

# **DAMIAN F GORDON**

## **BARRISTER AT LAW**

### **Family**

- I regularly appear in the Family and Federal Magistrates Courts in respect to both married and de facto issues.
- Family Law involving children, property as well as de facto issues from initial dispute to appearing as Counsel at trial and all interlocutory stages.
- I mediate both property and children's issues.
- I assist with drafting Financial Agreements.
- I have advised on grounds of appeal and assisted with drawing the application.
- I have dealt with complex issues concerning property matters in relation to Trust issues, Company Law and Taxation.
- I regularly appear as Counsel for the Independent Children's Lawyer.

### **Criminal**

- For over 24 years I have practiced in criminal and civil law; 22 of those years as a Barrister.
- I have represented corporate companies; religious organizations and individuals.
- I have acted as prosecutor to a large corporate insurer in respect to fraud and negligence actions.
- I have represented individuals in the Supreme Court on the full ambit of criminal charges including; murder, attempted murder, negligence, dangerous driving causing death, rape, drug importation, child molestation, fraud, robbery and assault occasioning bodily harm.
- I have represented clients at enquiries of official misconduct including advising police officers.
- I have been retained on previous occasions in relation to inquests where the issues have been very sensitive and required dealings with government departments including the Director of Public Prosecutions.
- I have done cases unlead against Queens Counsel and Senior Counsel.
- I have had to negotiate witness protection in relation to fraud cases.
- I was retained in relation to a trial in the Federal Court of Australia against the fast food chain McDonalds. McDonalds retained two Queens Counsel whom are now both Superior Court Justices as well as instructing Baker MacKenzie Solicitors. I was bought in by the Plaintiffs for the purpose of managing the trial tactically due to my specific skill as a trial advocate.
- I was also retained to act on behalf of a number of clients to negotiate a settlement with the Australian Taxation Office to ensure that the best commercial result could be achieved as well as no criminal charges being pursued by the Commonwealth Director of Public Prosecutions.

### **Civil**

- I have appeared in both Federal and State courts.
- I have done civil trials in the Federal Court of Australia and the Supreme Courts of Queensland, Western Australia and New South Wales.

- I have appeared unlead against Queens Counsel in trials in each of these three states.
- I have advised individuals and businesses concerning both legal matters and infrastructure.
- I have strategically prepared client's cases to best suit the circumstances by identifying the objectives of the instructions and imposing the appropriate tactical response.
- I have been instructed in trade practices and fair trading involving: misleading and deceptive conduct; damages; injunctive relief; monopoly.
- I have been instructed in corporate issues involving: defending and prosecuting insolvency claims; preferred payments; unconscionable conduct; oppression; director's duties; ASIC investigations including closed hearings; trust issues; removal of trustees; attending meetings for creditors; statutory demands - both bringing and defending; drafting deeds of company arrangements and drafting shareholder agreements.
- I have been instructed in injunctions involving: Mareva orders; interim applications concerning intellectual property.
- I have been instructed in contract issues involving the full ambit from defining the offer to estoppels; misrepresentation; buying and selling businesses; restraint of trade; drafting negotiated agreements; contracts of sale; debt recovery.
- I have been instructed in Industrial Relations involving: acting for both the employee and employer before the Commission re: termination and non-payment of funds; drafting employee agreements and related issues.
- I have been instructed in Liquor Licencing: representing clients at both department and court level concerning applications for liquor licences and objections to licences.
- I have been instructed in Real Property involving: applications for partition; cases concerning title; easements; caveats; mortgage and securities; commercial leases and commercial licences; town planning issues.
- I have been instructed in Taxation issues involving: CGT, GST, research and development claims.
- I have been instructed in Banking and Finance involving: loans and the consumer credit code; duties owed; overseas loans.
- I have been instructed in Building and Construction: subcontractor disputes; building tribunal and court disputes between builder and owner - representing both sides.
- I have been instructed in Freedom of Information concerning Federal, State and Local Governments.
- I have been instructed in Assignment of a Chose in Action involving: factoring and invoice discounting agreements including litigation.
- I am a Mediator and Case Appraiser and have undertaken courses in advanced negotiation over the last 10 years.

#### **Type of Work Consistently Undertaken Concerning the Above**

- Drawing and settling pleadings
- Discovery
- Interrogatories
- Summary Judgments

- Drafting and settling affidavits
- Setting aside judgments
- Enforcing judgments
- Negotiation
- Getting up for trial
- Papers for the Judge
- Settlement conferences
- Drafting agreements

#### **Independent Legal Counsel for WorkCover Queensland**

- As a result of my abilities in criminal law, I was retained by WorkCover Queensland to review and implement strategies in relation to workers compensation. This involved having to establish audits of legal firms which included national legal firms, as to their conduct of files and their compliance requirements and establishing an internal legal department within WorkCover to oversee these changes.
- I directly advised both the CEO and the board in relation to delicate government policy changes within WorkCover.
- I assisted in writing legislation for parts of the WorkCover Act.
- I did many trials unlead against Senior Counsel on complex fraud and insurance issues which also covered questions whether disclosure should occur of sensitive material held by third parties.
- I was a keynote speaker at a national conference of insurers in relation to "Risk Management". This conference was conducted by the Insurance Commission of Queensland.

Damian F Gordon  
Chambers