

CONTACT DETAILS

Address: 13 Wentworth Selborne Chambers
180 Phillip Street, Sydney NSW
Mobile: 0424 315 883
Telephone: 9232 7750
Fax: 9232 4071
Email: rkako@wentworthchambers.com.au

ADMISSION DATES

Barrister (Supreme Court of New South Wales and High Court)	2008
Solicitor (Supreme Court of New South Wales)	2002

CURRENT

Ms Kako has been a member of 13 Wentworth Selborne Chambers since 2009.

Ms Kako currently holds briefs in the Local, District, Supreme and Federal Courts. She has a general practice with a focus on succession & family provision claims and equity & trusts. She also practices in commercial & property law.

She has extensive knowledge of Court practice and procedure and is experienced in both advocacy and advisory work.

A list of some of the cases Ms Kako has appeared in are:

Cemex Australia Pty Ltd v Takeovers Panel & Anor [2009] FCAFC 78 (misrepresentation in the conduct of a takeover)

Fenwick, Re; Application of J.R. Fenwick & Re Charles [2009] NSWSC 530 (succession, first NSW decision on court authorised statutory wills)

Refina Pty Ltd v Binnie [2009] NSWSC 311; and [2009] NSWSC 914 (property - adverse possession) and on appeal in the NSW Court of Appeal (2010) – judgment reserved

Go Electrical Pty Ltd v McGarvey & Ors (2009) District Court of NSW (insolvent trading)

Allen & Ors v Coffman & Ors - Estate of Prager [2008] NSWSC 1067 (succession)

Jin v Yang [2008] NSWSC 754 (trusts)

EMPLOYMENT HISTORY

August 2006 – April 2008

Lawyer – Deacons
Commercial Disputes Resolution Group/Civil Litigation

- Advising and acting for Volkswagen Financial Services Australia Pty Ltd in respect of its rights under contracts for finance (including advising on termination, repudiation and election in respect of damages), commencing court proceedings in the Local, District, Supreme and Federal Magistrates Courts, preparing evidence, undertaking settlement negotiations, drafting deeds of settlement and releases, obtaining judgment and undertaking various judgment enforcement measures including bankruptcy.
- Advising the ANZ Bank in the Supreme Court of NSW regarding a commercial lease and missed rent-review dispute, and advising on its rights to terminate a commercial lease and recover rental arrears.
- Advising and acting for Michelin Australia Pty Ltd in respect of a product liability and negligence claim in the District Court of NSW.
- Advising a franchisee of Retravision with respect to its rights under Australian insolvency laws, including drafting and settling provisions in a deed of release and settlement.
- Advising and acting for Ebay Australia in respect of a claim under s52 of the Trade Practices Act in the Federal Court of Australia for misleading and deceptive conduct in respect of ticket conditions for ‘the Big Day Out’ concert.
- Advising and acting for Blockbuster Inc. (Ireland) in relation to an application in the Supreme Court of NSW under the *Proceeds of Crime Act 2002* (Cth) against the Commonwealth Director of Public Prosecutions.
- Advising and acting for a private investor in respect of a claim in the Supreme Court Tricom Equities for breaches of the *Corporations Act*, *Trade Practices Act*, *ASIC Act*, contract and a claim in negligence, as a result of a failed investment.
- Advising executives on the enforceability of restraint of trade clauses in employment and business sale agreements.
- Advising and acting for the President of a not-for-profit incorporated association in respect of its constitution and claims brought by members and possible injunction in the Supreme Court.

April 2005 – July 2006

Lawyer - Henry Davis York
Civil and Commercial Litigation and Crime

- Advising on commercial, contractual and intellectual property disputes, including matters arising from the *Trade Practices Act 1974* (Cth), *Corporations Act 2001* (Cth), *Copyright Act 1968* (Cth).
- Advising on defended and undefended criminal law proceedings, including proceedings under the *Proceeds of Crime Act 1987* (Cth), motor traffic infringements and prosecutions under the NSW *Crimes Act*: sexual assault and drug possession charges.

- Advising on the enforceability of restraint of trade clauses in employment and business sale agreements.
- Acting for a large NSW childcare centre operator in a suit for specific performance of a business sale agreement in the Supreme Court.
- Advising a commercial abalone fishing company in respect of a claim in breach of contract, conversion and s52 of the Trade Practices Act in the District Court.
- Acting for an administrator of a deceased estate in a non-contested application for a grant of letters of administration, drafting a deed of distribution and undertaking estate administration tasks on behalf of the administrator.
- Advising an Australian charity in respect of a breach of contract claim arising from a fundraising event in the Local Court of NSW.

**November 2002 –
February 2005**

**Teece Hodgson & Ward Solicitors
Wills & Estates Litigation**

- Supreme Court Estate Litigation.
- Acting for 4 co-executors in a \$65m contested grant of probate dispute, involving issues such as: testamentary capacity, intestacy, revocation and Family Provision Act claims; the successful appointment of an interim administrator pending grant of probate; substantial drafting of affidavits and preparation and collation of other evidence (including expert evidence); supervising junior solicitors; instructing and working closely with both junior and senior counsel; undertaking detailed investigations, searches and enquiries to locate the original will.
- Advising on *Family Provision Act* 1982 claims and issues arising out of grants of probate, estate administration and executor's duties & liabilities, including advice on Supreme Court practice and procedure.
- Advising on testamentary capacity cases and contested applications for probate.
- Drafting and developing accurate and timely letters of advice, including areas such as the appointment and removal of trustees, variation of trust deeds, solicitor's professional negligence claims in the context of will drafting and claims by beneficiaries.

**January 2002 –
October 2002**

**Tipstaff to the Honourable Justice Palmer
Supreme Court of New South Wales - Equity Division**

- Editing and organising the publishing of judgments, including numerous reported judgments, for example, *Digital Pulse Pty Limited v Harris* (2002) 166 FLR 421.
- Preparing summaries of facts and issues for matters set down for hearing.
- Undertaking timely and accurate legal research (both on-line and print based), and presenting the results of such research either in written form or orally directly to the Judge.

- Discussing and analysing complex legal issues and counsel's submissions with the Judge, and maintaining a very confidential working relationship with the Judge and his Associate.
- Assisting the Judge in the running of his lists (including the Commercial, Expedition, Duty Judge, Probate and Adoption lists), which involved developing work plans and priorities with the Associate, to assist in the smooth running of court lists.
- Independently developing detailed research papers on a range of civil litigation matters including court practice and procedures.
- Regularly acting as Associate in Court, which involved maintaining an accurate record of proceedings, correctly marking and identifying exhibits, dealing with court reporters and other court staff, responding to enquiries from counsel and legal practitioners, and assisting the Judge with any requirements throughout Court sittings.
- Maintaining a close working relationship with other members of the Attorney General's Department, including staff of the Law Courts Library and Supreme Court Registry.
- Attending to telephone and personal enquiries made to chambers, and liaising with members of the legal profession and staff from the Attorney General's Department.
- Collating authorities for use in hearings, as a result of lists of authorities received from counsel, and attending to urgent research tasks, and assisting the Judge when sitting as a Judge of Appeal, by organising court files and appeal books and compiling authorities.

September 2001 – January 2002

**Postgraduate & Practical Legal Training Officer
University of Western Sydney
College of Law & Business - School of Law**

- Advising and assisting current and potential students in relation to postgraduate coursework subjects offered by the Law School, including the LLM and SJD.
- Co-ordinating the GDLP in accordance with the Legal Practitioners Admission Board's requirements together with the then Head of School, Associate Professor Tom Altobelli.
- Assisting postgraduate lecturers in co-ordinating their courses, including marketing courses to students and members of the legal profession and providing administrative assistance.
- Formulating the School's training manual for the GDLP, and significantly revising the GDLP website to extend the level of assistance available to postgraduate students.
- Developing and implementing electronic enrolment procedures to provide further efficient and time saving methods of enrolment.
- Preparing current information in relation to postgraduate coursework programs for handbooks and University publications.
- Representing the university at postgraduate seminars/open days in relation to the School's postgraduate programs and addressing current and potential students.

EDUCATION HISTORY

June 2001 – June 2002	Graduate Diploma in Legal Practice University of Western Sydney
March 1999 – June 2001	Bachelor of Laws (Hons.) University of Western Sydney
March 1998 – November 1999	Bachelor of Arts/Laws University of Western Sydney

- Completed 1 year and then transferred to Bachelor of Laws degree

PAPERS / CHAIR / ACTIVITIES

- Speaker – “*Estate Planning & The Distressed Defacto Relationship*”, 8th Annual Wills & Estates Conference, Lexis Nexis March 2010.
- Speaker – “*Informal & Statutory Wills Under the Succession Act*”, Succession – The Model Law Changes, TEN Conferences, March 2010.
- Chair – “*Succession Law – Essential Topics in Practice*” CLE, UNSW, March 2010.
- Co-author – “*First Statutory Wills Decision under the Succession Act*” *NSW Law Society Journal* (August 2009).
- Chair – NSW Bar Association CPD, ‘Presenting Opening Addresses’: Palmer J, Needham SC & McGrath, (August 2009).
- Speaker – “*Important Changes to the Law of Wills and Succession in NSW*”, Taxation Institute of Australia (2008).
- Co-Author and Co-Presenter “*Expert Evidence – Some Important Lessons*” – (July 2007).
- Speaker – “*Maintenance, Champerty & Barratry – A New Era for Litigation Funding in Australia*” & Deacons client legal update (2006).
- Chair – “*Equity in the Supreme Court*” NSW Young Lawyers CLE (2002)
Speakers: The Hon. Justice Peter Young and Peter Taylor SC.
- Chair – “*Advanced Wills & Probate 2*” NSW Young Lawyers CLE (2002).
Speaker: Pamela Suttor, Solicitor.
- Authored the chapter on “*Deceased Estates*” in the NSW Young Lawyers Handbook titled ‘A Practitioner’s Guide to Civil Litigation’ (1st and 2nd editions).