

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

- Chair of Society of Construction Law Australia since 2020
- Secretary of Society of Construction Law Australia 2016-2020
- Director of Australian Construction Industry Forum since 2020
- Member of International Committee of the Australian Bar Association since 2019
- Australian Insurance Law Association, Commercial Law Associations for Victoria and NSW

An expert in construction, property and insurance law.

Laina is the inimitable authority on the interplay between construction and insurance law. She authored the chapters on professional liability and insuring risk in construction law in Bailey's, "Construction Law in Australia", Thomson Reuters, 4th Edition. Laina and Professor J W Carter have also co-authored "Contract and the Australian Consumer Law", Federation Press, 2019. The book examines the way that the Australian Consumer Law has modified the law of contract.

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. 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. This included the settlement of 2 matters which had been the subject of 2 failed mediations at subsequent informal settlement conferences on better terms than had been on the table at the failed mediations.

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

- *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
- *Hourani v Siemens* [2012] NSWDC 203
- *Dymocks Book Arcade Pty Ltd v Capral Ltd* [2013] NSWSC 514.
- *Brand v Monks* [2010] NSWSC 313

For further detail: <https://lainachanbarrister.com/portfolio/cases-of-note/>