

## JUSTIN HOGAN-DORAN

BEc LLB(Hons)(*Syd*) BCL (Hons) MPhil (Dist)(*Oxon*), FCIARB, ACICA Fellow



### PROFESSIONAL EXPERIENCE

- Barrister, NSW Bar (since 2003)
- Management Consultant, Boston Consulting Group, (2001-2003)
- ADF Legal Officer (Captain, Australian Army Legal Corps)
- Legal Officer, International Criminal Tribunal for former Yugoslavia (1996-98)
- Solicitor, Mallesons Stephen Jaques (King & Wood Mallesons) (1994-1996), Banking and Finance Practice Group

### SPECIALIST PRACTICE AREAS

- Construction Litigation and Arbitration
- International Commercial Arbitration
- Admiralty & Maritime Law
- Aviation & Transport
- Corporations
- Insolvency & Bankruptcy
- Cross-Border Litigation / Private International Law

## PEER & INDUSTRY RECOGNITION

- *Best Lawyers - Australia*, Alternative Dispute Resolution (Arbitration) 2014, 2015, 2016, 2017, 2018
- *Doyle's Guide Litigation* - Recommended Barrister 2018
- *Doyle's Guide Leading Transport Barristers* - Leading Barrister 2017, 2018
- *Doyle's Guide Arbitration* - Recommended Barrister 2018
- *Doyle's Guide Construction - Recommended Barrister* 2017, 2018

## MEMBERSHIPS & APPOINTMENTS

- Fellow, Chartered Institute of Arbitrators (FCIArb), UK
- Fellow, Australian Centre for International Commercial Arbitration (FACICA)
- Bar Councilor, Treasurer, NSW Bar Association, 2014-2015

## ACADEMIC QUALIFICATIONS

- **Bachelor of Economics** (Social Sciences), University of Sydney 1994
- **Bachelor of Laws (First Class Honors)**, University of Sydney 1996
- **Bachelor of Civil Laws (First Class Honours)**, University of Oxford 1999 (*Sir Robert Gordon Menzies Memorial Scholar in Law*)
- **Master of Philosophy (With Distinction)**, University of Oxford 2001
- **Graduate Diploma in Military Law**, Australian National University 2005
- **Diploma of International Arbitration**, Chartered Institute of Arbitrators 2009

## RECENT CLIENTS LIST

- **Hyundai Engineering & Steel Industries Co Ltd** – enforcement of SIAC construction award, & claim on Australian contractor
- **Tzaneros (ACFS)** – claim against Walker Corporation for defective construction of container port facility (Supreme Court, NSW Court of Appeal)
- **KF Capital (Canada)** – claim by large Canadian company against Australian forestry group
- **Morgan Stanley** – claim by SMSF and clients against stockbroker
- **Macquarie Bank** – recognition and enforcement of Dutch Antilles judgments and freezing orders
- **Korean Deposit Insurance Corporation (KDIC) (Korea)** – claims against Australian borrowers from insolvent Korean banks
- **AUB Group** – claim against defrauding director of subsidiary company
- **Sanko Steamship Co Ltd** – recover of hire under charterparty
- **Bank of China** – claim for arrest and Capesize sale of vessel for unpaid bunkers
- **Commonwealth of Australia** – resisting arrest of vessel under construction for Border Force
- **Suzlon Energy** – international cargo and shipping fraud claim against companies and individuals in India, Singapore, BVI, Panama, Marshall Islands, UK and the Bahamas
- **Carnival Cruise Lines** – class action by passengers on storm-affected vessel
- **Singapore Airlines** – various claims by passengers and cargo owners
- **Seafish Tasmania** – claim by Quota owner against defaulting
- **Japan Airlines** – as Australian counsel for the trustee in corporate bankruptcy / reorganization

## SELECT CASES

### ARBITRATION (RECENT / CURRENT CASES)

- In the matter of an arbitration concerning pricing of access to regional Australian Airports (Australian Disputes Centre, 2018) – As arbitrator
- In the matter of an arbitration concerning the transport of equipment from the New Caledonia to Australia (Singapore International Arbitration Centre, 2018)
- *Hyundai Engineering & Steel Industries Co Ltd v Alfasi Constructions Pty Ltd* [\[2018\] FCA 1054](#)
- *Hyundai Engineering & Steel Industries Co Ltd v Two Ways Constructions Pty Ltd* [\[2018\] FCA 1427](#)
- *Aircraft Support Industries Pty Ltd v William Hare UAE LLC* [\[2015\] NSWCA 229](#); [\[2014\] NSWSC 1403](#) – enforcement of foreign arbitral award, lack of reasons and denial of natural justice defence

### CROSS-BORDER INSOLVENCY, INSOLVENCY AND BANKRUPTCY

- *Allan Paul Endresz v Commonwealth of Australia* [\[2017\] FCCA 352](#) – Bankruptcy notice
- *In the Matter of Coin Co International PLC (Administrators Appointed)* [\[2015\] FCA 354](#) – intervening for UNICEF as creditor on cross-border insolvency application
- *In the Matter of CTC Resources NL* [\[2016\] FCA 112](#) – acting for Commonwealth of Australia – winding up of judgment debtor
- *Katter v Melhem (No 2)* [\[2014\] FCA 1176](#) – bankruptcy – opposition to going behind judgment – judgment confirmed
- *Equititrust Limited v Checkling Pty Ltd (receiver and Manager appointed) (in Liquidation)* [\[2012\] NSWSC 121](#)
- *Katayama v Japan Airlines Corporation* [\[2010\] FCA 794](#) – Australian counsel for the Japan Airlines group in its US\$5billion cross-border insolvency / restructuring

## FOREIGN STATE IMMUNITY, PUBLIC INTERNATIONAL LAW

- *Gibson v Official Trustee in Bankruptcy of New Zealand* FCA NSD186 of 2015 – appearing for Government of NZ, instructed by Meredith Connell, Auckland – asserting immunity under FSIA – proceedings struck out
- Advice for a South Pacific Government (2015) – immunity from jurisdiction in Australian proceedings
- Advice to Australian mining company (2014) – claims against Middle East government in respect of mineral exploration rights
- Advice for a Middle East Government (2013, 2014) – immunity from enforcement of claims against assets of consulate in Sydney

## OTHER INTERNATIONAL LAW

- *Surgibit IP Holdings Pty Limited v Ellis* [\[2016\] NSWSC 359](#) – recognition and enforcement of US judgment for treble damages (first such case in Australia)
- *Macquarie Bank Ltd v Juno Holdings S.a.r.l.* [\[2015\] NSWSC 919](#) – resisting stay of proceedings to enforce foreign judgment from the Netherlands Antilles
- *J P Morgan Chase Bank N.A. v PT Indah Kiat Pulp and Paper Corporation* [\[2012\] NSWSC 1279](#) – recognition and enforcement of US Federal District Court judgment

## CLASS ACTIONS (RECENT CASES)

- Claim by vehicle dealers against Australian head distributor – 2018 (forthcoming)
- *Carnival Cruise Lines ats De Jong* [\[2016\] NSWSC 347](#); (No 2) [\[2016\] NSWSC 1024](#); (No 3) [\[2016\] NSWSC 1461](#)

## COURT OF APPEAL, FULL COURT AND HIGH COURT APPEALS (UNLED)

- *Walker Group Constructions Pty Ltd v Tzaneros Investments Pty Ltd* [\[2017\] NSWCA 27](#) – assignment of building warranties
- *Davis Samuel Pty Ltd v Commonwealth of Australia (No 2)* [\[2016\] ACTCA 26](#) – application to set aside judgment *ex debito justitiae* – abuse of process
- *Aircraft Support Industries Pty Ltd v William Hare UAE LLC* (special leave application from [\[2015\] NSWCA 229](#), appeal not yet determined)
- *Virtu Fast Ferries Ltd v The Ship “Cape Leveque”* [\[2015\] FCAFC 58](#) (leading Q Rares)
- *Aircraft Support Industries Pty Ltd v William Hare UAE LLC* [\[2015\] NSWCA 229](#) (leading Q Rares)
- *Galea v Farrugia* [\[2013\] NSWCA 164](#)
- *Franks v Moribund Pty Limited (formerly Equitiloan Securities Pty Ltd) (in liq.)* [\[2011\] NSWCA 216](#)
- *AssetInsure Pty Ltd v New Cap Reinsurance Corporation Limited (in liq.)* [\(2006\) 225 CLR 331](#)

## COMPLEX FINANCIAL TRACING CASES

- *Commonwealth of Australia v Davis Samuel Pty Ltd (No 7)* [\[2013\] ACTSC 146](#), *No 8* [\[2014\] ACTSC 312](#) and *No 9* [\[2015\] ACTSC 127](#) – complex fraud and tracing action by the Commonwealth of Australia against thirty-four defendants – proceedings running since 1999
- *Beluga Shipping GmbH v Headway Shipping; Suzlon Energy Ltd v Bangad* [\[2014\] FCA 1105](#) – above

## MILITARY LAW

- Counsel Assisting the Royal Australian Navy [HMAS Parramatta](#) inquiry.
- One of the Counsel Assisting the Royal Australian Navy [Sea King Board of Inquiry](#)
- *White v Director of Military Prosecutions* [\(2007\) 235 ALR 455](#) – Counsel in challenge to constitutionality of Australian Military Court

## SELECTED PUBLICATIONS

- [“Enforcement of Foreign Judgments and Awards in Australia – the Complete Guide and Checklist \(2016\)”](#)
- [“Freezing \(Mareva\) Orders: a rough guide \(2016\)”](#)
- [“The Harman Undertaking – The Litigator’s Rough Guide \(2018\)”](#)
- J A Hogan-Doran, “Enforcing Australian Judgments in the United States (and vice versa) – how the long arm of Australian courts reaches across the Pacific” (2008) 80 *Australian Law Journal* 361
- J A Hogan-Doran, “Jurisdiction in Cyberspace: The when and where of on-line contracts” (2003) 77 *Australian Law Journal* 377