

Mark Friedgut

Barrister

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Mark Friedgut joined the Sydney Bar in 2008. Previously a barrister (advocate) in Johannesburg, South Africa, he has also practised as a partner in South African firm of solicitors. He was a senior associate with Freehills between 1992 and 2008, and has expertise in all aspects of litigation and advocacy.

Mark specialises in corporate and commercial litigation and defamation, and has also had substantial experience in insurance litigation and product liability litigation.

Amongst many other matters, Mark has acted, both as a solicitor and as counsel, in substantial product liability litigation including:

- heart valve litigation;
- breast implant litigation; and
- female sterilisation device litigation.

Mark has had significant experience in representative proceedings in the Federal Court, and has acted, both as a solicitor and as counsel, in constitutional disputes in the Federal

Court and in the High Court. Mark has appeared in a constitutional challenge before the full Federal Court in relation to the constitutionality of Part IVA of the *Federal Court Act* (class actions).

Mark has substantial experience in defamation litigation, both on behalf of plaintiffs as well as on behalf of defendants. He has represented prominent media defendants as well as high profile plaintiffs. He has also acted on behalf of a major newspaper charged by Parliamentary Privileges Committee with contempt of Parliament.

Mark has represented clients in a wide range of corporate and commercial disputes, including in relation to litigation involving the *Trade Practices Act*, *The Corporations Act*, contractual disputes, insurance disputes, agency disputes, lease disputes, employment disputes, and disputes relating to rectification, mistake, misrepresentation, estoppel and waiver. He has also appeared in partnership disputes and professional negligence litigation. Mark has acted on behalf of a major international insurance broking company in high profile litigation against a major insurance company. He also has experience in major probate litigation involving such issues as testamentary capacity, undue influence and unconscionability.

Mark has appeared in matters in the Federal Court (including the Full Court), the Court of Appeal, the Equity Division (including the Commercial List) and the Common Law Division of the Supreme Court of New South Wales, as well as in the District Court and before the Strata Titles Board. Mark has appeared in mediations, arbitrations, trials, opposed applications and appeals.

While still a law student in South Africa, Mark obtained a Declaration of Rights from the Full Bench of the South African Supreme Court in the then leading case of *Ex parte Friedgut* (1983) (2) SA 336 (T). The issue related to the interpretation of the *Admission of Advocates Act*. The application was opposed by the Pretoria Bar Council and supported by the Johannesburg Bar Council. Leading South African Senior Counsel (virtually all of whom are become eminent judges – including the person who became the Chief Justice of the highest Court in South Africa) appeared in the matter. Mark's interpretation was upheld by the Full Bench.

Mark has written articles on legal topics which have been published in *The Journal of the NSW Bar Association Bar News*, *The Law Society Journal*, *De Rebus*, *The Gazette of Law and Journalism*, and *The Sydney Morning Herald*.