



Simon Fitzpatrick SC

ADMISSIONS

New South Wales	Senior Counsel (2024) Barrister (2010) Solicitor (2001)
New York	Federal District Courts (2005) Attorney (2003)

EDUCATION

2001 – 2002	Harvard Law School Master of Laws Frank Knox Memorial Fellowship University of Sydney Travelling Scholarship
1995 – 1999	University of Sydney Bachelor of Laws (Hons I & University Medal) Bachelor of Arts (Government) Nancy Gordon Smith, R.G. Henderson and Walter Reid prizes Winner, University of Sydney Law School Paper Presentation Finalist, University of Sydney Law School Senior Mooting Competition International Quarter-Finalist, Philip C. Jessup International Law Moot

PROFESSIONAL

Member, Professional Conduct Committee, NSW Bar Association (since 2019)

Executive Member, Federal Dispute Resolution Section, Law Council of Australia (since 2024)

Legal 500 Asia-Pacific Guide – listed as a ‘2024 Silk’ for Commercial Disputes (2025 and 2026):

Simon is an excellent barrister. He is academically rigorous, commercially pragmatic, prompt in the turn around of work, and collaborative in his approach.

Best Lawyers in Australia – listed for ‘Litigation’ (since 2017)

Director, Marrickville Legal Centre (2016 – 2021)

Director and Treasurer, 7th Floor Chambers (2016 – 2019)



EXPERIENCE

- 2010 – present **7 Wentworth Selborne**
Practice areas: Appellate; Banking & Financial Services;
Commercial & Corporate; Commissions & Inquiries;
Equity, Property & Trusts; Insurance & Professional Indemnity;
Professional Negligence; Regulatory; Representative Proceedings
- 2008 – 2010 **Ropes & Gray**, New York
Associate in the litigation practice group
- 2002 – 2008 **Fitzpatrick, Cella, Harper & Scinto**, New York
Associate in the litigation practice group
- 2001 – 2001 **Mallesons Stephen Jaques**
Solicitor and Law Clerk in the competition practice group
- 2000 – 2001 **University of Sydney Law School**
Part-time Lecturer (Jessup Moot coach) and Associate Lecturer (Contracts)
- 2000 – 2001 **High Court of Australia**
Associate to the Hon. A.M. Gleeson AC, Chief Justice of Australia

PRESENTATIONS AND PUBLICATIONS

- NSW Claims Discussion Group (22 July 2026), ‘Simon Says “No”: Underutilised and Unusual Exclusion Clauses’ (with Simon Lusk and Ryan Kennedy)
- Law Council of Australia, Commonwealth Law Conference (27 February 2026), chair of the panel ‘The Federal Court at 50’ (with Prof. Michael Legg, Rebecca Gilsenan and Justine Munsie)
- Law Council of Australia, Commonwealth Law Conference (28 February 2025), chair of the panel ‘Special Leave to Appeal’ (with Stephen Free SC and Fiona Roughley SC)
- Australian Insurance Law Association, Twilight Seminar Series (19 June 2024), ‘A Smorgasbord of Financial Lines Insurance Law Issues’
- 7 Wentworth Selborne, Continuing Professional Development series (22 March 2024), ‘Practice in the Federal Court’s Insurance List’
- ‘Prospects of Further Copyright Harmonisation?’ [2003] *European Intellectual Property Review* 215
- ‘The Death of the Recording Industry?’ (2002) 7 *Media and Arts Law Review* 279
- ‘Torts or Tort? The Imperial Expansion of Defamation’ (2000) 8 *Tort Law Journal* 263
- ‘Protecting Australian Culture in the 21st Century: Television Content Regulation in a Globalising World’ (2000) 5 *Media and Arts Law Review* 223
- ‘Copyright Imbalance: US and Australian Responses to the WIPO Digital Copyright Treaty’ [2000] *European Intellectual Property Review* 214



SELECTED MATTERS AS SENIOR COUNSEL

Appellate

ABC Insurance Pty Ltd v Law Society of NSW & Anor [2024] HCASL 331; [2024] HCASL 332
(with Kate Morgan SC and leading Michael Gvozdenovic) (statutory construction)

Joudo v Joudo [2024] NSWCA 258
(leading Matthias Thompson) (joint endeavour constructive trust)

Zurich Australian Insurance Ltd v CIMIC Group Ltd (No 2) [2024] NSWCA 276
(with Robert Dick SC) (costs of appeal proceedings)

Redenbach Group Pty Ltd v Council of City of Broken Hill, NSWCA, No. 2026/162871
(leading Sam Hoare) (breach of trust, misleading and deceptive conduct, indemnity costs)

Metro Environmental Logistics Pty Ltd v Port Authority of New South Wales, NSWCA, 2026/322299
(with Justin Hogan-Doran SC and leading Ashley Cameron) (unconscionable conduct)

Commercial & Corporate

Metro Environmental Logistics Pty Ltd v Port Authority of New South Wales [2026] NSWSC 791
(with Justin Hogan-Doran SC and leading Ashley Cameron) (unconscionable conduct)

Villefranche Investments Pty Ltd v ASP Aluminium Holdings Pty Ltd [2026] NSWSC 8331
(leading Ryan Harvey) (oppression, breach of directors' duties)

Aventino Group Pty Ltd v Riverhill Floors Pty Ltd [2026] NSWSC 495
(leading Sasha Steinhoff) (copyright infringement, misleading and deceptive conduct)

In the matter of Spring Street Property Group Pty Ltd [2025] NSWSC 422
(leading Stephen Puttick) (claim on company funds held by receivers)

Agency Settlements Pty Ltd v Zak [2026] NSWSC 950
(leading Emily Miers) (misleading or deceptive conduct)

O'Farrell v McCarthy (Nos 1 to 3) [2025] NSWSC 170; [2025] NSWSC 171; [2025] NSWSC 240
(leading Sasha Steinhoff) (breach of contract, breach of directors' duties, oppression)

Homeland Insurance Company of Delaware LLC v Ultralife Corp, NSWSC, No. 2025/00461805
(acting as examiner for a deposition in United States proceedings)

Louis Dreyfus Company B.V. v Glencore Ltd, NSWSC, No. 2025/140437
(acting as examiner for a deposition in United States proceedings)

Absolute Tiling Solutions Pty Ltd v Toga Constructions Pty Ltd, FCA, NSD 11/2025
(set aside of a statutory demand)

Weston Energy Pty Ltd v National Ceramic Industries Australia Pty Ltd [2025] NSWSC 747
(breach of contract, misleading conduct)

Trademax Australia Ltd v Huang [2024] NSWSC 1459
(leading Peter Gaffney) (breach of post-employment restraints, breach of contract)

SSABR Pty Ltd v AMA Group Ltd (Nos 3 and 4) [2024] NSWSC 1415; [2024] NSWSC 1512
(with Mark Robins KC) (breach of contract, apportionment of costs)



Equity, Property & Trusts

Commonwealth of Australia v Otsuka Pharmaceutical Co, FCA, NSD 121/2012 and NSD 837/2015
(with James Hutton SC and leading Alison Hammond and Katrina Woodforde)
(third party claim on undertaking as to damages)

Konstantopoulos v SR Kon Family Pty Ltd & Kon Holdings Pty Ltd; Hugo's Chocolates Pty Ltd v SR Kon Family Pty Ltd ATF Kon Holdings Unit Trust, NSWSC, Nos. 2024/454294 and 2025/00309868
(leading Sasha Steinhoff) (breach of trust)

Council of City of Broken Hill v Redenbach Group Pty Ltd (Nos 1 and 2) [2026] NSWSC 262;
[2026] NSWSC 367
(leading Sam Hoare) (breach of trust, misleading and deceptive conduct, indemnity costs)

Australian Dance Arts Pty Ltd v Gincop Nominees 3 Pty Ltd, NSWSC, No. 2025/395593
(leading Emily Miers) (breach of a lease)

Arthur J. Gallagher & Co (Aus) Ltd v Attvest Finance Pty Ltd, NSWSC, No. 2024/00172532
(leading David Edney) (equitable contribution, restitution)

Toubia v Toubia, NSWSC, No. 2023/108398
(leading James Norton) (joint endeavour constructive trust, estoppel, breach of contract)

Liu v Zouky, Federal Court of Australia, NSD 739/2020
(recission of trust instrument)

Insurance & Professional Indemnity

Motor Accident (Compensation) Commission v Toyota Motor Corp Aust Ltd, NTSC, No. 2020-01671
(with Kate Morgan SC and leading Trevor Moses and Brandon Smith) (statutory indemnity claim)

Westpac Banking Corporation Ltd v Chubb Insurance Australia Ltd, NSWSC, No. 2024/195557
(with Garry Rich SC and leading Naomi Wootton) (claim regarding AUSTRAC penalty)

Westpac Banking Corporation Ltd v XL Insurance Co SE, NSWSC, No. 2025/466694
(with Garry Rich SC and leading Naomi Wootton) (claim for investigation costs and other losses)

Allianz Australia Limited v Chubb Insurance Australia Ltd, NSWSC, No. 2026/ 2026/00273076
(with Garry Rich SC and leading Naomi Wootton) (claim for investigation costs and other losses)

Scottish Pacific Business Finance Pty Ltd v Chubb Insurance Aust Ltd, NSWSC, No. 2025/44941
(leading Stephen Puttick) (claim regarding crime cover)

QSuper Board Pty Ltd v AIG Australia Ltd, NSWSC, No. 2026/00060668
(leading Rohit Sud) (claim regarding class action liability)

Thurston v Riverstone Corporate Capital 5 Ltd, NSWSC, No. 2024/00351942
(claim regarding crime cover)

Acting for Tokio Marine & Nichido Fire Insurance Co Ltd and BCC Trade Credit Pty Ltd in various trade credit insurance proceedings
(with Chris Withers SC and Gerald NG, and leading Nicola Bailey and Boxun Yin)



Professional Negligence

Hills v Arthur, NSW Supreme Court, No. 2024/268891
(leading Nathan Li) (negligence claim against accountants)

Regulatory

Secretary, Department of Health and Aged Care v Gaia Organics Aust Pty Ltd, FCA, NSD 172/2025
(leading Christina Trahanas) (enforcement of advertising prohibition on nicotine vaping products)

Acting for the Australian Taxation Office in a confidential investigation regarding the promotion of dividend stripping operations
(leading Ermelinda Kovacs and Courtney Raad)