994

Articled Clerk/Solicitor

Minter Ellison, Melbourne & London Offices

1994 - present (except 2001-2002)

Barrister, Victorian Bar

1997 - 2016 (except 2001-2003)

Part time Lecturer / Senior Fellow, Faculty of Law, Monash University

PUBLICATIONS AND PRESENTATIONS

'Trustee's Applications to Court for Judicial Advice or Approval', presentation to the Law Institute of Victoria Succession and Elder Law Conference on 4 October 2019

'The Animal as a Chattel? Conferring Equitable Rights on Non-Human Animals' (2019) 93 ALJ 404

'Resuscitating the Wilkinson v Downton tort in Australia' (2011) 85 ALJ 37

'Translating the public law "may" into the common law "ought": The case for a unique common law cause of action for statutory negligence' (2009) 83 ALJ 331

'Property by any other Name: The Trouble with Shareholder Claims in Australia' (2007) 81 ALJ 75

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