


Robert Shepherd

Qualifications	LL. M
Admission	1 March 1982
Signed Bar Roll	18 November 1982
Jurisdiction	Victoria, appearances in other Australian States, Federal.
Mediator	Accredited Mediator (1995) Advanced Accredited Mediator (2006)
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Areas of Practice Civil / Commercial / Banking and Finance / Wills and Estates / Alternative Dispute Resolution / Trade Practices / Insurance / Bankruptcy/ Revenue and Superannuation / Property / Common / Equity and Trusts / Professional Negligence / Coronial

Specialisation Banking and Finance / Wills and Estates

General profile Robert brings to his clients the experience of 34 years of full time practice in the conduct of cases in Courts, Tribunals and in mediation. His pre and post litigation advice and attention to detail in his written work, has resulted in many matters being resolved before and after litigation. He has a busy practice in advice work as well as in appearance work in Courts and Tribunals.

He has appeared in the State and Federal Courts both in the Trial and Appellate Divisions including in the High Court.

His wide interest in all aspects of the law and legal rights was a springboard for him to take cases in complex commercial litigation, as well as cases that involved the protection of rights, including appearing in some of the most challenging inquests into deaths in custody and in immigration detention. His involvement in correctional law led him to appearing in significant judicial review cases involving prisoners. His authorship of the text *de Groots Wills, Probate and Administration Practice (Victoria)* over the last 30 years and his

longstanding involvement in this area of law well places him to advise and appear in deceased estate cases that are often close to the heart and minds of our community, especially in the protection of the elderly from all forms of abuse.

Robert is dedicated to his client's cause. His approach in conference is to take the abrasion out of the client's journey and to ensure that in a confidential environment, they are comfortable to talk about their case, are treated with respect and feel that they are heard. In Court he presents the case as it should be presented, with persuasion and appropriate balance.

Memberships and Associations

Chair of the Property and Probate Section of the Commercial Bar Association (Victoria)
Member of the Probate Users Committee of the Supreme Court of Victoria.

Published Articles:

The text *de Groots Wills, Probate and Administration Practice (Victoria)*

Alternative claims in equity to a TFM claim when that claim is barred or limited as a result of there being a final distribution of the estate; (06/02/2017);

Testators Family Maintenance Procedures in the Supreme Court of Victoria; (05/10/2015);

Informal Wills. The de facto relationship provisions of the Family Law Act 1975 (Cth) and their impact upon claims under Part IV of the Administration and Probate Act 1958; (27/05/2010);

When may a Court Dispense with requirements for Execution or Revocation? (24/06/2008).

Significant cases:

- *Avco Financial Services Ltd v Fishman and Others* [1993] 1 VR 90. Tadgell J. Mortgage priorities.
- *Rich v Groningen & Ors Gillard J* [1997] VSC 35; (1997) 95 A.Crim.R. 272. Exercise of powers and duties by prison authorities. Access to legal documents in custody.
- *H. G & R Nominees v Fava* [1997] 2 V.R. 368. Phillips J. Mortgages, Guarantees. Whether Solicitor owed duty.
- *Minogue v Williams* [2000] FCA 125. Remittal from High Court of Australia. Whether matter arising under international treaty. International Covenant on Civil and Political Rights.
- *Knight v Spadano & Ors* [2003] VSCA 228. Court of Appeal. Prisoner rights.
- *Maher & Anor v Commonwealth Bank of Australia & Anor* [2008] VSCA 122 (26 June 2008). Application for stay orders, security for costs of appeal.
- *Harrison & Ors v Harrison* [2011] VSC 459. Kaye J. Proprietary estoppel. Plaintiffs induced not to seek provision under Part IV of *Administration and Probate Act 1958*.
- Finding - *Inquest into the Death of Matthew Aaron Condie*. 30 January 2015. Coroner Spanos. Death in custody.

- *Lam v Lam & Ors* [2016] VSC 298. Almond J. On appeal *Lam v Lam* [2017] VSCA 173. Whether sham transfers of land. Whether wrongful transfers of land. Conveyancers. Duty of care to client.