

NOLA PEARCE

YEAR OF CALL: 2018

Nola has nearly 20 years' experience in handling civil claims and disciplinary inquiries involving high-sensitivity professionals and their insurers or defence unions.

Before being called to the Bar, Nola was special counsel in the Brisbane office of a mid-tier firm, where she acted for barristers, judges, solicitors and a range of medical, financial services and construction professionals in defence of matters involving allegations of professional negligence, breach of contract or statute, consumer law issues, disciplinary/conduct breaches, and fraud. She has represented the interests of those professionals in the civil Courts of most State, Territory and Commonwealth jurisdictions, including various disciplinary tribunals, professional bodies, commissions of inquiry and coronial inquests.

Since being called to the Bar, Nola continues to specialise in professional liability and disciplinary proceedings, whilst also acting in respect of contractual and consumer law disputes, insurance, negligence and commissions of inquiry.

AREAS OF PRACTICE

Banking, Class Actions, Competition & Consumer, Contract, Corporate Insolvency & Bankruptcy, Corporations, Employment & Industrial, Inquiries & Coronial Inquests, Insurance, Judicial Review & Administrative, Land Law & Property, Professional Discipline & Regulatory, Professional Negligence, Resources & Energy, Sport.

CASES

The Blaze Agency Pty Ltd & Anor v PSC Insurance Brokers (Aust) Pty Ltd[2019] CA 4366

August 2019, Insurance

Higginbotham v Star Stone Corporate Capital Ltd & Ors[2019] QDC 35

March 2019, Insurance

LSC v XBV[2018] QCAT 332

October 2018, Professional Negligence, Professional Discipline & Regulatory

Ritchie v Ikea Pty Ltd[2018] QDC 143

August 2018, Employment & Industrial

LEVEL

TWENTY
SEVEN

CHAMBERS



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EXPERIENCE

Significant matters undertaken as a solicitor include:

- › Acting for a Northern Territory Senior Counsel in an ongoing multi-faceted matter featuring disciplinary investigation, a claim for costs payable personally, intervention at appellate level before a specially constituted Court, an application for recusal for actual/apprehended bias, and possible criminal charges arising from the barrister's involvement on a pro bono basis for a high profile politician before a Commission of Inquiry.
- › Successfully defending a leading Queen's Counsel in relation to a disciplinary complaint and investigation arising from counsel's role before a major national Royal Commission.
- › Successfully defending to trial a Perth barrister facing a number of disciplinary charges including allegations of fraud, with the Tribunal determining that the barrister was entitled to succeed on all grounds.
- › Acting for a 'senior' junior family law barrister in concurrent defence of a civil claim (wrongly instituted in the Family Court), and a disciplinary investigation including allegations of overcharging, deficient costs disclosure, uplift fees and breach of fiduciary duties. After a five year investigation, succeeded in having the civil claim struck out with indemnity costs, and the complaint wholly dismissed.
- › Reviewing and finalising the proposed submissions of an individual to whom the Royal Commission into the Home Insulation Program issued a notice of proposed adverse findings.
- › Attending with counsel at a coronial inquiry to represent the interests of a thoracic physician whom it was suggested had misdiagnosed an infectious disease upon the patient's return from Papua New Guinea.
- › Acting on behalf of an oral and maxillofacial surgeon facing disciplinary action in respect of a spinal manipulation performed on a patient, including appearing with Queen's Counsel before the Dental Board at hearing.
- › Successfully defending an insurance broker against a professional negligence claim from an insured denied cover on the basis of fraud, which denial (and allegation of fraud) was ultimately upheld by the Supreme Court of Queensland.
- › Acting for a firm of engineers alleged to have negligently installed the air conditioning system in a major suburban shopping centre.
- › Obtaining judgment at trial (including orders for costs) in favour of a firm of mortgage brokers alleged to have made misrepresentations or acted negligently by having forwarded to the financier a client's fraudulent application for finance.
- › Conducting wholly successful defences of a number of applications against barristers in Queensland, New South Wales, Northern Territory and the Federal and Family Courts for orders for costs payable personally.

Nola is also the immediate past Chair of the Queensland Law Society Ethics Committee. She is often requested

to speak to professional bodies and has been cited by leading law publications on issues surrounding allegations of professional negligence.

APPOINTMENTS

2015 to present *Voluntary appointment to the Barristers' Animal Welfare Panel*

2011 to 2018 *Immediate past Chair of the Queensland Law Society's Ethics Committee (of which she was a member from January 2011 to May 2018), which assists the profession and the QLS in the development and consideration of lawyers' ethical rules of conduct. She was credited for her drafting role in the first edition commentary to the new Australian Solicitors Conduct Rules.*

MEMBER

Bar Association of Queensland

Women Lawyers' Association of Queensland

CAREER

2018 *Barrister*

2007 to 2018 *Solicitor (from 2010, Special Counsel) Carter Newell Lawyers*

1999 to 2007 *Solicitor, Queensland mid-tier and top-tier firms including Clayton Utz, Hunt & Hunt and Flower & Hart*

1996 to 1997 *Law clerk, Commonwealth Director of Public Prosecutions*

EDUCATION

Bachelor of Laws (Hons), University of Queensland

Bachelor of Arts (Political Science), University of Queensland

AWARDS

2016 Named as a Finalist by Women Lawyer's Association of Queensland in its Woman Lawyer of the Year Award 2016.

2016 Named by Australasian Lawyer in its 2016 Hot List as one of the year's hottest private practice lawyers working in the Australian Legal Market; Nola was recognised for her passionate and energetic commitment to the high ethical standards of the legal profession and its role in justice administration, August 2016.

2016 Awarded the inaugural President's Medal Outstanding Contribution Award 2016 by the Queensland Law Society in recognition of her high standing in the legal profession in Queensland and her significant contribution to community access to justice, significant service and support to Queensland lawyers, and upholding the rule of law and the administration of justice, February 2016.

2015 Named by Australasian Lawyer as one of Australia and New Zealand's Top 50 Women to Watch, as an Expert in her Field [Professional Legal Ethics], April 2015.

PUBLICATIONS

Does a Stitch in Time Really Save Nine? Issues Surrounding Mitigation Costs Under a Policy of Liability Insurance

December 2018, Insurance, Contract

Professional and Management Liability Guide

June 2017, Professional Negligence

QCAT Disciplinary Orders – Look beyond the QCAT Act

May 2016, Judicial Review & Administrative

Liability limited by a scheme approved under professional standards legislation