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David Levin Q.C.
Curriculum Vitae

My professional qualifications are that I graduated in Economics and Law at Cambridge in 1971, I have been a barrister since 1972 (in UK) and 1977 (in Victoria) and a Q.C. since November 1997. I was a director of Barristers Chambers Ltd (October 1998 to July 2005) and from October 1994 until June 2003 I was an alternate director of Barfund Pty Ltd, the trustee of the Bar's superannuation fund. I am a member of both the Chartered Institute of Arbitrators and the LCIA and a Grade 1 arbitrator accredited by IAMA. I am an Australian National Mediator accredited under the National Mediator Accreditation System. I am a member of [Melbourne TEC Chambers](#). Although my practice is based in Australia I am also a door tenant at [Fenners Chambers](#) in Cambridge in respect of arbitration and mediation matters.

I have been in private practice as a barrister since 1973. I have acted as both arbitrator, mediator, expert determiner and special referee. In my professional career over a number of years I have specialised in construction and computer litigation. Set out below are some of the matters in which I have acted.

Computer Litigation

I have acted as counsel in a number of computer disputes and cases involving the use of computers including Integer Computing v Facom Ltd Madeley Pty Ltd v Touche Ross , Tasmania Bank v Peak Marwick, Acohs Pty Ltd v Merck Pty Ltd , Redflex Traffic Systems v American Traffic Systems, Kilpatrick Green

DAVID LEVIN Q.C.

BARRISTER

LIST B

Pty Ltd v Leading Synthetics Pty Ltd and RACV v Unisys. In 2000-2001 I was briefed in the Metrail Ticketing dispute and have acted in relation to the software used in freeway tolling.

Construction Litigation and Arbitration

I have undertaken numerous actions and arbitrations as counsel involving infrastructure construction projects all over Australia. Inter alia, these have involved pipelines, power generation plants, gas plants, oil and gas facilities (onshore and offshore), desalination plants, wind farms, railway lines and stations, roads, tunnels, bridges as well as multilevel office, retail and residential structures.

Arbitrator

Between July and October 1998 I acted as arbitrator in an arbitration involving a Queensland dredging company and six Melbourne councils in an extensive dispute in which both sides were represented by senior and junior counsel and in which interim and final awards were ultimately delivered. I have acted as arbitrator in several other disputes, none of which ultimately proceeded to an award.

Special Referee

Until June 2012 I held an appointment as Special Referee appointed by the Technology, Engineering and Construction List of the Supreme Court of Victoria in a dispute between a head contractor and subcontractor relating to waterproofing of an apartment building. The hearing occupied three weeks; the report to the court exceeded 200 pages.

Appointment as Expert

In about 1999 I was appointed as an expert in relation to a dispute arising between various parties in relation to the Western Link of City Link, pursuant to the expert determination provisions of the Melbourne City Link legislation. I have held other expert appointments.

Mediator

From time to time I am nominated as a mediator in relation to Supreme Court and Federal Court proceedings. Details are of course confidential but they have generally involved disputes relating to construction projects, mining developments and infrastructure.

Other Appointments:

Advocate member of the Legal Profession Tribunal April 1997 – 10 June 2013. The Tribunal is composed of a chairman (a retired judge) and a lay person and an advocate member drawn from the same side of the legal profession as the party the subject of the hearing.

In the last ten years I have sat on five tribunal hearings:

Date	Plaintiff	Defendant
21/7/03	Victorian Bar Inc	Alan Walter Sandbach
22/9/03	Les Thomas on behalf of Tenth Vandy Pty Ltd	Taylor Splatt & Partners and Matthew Stirling
1/9/04	Victorian Bar Inc	Alan Herskope
16/9/04	Victorian Bar Inc	David Perkins
13/5/05	Victorian Bar Inc	Shane Kennedy

A nominee of the Victorian Bar to the Supreme Court Technology, Engineering and Construction (TEC) List Users Group

Former President, Victorian Society for Computers and the Law Inc (2003-6)

Former Treasurer, Victorian Society for Computers and the Law Inc (1998-2003)

Former Public Officer, Victorian Society for Computers and the Law Inc (2000-6)

Former Chair of the Victorian Bar Dispute Resolution Committee (2004-5)

Member of the Chartered Institute of Arbitrators

Grade 1 Arbitrator accredited by the Institute of Arbitrators and Mediators Australia

Advanced Mediator accredited by the Victorian Bar Inc.

Australian National Mediator accredited under the National Mediator Accreditation System

Member of the Chartered Institute of Arbitrators (Australian Branch) AuDA Panel Member

Member of the drafting committee for the Victorian Supreme Court practice notes relating to the use of technology in civil litigation (PN 1 of 2002 and PN 1 of 2007)

Member of World Intellectual Property Organisation's (WIPO) Domain Name Disputes Panel and a WIPO Neutral. Below is a list of Domain Name Disputes to which I have been appointed as sole panellist:

Date of Determination	Claimant	Respondent	WIPO ID No
December 16, 2003	Macquarie Bank Ltd	Mike Smith	D2003-0890
January 29, 2004	Alfred Ritter GmbH	ICL Inc	D2003-0924

	& Co KG		
July 30, 2004	Dell Inc	Asia Ventures Inc	D2004-0452
September 5 , 2004	NIS Sparta Ltd	VenturaDomains	D2004-0544
May 2006	Volkswagen AG	Milas Auto	DTV2006-0003
May 2006	HUK-COBURG haftpflicht- Unterstützungs- Kasse kraftfahrender Beamter Deutschlands a.G.	DOMIBOT (HUK-COBURG- COM-DOM)	D2006-0439
May 2007	F. Hoffmann-La Roche AG	Holy & Blessed Corp. Holy & Blessed Corp.	D2007-0234
May 2007	Credit Industriel et Commercial en abrégé CIC v.	Caribbean Online International Ltd.	D2007-0423
May 2007	Credit Industriel et Commercial S.A. , CM-CIC Securities v.	Homeshop	D2007-0530
December 2007	Asurion Corp v	Domain Park Ltd	D2007-1633
January 2009	Campagnolo S.r.l.	Texas International Property Associates	D2008-1817
June 2010	Avon Products Inc	Tebix Creative	D2010-0669
February 13, 2011	The Coca-Cola Company	George Georgioy	D2010-2245
4 Sept 2011	LEGO Juris A/S	Chen Wenjie	D2011-1286
4 Sept 2011	LEGO Juris A/S	Ji xiangpeng	D2011-1267
4 Sept 2011	LEGO Juris A/S	mohd halimi zulkifli	D2011-1038
6 Sept 2011	LEGO Juris A/S	Lego Star Wars Minifigs	D2011-1231
18 November 2011	Genting Berhad	peerapap, peerapap sasomsub/ Protected Domain Services	D2011-1552
23 December 2011	Jackson National Life Insurance Company	wwwjacksonnationallife.com N4892	D2011-1855
31 January 2012	Groupe Auchan	Net Admin	D2011-2030
31 January 2012	Acme Electric, LLC	Private Registrations Aktien Gesellschaft, Domain Admin	D2011-2215
9 April 2012	Barclays Bank PLC	Privacy Protect.org / Private New	D2012-0294
24 April 2012	Pepper Australia Pty Ltd	Massive Networks Pty Ltd	DAU2012-0007
April 2015	Orient Express Travel Group Pty Ltd	Mookstar Media Pty Ltd	DAU2015-0004

Papers presented or published, conferences chaired etc:

Date	Title	Venue/Publication
February 1995	Damage without Loss: A Legal Conundrum	(1994) 11 BCL 2
18/11/98	Recent Developments in Arbitration and Construction Law	Institute of Arbitrators & Mediators Australia (Victorian Chapter) in conjunction with Building Disputes Practitioners Society Inc
24/3/99	Sands & McDougall Wholesale – running accounts, s.122 Bankruptcy Act and the potential liability of the Australian Taxation Office to repay tax instalments as voidable preferences	Workshop for Solicitors at Seabrook Chambers
June 2001	Litigation, Computers and the Internet	8 th Greek/Australian International Legal and Medical Conference Corfu
19/3/2003	Contributing author/speaker at seminar for the Supreme Court Judiciary entitled Judicial Involvement in Techno-Trials Session Two – Pre Trial Session	Victorian Supreme Court
11/6/03	Building & Construction Industry Security of Payments Act 2002 (Vic)	Seminar for the Construction Section of the Commercial Bar Association
24/6/03	Cybersquatting, Cyberbullying, Typosquatting and Domain Name Dispute Resolution	Seminar to IP solicitors for Green's List
August 2003	"The End of Expert Determination?"	The Arbitrator & Mediator Journal; August 2003 Volume 22 Number 2
26 August 2003	"On-Line Alternative Dispute Resolution"	Convenor of seminar for the Victorian Bar ADR Committee in conjunction with the Victorian Society for Computers and the Law Inc,
5-6 July 2004	Chair of session entitled ' <i>ODR Practice</i> ' with Professor Gregory Kirsten of the University of Ottawa speaking on e-Negotiation; Professor Susan Raines of Kennesaw State University speaking on Online Mediation Practice; and Philip Argy of Malleson Stephen Jaques speaking on Online Arbitration	3 rd UN Forum on Online Dispute Resolution
21-22 October 2004	Member of panel to speak on ' <i>Awareness of Technology in Court</i> '	Court Technology Conference at the Sir Zelman Cowen Centre jointly presented by the Centre and the Australian Institute of Judicial Administration
10-12 November 2004	Convenor and chair of session entitled ' <i>Dispute Resolution in the Digital Age</i> ' with Melissa Conley Tyler speaking on Online Dispute Resolution: A Primer for Lawyers	Legal Technology Conference convened by the Sir Zelman Cowen Centre and the Victorian Society for Computers and the Law Inc

Date	Title	Venue/Publication
	Jaime Tan speaking on <i>Negotiating online: An empirical examination of how communication context makes a difference</i> Elisabeth Wentworth speaking on <i>'Keeping the keyboard in perspective - multi skilling for dispute resolution lawyers in the digital age</i> Professor John Zeleznikov speaking on <i>Intelligent decision support for dispute resolution</i>	
Feb 2006	<i>Is a building contract specifically enforceable and, if so, under what circumstances?</i>	(2007) 23 BCL 16 article written with Andrew Laird
10 July 2008	e-Trials and e-Tribulations: the myths of electronic trials.	Keynote address at the Legal Technology Conference at Melbourne University Law School
16 July 2008	Slaying the Lernaean Hydra in Victoria: A critical comparison of the new Supreme Court Building Cases Practice Direction No 1 of 2008 and the English Technology and Construction Court practice with particular reference to the litigation between Multiplex and Cleveland Bridge arising out of the construction of the new Wembley Stadium.	Presentation for Building Disputes Practitioners' Society and article published in the BDPS Newsletter Issue 32
December 2008	The Final Result: A discussion paper on the final decision on the merits and costs in the Multiplex and Cleveland Bridge litigation in the English Technology and Construction Court arising out of the construction of the new Wembley Stadium	Article published in the BDPS Newsletter Issue 33 and in the Quarterly Newsletter of Building Disputes Tribunal (NZ) Ltd – Issue No 1 - March 2009
30 May 2009	It Takes Two to Tango: Judicial Encouragement of ADR	Paper presented to the IAMA 2009 Annual conference and published in <i>The Arbitrator & Mediator</i> (2009) 28 (1) 71
Oct 2009	Proportionate Liability in Arbitrations in Australia?	(2009) BCL 298
Sept 2009	Costs, Judicial Discretion and the encouragement of ADR in Hong Kong	<i>Asian Dispute Review</i> (2009 Asian DR 104
18 June 2010	The choice of dispute resolution and its implications for proportionate liability claims	Paper presented at the Society of Construction Law of Australia Conference in Perth
Oct 2010	The unsuccessful tenderer – legal rights and remedies	(2010) 26 BCL 324
March-May 2011	Proportionate Liability: The Australian Experience.	A series of three articles for <i>Buildlaw</i> , the NZ Building Disputes Tribunal journal, Issues 9-11
18 March 2011	Overcoming Uncertainties in Proportionate Liability	Lecture to Lexis-Nexis conference, Stamford Hotel, Melbourne
30 March 2011	Refining your mediation skills for resolving commercial disputes	Legalwise Seminar, RACV Club Melbourne

Date	Title	Venue/Publication
6 August 2011	Expert Evidence in Complex Construction Disputes – The Australian Approach	Paper presented at the Society of Construction Law of Australia Annual Conference in Brisbane
December 2011	Conflicts in construction law – acting for insurer and insured	Construction Law International: Vol 6 Issue 4 p.7
December 2012	Must a payment claim be made in good faith? (written with Luke Stanistreet)	(2012) 28 BCL 388
Dec 2012	BIM - Do lawyers need to care?	Australian Construction Law Bulletin
June 2013	Proportionate liability in arbitrations in Australia: Resolution of some uncertainties	(2013) 29 BCL 230
October 2015	The period of limitation in Victorian building actions	(2015) 31 BCL 268

I also regularly undertake seminars for the Bar Readers' Course to discuss document management for barristers and explain how computers can assist in the handling of complex litigation.

David Levin