**MICHAEL KATS**

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**IN HOUSE COUNSEL | BARRISTER | ACCOMPLISHED TEACHER**

Outcome-focused Barrister with 18+ years of solid criminal law and court advocacy experience. Proven record of achievement in complex criminal prosecutions, extensive knowledge of legislation, case law, and court/tribunal procedures, and highly experienced in administration and conduct of investigation related activities. Extensive experience working within and for Aboriginal and Torres Strait Islander Communities.

**VALUES OFFERED**

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| * **Experience working in remote and regional areas** * **Children’s Court (Family and Criminal Division)** * **Court & Tribunal Appearances** * **Legal Research** * **Case Management** | * **Criminal Trials and Committals** * **Warrant Applications** * **Evidence Assessment** * **Staff Management & Training** * **Executive Report Writing** * **Legal Compliance Audits** | * **Sex Offender Cases** * **Family Court Cases** * **Preventative Detention Cases** * **Prohibited Contact Orders** * **Drug Trafficking Cases** * **Advocacy Skills** |

**CAREER SNAPSHOT**

***Barrister,*** *Victorian Bar*, 2007 – 2015; 2018 – Present

***In-House Counsel at the*** *Victorian Aboriginal Legal Service Inc.*2015-2018

***Convenor, Victim-Offender Mediation Program at*** *Jesuit Social Services*2015

***Duty Lawyer at*** *Central Australian Aboriginal Legal Aid Service*2014

***Junior to Gary Hevey Prosecuting Operation “Sethra”- County Court of Victoria*** 2013-2014

***Accepted into the*** *Talented Junior Counsel Development Program* 2012/2013

***Solicitor,*** *Criminal Law Division, Victoria Legal Aid*, 2003 – 2007

***Solicitor,*** *Rhodens Law Firm*, 2001 – 2003

***Solicitor,*** *Kevin Devine Fitzpatrick Law Firm*, 2000 – 2001

**EMPLOYMENT**

* ***In-House Counsel, Victorian Aboriginal Legal Service Inc.*** Dec 2015- April 2018

***Appeared as Counsel in:***

Trials and plea hearings, conciliation conferences, youth justice group conferences, contested child protection hearings, applications and plea hearings in the Federal Circuit Court, County Court, Magistrates’ Court and Childrens Court. Appearing in administrative review hearings at the Victorian Civil and Administrative Tribunal. Appeared on behalf of victims of crime at VOCAT hearings and regularly appeared as counsel in Koori Court hearings.

* Prepared and Appeared as Counsel in all types of hearings and Conciliation Conferences in the Family Division of the Children’s Court as well as Committal Hearings, Trials, Appeals, Bail Applications, Forfeiture Orders, and Breaches.
* Appeared as Counsel on behalf of victim survivors of family violence in countless Intervention Order Applications in the Magistrates’ and Children’s Courts, as well as County Court on Appeal.
* Prepared and appeared in Federal Circuit Court cases involving Final Orders for Children and Property matters.

***Provided authoritative advice and case work in-house to:*** The Management and Board of Directors on a range of risk and file management issues. And case managed a large range of complicated criminal, civil, and family law cases.

***Working with and advocating for the rights of Aboriginal and Torres Strait Islander clients*** in regional and remote areas around Victoria.

***Researching, preparing and presenting*** community legal education and training programs for bail justice candidates and junior lawyers. Management, mentoring, and leadership role to junior lawyers in the organisation.

***Adapting to and thriving*** in a workplace going through significant structural change.

* ***Instructor at Leo Cussen Centre For Law Practical Legal Training Course*** 2015-2017
* Instructor in Advocacy, Crime, and Criminal Hearings.

* ***Duty Lawyer, Central Australian Aboriginal Legal Aid Service (CAALAS) Alice Springs*** Oct 2014
* Obtained instructions from indigenous clients who speak a range of languages including: Arrente (Central, Eastern, Western and Southern), Warlpiri, Pitjantjatjara, Luritja, Anmatyerre. Appeared in courts of Summary Jurisdiction and Youth Justice Court at Alice Springs, Herrmansburg, and Tennant Creek at Plea hearings, Bail Hearings, and Summary Contest hearings.
* Developed, proposed and implemented changes designed to improve the performance and efficiency of Duty Lawyer services to clients at court.
* Took part in stake-holder meetings at CAALAS.
* ***Barrister, Victorian Bar, Victoria*** Nov 2007– Nov 2015; July 2018- Present

Appeared as Counsel and Junior Counsel in a diverse range of settings, preparing and planning case concept, investigative strategy and research. Exceeded stakeholder expectations and delivered favourable results through strategic investigation and research tactics. Proven ability to use high-level analytical skills to scrutinize large amounts of unrefined material to extract relevant information within short time frames.

* ***Prepared and Appeared as Counsel in a complex Drug Trial (Operation Sethra) involving 11 different co-accused charged with Trafficking in Large Commercial Quantities of Heroin at the County Court of Victoria lasting over 9 months.***
* ***One of twelve Barristers at the Victorian Bar chosen to take part in the Talented Junior Counsel Development Program 2012/2013.***
* ***Presented Seminars entitled: “Preparing for Summary Hearings in the Magistrates’ Court” December 2013 to various Suburban Law Firms.***
* ***Presented and Tutored Law Graduates at Leo Cussen Institute Practical Training Course 2014***
* ***Overcame fears of a ‘police informer’ client*** to collaborate and provide a high volume of significant information pertaining to a case involving obtaining property by deception and several sophisticated burglaries. Built a high degree of trust and conquered client fears of being publically identified for assisting police.
* ***Prepared Memoranda of Advice and Submissions to produce successful outcomes.*** Resourcefulness in utilizing existing data on previous cases and extracting relevant data saved client $15K in billable hours. Demonstrated success in researching, preparing and drafting Memoranda of Advice and Opinion to instructing solicitors in Civil Litigation, Criminal, Family, Department of Human Services and VCAT cases.
* ***Edited and Authored Articles in Quarterly Bar Bulletin.*** Articles include topics on *‘Honest and Reasonable Mistake of Fact as a Defence*’, and ‘*Evidential Burden Of Proof As Opposed To Legal Onus Of Proof In Criminal Cases’*. Spearheaded several initiatives such as contributing an article providing useful “*Tips for Junior Barristers*”. Also orchestrated free advertising for Belgrave Indigenous Survival Day 2012.
* ***Succeeded in Drug Trafficking Case*** by achieving complete acquittal of all charges on behalf of client in a case involving trafficking cannabis and bringing a prohibited substance into Youth Justice Centre. Obtained affidavit and other material pursuant to subpoena, analysed and collated telephone intercepts, and applied this information to the relevant legislation and case law.
* ***Organised Submissions to Sentencing Advisory Council*** regarding mandatory sentences for Young Offenders in the Children’s Court.
* ***Provided Advice and Appearance Work*** for Victorian Bar Legal Assistance Scheme, Public Interest Law Clearing House, Women’s Legal Centre, Homeless Persons Legal Clinic and Fitzroy Legal Service.
* ***Appeared as Counsel to Silk in a range of cases including:***
* VCAT Anti-Discrimination Litigation involving Department of Education and Early Childhood Development
  + County Court Criminal Charges (for Defence and Prosecution) involving charges of Intentionally Causing Serious Injury; Obtaining Property/Financial Advantage by Deception, Conspiracy to traffick drugs of dependence; kidnapping, false imprisonment, Defrauding the Commonwealth
  + County Court Appeals Against Conviction and Sentence, Please and Bail Applications
  + Summary and indictable Criminal Hearings in the Magistrates’ and Children’s Courts
  + Contested Intervention Order Hearings and Civil Court Hearings in the Magistrates’ Court
  + Victorian Civil and Administrative Tribunal- Guardianship and Administration Hearings
  + Victims of Crime Assistance Tribunal Hearings
  + Dispute Resolution Conferences, Case Conferences, Contest Mentions, Directions Hearings, Intervention
  + Contested Department of Human Services Prosecution Cases (Appearing as Counsel for Department of Human Services and as Children’s Representative)
* ***Solicitor***, ***Criminal Law Division, Victoria Legal Aid*** Nov 2003–Aug 2007

Productively managed a high volume caseload, independently handling up to 30 complex cases, completing the majority of administrative functions with limited resources.

* ***Case Managed a Range of Criminal Law Matters*** including charges of Kidnapping, False Imprisonment, Defrauding the Commonwealth, Trafficking Drugs of Dependence, Court of Appeal Applications for leave to appeal sentence and conviction, Sex Offences, Intentionally Causing Serious Injury. Overcame obstacles obstructing a successful outcome such as insufficient staff, limited resources, extremely high volume of files (over 100 active files), clients from diverse and disadvantaged backgrounds, statistics focussed environment. Visited clients in Custody and in Hospital as Involuntary Patients to prepare case.
* ***Mentored and Supervised Junior Solicitors*** in their new position of Duty Lawyers. Developed their analysis and interpretation of client responses in interviews, conferences, negotiations and hearings. Provided professional development in client and stakeholder management, case management and the design of effective legal strategy. Challenged juniors by assigning them specific cases to develop key capabilities and improve performance and results for key stakeholders.
* ***Delivered Formal Presentations***to New Migrants at Outreach and Community Legal Education Seminars. Developed and delivered a Seminar on “The Role of Police in Victoria” to a group of newly arrived Migrants from Somalia at the North East Migrant Resource Centre.
* ***Managed Competing Priorities Whilst Meeting Tight Deadlines,*** consistently exhibiting professionalism and integrity, despite intense pressure from management, clients and the Court, performing the following:
* Advising and Appearing as Advocate for clients in Contested Crimes Family Violence matters.
* Appearing as Advocate for clients in Contested Interim Intervention Orders and for Young Persons in Children’s Court criminal matters.
* ***Solicitor, Head of ‘Common Law’ Section – Rhodens Law Firm*** Nov 2001–Oct 2003

Running Victoria Legal Aid funded matters, completing administration of Family Court forms in a range of criminal and family law matters. Appearing in Court and Tribunals on behalf of clients suffering from addiction and/or with intellectual and learning disabilities.

* ***Handled Criminal Law Matters,*** including pleas in mitigation, rape charges, committals and culpable Driving matters.
* ***Represented Clients in Family Law*** ***Matters*** including: de-facto property matters, child representation, Department of Human Services involvement, child support matters, form 12A Applications for Consent Orders in the Family Court (Property and Children’s) and residence and contact trials.

**RELEVANT QUALIFICATIONS**

***Certificate IV Training and Assessment and LLN,*** 2015

***Roll of Counsel in Supreme Court of Victoria,*** 2007

***Victorian Bar Readers Course,*** 2007

***Admitted to Practice in the Supreme Court of Victoria***2000

***Bachelor of Laws, Bachelor of Arts*** University of Tasmania, 1999

**SPECIALIST LEGAL TRAINING**

***Cultural Awareness Training, Koori Heritage Trust,*** 2017

***County Koori Court Training,*** 2017

***Advanced Cross-Examination Workshop (Run by Professor Hampel and HH Judge Felicity Hampel,*** 2013

***Talented Trial Counsel Development Program,*** 2012

***Forensic Expert Workshop,*** County Court 2011

***2 day Advanced Advocacy Course (run by Professor Hampel),*** 2011

TECHNICAL SKILLS

* ***Experienced Jury Trial and Summary Crime Advocate***
* ***Teacher, Mentor and Instructor***

**LANGUAGES**

**Fluent Russian Language Speaker**

**REFERENCES**

Gary Hevey RFD

Peter Chadwick SC

Nick Pappas SC