

JUSTIN HOGAN-DORAN

SPECIALIST PRACTICE AREAS

- Admiralty & Maritime Law
- Aviation & Road Transport
- International Commercial Arbitration
- Construction
- Cross-Border Litigation / Private International Law
- Cross-Border and Domestic Insolvency and Bankruptcy
- Foreign State Immunity / Public International Law
- Military Law

QUALIFICATIONS & AWARDS

- **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 (Menzies Scholar)
- **Master of Philosophy** (Distinction), University of Oxford 2001
- Graduate Diploma in Military Law, Australian National University 2005
- Diploma of International Arbitration, Chartered Institute of Arbitrators 2009
- Australia's Best Lawyers (Australian Financial Review), 2009
- *Best Lawyers* – Australia 2014, 2015, 2016

MEMBERSHIPS & APPOINTMENTS

- Fellow, ACICA (Australian Centre for International Commercial Arbitration)
- Fellow, CI Arb (UK Chartered Institute of Arbitrators)
- Bar Councilor and Treasurer, NSW Bar Association, 2014-2015

OTHER PROFESSIONAL EXPERIENCE

- Solicitor, Mallesons Stephen Jaques (now King & Wood Mallesons), 1994-1996
- Legal Officer, UN International Criminal Tribunal for former Yugoslavia, 1996-98
- Management Consultant, Boston Consulting Group, 2001-2003
- Lecturer in Transnational Commercial Litigation, University of Sydney at Humboldt University, Berlin (since 2007)
- Captain, Australian Army Legal Corps

RECENT & MAJOR CASES

SHIPPING, AVIATION AND MULTI-MODAL TRANSPORT

- *Hefny v Jetstar Airlines* (2016) – appeared for airline in claim by ground handler – matter settled at hearing (leading B Anniwell)
- *Roads & Maritime Services v The Ship “John Cadman III”* (2016) – collision case – appeared for shipowners – matter settled (leading Q Rares)
- *Virtu Fast Ferries Ltd v The Ship “Cape Leveque”* [2015] FCAFC 58 – appeal to Full Court – as counsel for the Commonwealth of Australia, resisted arrest of vessel destined for Customs & Border Protection. Appeal from *Virtu Fast Ferries Ltd v The Ship “Cape Leveque”* [2015] FCA 324
- *Dalian Deepwater Developer Ltd v The Ship “Hull No. N110”* [2014] FCA 1193 – renewal of writs
- *Suzlon Energy Ltd v Bangad; Beluga Shipping GmbH v Headway Shipping* [2014] FCA 1105 – complex global shipping and logistics fraud action for Indian company
- *ThyssenKrupp Materials Handling Pty Ltd v Trans Global Projects Pty Ltd (No 1)* [2014] FCA 817 – multimodal transport cargo loss matter from Western Australia – acting for road carrier – matter settled
- *Bank of China Limited v The Ship “Hai Shi” (No 2)* [2013] FCA 225 – owners’ claim against charterers – judgment in favour of client
- *The Sanko Steamship Co Ltd v Australia Gloria Energy Group Ltd* [2012] FCA 798 - owners’ claim against charterers – judgment in favour of client
- *ALYK (HK) Limited v Caprock Commodities Trading Pty Limited* [2012] NSWSC 1558 – freezing order in support of Chinese iron ore importers’ arbitration in Switzerland – award enforced at [2015] NSWSC 1006

INTERNATIONAL COMMERCIAL ARBITRATION & ENFORCEMENT OF AWARDS

- *Sino Dragon Trading Ltd v Noble Resources International Pte Ltd* [2015] FCA 1028 – successfully resisted challenge to appointment of arbitrators in UNCITRAL Rules arbitration
- *Aircraft Support Industries Pty Ltd v William Hare UAE LLC* [2015] NSWCA 229 – successful recognition and enforcement of foreign arbitral award made under rules of the Abu Dhabi Chamber of Commerce and Industry, of partial awards, upheld on appeal from *William Hare UAE LLC v Aircraft Support Industries Pty Ltd* [2014] NSWSC 1403
- *ALYK (H.K.) Limited v Caprock Commodities Trading Pty Limited and China Construction Bank Corporation* [2015] NSWSC 1006 – recognition and enforcement of Swiss award
- *ALYK (HK) Limited v Caprock Commodities Trading Pty Limited* [2012] NSWSC 1558 – freezing order in support of Chinese iron ore importers’ arbitration in Switzerland
- Various ICC arbitrations, including *Ivanhoe Mines Ltd v Stemcor Pellets & Ors* (ICC Arbitration No. 17402/CYK, 2011) – ICC Arbitration of dispute over mining royalty payments

OTHER PRIVATE INTERNATIONAL LAW

- *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 – recf of US Federal District Court judgment
- *Estate of Foote* [2012] Norfolk Island SC – dispute over \$200m worldwide estate – matter settled

CROSS-BORDER INSOLVENCY, INSOLVENCY AND BANKRUPTCY

- *William Hare UAE LLC v Aircraft Support Industries Pty Ltd* (2016) – Winding up application – debtor under arbitral award and judgement – winding up ordered
- *In the Matter of Coin Co International PLC (Administrators Appointed)* [\[2015\] FCA 354](#) – intervening for UNICEF as creditor on cross-border insolvency application
- *Katayama v Japan Airlines Corporation* [\[2010\] FCA 794](#) – Australian counsel for the Japan Airlines group in its US\$5billion cross-border insolvency / restructuring
- *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](#); *In the Matter of Windy Dropdown Pty Limited (Subject to a Deed of Company Arrangement) ACN 080 130 114* [\[2010\] NSWSC 1099](#) - Acting for financiers, receivers and administrators in proceedings concerning liquidations of companies.
- *Asset Insure Pty Ltd v New Cap Reinsurance Corporation Limited (in liquidation)* [\(2006\) 225 CLR 331](#) - Appeared for Lloyd's List syndicate and Berkshire Hathaway subco. in insolvency test case, at each level and as sole counsel before the High Court of Australia

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

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

- *Aircraft Support Industries Pty Ltd v William Hare UAE LLC* (special leave application from [\[2015\] NSWCA 229](#), appeal not yet determined)
- *Davis Samuel Pty Ltd & Ors v Commonwealth of Australia & Anor* (ACT Court of Appeal; ongoing; appeal from fraud and tracing action)
- *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](#)

CONSTRUCTION

- *Tzaneros Investments Pty Limited v Walker Group Constructions Pty Limited* [\[2016\] NSWSC 50](#) – secured \$11m+ judgment for terminal owner for faulty design of pavement (with Dempsey SC)
- *Galea v Farrugia* [\[2012\] NSWSC 77](#), [\[2013\] NSWCA 164](#) – successful defence of alleged asbestos contamination of lands (with Robb QC) and appeal therefrom (unled)

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

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

SELECTED PUBLICATIONS

- “Recognition and Enforcement of Foreign Judgment and Arbitral Awards” (on-line publication available on chambers website)
- “Freezing (Mareva) Orders – a Rough Guide” (on-line publication available on chambers website)
- “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
- “Jurisdiction in Cyberspace: The when and where of on-line contracts” (2003) 77 *Australian Law Journal* 377
- “Tightening up on Bankruptcy – No more easy outs” *Law Society Journal*, Sep 2003, 58