



CAROLYN MOSS

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Areas of practice

Civil Practice

- Commercial and Civil Litigation
- Professional liability
- Insurance
- Negligence
- Professional Negligence
- Contractual disputes
- Competition
- Consumer protection law
- Corporations law
- Equity
- Appeals
- Confiscations (proceeds of crime)

Criminal Law

- Crimes against the person
- Drugs
- Financial Crime
- White collar and corporate crime
- Sexual assault
- White collar and corporate crime
- Money laundering
- Coronial inquests

Overview

Carolyn's background provides a strong foundation in advocacy and trial experience, combined with years of practice in commercial and civil litigation.

Carolyn started practice as a State Prosecutor with the Office of the Director of Public Prosecutions (ODPP) (2005 – 2009) before working in the Market Integrity team within ASIC.

Carolyn moved to civil practice in 2009, working as a Senior Associate with Jackson McDonald (2015 – 2018) and MDS Legal (formerly McCallum Donovan Sweeney) (2009 – 2015) prior to her election to the Bar.

Carolyn primarily practises in the area of commercial litigation and has advised and represented clients on matters involving contract law, torts, alleged breaches of the *Competition and Consumer Act 2010* (Cth) and *Corporations Act 2001* (Cth), alleged breaches of fiduciary duty and unconscionable conduct.

Carolyn has significant experience in insurance litigation, acting on professional indemnity claims against lawyers, accountants, mortgage brokers, local government councillors and directors and officers of listed companies. She has also worked on matters involving Public and Product Liability and Business Interruption insurance policies.

In addition, Carolyn maintains a criminal law practice and has conducted trials in the District and Supreme Courts.

Experience

Carolyn has advised and represented a wide range of clients, from Western Australian, national and international insurers, to regulatory bodies, to private clients.

Examples of matters in which Carolyn has acted include:

Civil

- Appearing as junior counsel for the defendant in a recent Supreme Court product liability trial in which causation was critical to the defence of the action.
- Acting for and appearing as junior counsel at trial for an insurer and its insured firm of lawyers, defending a claim alleging negligence, breach of contract and breach of fiduciary duty in the District Court of WA. The claim was complicated by notoriously litigious plaintiffs who were self-represented for the majority of the action and an allegation of fraud against the Insured so required sensitive handling on behalf of the Insured. The claim was dismissed following trial on both liability and causation.
- Counsel on numerous interlocutory applications including applications for summary judgment, security for costs, setting aside subpoenas, staying an action, the trial of a preliminary issue and strike out applications. See, for example, *Cristovao v Geoffrey Dutton t/as Dutton Legal* [No 3] [2017] WADC 140, *Cristovao v Geoffrey Dutton T/as Dutton Legal* [No 2] [2016] WADC 66, *Cristavao (sic) v Geoffrey Dutton t/as Dutton Legal* [2016] WADC 25.
- Acting on a long-running, multi-defendant claim in the Supreme Court of WA in which the initial claim for loss exceeded \$116M. The claim alleged negligent advice, breaches of the *Trade Practices Act 1974* and breach of contract and involved contribution proceedings between the defendants, a failure of top-up cover and interlocutory proceedings disputing claims of legal professional privilege during discovery.
- Acting on numerous claims against professionals in different jurisdictions, including the District, Supreme and Federal Courts, ranging from low value claims requiring rapid resolution to more complex higher value claims involving a range of issues from financial services to abuse of process and advocate's immunity issues.
- Drafting and presenting numerous seminars in relation to cyber-crime and the professional obligations of company directors and legal practitioners in relation to cybersecurity.

Criminal/ Regulatory

- Counsel on numerous jury trials, including high weight drug matters, domestic violence-based assaults and burglaries.
- Counsel on a wide range of sentencing matters, including murder, possession of child exploitation material and historical sexual offences.
- Appearing as junior counsel on numerous jury trials, including multiple complainant historical sexual offence cases and multiple accused armed robberies.
- Acting on *Legal Profession Act 2008* (WA) disciplinary and *Real Estate and Business Agents Act 1978* (WA) code of conduct matters.
- Investigating potential *Corporations Act 2001* (Cth) breaches, focusing on insider trading and market manipulation (as part of the Australian Securities and Investments Commission).

Professional Qualifications/ Admission

Bachelor of Laws- *University of Western Australia*, 2004

Admitted Practitioner- *Supreme Court of Western Australia*, February 2006

Admitted Practitioner- *High Court of Australia*, 2007

Professional Memberships

Law Society of Western Australia

Western Australian Bar Association

Women Lawyers of Western Australia