

ELEVEN WENTWORTH



Elisa Holmes

Elisa is an experienced trial and appellate advocate, and has practiced as a barrister for 18 years, including eight years in London, before returning to the Bar in Sydney in 2012.

Elisa has a busy commercial and equity practice, with particular expertise in equity, class actions, insolvency, corporations, banking, company, insurance, trade practices, professional negligence and contract.

She appears regularly in the Supreme Court and the Federal Court in significant litigation and is usually unled.

Her most recent cases include a number of class actions for defendant companies and individuals, seven class actions concerning defective airbags (including several appellate court appearances) and a major cross-border insolvency involving the Federal Court of Australia and the High Court of New Zealand sitting together.

Elisa is also a leading sports lawyer. She is an inaugural tribunal member of the National Sports Tribunal, and sits on sporting tribunals, panels and judiciaries, as well as appearing as an advocate for players, sporting associations and clubs, including in the Court of Arbitration for Sport.

The majority of Elisa's practice in the UK was in the High Court and the Court of Appeal, where she appeared in a large number of significant commercial, equity and regulatory cases, including many of the most significant competition law cases.

Contact details:

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Admissions to the Bar:

1999 (South Australia - signed the bar roll) | 2003 (England & Wales) | 2012 (New South Wales) | 2019 (New Zealand)

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Principal areas of practice:

Commercial / equity
Class actions
Corporations
Banking
Insolvency / administration
Insurance
Trade Practices / competition
Regulation
Sport

Career summary

2012 - current Barrister - Sydney
2005-2012 Barrister - London
2004 Visiting Research Fellow, Columbia University, New York
2003-2004 Pupillage, London
2002-2003 University of Oxford, MPhil (First Class)
2001-2002 University of Oxford, BCL (First Class)
1999-2001 Barrister - Adelaide
1998 Reader, Adelaide (Tom Gray QC and Lindy Powell QC)
1994-1997 University of Adelaide, LLB(Hons)(First Class)(University Medal)

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Examples of ongoing and recent cases:

Kelly, in the matter of Halifax Investment Services Pty Ltd (in liquidation) - concurrent insolvency proceedings in the Federal Court of Australia and the High Court of New Zealand

ASIC v Vocation & ors [2019] FCA 1783 and [2019] FCA 807

Rafidi v Commonwealth Bank of Australia [2020] FCAFC 26

Rafidi v Commonwealth Bank of Australia (No 3) [2019] FCA 1182

Commonwealth Bank of Australia v Brick & Block Company Pty Ltd (in Liq) [2017] NSWCA 96; [2016] NSWSC 1931;

Lotus Barangaroo Pty Ltd v Lotus Capital Asset Management Pty Ltd (Supreme Court 2020/81715)

Monte Elissa v The Hospitals Contribution Fund of Australia Ltd (Federal Court NSD1504/2019)

Michael Carrafa and Fabian Micheletto in their capacities as trustees in bankruptcy of the estate of Peter Ronal Evans v Jonny Asfar & Ors (Supreme Court - 2017/165065)

Westpac Banking Corporation v IFTT Pty Ltd as trustee for the Ireland Family Trust & Ors (Supreme Court 2019/404452)

Takata defective airbags - seven class actions, including:

- *Haselhurst v Toyota Motor Corporation Australia Ltd* [2020] NSWCA 66
- *Brewster v BMW Australia Ltd* [2020] NSWCA 272
- *Brewster v BMW Australia Ltd* [2019] NSWCA 35
- *BMW Australia Ltd v Brewster* [2019] HCA 45

Petersen Superannuation Fund Pty Ltd v Bank of Queensland Limited (No 3) [2018] FCA 1842

Cheryl Whittenbury v Vocation Ltd (in Liquidation) & Ors - VID434/2015 -Federal Court

Allen Dodd v Shine Corporate Ltd Supreme Court of Queensland [2018] QSC 40

Thomas Garrett v Sydney Church of England Grammar School Council (Supreme Court 2021/21957)

The Council of Trinity Grammar School v Anderson [2019] NSWCA 292; [2018] NSWSC 1633

Prince Alfred College Incorporated v ADC [2016] HCA 37

A MORE COMPREHENSIVE LIST OF CASES CAN BE FOUND [HERE](#).

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Sport positions

Tribunal Member, National Sports Tribunal
Chair, North Eastern Australian Football League (NEAFL) Tribunal
AFL NSW Appeal Board
Australian Olympic Committee, London 2012, Team Advocate
Court of Arbitration for Sport (CAS), frequent advocate, including anti-doping, disciplinary and selection disputes
Director, Sport NSW
Port Adelaide Football Club (AFL) Eastern Advisory Board

Appointments, memberships and committees:

Recommended as a leading barrister in Chambers UK and Legal 500 legal directories

"Elisa Holmes ... has been instructed in several significant cases ... She instils confidence as she provides acute legal thinking and has an elegant style in court. High-profile clients such as the BBC and the MoD are anxious to employ her services."

"Enthusiastic and clever."

"Committed, analytical and combative."

"A terrier-like desire to ensure that justice is done."

"An approachable and charming manner with the steel of a gritty and determined advocate".

Recommended insolvency barrister, Doyles Guide, Australia

Supreme Court Commercial List Users Group

Chair, North East Australian Football League (NEAFL) Tribunal

Director, Sports NSW, current

Adelaide Law School Advisory Board

Port Adelaide Football Club Eastern Advisory Board, current

Member, Australian Institute of Company Directors Committee

Team Advocate, Australian Olympic Committee - London 2012

Appeals adviser, Australian Olympic Committee - London 2012, Sochi 2014

Arbitrator, UK Sports Resolution Panel

Board Member, Directors Guild Trust of Great Britain

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Academic background: **Visiting Research Fellow**, Faculty of Law, Columbia University, New York, 2004

MPhil, University of Oxford (Magdalen College), 2002-2003 (First Class)

Overseas Research Scholar, Freshfields Scholar, Law Faculty, University of Oxford, **Oppenheim Scholar** (Magdalen College), **Commonwealth Scholar**

BCL, University of Oxford (Magdalen College), 2001-2002 (First Class)

Bachelor of Laws (Hons), University of Adelaide, 1995-1997 (First Class) (University Medal) The Thompson Playford Prize and Medal, The Angas Parsons Prize, David Murray Scholar, Law Society of South Australia Centenary Prize, John Bray Law Chapter of the Alumni Association Prize, several subject prizes

Bachelor of Arts (Journalism), University of South Australia, 1992-1994

Professional background: **Barrister**, Eleven Wentworth, Sydney, current

Barrister, Monckton Chambers, Gray's Inn, London, 2005-2015

Visiting Research Fellow, Columbia University, New York City, 2004

Called to the Bar of England and Wales, 2003

BCL (First), MPhil (First), University of Oxford (Magdalen College), 2001-2003

Barrister, Howard Zelling Chambers, Adelaide, 1999-2001

Signed the Bar Roll, South Australia, 1999

High Court of Australia, 1998

Reader, Bar Chambers (Tom Gray QC and Lindy Powell QC), Adelaide, 1998

LLB (Hons) (University Medalist), University of Adelaide, 1995-1997

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Academic positions, papers and publications:

Speaker, Australian Bar Association Conference, 2017, London and Dublin: “Universal justice, different languages: Harmonising civil and common law approaches in international commercial arbitration”

Chapter in *Essays in Advocacy* (Barr Smith Press, 2012)

Dissertation supervisor, Faculty of Law, University College, London 2011

Chapter in *EU Competition Law: Procedures and Remedies* (OUP, 2006)

Contributing author, Vaughan and Robertson: *Law of the European Union* (OUP)

“Law’s Moral Criterion” (with Prof. John Gardner) chapter-*Exploring Law’s Empire* (OUP 2006)

“Anti-discrimination rights without equality” (2005) 68 MLR 175

Book Review, Fredman & Spencer eds, *Age as an Equality Issue* [2004] PL 913

Visiting Research Fellow, Lecturer, Faculty of Law, Columbia University, New York City, 2004

Tutor (contract law and tort), Balliol College, University of Oxford, 2002-2003

Young Researcher-International Association for Philosophy of Law & Social Philosophy, 2003

Paper, “Two Concepts of Law” (with Prof John Gardner) - Oxford Philosophy Colloquium, 2003

Research assistant to Professor Chris McCrudden, Lincoln College, Oxford, 2002

Tutor, Faculty of Law, University of Adelaide, 2000-2001

“Getting Notices Right”, paper presented at Consumer Credit Laws Seminar on 26 August 1999, published by Legal and Accounting Management Services Pty Ltd

“Major Utility Failure - Class Actions”, paper co-authored with Tom Gray QC, the Australian Mining and Petroleum Law Association Seminar, 22 June 1999