

Michael Thornell

Special Counsel

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OVERVIEW

Michael Thornell is a special counsel in the commercial litigation and dispute resolution practice with a focus on commercial disputes, complex professional indemnity claims, regulatory investigations, and insurance coverage. He also acts in complex litigated disputes, and has extensive experience in a variety of alternative dispute resolution methods, including mediation and arbitration.

Michael acts for a range of clients including large professional services firms, financial institutions, superannuation trustees, construction and infrastructure companies, insurers, individual directors and officers, and a range of professionals including lawyers, accountants, auditors, financial advisors, and engineers.

Michael has significant experience assisting corporate and individual clients prepare for and respond to all manner of notices, inquiries, investigations and prosecutions by Federal and State regulators, including ASIC, APRA, the ATO, AUSTRAC, CAANZ, the Tax Practitioners Board and the Legal Services Commissioner. He is particularly skilled at managing the commercial and reputational sensitivities that often arise in such matters.

Michael also regularly advises clients in respect to a range of insurance issues, including policy interpretation, coverage disputes, and has acted as coverage counsel in some of Australia's largest securities class actions and regulator enforcement proceedings.

PROFESSIONAL BACKGROUND

Prior to joining the firm, Michael was a senior associate at a global firm focusing on commercial litigation and insurance disputes. In that role, he obtained a broad range of experience, and has appeared in almost every court in the state and federal jurisdictions.

ACHIEVEMENTS

- Recognised by *The Legal 500 Asia Pacific* as a Recommended Lawyer for Dispute Resolution: Litigation in Australia, 2026

"Michael Thornell is a particular stand out, providing well considered, clear legal advice and recommendations that is responsive to our business needs and supports our legal strategy." (The Legal 500 Asia Pacific, 2026)

EDUCATION

- J.D., The University of New South Wales, 2012
- Bachelor of Art Education, The University of New South Wales, 2007

ADMISSIONS

- Supreme Court of New South Wales

AREAS OF FOCUS

- Commercial Disputes

REPRESENTATIVE EXPERIENCE

- Acting for a multinational professional services partnership in defence and confidential commercial settlement of claim over Coca-Cola Amatil's AU$40 million sale of SPC.
- Acting for a law firm in defence of claim by the liquidators of Gallop Investment against its former advisors, arising from the collapse of Gallop's financial planning business and associated investor claims. The liquidator claimed damages in excess of AU$35 million. Confidential commercial settlement was ultimately achieved.
- Acting for an insurer in proceedings in the Supreme Court, concerning claims for breach of fiduciary duty and negligence advanced against a solicitor arising from a number of high-value commercial and property transactions. The claims against the insurer were dismissed. *CLGC Pty Limited v Zhang* [2021] NSWSC 946.
- Acting for a law firm in proceedings in the Supreme Court, in which the firm successfully obtained orders pursuant to the Vexatious Proceedings Act against Salim Mehajer, in relation to claims advanced regarding the purported collapse of his property development businesses. *Mehajer v SC Lowy Primary Investments Pty Ltd* [2022] NSWSC 689.
- Acting for large professional services firms, directors, officers, financial institutions, and auditors in respect to a variety of notices and investigations issued by regulators and government agencies, including negotiating the scope of production; attending on issues of privilege, confidentiality, and secrecy legislation; managing large-scale review and electronic production; preparing submissions; attending on compulsory examinations; and negotiating the cessation of such investigations.
- Acting for an officer of a large superannuation fund in response to an investigation commenced by APRA regarding expenditure and governance matters, as well as persistent underperformance.
- Acted for insurers joined directly to proceedings in substitution for their missing or deregistered insureds. *Penrith City Council v Healey; GIO General Ltd v Healey* [2016] NSWCA 161; *Cunningham v Guardian Royal Financial Services Pty Ltd* [2017] NSWSC 1057.

- Acted for insurers in defence of proceedings brought by their insured (a large financial advisor), seeking indemnity for hundreds of claims made against the insured by its clients in the wake of the GFC, totalling in excess of AU$70 million. Confidential commercial settlement was ultimately achieved.
- Acted as coverage counsel for insurers of one of the big four banks in relation to civil penalty proceedings brought against the bank by Austrac, arising from the bank's alleged breaches of anti-money-laundering and counter-terrorism finance legislation.
- Acted for a funds manager in proceedings alleging breaches of fiduciary duty and knowing assistance on the part of a host of parties, which conduct is said to have resulted in the collapse of a property development business valued in excess of AU$100 million.
- Acting for a church property trust in relation to claim against QBE, seeking indemnity under policies responding to historical sexual abuse claims. Confidential commercial settlement was ultimately achieved.
- Acted for insurers of a publicly listed property valuation and consultancy firm in relation to a business interruption claim arising from a cyber-attack and resultant data breach.
- Acted for insurers of a large food and beverage delivery company in relation to a business interruption claim arising from a ransomware attack.
- Acted for insurers of an international pharmaceutical company in relation to losses caused by a social engineering attack.
- Acted for a hydraulic engineer in defence in a multiparty, multimillion-dollar building and construction dispute brought in the Supreme Court.