

NEW MEMBERS

March 2020

FOLEY'S LIST

Foley's List are proud to welcome our March 2020 readers. The group reflect's the diversity of backgrounds and breadth of legal knowledge of Foley's List.

To brief a Foley's List barrister, please contact a member of our experienced clerking team by calling 03 9225 7777 or emailing foleys@foleys.com.au.

John Kelly, Chief Clerk/CEO Foley's List

TESSA DUTHIE

Tessa practises in employment and industrial law. She also accepts briefs in commercial law, public and administrative law and quasi-criminal matters such as Occupational Health & Safety.

Prior to joining the Bar, Tessa was an Associate in Gadens' Employment Advisory Team. Tessa represented clients in employment and industrial disputes, including claims arising from general protections, discrimination, sexual harassment, breach of restraint or confidentiality obligations and unfair dismissals. Tessa appeared frequently as a solicitor advocate in a number of State and Federal Courts, as well as specialist tribunals such as the Fair Work Commission. Tessa also assisted clients to defend OH&S prosecutions and provided advice to clients regarding employment contracts and enterprise agreements.

Before settling in the Employment Advisory Team, Tessa practised as a solicitor in Gadens' Commercial Litigation Team, working on a range of matters involving directors' disputes, shareholder oppression and debt recovery.

Tessa holds a Bachelor of Laws (Hons) and a Bachelor of Arts majoring in Communications and Sociology (with Distinction).

Tessa is reading with Marc Felman and her Senior Mentor is Stuart Wood QC.

AREAS OF PRACTICE

- Employment and Industrial Law
- Public and Administrative Law
- Commercial Law
- Occupational Health & Safety (OH&S)



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THINK FOLEY'S

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RAPHAEL DE VIETRI

Raphael practices predominantly in criminal law, with a focus on serious and complex time.

He is experienced in trials and appeals, and he has regularly appeared unled in the Supreme Court and Court of Appeal: e.g. *Shiel v The Queen* (2017) 271 A Crim R 146; *Dennis v The Queen* [2017] VSCA 251.

He has experience across all crime-types including terrorism, murder, sex offences, drug importation, fraud, corporate and regulatory prosecutions, war crimes and military offences.

He has a special interest in criminal litigation involving human rights issues: e.g. *Baker v DPP & Ors* (2017) 270 A Crim R 318; *DPP v Rayment* (2018) 57 VR 622.

He has particular expertise in federal criminal law. He often represents members of the Defence Force in military and civilian courts; e.g. *Betts v Chief of Army* [2017] ADFDAT 2; *DPP v Morey* [2020] VCC 320. He recently appeared in the Brereton Inquiry into Allegations of War Crimes by Australian Special Forces Soldiers in Afghanistan.

His practice extends to quasi-criminal proceedings including supervision orders, commissions, inquests, compulsory examinations, extradition, professional disciplinary proceedings, proceeds of crime, and administrative reviews.

Raphael speaks fluent French.

Raphael is reading with Ruth Shann. His senior mentors are Daniel Gurvich QC and Felicity Gerry QC.

AREAS OF PRACTICE

- Criminal & Quasi-Criminal Law
- Human Rights
- Military Law
- Inquests, Inquiries, Tribunals & Commissions



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ALEXANDRA FINEMORE

Alex accepts briefs to appear in, and advise on, matters involving all aspects of family law and wills & estates.

She graduated from Monash University where she developed an interest in family law having undertaken research under the supervision of The Honourable Nahum Mushin. Her research, which related to the Court's treatment of children with gender identity disorder, was subsequently published in the Law Institute Journal [LIJ July 2014, The (fe) male conundrum].

Alex commenced her legal career as a solicitor gaining experience in a broad range of areas including commercial law, personal injury law, family law, property law, wills & estates and crime.

In the last five years prior to being called to the bar, Alex worked exclusively in family law as a Senior Associate at two specialist Melbourne CBD family law firms. She provided strategic and litigation advice in all aspects of the jurisdiction including:

- Property settlements for married and de-facto couples involving complex corporate structures, discretionary trusts, foreign assets, valuation disputes, tax issues and third parties;

- Spousal maintenance disputes and Binding Financial Agreements;

- Parenting matters involving parental alienation, family violence, relocation, allegations of sexual abuse and parental incapacity associated with mental ill health, terminal illness and drug/alcohol abuse;

- Child support agreements and disputes;

- Family Violence Intervention Orders.

Alex is a member of the Family Law Bar Association and the Women Barristers Bar Association. She is also a founding member and past-President of BottledSnail Productions which is a not-for-profit organisation dedicated to providing creative opportunities to members of the legal community.

Alex is reading with Helen Dellidis of Counsel and her Senior Mentor is Carolyn Sparke QC.

AREAS OF PRACTICE

- Family Law
- Wills & Estates
- Guardianship & Administration
- Intervention Orders



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JEREMY KARITZIS

Jeremy accepts briefs in all areas of common law, criminal law, and quasi-criminal law, including proceeds of crime litigation, occupational health and safety matters, inquests and other disciplinary proceedings.

He is available to appear at all metropolitan and regional courts and tribunals.

Jeremy also accepts briefs to appear and advise in family law, employment and industrial relations and administrative law matters.

He comes to the Bar with practical insight into, and extensive knowledge of, the preparation, conduct and management of a wide range of proceedings and disputes involving considerable factual and legal complexity in the personal injuries and criminal law jurisdictions.

Prior to coming to the Bar, Jeremy was Associate to Her Honour Judge Davis at the County Court of Victoria where her Honour sat in the Criminal Division and Common Law Division. In that role, Jeremy developed an enhanced understanding of evidence, sentencing and criminal procedure and was

heavily involved in the operation of trials, pleas, bail applications, appeals, supervision order applications and mental impairment matters before the Court.

Jeremy also gained considerable experience assisting in the running of common law proceedings including serious injury applications, medical panel referrals, interlocutory applications, damages trials (both cause and jury) and recoveries litigation.

Jeremy speaks fluent Greek and Italian.

Jeremy is currently reading with Roslyn Kaye and his Senior Mentor is Justin Hannebery QC.

AREAS OF PRACTICE

- Common Law
- Criminal and Quasi-Criminal Law
- Family Law
- Employment & Industrial Relations
- Administrative Law



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MADELEINE SARGENT

Madeleine is an experienced advocate who accepts briefs to appear and advise in all areas of criminal law, including quasi-criminal areas, such as coronial inquests, disciplinary tribunals, investigations and Royal Commissions. She also welcomes briefs arising from local government and Worksafe prosecutions.

Prior to signing the bar roll, Madeleine gained significant experience as a Solicitor Advocate at the Office of Public Prosecutions. She prepared and appeared in a wide variety of indictable criminal matters, including homicides, historical sex offences and drug offences. Madeleine regularly appeared in the Children's, Magistrates' and County Courts in contested hearings, bail applications, pleas and appeals. Madeleine also travelled extensively in this role, appearing in courts around regional Victoria.

In addition to her criminal law practice, Madeleine accepts briefs to appear and advise in family law matters. She has considerable family law experience having instructed and appeared in family law hearings while

employed at a generalist private law firm.

Madeleine is reading with Elizabeth Ruddle. Her senior mentor is Patrick M O'Shannessy SC.

AREAS OF PRACTICE

- Criminal Law
- Occupational Health & Safety (OH&S)
- Inquests, Inquiries, Tribunals & Commissions
- Disciplinary Proceedings
- Family Law



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ROBERT GLAVAS

Robert practises primarily in commercial law. He also accepts briefs in public law, common law and quasi-criminal matters.

Before coming to the Bar, Robert was a Principal Lawyer in the Dispute Resolution and Litigation group at Macpherson Kelley. As the youngest Principal Lawyer nationally, Robert led his team on complex commercial litigation in state and federal jurisdictions throughout Australia, with a particular focus on:

- contractual disputes;
- director/shareholder disputes;
- misleading or deceptive conduct claims;
- negligence and tortious actions;
- restraints of trade;
- construction disputes; and
- real property disputes.

Earlier in his career, Robert worked for the family office of a high net worth individual based in Mayfair, London. In that role, Robert was involved in managing high-profile multi-billion pound litigation and the successful

defence of the largest ever Serious Fraud Office investigation and prosecution relating to the collapse of Iceland's largest bank, Kaupthing.

Prior to working in London, Robert completed his traineeship at Piper Alderman before practising as a solicitor in the commercial litigation team.

Robert is currently undertaking a Master of Laws degree at the University of Melbourne (expected completion 2020), with an emphasis on advanced aspects of contract interpretation, shareholders' rights, precontractual liability, commercial remedies, negligence, and construction disputes.

Robert is reading with Anna Robertson and his Senior Mentor is Julian Burnside AO QC.

AREAS OF PRACTICE

- Commercial Law
- Building and Construction
- Contractual Disputes



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JENAYA ELLIS

Jenaya accepts briefs in criminal, quasi-criminal, disciplinary and regulatory matters in all metropolitan and regional courts.

Jenaya has developed a strong advocacy practice with more than six years' experience appearing in summary and indictable hearings in the Children's, Magistrates' and County Courts. She appears in committals, contested hearings, pleas, appeals, breach proceedings and bail applications.

Immediately prior to coming to the Bar, Jenaya practised as a Solicitor and Advocate at the Office of Public Prosecutions. She managed a large and varied case load of serious indictable criminal matters including sex offences, fraud, violence, homicide and driving matters. Jenaya appeared frequently in the Magistrates' and County Courts.

Jenaya has also appeared in and advised in relation to quasi-criminal proceedings, including regulatory prosecutions and professional disciplinary hearings. She was a solicitor at the Victorian Legal Services Board and Commissioner where she advised on the sufficiency of evidence, conducted investigations and appeared on behalf of the Board and Commissioner in various courts and the Victorian Civil and Administrative Tribunal.

Her career commenced in 2013 in criminal defence where she represented clients daily and assisted counsel in the preparation of complex appellate matters heard in the Court of Appeal and High Court of Australia. She has also represented clients in Royal Commissions.

Jenaya is reading with Stewart Bayles. Her senior mentor is Mark Rochford QC.

AREAS OF PRACTICE

- Criminal Law
- Inquests, Inquiries, Tribunals & Commissions
- WorkSafe
- Regulatory Proceedings
- Disciplinary Proceedings
- Occupational Health & Safety (OH&S)



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MICHAEL ARBOGAST

Michael practises and accepts briefs in commercial law.

Michael has been practising law since 2002. He has led and completed complex, cutting-edge capital markets transactions representing the largest financial institutions in the world. He has also advised clients in litigation in connection with insolvency matters, distressed investments and hedging instruments.

Michael was deeply involved in all major aspects of the legal reforms in the wake of the GFC, including derivatives and banking regulatory reforms. Michael has also advised clients and negotiated on their behalf in regulatory investigations, enforcement proceedings and rulemakings.

Having practised in both private firms and in in-house capacities, Michael understands the needs of users of legal services and provides prompt, practical and cost-effective solutions to his clients. To this end, Michael is focused on understanding his clients' needs beyond just the legal issues at hand and is adept at identifying and advising clients on down-

the-road consequences of present-day legal choices.

Michael graduated with a Juris Doctor from Harvard Law School with honours in 2002. Prior to law school, Michael graduated with a Bachelor of Science in Commerce with honours, majoring in Finance, at DePaul University.

Michael speaks fluent Japanese and Spanish.

Michael is reading with Rodrigo Pintos-Lopes. His senior mentor is Andrew McClelland QC.

AREAS OF PRACTICE

- Commercial Law
- Public Law
- Banking and Finance



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PRIYA WAKHLU

Priya accepts briefs in commercial and defamation matters.

Prior to signing the roll Priya was an associate in the litigation team of HWL Ebsworth Lawyers. At HWL Ebsworth Lawyers Priya developed a diverse commercial litigation practice with significant trial experience. This includes acting as solicitor for trials in the Supreme Court of Victoria, the Federal Court of Australia and in hearings before the Court of Appeal.

Priya has a broad range of experience in preparing and instructing across a variety of matters including consumer law, corporations law, equity and trusts, property law, partnership disputes, contract law and a 90-day trial in relation to allegations of fraud.

Priya is also experienced in the area of defamation law. She has acted as solicitor in a defamation trial in the County Court of Victoria and advised clients in relation to claims under the Defamation Act and the Australian Consumer Law.

Priya is reading with Patrick Noonan. Her senior mentors are Ian Waller QC and Tomo Boston QC.

AREAS OF PRACTICE

- Commercial Law
- Defamation Law



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MATT MURPHY

Matt accepts briefs in all areas of criminal, quasi-criminal, and administrative law matters. This includes occupational health and safety offences, disciplinary tribunal proceedings, regulatory matters and inquests.

Prior to being called to the Bar, Matt was the Associate to His Honour Judge C Ryan at the County Court of Victoria between 2017 and 2020. He gained practical experience in summary crime, indictable crime, and occupational health and safety matters during his time at the court. Matt was responsible for preparing and critically analysed matters with His Honour in pre-trial arguments, criminal and quasi-criminal trials, pleas, interlocutory appeals and appeals from the summary jurisdiction, bail applications, supervision orders, fitness investigations, special hearings, and sentencing.

At the commencement of his career, Matt was a legal researcher to a number of criminal barristers in Melbourne.

Matt holds a Bachelor of Laws (LLB) and Bachelor of Arts (Majoring in Media) from Southern Cross University. He was the recipient of the Leo Cussen Advocacy Award in 2016.

Matt is reading with Mark Gumbleton in Crockett Chambers and his senior mentor is Robert Richter QC.

AREAS OF PRACTICE

- Criminal & Quasi-Criminal Law
- Administrative Law
- Occupational Health & Safety (OH&S)



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STEWART PINKSTONE

Stewart practises primarily in civil litigation and has particular experience in personal injuries and insurance law.

He has extensive experience in personal injury litigation having conducted a large number of common law damages trials (including multi-defendant matters) and serious injury applications in the County Court and the Supreme Court, as well as a broad range of statutory benefit disputes in the VCAT and the Magistrates' Court.

As a solicitor Stewart also gained experience in the appellate jurisdiction having acted for both applicants and respondents in a number of appeals.

Before coming to the Bar, Stewart was a Senior Associate at Russell Kennedy Lawyers where he acted for employers and the Victorian Workcover Authority (WorkSafe) in a variety of workplace accident compensation disputes. Prior to that Stewart worked for eight years as a solicitor at the Transport Accident Commission where he litigated a large number of matters in the higher Courts as well as at the VCAT.

Stewart began his legal career in late 2005 working at regional firms in Horsham and later Geelong where he gained considerable experience as an appearing solicitor in criminal and quasi criminal matters in numerous regional Courts, and also acted for clients in general commercial litigation, domestic building and estates law matters.

Stewart holds a Bachelor of Laws and a Bachelor of Science attained from Deakin University.

He is reading with Matt Walsh and his senior mentor is Paul Hayes QC.

AREAS OF PRACTICE

- Common Law
- Workers Compensation
- Public Liability
- Transport Accident Commission
- Occupational Health & Safety (OH&S)
- Inquests, Inquiries, Tribunals & Commissions



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