

Profile

Damian Chesterman

Barrister Arbitrator Mediator

Damian Chesterman is a senior commercial barrister and arbitrator with a strong litigation background both in New Zealand and internationally.

Throughout his career Damian has been involved in complex and difficult cases. He is skilled at identifying the relevant issues and developing strategies to achieve his client's objectives.

Damian has considerable trial and appellate experience. Since his first jury trial as lead counsel in 1996 he has led numerous High Court trials and appeals including in the Supreme Court.

Damian is a skilled negotiator. He has helped many clients avoid the cost of litigation by settling their cases well before trial.

Damian has been involved in domestic and international arbitrations.

Damian's qualifications include an LLM (Hons) from the University of Cambridge, England; an LLB with First Class Honours from the University of Waikato; a B.Com from University of Auckland; New Zealand's highest qualification in arbitration (FAMINZ (Arb)); admission to the New York Bar and admissions in Australia, England and New Zealand.

Highlights

Examples of Damian's practice and client base include:

- Acting for global events company, Duco Events, in a claim against celebrity chef, Gordon Ramsay.

- Acting for Robt. Jones Holdings in lease related litigation for over a decade including in the Supreme Court regarding a voidable preference.
- Acting for an elderly couple in a historic land fraud compensation claim against the Registrar-General of Land.
- Acting for former world heavyweight professional boxer Joseph Parker in a dispute under an international boxing contract.
- Acting for a company director defending claims of breach of directors' duties arising from a land development in the South Island.
- Acting for a national tourism operator in a dispute under a South Island ski field contract.
- Acting for an NZX company on a Judicial Review under the Overseas Investment Act.
- Acting for an Auckland residential land developer against a public utility provider.
- Acting on a defamation claim for a golf club.
- Acting for Iwi and Maori Trusts. He has represented an Ahu Whenua Trust in the High Court, Court of Appeal and Supreme Court in relation to breach of fiduciary duties. He has advised Iwi on Treaty claims and settlements. He has represented an Iwi in commercial litigation regarding a joint venture agreement. He has represented a Trust in the Maori Land Court in a case involving trustees' duties in the context of a geothermal energy joint venture.

Damian's career began in Auckland with a commercial litigation team of a leading New Zealand firm.

He then worked as a Crown Prosecutor in Rotorua where he was lead counsel in numerous criminal jury trials, judge-alone trials and in sentence and bail appeals. Damian developed critical court room skills— quick thinking on his feet mid-trial and strong interpersonal skills with Judge, Jury and witnesses.

His first international work was as a solicitor in Sydney, Australia, for a sports law firm representing the Australian Olympic Committee in the lead up to the Sydney 2000 Olympics. He was involved with blood doping prosecutions and disputes between athletes and sporting bodies.

Damian was awarded a Cambridge Commonwealth Trust Scholarship to attend the University of Cambridge, graduating with a Masters in International Law with Honours.

While at Cambridge, Damian was awarded a coveted Pegasus Scholarship, through which he completed a mini-pupillage at the Inner Temple, 2 Crown Office Row, with barrister Sue Carr, later Dame Sue Carr, who has since been appointed as Lord Chief Justice of England and Wales as from 1 October 2023. Damian also marshalled with the Head Judge of the Old Bailey, sitting with the Judge at his bench throughout a murder trial and analysing advocacy techniques with the Judge.

For four years, Damian worked in London and New York with an international law firm specialising in product liability, with cases based in Spain, Israel, Uganda and the United States.

Returning to New Zealand in 2005, Damian was called to the Bar.

He has been awarded a Fellowship in Arbitration by the Arbitrator's and Mediator's Institute of New Zealand. This is a Master's level programme over 12 months that is rigourously examined.

Damian contributes to his profession working pro bono for the New Zealand Law Society as a member of their litigation skills faculty and giving seminars on litigations skills and strategy.

Areas of Practice

Contract - Tort - Trusts / Equity - Insolvency - Company law –
Property - Relationship Property - Land - Fraud - Employment

Maori Trusts / Treaty of Waitangi / Ahu whenua trusts

Regulatory (Overseas Investment Act; Real Estate Agents Act ;
Lawyers and Conveyancers Act)

Arbitration (Arbitrator and counsel)

Damian Chesterman

LLM (Hons), LLB (First Class Hons), B.Com, FAMINZ (Arb).

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