

Resume of Laina Chan¹

Education

Harvard Business School	Certificate of Management Excellence, 2019 (completed programs in Negotiation, Strategy and Leadership)
ICC (Paris)	International Commercial Arbitration – Advanced ICC Institute Pida Training 2013
University of Sydney	BSc (Hons in Pure Mathematics), 1991; Llb (Hons), 1993 Sydney Law Review 1992
MLC Burwood	Dux 1987

Admission

Supreme Court of New South Wales, 1996
High Court of Australia, 1996
NSW Bar July 2004, Victorian Bar 2005

Associations

Director of Society of Construction Law since 2015
Company Secretary of the Society of Construction Law since 2016
Committee member of International Committee of the Australian Bar Association since 2019
Executive member of Melbourne TEC Chambers
Australian Insurance Law Association, Commercial Law Associations for Victoria and NSW
Executive fundraiser for Tribal Warrior 2013-2014

Employment History

Researcher to Clarke JA in NSW Court of Appeal Feb to June 1994 and Feb to Dec 1995
Researcher to Kirby P in NSW Court of Appeal June 1994 to Feb 1995.
Phillip Fox Lawyers 1996 to 1998
Minter Ellison Lawyers 1998 to 2003
Herbert Geer Rundle 2003

Cases of note

Professional Negligence

1. *Thiess v Parsons Brinckerhoff* [2016] NSWSC 173
2. *Aquatec-Maxcon Pty Ltd v Barwon Region Water Authority (No 2)* [2006] VSC 117;
3. *Brand v Monks* [2009] NSWSC 1454
4. *Monaghan Surveyors Pty Ltd v Stratford Glen-Avon Pty Ltd* [2012] NSWCA 94
5. *Gregory Allan Laughton v Barry C Smith & Associates* (Unreported, District Court of

¹ For testimonials, please visit www.lainachanbarrister.com

New South Wales, E Olsson SC DCJ, 14 December 2011) 1-26. 5.

6. *Hourani v Siemens* [2012] NSWDC 203.
7. *Dymocks Book Arcade Pty Ltd v Capral Ltd* [2013] NSWSC 514.
8. *Jurkovic v Hubbard* [2013] NSWDC 21.

Indemnity Costs and Costs orders against third parties

9. *Brand v Monks* [2010] NSWSC 313 (*indemnity costs against 3rd party Director*)
10. *Bateman Long and Maloney Pty Ltd v Long Beach Land Co Pty Ltd* [2011] NSWSC 1495 (*third party costs order*)

Guarantees

11. *Coates Hire Operations Pty Ltd v Rivercorp Pty Ltd & John Philip Brosnan & Stephen McCann; Stephen McCann v Rivercorp Pty Ltd & John Philip Brosnan & Anthony Jerard Rowe* (Unreported, District Court of New South Wales, O'Toole DCJ, 18 April 2012) 1-37.
12. *Zanrush Pty Limited v Donovan Sendall* (Unreported, Local Court of New South Wales, Magistrate Bradd, 20 December 2011) 1-11.
13. *Filmlock Pty Ltd v Nissi Investments Pty Ltd (No 2)* [2013] NSWSC 959.

Indemnities and Leapfrog orders

14. *Aquatec-Maxcon Pty Ltd v Barwon Region Water Authority (No 9)* [2007] VSC 531.

Employment –notice periods

15. *Roddy v Sydney Adventist Hospital Ltd* [2012] FMCA 1199.
16. *Adventure World Travel Pty Ltd v Newsom* [2014] NSWCA 174 (*affirming the decision of Gibson DCJ on 27 Sept 2013*).

Real estate and conveyancing

17. *Monzer Tabbouch v Scott Devlin & ors* [2008] NSWSC 600
18. *Gupta v Fordham Laboratories Pty Ltd* [2018] NSWSC 551

Family Provision – Succession – Intestacy – Gift of Cash Sum

19. *Polistena v Mitton; Agnew v Mitton* [2011] NSWSC 931

Arbitration

20. *Traxys Europe SA v Balaji Coke Industry Pvt Ltd (No 2)* [2012] FCA 276

Recent Publications of Note

1. JW Carter and L Chan, *Contract and the Australian Consumer Law*, Federation Press (March 2019).
2. Contributing author to Bailey, *Construction Law in Australia*, Thomson Reuters, 4th edition – chapters on Professional Liability and Insuring Risk in Construction Projects
3. Chan, *Insuring Risk in Construction Projects*, (2018) 34 BCL 378
4. Burman, Kotze and Chan, *Lane Cove Tunnel Collapse and Sinkhole a Forensic Review* (in 3 parts) - Part 1, the collapse; Part 2, post failure investigations and Part 3, the legal aftermath, (2018) 53(4) *Australian Geomechanics* 21, 35 and 51 respectively
5. Chan, *The enforceability of extended contractual warranties - can the hurdle of applicable limitation periods be overcome?* (2016) 32(3) BCL 1
6. Chan, *International Disputes, the Execution of Foreign Arbitral Awards in the Asia Pacific and Two Case Studies* (2015) 28 NYILR 1
7. Chan, *International disputes and the execution of foreign arbitral awards in the Asia Pacific* (2014) Vol 9 issue 1 CLInt 33
8. Chan, *A Penumbral Duty of care – is a principled approach possible?* (2013) 21 TLJ 106
9. Chan, *When Conveyances go Wrong - — Vendor breaches Laina Chan* (2011) 20 APLJ 33
10. Chan, *When Conveyances go Wrong – Unwanted Caveats and Fraud* (July 2009) *Australian Property Investor Magazine* 50