

16.05.2023

Barbara Stenning
National Head of Claims

Reference for Ms Laina Chan.

Over the past 25 years, my career has required me to interact with Counsel at various levels both nationally and internationally. I have instructed the likes of Brett Walker QC, Richard Cavanagh SC, Simon Couper SC, Michael Jones SC, David Williams SC, Rowan Jackson SC and of course the late Christopher Gee QC amongst many others.

It is an honour to provide Laina with a reference for Barrister of the Year. I have known Laina both personally and professionally for several years and highly commend her for consideration as Barrister of the Year.

Laina conducts herself with integrity

Laina is, in my view, a practitioner worthy of note, her capable intelligence has made her a trusted sounding board for myself and my team. She has acted for Berkley Insurance Australia on many occasions both in NSW and Western Australia in contested hearings. Her consistent diligence, integrity and intellectual honesty is what sets her apart from average. She willingly goes the extra mile, recently where an error had been made in cover provided Laina focused on the result to ensure that our valued insured clients and ourselves both receive an exceptional resolution of a very difficult circumstance.

As part of our standard process when denying indemnity for claims, to ensure transparency and fairness we instruct Senior Counsel to provide an advice. Notwithstanding the fact that Laina has not yet been elevated to Senior Counsel she is often Counsel of choice instructed to review contested denials of policy coverage and is required to provide a written advice on this that may be provided to our insured. Her advices when reviewing policy coverage are carefully considered, written in plain English, well researched, with on point references to the law whilst also exhibiting a common sense and practical approach to policy construction. Importantly her views are given without fear or favour. To put this in perspective Berkley Insurance's declinature policy is to prefer Counsel's advice even if it is against our decision at first instance to deny cover.

Laina is a skilled negotiator

Laina willingly collaborates with colleagues where required and brings to the table her training from Harvard Business School to achieve negotiated outcomes that are favourable to each participant. Her negotiation skills add another dimension to her toolkit and definitely lead to positive outcomes for all stakeholders that I had not thought possible. A poignant example is in

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respect of 5 nervous shock claims brought by a family against an insured real estate agent. The agent had managed a property which was burnt down when the 12 year old autistic resident, playing with matches early in the morning prior to her parents awakening, had inadvertently started a fire by dropping the burning matches on her synthetic blanket and setting herself on fire. The child had suffered terribly and had died from the horrific injuries in hospital a month after the fire. The mother had personally re-entered the burning house after the father exited the house after being overwhelmed by the heat and dragged her daughter to safety. The family alleged that the agent had been negligent by failing to ensure that the smoke alarms were functioning. The agent in turn was upset that he had rented a perfectly good home to the family, and they had caused it to be burned down. Laina worked hard to get both sides to see the other's point of view and to clear the misunderstandings that had arisen between them. An added complication was that the insured real estate agent was potentially underinsured.

Not only did Laina manage to achieve a negotiated outcome within the limit of indemnity at mediation, but she also managed to get the parents and the agent to have a frank and open discussion with each other in circumstances where the mother had initially turned her back on the agent and refused to speak to him. Her suggestion had been met by resistance by the legal representatives for the family, but Laina used her learning in collaboration and reflective listening to enable a meaningful meeting between the legal representatives and the parents. The agent apologized to the parents and the parents expressed their anger at the agent. By the end of a very emotional meeting lasting half an hour, the parents, including the mother found her way to expressed forgiveness to the agent who was obviously personally distraught about the circumstances of the claim. He had previously expressed that he had not slept properly in almost 2 years. At the end of the mediation, the parents were content with the outcome and left the mediation on good terms with the agent, the insurers and the entire legal team which assisted with enabling closure for everyone. This was such a marked change from the beginning of the mediation when the mother had turned her back on the agent and had refused to acknowledge him.

Laina has a sound grasp of the law

I have found Laina to be extremely knowledgeable on the subject of the law and she is widely published in Insurance, Construction, Property and Arbitration. She was able to utilize her knowledge of Insurance, Construction and Arbitration Law last year when she acted for us in a series of complex cases in Western Australia. Her devised strategy to address the complexities of the case, caused by the fact that the insured was bound by an arbitration agreement in the design and construct contract that it had with a Head Contractor led to a successful outcome for our insured and a costs order in their favour.

By way of background, the insured had retained an engineer to fulfil the design component of its post tensioning sub-contract with the Head Contractor. However, the insured had not included an arbitration agreement in its sub-contract with the engineer. When it emerged that the engineer had been negligent in the preparation of the design and its design had caused the cracking in the roof slab, the insurers of the Head Contractor had commenced subrogated recovery proceedings by way of arbitration against the insured to recover the amounts spent on the rectification. The total claim

was in excess of \$6 million. The insured sought to join the engineer to the arbitration. In the absence of an arbitration agreement between the insured and the engineer, this course was met with resistance by all concerned including the arbitrator. Laina used her legal and technical ability in respect of arbitration law and her knowledge of the *Commercial Arbitration Act 2012 (WA)* to navigate these issues. Further, an issue arose as to whether the insurers had waived their rights of subrogation against the insured. These issues were ventilated over a 6-month period including applications to the arbitrator and the Supreme Court as well as attendances at several informal settlement conferences with the Head Contractor. Laina successfully negotiated an outcome that was well within the reserves that Berkley Insurance had set for the matter but also represented an excellent outcome for the insured for which they were most appreciative.

Laina is widely published and gives back to the profession

There can be no doubt that Laina has immersed herself in the law and has been lucky to have learned from great and talented minds such as Kirby JA and Professor J W Carter. Laina's publications on the interplay between insurance and construction law, the enforcement of extended contractual warranties and alternative dispute resolution are used nationally and internationally. Further, she has lectured on Masters Programs on Construction and Contracts Law at both the University of Melbourne and the University of Sydney. It is a tribute to her that her textbook with Professor J W Carter on Contract and the Australian Consumer Law is a recommended textbook for the Torts and Contracts course at the University of Sydney. Her work with Professor J W Carter on the restitution is also on the reading list for remedies for the Masters of Construction Law at the University of Melbourne. She is currently an instructor for the New South Wales Bar Reading Course, volunteers for the New South Wales Bar Pro Bono Scheme and always puts her hand up to mentor three to four mentees a year.

I have had the privilege of meeting a couple of Laina's mentees who have spoken very highly about their time with her and the teachings that would remain with them forever. Laina comes from a very learned family all of whom understand the importance of encouraging and nurturing up and coming talents which has ensured that Laina is like minded and willingly gives unselfishly her time to those that she is mentoring.

It is rare to find such a humble super talent but I can say without equivocation that Laina is that person. I believe that her contribution to the law ought to be recognised as a stand out talent and it is for this reason I highly recommend that she be awarded the accolade of Barrister of the Year .

Should any further information with respect to this reference be required I can be contacted on my cell phone: 0410550543.

Barbara Stenning



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Our Reference

Your Reference

1 September 2023

Ms Laina Chan
Barrister
Second Floor Selbourne Chambers
Level 2, 174 Phillip Street
SYDNEY NSW 2000

Dear Laina,

RE: TESTIMONIAL

Laina Chan was my client's opposing Counsel in important Supreme Court proceedings. She did such a good job that I have seen fit to recommend her services to my clients subsequently.

*J. E. McDermott BA LLB
Principal, McDermott & Associates*

All the best,

JOHN EMMET McDERMOTT
McDERMOTT & ASSOCIATES



23 May 2023

To Whom It May Concern

Re: Reference for Laina Chan

I am writing this letter to recommend Laina Chan for appointment as barrister of the year.

I have been engaging counsel for more than 20 years and have found Ms Chan to consistently attempt to provide the most comprehensive assistance available.

Ms Chan is always very well-presented, well prepared, and fully engaged. She consistently shares her thoughts as they develop and encourages open dialogue; which ultimately benefits the client.

Ms Chan plainly has a deep knowledge and understanding of the law and its application, and she is always across the leading authorities. She approaches each step of each matter with a high degree of skill and sound judgment. She presents carefully constructed pleadings that although relating to complex issues, are so well-worded to ensure an ease of understanding. All correspondence is similarly drafted to the highest calibre.

Ms Chan is always approachable, respectful, and considerate in her dealings. Her honesty and integrity are beyond reproach.

I have no hesitation in recommending Ms Chan.

I can be contacted on either 0411 419 927 or brturnbull@hwle.com.au should you wish to discuss the above further.

Yours sincerely



Brett Turnbull
Partner
HWL Ebsworth Lawyers

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brturnbull@hwle.com.au

Adelaide
Brisbane
Canberra
Darwin
Hobart
Melbourne
Norwest
Perth
Sydney

23 May 2023

To Whom it may concern

Our ref
KLG

Contact
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Principal
Keely Graham

Dear Sir/Madam

RE: LAINA CHAN, BARRISTER AT LAW

I have briefed Laina for a number of years now.

Laina is an easy choice for both myself and my clients in matters involving construction and/or property law. Her knowledge in these areas is exceptional. If a matter involves an idiosyncratic query or consideration, Laina will surprisingly promptly refer to a judgment or relatively unknown legislative provision directly on topic. Perhaps this should not be surprising, as she literally wrote the textbook.

Laina applies her extensive legal knowledge not only with ethics and integrity but also in a commercial manner to achieve the best outcome for her clients. Unlike some barristers, disputes are not a black or white outcome for Laina but involve understanding and appreciating risks, the optimal approach and best resolution methods.

Further still, Laina has always proven herself willing to go beyond her retainer, nurturing both legal and insurance professionals, including those not likely to ever be in a position to refer her work.

I have no hesitation recommending Laina as a barrister.

Yours faithfully
McInnes Wilson Lawyers



Keely Graham
Principal

19 May 2023

Mills Oakley
ABN: 51 493 069 734

Your ref:
Our ref: SCSS/

All correspondence to:
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Partner
Stefan Sudweeks +61 2 8035 7936
Email:
ssudweeks@millsOakley.com.au

To whom it my concern

I have known Laina Chan of Selbourne Chambers for more than 6 years. As partner of Mills Oakley and former head of the Insurance team at Jackson McDonald lawyers I brief Laina to provide opinion work and to act in the defence of complex Professional indemnity, Directors & Officers and construction claims. I select Laina as Counsel not only because I hold her in the highest regard, for her intelligence, insight and knowledge of the Law, but also because she has gained the confidence of National and International insurers who request her engagement.

In relation to her opinion work, her advice displays sound judgement, is well reasoned and is concise. As to her defence work, Laina has the ability to identify the issue/s and is not distracted by matters that are not relevant to the determination of the claim. Her collation and analysis of the evidence ensures that the interests of the client are protected and the case is presented to the Court in its best form. Laina is unique, with respect, to other Counsel as she is always mindful of alternate resolution strategies and is highly skilled at mediations.

Laina is a published author in construction, she accepts briefs to assist parties in need of representation (at her cost) and for these reasons, and because of what is said above, I would commend Laina as Counsel.

Yours sincerely



STEFAN SUDWEEKS
PARTNER

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24 May 2023

Reference for Ms Laina Chan

I have known Laina Chan of Selbourne Chambers for almost 3 years. As an Associate at Paradise Charnock O'Brien, I have briefed Laina on a number of complex construction disputes.

I have consistently been impressed with Laina's ability to articulate complex legal arguments as well as her unwavering commitment to assist clients with professionalism and integrity.

Laina has an outstanding ability and comprehensive understanding of the law and possesses exceptional advocacy skills to communicate this in the Court room. Laina has a unique ability to articulate complex legal arguments. I often refer to Laina as the "queen of construction law" to my colleagues due to her ability to navigate and articulate complex legal issues.

Laina has an ability to command the stage and make eloquent and sophisticated technical legal arguments which have resulted in favourable outcomes for our clients. Laina is always transparent and fair with the advice she provides to clients and contributes enormously in the administration of justice.

Laina is always willing and able to take the time to discuss matters and goes above and beyond in times of need. Her assistance does not go unnoticed.

I look up to Laina and see her as a mentor. She is always willing to share her knowledge and experience. Beyond her remarkable professional achievements, Laina also actively contributes to the legal community with her contributions at professional development training programs to educate legal professionals with the relevant skills and competencies required in the profession.

I believe Laina's contribution to her clients, coworkers and to the law should be recognised, and strongly recommend that Laina be awarded the accolade of Barrister of the Year.

Should you require any further information with respect to this reference, please do not hesitate to contact the writer.

Yours faithfully,



Daniel Tassone
Associate

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LAW FIRM

Lawyers Weekly
Australian Law Awards 2023

24 May 2023

RE: Nomination for Ms. Laina Chan for the Lawyers Weekly Australian Barrister of the Year

Dear Members of the Selection Committee

I am writing to passionately nominate Ms. Laina Chan for the Lawyers Weekly Australian Barrister of the Year award. As a principal solicitor who has had the unique honour of both instructing Ms. Chan on a multitude of cases and receiving her mentorship since my graduation from law school in 2016, I am uniquely positioned to attest to her remarkable expertise, tireless dedication, and profound professionalism. The depth of Ms. Chan's legal knowledge is truly extraordinary. Her comprehensive understanding of various legal principles and jurisprudence, combined with her razor-sharp analytical skills, make her an expert strategist. In every case she handles, she systematically identifies the core issues, anticipates potential challenges, and devises robust legal strategies that consistently yield favourable outcomes.

Moreover, Ms. Chan's aptitude is not confined to pure legal theory; she is also an exceptionally pragmatic barrister. She understands that clients need solutions that are not only legally sound but also commercially viable. This attribute is particularly evident in her ability to dissect intricate business dynamics and provide legal advice that aligns with the client's commercial realities. Her solutions are not only legally robust, but also strategically designed to optimize commercial advantages for her clients.

Ms. Chan's professionalism extends beyond her legal knowledge and strategic capabilities. She is deeply committed to the ethical practice of law, always placing her clients' interests first. She does not simply see clients as sources of business, but treats each one as a trusted partner. This approach is refreshing and has earned her high praise from the clients we have served together, who routinely commend her for her integrity, sensitivity, and dedication to their cause. In my capacity as a solicitor, working with Ms. Chan has been immensely rewarding. Her clear and concise communication makes instructing her straightforward and efficient. Her thoughtful and timely advice is a testament to her vast experience and deep understanding of the law, making her an invaluable collaborator and mentor.

In conclusion, Ms. Chan's unwavering commitment to excellence, profound understanding of law, and sharp strategic insights are a credit to the legal profession. I am confident that her ongoing contributions to the field of law make her an outstanding candidate for the Lawyers Weekly Australian Barrister of the Year award. I earnestly recommend Ms. Chan for this esteemed recognition and thank you for considering my nomination.

Yours sincerely,



Lapis Arch Legal
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13 April 2023

LawyersWeekly
Australian Law Awards
Barrister of the Year

To whom it may concern,

**Australian Law Awards - Barrister of the Year
Reference for Laina Chan**

I am writing this letter to express my wholehearted support for Laina Chan, a truly exceptional nominee for LawyersWeekly Barrister of the Year.

Laina is not only an outstanding advocate but also an incredible mentor within the legal profession.

Laina's accomplishments and contributions to the legal field are nothing short of remarkable. As a co-author of textbooks published by a reputable publishing house, she has demonstrated her expertise and dedication to the pursuit of knowledge. Her publications have undoubtedly become invaluable resources for law students and practitioners alike, and she has undoubtedly left a lasting impact on the legal community.

Last year Laina acted in two controversial cases: *Roberts v Goodwin Street Developments Pty Ltd* [2023] NSWCA 5; and *Goodwin Street Developments Pty Ltd atf Jesmond Unit Trust v DSD Builders Pty Ltd (in liq)* [2022] NSWSC 624, which later became a landmark case that every construction lawyer talks about in respect of the extent of duty of care imposed in construction projects in NSW. These cases stand out as a testament to her legal acumen. Those cases showcased Laina's ability and tireless efforts to navigate complex legal landscapes and adapt to evolving circumstances, which are truly commendable.

However, it is not just Laina's legal prowess that sets her apart; it is her unwavering dedication to mentorship and empowering aspiring lawyers that truly makes her a standout candidate for this esteemed award. Laina's passion for guiding and supporting aspiring lawyers is unmatched. She understands the challenges that young legal professionals face, and she goes above and beyond to provide the necessary guidance and encouragement to overcome obstacles that anyone may confront throughout legal career.

Particularly, Laina's commitment to empowering female lawyers is truly inspiring. She recognises the importance of diversity and inclusion within the legal profession and actively works to create opportunities for aspiring female lawyers to thrive. Her mentorship extends far beyond the professional realm, as she provides a nurturing and supportive environment for young women to develop their skills, build confidence, and realise their full potential. I am truly honoured to be one of those who have benefited from her extraordinary mentorship.

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Perth
Sydney

If Laina does not win the Lawyers Weekly Barrister of the Year award, I genuinely struggle to think of another candidate who could be more deserving. Her exceptional legal skills, her dedication to her clients, her contributions to the legal field through her publications, unwavering commitment to mentorship and empowerment make her an exemplary nominee.

Laina's presence in the legal community has made a significant and positive impact, and I have no doubt that she will continue to inspire and lead by example for years to come.

I urge you to give Laina the recognition she truly deserves, as she is not only an outstanding lawyer but also a guiding principle and inspiration for aspiring legal professionals.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Jina Kim', written in a cursive style.

Jina Kim
Associate
HWL Ebsworth Lawyers

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jxkim@hwle.com.au

To whom it may concern

23 May 2023

Re: Laina Chan

I first met Laina, substantively, at a dinner when she had just been awarded the Lawyers Weekly Women in Law Barrister of the Year award. She was who I wanted to be – a successful woman from a diverse background similar to my own. We started chatting and I was asked if I could assist with some pro bono work that she was doing.

In the ensuing years I have worked with Laina on multiple matters, including twice in the Court of Appeal. As her junior, I have watched her take to my work with the digital equivalent of red pen. Her superior advocacy experience and legal acumen is used to expunge the mistakes and frivolities from my draft submissions, the work not complete until the submissions are both “tight” and “right”.

This acumen is applied to both commercial matters and her work on *pro bono* matters referred by the Bar Association’s Legal Assistance Referral Scheme; I have had the privilege of working with Laina on both, and in the finest traditions of the Bar she gives every case her utmost.

Another of the finest traditions of the Bar is the “open door policy”, where senior barristers give advice to junior barristers. Laina’s subject matter expertise in construction and insurance law makes her my first port of call when I have questions about those areas of law. She is always generous with her time and happy to workshop issues with me.

Laina’s practical work is enough basis for her to be awarded Australian Barrister of the Year, but it is as a mentor that she truly comes to the fore. The Bar is traditionally very “male, pale and stale”, and Laina is nothing but. The typical migrant at the Bar is a white man from the UK; an immigrant woman from South-east Asia has very few role models to look up to. Although the mentoring relationship arose organically, and not formally through an established scheme, I could not have asked for a better mentor. Laina has been supportive, practical and pragmatic, and most important of all, always available.

I highly commend Laina Chan as a worthy future recipient of the Australian Barrister of the Year Award

Warm regards



Dr Ada Lim
BSc MBBS DipLaw
Barrister
Third Floor St James’ Hall

2 August 2022

Ms Laina Chan
2 Selborne Chambers
Level 2
174 Phillip Street
SYDNEY NSW 2000

Mr Kunal Sharma
Banco Chambers
Level 15
60 Martin Place
SYDNEY NSW 2000

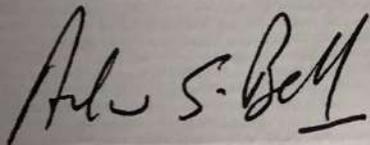
Dear Laina and Kunal

Belatedly but sincerely, I just wanted to drop you both a line to acknowledge and thank you for having appeared pro bono last year in the matter of *Aslan v Stepanoski*.

The Court benefits enormously from assistance of the kind you both provided in the finest traditions of the Bar. That assistance was enormously useful – our system requires a proper contradictor and your willingness to appear contributes strongly to the administration of justice.

I hope you both are well and flourishing in 2022.

Yours sincerely



The Honourable A. S. Bell
Chief Justice of New South Wales
Supreme Court of New South Wales

1 Sept 2022

Women in Law Awards 2022
Support for Ms Laina Chan

On behalf of the New South Wales Bar Association's Legal Assistance Referral Scheme (LARS) it is a great pleasure to offer our support for Ms Laina Chan's nomination for barrister of the year.

During FY21-22, Laina has provided valuable pro bono assistance in four different matters, two of which are complex proceedings before the Supreme Court and Court of Appeal.

It is particularly noteworthy that Laina has secured favourable outcomes for her pro bono clients in *Aslan v Stepanoski* [2022] NSWCA 24 and in *Goyal v West* [2021] NSWSC 526. Both matters involving unconscionable conduct and significant financial loss for the litigants.

Our clients frequently experience vulnerabilities including disability, under-employment or mental health concerns. The clients are not always capable of providing clear instructions or a coherent picture of the desired outcome. Laina has responded to these challenges by approaching all of her clients with empathy, respect and patience.

Laina's assistance in these matters has also worked to strengthen the relationship between the Courts and with members of the bar. Most applicants referred by the Courts are not eligible for assistance from Legal Aid NSW, nor are many Applicants able to afford representation. Through the participation of barristers in this pro-bono scheme, the Court is able to directly refer applicants that are in need of Assistance to members of the Bar who are willing to volunteer their time and expertise.

I wish to commend Laina for her ongoing commitment to access to justice and pro bono.

Yours sincerely,



Katie Green
Managing Solicitor
Legal Assistance Referral Scheme

Date: 24 May 2023

TO WHOM IT MAY CONCERN
REFERENCE FOR LAINA CHAN BARRISTER

It is with great pleasure, honour and pride that I write this personal reference for Ms Laina Chan Barrister. I was fortunate to have Ms Chan represent me as senior Barrister in my Appeal matter in the New South Wales Court of Appeal in the Supreme Court of NSW in November 2021, in *Aslan v Stepanoski* [2022] NSWCA, Ms Chan worked extremely hard with her Junior Barrister Mr Kunal Sharma on my case on a Pro Bono basis through the New South Wales Bar Pro Bono Scheme, and delivered a life changing outcome for me personally and my family by winning my Appeal case in February 2022. She then successfully resisted an application for an adverse costs order against me in the same case.

Ms Chan professionally and sincerely fought for me and successfully persuaded the 3 Honourable Appeal Court Judges to overturn a \$2.7m judgement against me in the lower Court for restitution and damages for consequential loss, and helped secure a \$50,000 judgement for me for unpaid invoice plus all my legal costs for my appeal and for the trial case that went on for over 6 years prior in the lower Court.

Ms Chan saved my life and livelihood in many ways, I was on the verge of bankruptcy if it was not for Ms Chan who barracked for me, believed in me and defended my case, and turned my whole life around. I cannot thank her enough and I'm extremely grateful to her and sincerely forever indebted to her for her amazing efforts and hard work, her dedication to her honourable profession, her honesty and strong belief in me and in my case that it was a just case, and for her belief in herself and persistence in making sure justice is served and the truth triumph.

I hereby nominate in all honesty and sincerity Ms Laina Chan to any award she wishes to apply to and especially in this instance to the "Barrister of the Year Award", and I strongly believe that Ms Laina Chan deserves recognition for being a first class Barrister and lawyer that not only succeeds in her searches for the truth and justice but is also a wonderful warm and compassionate person who care about her clients interests above all else.

I wish Ms Laina Chan all the best in winning this competition for the "Barrister of the Year Award", and strongly feel she deserves this title and more, and I wish her well in all her professional career endeavours and advancement.

Yours faithfully,



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