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Foley's List regards its barristers as among the leading authorities in their areas of practice.

Members of the List are pleased to share the knowledge and expertise of its most experienced and emerging barristers through our inhouse CPD program or in conjunction with legal firms, law associations, government agencies and external legal education providers.

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This document is updated regularly.



COMMERCIAL LAW

Foley's List Commercial Law practice area has the largest representation of List members and includes some of the most experienced barristers on the List including several Queens' or Senior Counsel.

Foley's List Barristers are highly respected amongst their peers for their proficiency in steering complex and intricate commercial trials to a successful outcome. Barristers are briefed by the leading commercial solicitors to act for government agencies, multinational corporations, private companies and individuals in relation to various commercial matters including, but not limited to banking and finance; equity and trusts; corporations law; building and construction; intellectual property; trademarks; property law; employment law; industrial disputes; and taxation.

Foley's List Barristers have appeared in jurisdictions in Australia, Asia, the United Kingdom, Europe, the United States and Oceania.

TITLE		AUTHOR	DATE	FORMAT
2011: A Year In Review	PL	Emma Pepler Stuart Morris QC	2012	Paper
A Right to Privacy?		Dr Robert Dean	2004	Paper
Adverse Action: The High Court to Reconsider the Real Reason	IR	Anna Forsyth	2014	Paper
Aktas v Westpac Banking Corporation Limited [2010] HCA 25		Thomas Warner	2010	Paper
Applications for maintenance under S.91 Administration of Probate Act - By when they must be made?	W&E	John Searle	2013	Paper Video
Asian Litigants – The Rise of Asian Litigants in Commercial Disputes		Cam Truong William Lye OAM	2017	Paper Video
Automatic Crystallisation of a Floating Charge		Dr Robert Dean	1984	Paper
“Bad Call”: Non-disclosure by franchisor of franchisee wage costs	IR	Glen Pauline	2015	Paper
Boman Irani & Ors v St George Bank Ltd (2008) 22 VR 135		Thomas Warner	2008	Paper
Borrowing by SMSFs	Tx	Anna Wilson	2015	Paper
Bridging the Jurisprudential gap	IR	Glen Pauline	2011	Paper
CAS applied correct legal principal in finding Essendon players used Thymosin Beta 4	IR	Glen Pauline	2016	Paper
Cases Update for private groups	Tx	Anna Wilson	2016	Paper
Challenges in achieving successful megaprojects	B&C	Dr Donald Charrett	2015	Paper
Changes to the Planning and Environment Act 1987	PL	Julie Davis	2013	Paper
Commercial and Retail Leases – Common problems and misconception in lease litigation		Tim North QC Elizabeth Ruddle Michael Sharkey	2017	Paper Video

PL = Planning and Local Government IR = Industrial Relations Tx = Taxation B&C = Building & Construction W&E = Wills & Estates P = Property

Constructive Trusts In A Commercial Setting		Scott Wotherspoon	2011	Paper
Contempt in the Tribunal	PL	Julie Davis	2014	Paper
Contempt of an Order of the Tribunal	PL	Julie Davis	2014	Paper
Corporations – increasing power to Canberra?		Dr Robert Dean	2008	Paper
Councillor Misconduct – update Sep 2014	PL	Julie Davis	2014	Paper
Councillor Misconduct – the final chapter?	PL	Julie Davis	2016	Paper
Credibility, Corroboration and the Cumulative Effect in Fact Finding	IR	Glen Pauline	2013	Paper
Current Issues in Taxation	Tx	Simon Tisher	2015	Paper
Dealing with Licensed Trustee Companies and Chapter 5D of the Corporations Act (2001)		Lachlan Wraith	2013	Paper
Defamation and Social Media		Marcus Hoyne	2016	Paper
Directors' Joint Obligations of Care and Diligence		Scott Wotherspoon	2011	Paper
Drafting in civil litigation		Marcus Hoyne	2016	Paper
Drafting the termination clause and avoiding unfair dismissal claims	IR	Fiona Knowles	2014	Paper
Duty exemptions for transfers to trust beneficiaries	Tx	Andrew de Wijn	2014	Paper
Estates and Succession Planning – When capacity is in doubt?	W&E	Bill Gillies	2013	Paper
<i>Fair Work Act 2009 (Cth): Adverse Action Proceedings: Pitfalls and Practicalities</i>	IR	Tim Jacobs	2014	Paper
Growth Areas Infrastructure Contribution	PL	Julie Davis	2014	Paper
How to survive the VCAT process from application to appeal	PL	Louise Hicks	2013	Video
Implications of the penalty privilege in employment and other civil litigation	IR	James McDougall	2014	Paper
Industrial Law update	IR	Brendan Avallone	20016	Paper
Industrial Wars	IR	Glen Pauline	2014	Paper
Informal Wills	W&E	Gavan Rice	2016	Paper
Interpretation of Restrictive Covenants	P	Philip Barton	2013	Paper
Issues arising at the end of a retail lease (Victoria)		Philip Barton	2017	Paper
Land Protection	P	Philip Barton	2008	Paper
Legal Representation in the Fair Work Commission: Practice Note 2/2/2013	IR	Anna Forsyth	2013	Paper Video
Legislation – <i>Victorian Civil and Administrative Tribunal Amendment Act (Proposed)</i>	PL	Julie Davis	2014	Paper
Legislative overreach: Employers and employees bullied into a corner?	IR	Anna Forsyth	2014	Paper
Local Government – Sack the Council!	PL	Julie Davis	2017	Paper

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Local Government Matters: Councillor Conduct/Misconduct – the role of VCAT	PL	Julie Davis	2013	Paper
Malleability of a Doctrine	P	Philip Barton	2015	Paper
Maximising recovery for victims of fraud		Andrew Tragardh	2017	Paper Video
Mediation is not a ‘method for resolving disputes’		Michael Sharkey	2016	Paper
Misleading and Deceptive Conduct		Marcus Hoyne	2016	Paper
Municipal Matters	PL	Julie Davis	2015	Paper
Municipal Matters: Doctrine of Accretion	PL	Julie Davis	2015	Paper
National Franchise Convention 2016: case update	IR	Glen Pauline	2016	Paper
New Form Contract for Sale of Land and its impact on Your Practice	P	Philip Barton	2015	Paper
New Succession Laws – Part IV Provisions	W&E	Stewart McNab	2015	Paper Video
New Zones – One year on	PL	Peter O’Farrell	2015	Paper
Noisy Neighbours	PL	Julie Davis	2016	Paper
Non-arm’s length income – how does it apply and where is it at?	Tx	Simon Tisher	2014	Paper
Off the Rails		Dr Robert Dean	2006	Paper
Participatory Budgeting	PL	Julie Davis	2013	Paper
<i>Perpetual Trustee Company Limited v Smith</i> [2010] FCAFC 91		Thomas Warner	2010	Paper
<i>Perpetual Trustees Australia Limited v Schmidt & Anor</i> [2010] VSC 67		Thomas Warner	2010	Paper
<i>Powers of Attorney Act 2014</i>	W&E	Andrew Dickenson	2015	Paper
Practice Management – Negotiations during mediation	IR	Glen Pauline	20015	Paper
Property by Any Other Name: The Trouble with Shareholder Claims in Australia		Scott Wotherspoon	2007	Paper
Property developments, duty and consideration	Tx	Simon Tisher	2015	Paper
Property Law: Case update		Philip Barton	2017	Paper
Providing Advocacy Before The Victorian Civil & Administrative Tribunal (VCAT) in Contaminated Land Matters	PL	Emma Pepler	2012	Paper
Reinforcing the Building Blocks	IR	Glen Pauline	2014	Paper
Restraint or restriction of trade?		Dr Robert Dean	2015	Paper
Restrictive Covenants modification – single dwelling	PL	Julie Davis	2014	Paper
Review of the Local Government Act	PL	Julie Davis	2016	Paper

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Rolling out the Plans	P	Philip Barton	2008	Paper
Rules of Evidence, you need to know!		Marcus Hoyne	2016	Paper
Sale of Land: Enforcing Rights and Remedies	P	Philip Barton	2014	Paper
Sex, videotape and the law		Dr Robert Dean	2009	Paper
Simplifying Subdivision: An Overview of the Subdivision Act and related procedures	PL	Emma Pepler	2013	Paper
Some key concepts in the <i>Evidence Act 2008</i> for civil practitioners		Elizabeth Ruddle	2014	Paper
State Duties for Property Lawyers	Tx	Simon Tisher	2013	Paper
Taxation Implications of Buying And Selling A Business	Tx	Simon Tisher	2012	Paper
Tell us what you really mean?	IR	Brendan Avallone	2015	Paper
Testator's Family Maintenance: Legislation changes and update	W&E	Philip Barton	2014	Paper
The Canterbury Earthquakes: Lessons for construction Lawyers	B&C	Dr Donald Charrett	2013	Paper
The Commercial Value of Dispute Boards under FIDIC contracts	B&C	Dr Donald Charrett	2015	Paper
The Contract: Getting it right from the beginning	P	Philip Barton	2016	Paper
The Decision not the Disability		Nawaar Hassan	2015	Paper
The Effect of Pre-Contractual Representations	P	Philip Barton	2013	Paper
The Foreign Currency Curve Ball		David Kim	2007	Paper
The Franchising Code		Matthew Bromley	2013	Paper
The High Court and the ATO reshape the tax landscape for Trusts		Simon Tisher	2010	Paper
The Human (Right) to Equality	IR	Anna Forsyth	2011	Paper
The New Small Business Landscape	Tx	Simon Tisher	2008	Paper
The Protection of Trade Secrets		Dr Robert Dean	2016	Paper
The <i>Shepherd v Felt</i> Principle	IR	Mark Rinaldi	2015	Paper
The taxing issue of characterisation in property developments	Tx	Anna Wilson	2017	Paper
The Victorian Standard Form Contract Revisited	P	Bill Gillies	2012	Paper
Translating The Public Law "MAY" Into The Common Law "OUGHT": The case for unique common law cause of action for statutory negligence		Scott Wotherspoon	2009	Paper
Trusts and company structure: untangling the corporate web		Scott Wotherspoon	2013	Request a copy
Unnatural Injustice		Dr Robert Dean	1984	Paper
Unsuitable Lending Under The <i>Consumer Credit Protection Act 2009</i> (Cth)		Anthony Rodbard-Bean	2012	Paper
VCAT - Process And Documents		Elizabeth Ruddle	2012	Video
VCAT Act S.115B - Order to Pay Fees	PL	Julie Davis	2014	Paper

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When is a laneway a public highway?	PL	Julie Davis	2016	Paper
Who wants to be a director? Company Directors, unpaid tax and personal liability	Tx	Simon Tisher	2013	Paper
Wills And Estates - Recent Part IV Decisions: <i>Wayne L Dickson v Alan Wesley Dickson</i>	W&E	Bill Gillies	2012	Paper Video
Wills and Probate refresher	W&E	Philip Barton	2013	Paper
Year in Review: Case Law and Developments in Estates Practice	W&E	Lachlan Wraith	2013	Paper



CRIMINAL LAW

To this day, Foley's List Barristers are regularly briefed to appear in Australia's most notable criminal trials. Recent appearances by List members include Victoria's notorious gangland "underbelly trials", large-scale drug importation and trafficking cases, and cases involving murder and related offences, terrorism, fraud and tax evasion.

Members have experience representing both the Commonwealth and State Prosecution offices, particularly in matters involving sexual offences.

TITLE	AUTHOR	DATE	FORMAT
A brief but practical guide to obtaining a report on the defence of mental impairment	Olivia Trumble	2016	Paper
A New Sentencing Landscape for Victoria: Abolition of Suspended Sentences, <i>Boulton v The Queen</i> [2014] VSCA 342	Richard Edney	2015	Paper
Applications for Compensation under the Sentencing Act	Darren Bracken	2017	Paper
ASIC Investigations and Prosecutions	Michael Cahill Anthony Lewis Peter Matthews	2012	Video
Breaching Supervision Orders	Emily Clark	2016	Paper
Case Note: General Deterrence in 'white collar' offending post <i>Boulton</i>	Daniel Porceddu	2015	Paper
Case Note: Voice Identification, Opinion Evidence	Daniel Porceddu	2015	Paper
Changes to sentencing law	Stewart Bayles Fiona Todd	2014	Video
Commonwealth and State Sentencing Considerations	Philip Dunn Lesley Taylor QC Michael McGrath	2012	Video
Confiscation	Jason Gullaci Elizabeth Ruddle	2013	Video
Course of Conduct	Olivia Trumble	2015	Paper
Culpable Driving	Jason Gullaci Anthony Lewis	2014	Paper Video
Dealings and Negotiations with the Prosecution	Philip Dunn QC Michael McGrath Director, Office of	2014	Paper Video

	Public Prosecutions		
Developments In The Evidence Law	Christopher Beale QC Ruth Shann Cecily Hollingworth	2012	Video
Disclosure – Hidden Traps	Julie Condon QC Paul Higham	2017	Paper Video
DNA	Peter Chadwick QC Ashlee Cannon	2013	Video
Evidence	Christopher Beale QC Rae Sharp Megan Casey	2013	Video
Extended Supervision Orders	Christopher Carr Olivia Trumble	2014	Video
Interlocutory Appeals in Victoria: Existing jurisprudence and likely future trends	Richard Edney	2014	Paper Video
Issues arising from the recent decisions of the Court of Appeal	Paul Holdenson QC Christopher Carr	2016	Video
Jury Directions Act 2015	Glenn Casement Amelia Beech	2016	Paper Video
Medical Evidence	Elizabeth McKinnon	2011	Paper
Mental Impairment and Unfitness to be Tried	Simon Moglia	2016	Paper
Pocket Evidence Law	Christopher Beale QC	2014	Paper
Police Powers	Neill Hutton	2016	Video
Preparing for Trial	Shivani Pillai Diana Manova Neill Hutton	2012	Video
Recent Court of Appeal Decisions (2013)	Paul Holdenson QC	2013	Video
Recent Court of Appeal Decisions (2014)	Paul Holdenson QC	2014	Video
Sex Applications	Richard Edney Sarah Lenthall	2017	Paper
Sex Offences and Evidentiary Issues	Amelia Beech	2014	Paper
Sio v The Queen [20016] HCA 32; (2016) ALR 57	Michael Stanton	2016	Paper
Tendency and Coincidence Evidence: The Significance of <i>Velkoski</i>	The Hon. Christopher Beale Lucy Line	2015	Paper Video

The Effects of Alcohol	Michael Cahill	2015	Paper
Uniform Evidence Law: s 38 Unfavourable Witnesses	Christopher Beale QC	2014	Paper
Unresolved Issues From The Recent Decisions of The Court of Appeal (2012)	Paul Holdenson QC	2012	Video
Unresolved Issues from The Recent Decisions of The Court of Appeal (2015)	Paul Holdenson QC Chris Carr	2015	Paper Video
Unresolved Issues from The Recent Decisions of The Court of Appeal	Paul Holdenson QC Jack O'Connor	2017	Video



FAMILY LAW

Foley's List Family Law practice area is led by eight Queen's Counsel and comprises of over 74 junior counsel. Our barristers have experience appearing in all jurisdictions and practice in all areas of Family Law including;

- de facto Property Law matters
- child support
- maintenance
- residence and contact
- property issues
- appeals
- crimes (family violence) applications
- Hague Abduction Convention

Barristers accept Legal Aid and private work.

TITLE	AUTHOR	DATE	FORMAT
A Tax Roadmap for Family Lawyers	Jeanette Swann	2015	Paper Video
Alternative Dispute Resolution	Carmella Ben-Simon	2012	Paper
Are 'Add Backs' in or out?	Laura Colla	2016	Paper
Assessing interests and contributions in Family Law property cases	Emma Swart	2014	Paper
Costs: Orders, Offers and Risks	Emma Swart	2017	Paper
Defacto Relationships: Threshold issues	Belle Lane	2013	Paper Video
Defacto Relationships: Threshold issues	Jim Mellas	2013	Paper Video
Discovery and procedure in the Family Court and in the Federal Circuit Court in financial matters	Robyn Wheeler	2015	Paper
Don't throw the baby out with the bath water!	Debra Harris	2016	Paper
Drafting Affidavits in Family Law matters	Belle Lane	2014	Paper
Family	Janine Wald	2013	Video
Family violence – The relationship (and the tensions) between Intervention Orders and Orders pursuant to	Caroline Jenkins	2015	Paper

<i>the Family Law Act</i>			
Family Provision: A year in review	Lachlan Wraith	2014	Paper
I spy with my little iPhone: phone recordings, emails and social media	Belle Lane Alison Burt	2016	Paper
Issues under the Umbrella of Parental Responsibility	Emma Swart	2013	Paper
Key Legislative Changes Arising From The <i>Family Law Legislation Amendment Act 2011</i>	Bronia Tulloch	2012	Paper
On the same page: Negotiating and Drafting Settlement Agreements	Janine Wald	2015	Paper
Parental Responsibility: Using it and Losing it –things you need to know	Michele Brooks	2013	Paper
Preparing a successful relocation case	Emma Swart	2016	Paper
Recent Family Law and Property Division update	Robyn Wheeler	2016	Paper
Relocation cases in the Family Court of Western Australia (June 2013-March 2015)	Emma Swart Serena Thomson	2015	Paper
Restraining lawyers from acting on behalf of clients in Family Law proceedings	Carmella Ben-Simon	2016	Paper
The Hague Abduction Convention – some practical issues	Holly Renwick	2015	Paper Video
“The Ice Epidemic” and Family Law matters	Caroline Jenkins	2016	Paper
The Impact of Intervention Orders – <i>Family Law Act</i>	Andrew Combes	2012	Paper
The intersection between Family Law and deceased estates	Lachlan Wraith	2015	Paper
The vexed issue of the vexatious litigant	Caroline Jenkins	2016	Paper
<i>Thorne v Kennedy</i> [2017] HCATrans 54	Emma Heggie	2017	Paper
What’s happening at the Family Violence Royal Commission?	Emma Swart	2015	Paper Video
When Family Law, Family Business and Trusts collide	Jim Mellas	2016	Paper
Who really owns the farm? Farming Cases - What are they?	Fabian Dixon SC Robyn Wheeler	2014	Paper Video



PERSONAL INJURY

TITLE	AUTHOR	DATE	FORMAT
Aldridge v VWA [2016] VCC 678	Margarita Yerusalimsky	2017	Paper
County Court Decisions in Personal Injuries Cases (January 2015-June 2016)	Sasha Manova	2016	Paper
Voluntary Assumption of Risk: Sporting injuries and voluntary assumption of risk	Danny Masel SC Diana Costaras	2015	Paper



PUBLIC/ADMINISTRATIVE LAW

TITLE	AUTHOR	DATE	FORMAT
Legitimate expectation: a useful concept in administrative law?	Darren Bruno	2016	Paper
Public international law in the High Court	Dr Adam McBeth	2015	Paper



ETHICS

TITLE	AUTHOR	DATE	FORMAT
Ethics and the Criminal Lawyer	Lesley Taylor QC Simon Moglia	2017	Paper Video
Ethics: Some cautionary tales	George Georgiou SC	2013	Paper
Ethics	George Georgiou SC Simon Moglia	2013	Video



ADDITIONAL CPD RESOURCES

TITLE	AUTHOR	DATE	FORMAT
Are you being served?	Brenton Devanny	2015	Paper
CPA – Costs orders against lawyers under the Civil Procedure Act	Michael Osborne QC Naomi Lenga Daniel Lorbeer	2017	Paper Video
Dealing with the Legal Services Commissioner - a road map	Sam Tatarka	2014	Video



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