

# GREENS LIST

BARRISTERS



## JEREMY SMITH

BAR ROLL: 2003 | ADMITTED: 1993

Jeremy's practice is predominantly concerned with disputes involving real property, deceased estates, trusts and breaches of fiduciary duty by attorneys, administrators and company directors.

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CHAMBERS: Castan Chambers

## EXPERTISE

**Commercial Law** | **Competition Law & Consumer Law** | **Corporations Law & Securities Law** | **Equity & Trusts Law** | **Property Law** | **Wills & Estates Law**

## PROFILE

Jeremy's practice as counsel is predominantly concerned with Supreme Court proceedings involving real property (resulting and constructive trust claims), deceased estates (including family provision, testamentary capacity, informal and statutory wills, removals of executors and the like), equity (unconscionable conduct, undue influence, breaches of fiduciary duties) and trusts.

In recent years, Jeremy has developed an extensive practice as a mediator. That practice embraces a wide range of disputes including those described in the previous paragraph as well as general commercial matters.

A selection of proceedings in which Jeremy has appeared recently includes:

**Laird v Laird & Anor (No 2)** [2022] VSC 121

**Haddow v Haddow** [2021] VSC 553 (summary judgment)

**Mole v Mole** [2021] VSC 752 (injunction)

**Dunn v Perpetual Trustee Company Ltd** [2020] VSC 611 (family provision, summary judgment)

**Re Ray** [2020] VSC 699 (informal will)

**Santin v Sfameni** [2020] VSC 26 (application to restrain solicitor)

**Ross v Ross** [2019] VSC 820 (family provision)

**Rockman v IPR Nominees Pty Ltd (No 2)** [2018] VSC 270 (powers and duties of trustees)

**Re Munro** [2018] VSC 747 (caveat)

**Ash v Ash (No 2)** [2017] VSC 569 (breach of fiduciary duties)

**Re Kumar** [2017] VSC 81 (forfeiture rule)

**Woollard v Woollard** [2016] VCC 1999 (family provision)

**Ash v Ash** [2016] VSC 577 (breach of fiduciary duties - summary judgment)

**Ruschinek v Tiernan** [2016] VSC 197 (executors' duties)

**Ruschinek v Tiernan** [2016] VSCA 7 (expert evidence)

**Edwards v State Trustees Limited** [2016] VSCA 28 (forfeiture rule)

**Re Parsons** [2014] VSC 244 (contract)

**Re Edwards; State Trustees Ltd v Edwards** [2014] VSC 392 (forfeiture rule)

**Wood v Links Golf Tasmania Pty Ltd** [2013] FCA 75 (application for leave to commence a derivative action pursuant to the Corporations Act 2001)

**Wood v Links Golf Tasmania Pty Ltd (No 2)** [2013] FCA 143 (application for extension of time to appeal)

**Schweitzer v Schweitzer** [2012] VSCA 260 (resulting trust)

**Links Golf Tasmania Pty Ltd v Sattler (No 3)** [2012] FCA 1418

**Saunders v Pedemont (No 2)** [2012] VSC 601 (statutory will, costs)

**Links Golf Tasmania Pty Ltd v Sattler (No 2)** [2012] FCA 1271 (breach of fiduciary duties, costs)

**Napolitano v State Trustees Limited** [2012] VSC 345 (TFM)

**Links Golf Tasmania Pty Ltd v Sattler** [2012] FCA 634 (breach of fiduciary duties)

**State Trustees Limited v Do & Nguyen** [2011] VSC 45 (statutory will)

**Schweitzer v Schweitzer** [2010] VSC 543 (resulting trust)

**Wood v Links Golf Tasmania Pty Ltd** [2010] FCA 570 (application for leave to commence a derivative action pursuant to the Corporations Act 2001)

Amongst other things Jeremy:

- was chairman of the Children's Cancer Foundation and The Million Dollar Lunch committee
- is a director of Gallerysmith, a contemporary commercial art gallery located in North Melbourne
- was employed:
  - as Federal Legal Officer at the Transport Workers' Union of Australia from 1996-2001
  - at Slater & Gordon from 1993-1996.

## RECENT CASES



Rockman v IPR Nominees Pty Ltd (No 2)  
[2018] VSC 270 (powers and duties of trustees)



Ash v Ash (No 2) [2017] VSC 569 (breach of fiduciary duties)



Re Kumar [2017] VSC 81 (forfeiture rule)



Woollard v Woollard [2016] VCC 1999 (TFM)



Ash v Ash [2016] VSC 577 (breach of fiduciary duties - summary judgment)



Ruschinek v Tiernan [2016] VSC 197 (executors' duties)



Ruschinek v Tiernan [2016] VSCA 7 (expert evidence)



Edwards v State Trustees Limited [2016] VSCA 28 (forfeiture rule)



Re Parsons [2014] VSC 244 (contract)



Re Edwards; State Trustees Ltd v Edwards [2014] VSC 392 (forfeiture rule)



Wood v Links Golf Tasmania Pty Ltd [2013] FCA 75 (application for leave to commence a derivative action pursuant to the Corporations Act 2001)



Wood v Links Golf Tasmania Pty Ltd (No 2) [2013] FCA 143 (application for extension of time to appeal)



Schweitzer v Schweitzer [2012] VSCA 260 (resulting trust)



Links Golf Tasmania Pty Ltd v Sattler (No 3) [2012] FCA 1418 (assessment of equitable

compensation)



Saunders v Pedemont (No 2) [2012] VSC 601  
(statutory will - costs)



Links Golf Tasmania Pty Ltd v Sattler (No 2)  
[2012] FCA 1271 (breach of fiduciary duties -  
costs)



Napolitano v State Trustees Limited [2012]  
VSC 345 (TFM)



Links Golf Tasmania Pty Ltd v Sattler [2012]  
FCA 634 (breach of fiduciary duties)



State Trustees Limited v Do & Nguyen  
[2011] VSC 45 (statutory will)



Schweitzer v Schweitzer [2010] VSC 543  
(resulting trust)



Wood v Links Golf Tasmania Pty Ltd [2010]  
FCA 570 (application for leave to commence  
a derivative action pursuant to the  
Corporations Act 2001)

## Memberships & Committees

[Victorian Bar](#)

To get in touch with Jeremy Smith | or for more information please contact the Clerk on:

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