

# Laina Chan

barrister



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## Contact

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## Admission

Supreme Court of New South Wales 1996  
High Court of Australia 1996  
NSW Bar July 9 August 2004  
Victorian Bar 2012

## Education

University of Sydney:  
- BSc (Hons in Pure Mathematics) 1991;  
- LLB (Hons) 1993;  
- Sydney Law Review 1992  
Harvard Business School  
International Commercial Arbitration

## Practice Areas

- Building and Construction  
- Professional Indemnity  
- Property Disputes  
- Insurance Law  
- Commercial Disputes  
- International Arbitration  
- Employment Disputes  
- Personal Injury

## Associations and Appointments

- Editorial Board of the LexisNexis Australian Insurance Law Bulletin  
- LexisNexis Australian Insurance Law practice, author of the annotated Insurance Contracts Act 1984  
- Chair of Society of Construction Law Australia since 2020  
- Deputy Chair of Australian Construction Industry Forum  
- Member of International Committee of the Australian Bar Association since 2019  
- AILA, CLA (Vic and NSW)

## An expert in construction, property and insurance law.

Laina is the 2021 Lawyers Weekly Women in Law Barrister of the Year. She is the distinctive authority on the interplay between construction and insurance law. Her works are on the reading lists of many Universities. She authored the chapters on professional liability and insuring risk in construction law in Bailey's, "Construction Law in Australia", Thomson Reuters, 4th Edition. Her book with JW Carter on "Contract and the Australian Consumer Law", Federation Press, 2019 examines how the Australian Consumer Law has modified the law of contract. She is now overhauling the annotated Insurance Contracts Act title in the LexisNexis Australian Insurance Law practice.

## Strategy, execution and resolution.

*As your counsel, Laina strives to achieve the optimal resolution for your dispute utilising her legal, commercial and strategic skills.*

Laina will utilise the most appropriate means to resolve your client's dispute. This is likely to involve a combination of court room **advocacy** and her **negotiation** skills. As an advocate, she is fearless and will, if necessary, push the envelope, at first instance and eventually at appeal, to encourage the systematic development of the law. Her negotiation technique is based upon the open, collaborative and relationship building methodology advocated at Harvard Business School. Laina used this technique and settled 12 matters, in the six months following completion of her Harvard Business School Negotiation course in 2018 on extremely favourable terms.

## Early strategic management of disputes.

Since Laina has been at the bar, she has been **briefed** on a range of professional indemnity matters defending construction professionals, town planners, pre-purchase building inspectors, real estate agents, financial planners, stockbrokers and lawyers. She has appeared in several significant property and commercial disputes involving guarantees and indemnities.

## Cases of Note

- *Aslan v Stepanoski* [2022] NSWCA 24
- *Goodwin Street Developments Pty Ltd atf Jesmond Unit Trust v DSD Builders Pty Ltd (in liq)* [2022] NSWSC 624
- *Canon Finance Australia Limited v Reliance Medical Practice Pty Ltd & Ors (No 7)* [2020] NSWSC 554
- *West v Goyal* [2021] NSWSC 526
- *Thiess v Parsons Brinckerhoff* [2016] NSWSC 173
- *Aquatec-Maxcon Pty Ltd v Barwon Region Water Authority (No 2)* [2006] VSC 117
- *Brand v Monks* [2009] NSWSC 1454
- *Monaghan Surveyors Pty Ltd v Stratford Glen-Avon Pty Ltd* [2012] NSWCA 94
- *Dymocks Book Arcade Pty Ltd v Capral Ltd* [2013] NSWSC 514.
- *Brand v Monks* [2010] NSWSC 313