Iain Thain has a background in insurance claims work and focuses in competition and regulatory matters, marketing and consumer law, and property law related matters including construction.

Iain combines these areas of experience with a broad practice in general commercial litigation, from insolvency matters and debt collection to complex contractual disputes.

As well as being a skilled commercial negotiator, where appropriate, Iain works across the full range of formal dispute resolution procedures - from court litigation, to arbitration to alternative processes including conciliations and mediations.

In addition to resolving disputes and dealing with regulators' investigations, Iain works closely with DLA Piper transactional lawyers to help clients structure and document transactions to minimise the risk of disputes arising.

Iain is also the pro bono partner for the Auckland Office.

**LANGUAGES SPOKEN**

- English

**EXPERIENCE**

- Represented Diners Club in criminal and civil proceedings by the New Zealand Commerce Commission.
- Defended High Court proceedings for Motor Trade Finances by the Commerce Commission over consumer credit arrangements, pricing and disclosure.
- Complex High Court proceedings alleging an international air cargo price fixing cartel amongst airlines.
- Obtained judgment in Manukau City Council's favour on a complex land buy-back arrangement associated with the TelstraClear Pacific Events Centre in Manukau.
- Advice and contracts for Papakura District Council in relation to decommissioning and replacement of the Drury wastewater treatment plant.
Represented the Seattle-based America's Cup challenger, OneWorld Challenge, in actions based on alleged rules and confidentiality breaches. Appeared before the International Yacht Racing Jury, the America's Cup Arbitration Panel, the New Zealand High Court and the New Zealand Court of Appeal.

Represented Tyco International and two related parties in complex High Court proceedings seeking declarations or relief orders to validate possible long term breaches of the New Zealand Securities Act provisions in relation to allotments of securities to sections of the public.

Acted for Auckland Regional Transport Network Ltd on several key projects, involving rail infrastructure, refurbishment of Auckland's rail stations and the Auckland rail station access agreements. Successful defence against allegations in High Court of misuse of market power regarding access to vehicular ferry terminals.

CREDENTIALS

Professional Qualifications

- Solicitor of the Senior Courts of England and Wales, 1997

Recognitions

- Iain is ranked in the 2019 Legal 500 Asia-Pacific rankings as a leading individual in both Competition Law and Dispute Resolution.
- Iain is also ranked as a leading Dispute Resolution lawyer in the Chambers Asia-Pacific 2019 rankings. Chambers noting that Iain "is in demand as a general litigator for insolvency matters, contractual disputes and construction litigation".
- Iain is given particular mention in the Legal 500 Asia-Pacific 2018 rankings as "one of the best litigators in New Zealand" and "leads on contentious matters" at the firm. Legal 500 also gave Iain particular mention in Dispute Resolution, for his "focus on competition and insurance issues, alongside a broad spectrum of commercial litigation". Iain was praised for his "recent highlight... acting for supermarket and grocery store chains Foodstuffs South Island and Foodstuff North Island in appeals against elements of new legislation governing the sale of alcohol". Legal 500 referred to Iain's advice for "SPX Flow Technology concerning payments to Gas 1 Limited for a processing plant for the manufacture of infant formula".
- Iain was ranked as a leading Dispute Resolution lawyer in Chambers Asia-Pacific 2019, with a client noting that he has "a strong grasp of legal issues, a broad understanding of the finance industry and an unparalleled ability to understand the intricacies of our unique business model."

Education

- University of Auckland, BCom, 1989
- University of Auckland, LLB (Hons), 1989

Memberships

- New Zealand Law Society
- Law Society of England and Wales
- Competition Law & Policy Institute of New Zealand Inc
- Society of Construction Law NZ Inc

INSIGHTS

Publications

Do we have a contract?
27 MAY 2020
In the recent case of Electrix Ltd v The Fletcher Construction Company Ltd the High Court found against The Fletcher Construction Company Limited (Fletchers) in a case brought by an aggrieved subcontractor working on the Christchurch Justice and Emergency Services Precinct project. The case provides a window into the issues faced by those working on that project and the challenges that have dogged the industry over the last five years, in particular on large scale design and build projects. In addition to the procurement issues, the case also highlights issues surrounding the common practice of issuing letters of intent, prior to a full construction contract being entered into. In particular, what happens if the full construction contract is never entered into?

The stark reality in New Zealand: keep it simple, disclose

16 April 2020
The NZX has issued extra guidance for listed companies during the coronavirus Covid-19 crisis. The obligation ‘to disclose material information promptly and without delay’ is always in the forefront of directors’ minds, to ensure that there is no information asymmetry in the market. It should be especially so during this extraordinary and volatile time for the NZX and its issuers say DLA Piper partners.

Mitigating Global Supply Chain and Customer Insolvency Risk

Tuesday 17 March

Asia Pacific Arbitration Roundup 2019

12 March 2020
Welcome to the first edition of our new Asia-Pac Arbitration Roundup.

NEWS

DLA Piper strengthens the future of Law in the Pacific

26 FEB 2019
DLA Piper has a longstanding pro bono commitment to supporting the rule of law in Pacific Island nations. As part of this, the firm develops the legal knowledge and skills of lawyers from countries including Fiji, Vanuatu, Solomon Islands and Tonga to help them better assist their local communities’ access legal help.