

# Arnold Bloch Leibler

Lawyers and Advisers



## Leon Zwier, LLB (Melb)

### Partner

- commercial litigation and dispute resolution
- reconstruction and insolvency

Leon Zwier is a corporate recovery services and litigation lawyer. He has been a partner of Arnold Bloch Leibler since 1991 and is head of the firm's reconstruction & insolvency and litigation & dispute resolution practices.

Leon has acted as lead counsel in many of Australia's largest and most complex reconstructions and insolvency workouts. He has advised and negotiated on behalf of major US and European enterprises with Australian interests across numerous industries in the resolution of complex cross-border reconstructions. He has acted for insolvency practitioners, lenders and companies in the 'twilight zone' of insolvency.

Leon has also been extensively involved in large, complicated and difficult commercial disputes. He has represented Slater & Gordon in its various legal disputes with British American Tobacco concerning the Estate of Rolah McCabe; Visy in relation to regulatory and class proceedings; and Patrick in relation to the hostile takeover by Toll. He has also successfully defended a number of high-profile Australian business leaders against allegations of 'white-collar crimes', including Trevor Kennedy in relation to the Offset Alpine investigation; and the late Richard Pratt in relation to criminal charges instigated by the ACCC.

Leon is regularly identified as a leading lawyer by various international guides to lawyers and legal firms, including: *Asia Pacific Legal 500* (litigation and insolvency); *Chambers Global* (restructuring and insolvency); *Euromoney's Who's Who?* *Legal* (litigation, white-collar crime defence and insolvency); *Legal Media Group Guide to the World's Leading Litigation Lawyers*, *Asialaw Leading Lawyers* (restructuring, insolvency & bankruptcy); *IFLR 1000* (restructuring & insolvency; litigation); *PLC Which Lawyer?* (restructuring & insolvency); and *PLC Cross-border Restructuring and Insolvency Handbook*. *Legal Profiles*, an independent review of Australian legal firms, has described him as "the pre-eminent insolvency lawyer, achieving outstanding commercial solutions and providing strong, solid advice". Leon was also identified as one of 13 leaders in global insolvency by leading US attorney Evan Flaschen from Bracewell & Giuliani in an article in *Bankruptcy Law 360*, because of his "ability to understand the more aggressive US approach and meld it with the Australian system".

Leon has unparalleled enthusiasm. His enjoyment of the practice of law is infectious, and it generates fresh thinking in colleagues and clients alike. He frequently presents to universities, professional bodies, large corporations, and members of the legal profession on aspects of litigation, and insolvency and reconstruction law. In 2007 Monash University appointed him an Honorary Fellow in the Department of Business Law and Taxation, Faculty of Business and Economics in recognition of his commitment and contribution to the Faculty.

### Practice focus

Leon is a member of the litigation & dispute resolution and reconstruction & insolvency practices. His practice focuses on the following areas:

- commercial litigation and dispute resolution; and
- corporate recovery and insolvency.

### Major assignments

Leon has acted for major Australian and United States corporations and private clients in a range of matters, including:

- Ansett Airlines: the expert insolvency adviser for the administrators of Ansett Airlines;
- Sons of Gwalia: Australian legal adviser to a number of United States-based institutional investors that are creditors in the administration to the sum of \$170 million;
- Centro Properties Group: on behalf of unsecured noteholders in the corporate workout of the company's financing difficulties;
- Tricom: reconstruction and workout advice in relation to the winding down of its margin lending book;
- Epic Energy: on behalf of the voluntary administrators appointed to four of the Epic Energy companies;
- Premier Investments: in relation to the rejection of the KKR bid to acquire Coles;
- Patrick Corporation: in relation to the Patrick/Toll joint venture company, Pacific National, and Toll Holdings' takeover bid for Patrick;
- Newmont Mining Corporation US: in relation to its Australian controlled entities;
- James Hardie Industries: in respect of settlement negotiations regarding asbestosis claims against the company;
- Trevor Kennedy: in relation to ASIC and ATO investigations into shareholdings in Offset Alpine Printing Limited; and
- Soccer Australia: in relation to the reorganisation of Soccer Australia and its restructuring to form a new entity, Football Federation Australia.

### Papers and submissions

Leon has published several articles in leading international insolvency journals, has made numerous submissions in relation to legal reform and appeared before Parliamentary Committees of Inquiry. Recent papers and presentations include:

- *Voluntary administration*, presented at the New Zealand Judicial Conference, November 2007;
- *Ansett administration*, presented at Monash University LLM corporate insolvency course, July 2007;



- *Implications of the High Court decision in Sons of Gwalia*, presented at the Turnaround Management Association luncheon, April 2007;
- University of Melbourne Masters Insolvency class presentation, January 2008;
- *Holding back the floodgates – can a company still protect its commercial reputation and maintain legal professional privilege?* (by Leon Zwier and Sue Kee), presented at the ACLA NSW Symposium, March 2007;
- *Criminal risk in corporate practice – balancing duties and risk while ensuring corporate compliance as an in-house lawyer* (by Leon Zwier and Lucy Kirwan), presented at the ACLA Victorian Corporate Counsel Day, March 2007;
- *Overview of international developments and trends in corporate reconstruction having regard to Australia, New Zealand, United Kingdom and the United States* (by Leon Zwier and Lucy Kirwan) presented at the New Zealand INSOL Corporate Insolvency Conference, March 2007;
- *Directors’ Duties and Creditors* (by John Sheahan SC and Leon Zwier), presented at the Federal Court Judges’ Conference, March 2006;
- *Employee Entitlements and Corporate Insolvency and Reconstruction* (by Justice Simon Whelan and Leon Zwier), presented to the Law Council of Australia in July 2005; and
- *The Scope of the Court’s Supervisory Jurisdiction under Part 5.3A: The Ansett Administrators’ Experience* (by Dany Merkel and Leon Zwier), presented at the Insolvency Symposium 2002.

### **Memberships and associations**

Leon is a member of the Law Council of Australia and its Insolvency and Reconstruction Committee, and is a Committee Member and an Honorary Fellow of the Department of Business Law and Taxation at Monash University. He is also a member of FraudNet, a global network of lawyers specialising in combating fraud and commercial crime across foreign jurisdictions.

### **To contact Leon Zwier**

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