

Michael Fitzgerald

LLB (London), LLM (Banking and Financial Law) (Boston University)

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Summary

Admitted as a barrister in Victoria (1982) and as a solicitor in New South Wales (1982)

Professional Background

Michael recently returned to the Bar after a varied career bringing with him over 25 years of global experience in international law relating to banking, securities and venture capital in a number of jurisdictions.

In addition to his considerable expertise in company and international banking law which he has practiced in England and Australia, Michael specializes in advising and litigating on international regulatory assistance matters, involving requests from one country to another for criminal, administrative or regulatory assistance in intricate securities, fiscal or other investigations or prosecutions. In most instances, his practice has concerned the right to access documentary and other evidence in compliance with the complex labyrinth of domestic and international laws and treaties (including the European Convention on Human Rights and the International Covenant on Civil and Political Rights) (as they relate to such matters in England and other common and civil law jurisdictions. Cases have often required Michael to be involved in the conduct of a number of cases in a variety of jurisdictions simultaneously.

In addition to the specialist areas indicated above, Michael lists Banking Law amongst his areas of practice.

Recent Cases

For reasons of confidentiality, Michael is unable to name specific cases in which he has been involved, but in addition to cases concerning requests made by or from England, he has dealt with cases concerning Australia, the Bahamas, Guernsey, Jersey, Austria, Switzerland, the Netherlands, Liechtenstein, New Zealand, Gibraltar and the Isle of Man.

Specialist Areas

Human Rights and International Regulatory Assistance

Commencing upon his return to Europe, Michael extended his practice through the creation and development of a discreet, but comprehensive practice advising on international regulatory assistance matters. As a consequence, Michael has extensive experience of advisory and contentious work concerning the operation of the European Convention on Human Rights (ECHR), the International Covenant on Civil and Political Rights (ICCPR) and other international treaties as they relate to such matters in England and other common and civil law jurisdictions.

More specifically, Michael has been involved in the conduct of litigation involving requests from one country to another for criminal, administrative or regulatory assistance in intricate securities or fiscal investigations or prosecutions. In most instances, litigation has concerned the right to access documentary and other evidence in compliance with the complex labyrinth of domestic and international laws which are necessarily engaged in the making of such requests. Cases also customarily raise contentious questions concerning rights to privacy and confidentiality and have often required Michael to be involved in the conduct of a number of cases in a variety of jurisdictions simultaneously.

Michael's unusual practice benefits not merely from his long standing multi jurisdictional corporate and banking practice, but also from his significant commercial experience as a banker, company director and public company

chairman. These combine to enable him to analyse his cases pragmatically and with a very positive solution based approach.

Additional Information

Specialising initially in company and eurodollar banking law in England, Michael moved to Australia in 1982 and became special projects counsel at Wardley Australia Limited (now HSBC) in Sydney, where he was responsible for advising on all aspects of structured and syndicated eurodollar lending, credit, security, enforcement and restructuring, with particular emphasis on cross border mergers and acquisitions.

Michael relocated to Monaco in 1986, where he continued to provide both legal and commercial advice to his former Australian clients and to found The Cloverleaf Group, an independent investment house.

Memberships

Michael is an active member of the Interventions Committee of The Human Rights Institute of the International Bar Association.