

CLAIRE ROBERTS

Eleven Wentworth | roberts@elevenwentworth.com | 02 8066 0883

OVERVIEW

Claire was admitted to practice in 2011 and worked in Australia, London and New York before being called to the bar in 2019. She served as a Federal Court associate and undertook secondments to the Sydney offices of two major financial institutions while working as a solicitor. Claire graduated as a James Kent Scholar from a Master of Laws at Columbia University in New York and with Honours from a Bachelor of Laws at the University of Melbourne. She is admitted in Australia, England and Wales.

At the bar, Claire appears led and unled and advises in relation to commercial and public law matters. She has recently been briefed in class action proceedings, and for regulators, companies, media and government. Claire also holds a number of professional positions, including as reporter for the New South Wales Law Reports and an editorial board member of the *Internet Law Bulletin*.

PRINCIPAL AREAS - selected matters for each area listed on numbered page

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Commercial	3	Defamation / media	4	Equity	3
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ADMISSIONS & EDUCATION

2019	Admitted as an Australian barrister
2018	Columbia University, New York, United States <i>Master of Laws (James Kent Scholar – equivalent of First Class Honours)</i>
2017	Admitted in England and Wales, following completion of Qualified Lawyers Transfer Scheme
2011	Admitted as an Australian solicitor
2010	University of Melbourne <i>Bachelor of Laws (Honours) / Bachelor of Arts (Media and Communications)</i>

PROFESSIONAL HISTORY

2019	AMP Capital, Sydney - <i>Senior Legal Counsel, as Allens Senior Associate secondee</i>
2018	Kaplan Hecker & Fink LLP, New York, United States - <i>Law Clerk</i>
2017	Knight First Amendment Institute, New York, United States - <i>Legal Intern</i>
2015 – 2017	Linklaters LLP, London, United Kingdom - <i>Associate, Dispute Resolution</i>
2014 – 2015	Federal Court of Australia - <i>Associate to the Honourable Justice Jacobson</i>
2011 – 2014	Ashurst, Melbourne and Sydney - <i>Graduate then Lawyer, Disputes - secondment to UBS AG during 2014</i>

CURRENT PROFESSIONAL POSITIONS

Reporter	New South Wales Law Reports
Editorial Board	<i>Internet Law Bulletin</i> (LexisNexis)
Editorial Assistant	<i>Communications Law Bulletin</i> (Communications and Media Law Association)
CPD Co-Coordinator	Women Barristers Forum, New South Wales Bar Association

SELECTED MATTERS

Administrative / public

- *Sleiman v Gadalla* [2021] NSWSC 86 – for employer, led by B Tronson, instructed by Turks Legal
- *Lancaster v Foxtel Management Pty Ltd* [2021] NSWSC 745 – for emp, led by B Tronson, inst by Barker Henley
- *Sakr v Merrylands Preschool* NSWSC 2021/57714 (*reserved*) – for employer, **unled**, instructed by Bartier Perry
- *Windley v Nominal Insurer* NSWSC 2021/00058017 (*reserved*) – for employer, **unled**, instructed by Hicksons
- *Kempe v Complete Community* NSWSC 2021/22152 (*remitted*) - for employer, **unled**, instructed by Holman Webb
- *ALS21 v Cth of Australia* FCA NSD163/2021 (*ongoing*) – for Commonwealth, led by A Mitchelmore SC, inst by AGS
- *ALT21 v Cth of Australia* FCA NSD122/2021 (*ongoing*) – for Cth, led by G Kennett SC, Z Heger, inst by AGS
- *FGW20 v Cth of Australia* FCA NSD NSD6/2021 (*ongoing*) - for Cth, led by G Kennett SC, instructed by AGS
- *LDDW v Minister* VID131/2020 (*remitted by consent*) – for applicant, led by U Okereke-Fisher, pro bono referral
- *FDT20, FGS20, FJS20, ADM21, FDD20, FJH20, FKO20, ADC21 & Ors, ADV21, FHE21, FJO20, FJR20 v Department of Home Affairs*; cohort of 12 matters – FCC (*ongoing*) - led by P Knowles, with C Ernst, instructed by Australian Government Solicitor
- *Russo v Workzone* PIC 1527/17 (*reserved*) - for employer, **unled**, instructed by Hicksons
- *Strooisma v Coastwide* [2020] NSWCCPD 65 - led by B Tronson, instructed by Hall & Wilcox
- WCC - 4528/20 (*decision unpublished*) – for employer, led by B Tronson, instructed by Turks Legal
- *Meisenhofen v UnitingCare* [2020] NSWCC 375 - **unled** appearance (subs with B Tronson), inst by Gair Legal
- *Coy v Caringbah Steel* WCC 3978/18 (*unreported*) – **unled**, instructed by Gair Legal

Appellate

- *Almona v Parklea* 2020/0019706 (*reserved*) - for cross-app, led by K Andronos SC, S Keizer, instructed by Norton Rose Fulbright
- *Jackson v R* [2020] HCASL 142; [2020] NSWCCA 5 - for appellant, led by I E Davidson SC, instructed by Blake Lawyers
- *Hastwell v HCCC* [2021] NSWCA 22 – for HCCC, led by B Tronson, instructed by HCCC
- *Sleiman v Gadalla* NSWCA 2021/00053334 (*ongoing*) - led by B Tronson, instructed by Turks Legal
- *Andrews v ANZ* (2012) 247 CLR 205 – acted for bank as a solicitor at Ashurst

SELECTED MATTERS - continued

Class actions

- *Prygodicz v Cth of Australia* FCA VID1252/2019 - for Commonwealth re alleged 'robodebts' (*settled on first day of trial*), led by M Hodge QC, Z Maud, M Costello, N Bentley, instructed by Australian Government Solicitor
- *Thomas v Commonwealth Financial Pl* FCA VID559/2020 ([2021] FCA 665, *ongoing*) – for applicants re insurance products, led by A Martin SC, T Bagley, instructed by Shine Lawyers
- Takata Airbags Class Action (ats Toyota, Subaru, Honda, BMW, Nissan, Mazda) – for plaintiffs (*settled*) led by E Holmes, B Hancock, instructed by Quinn Emanuel Urquhart & Sullivan
- *Paciocco v ANZ* (2014) 309 ALR 249 - for bank in preparing for first instance hearing as a solicitor at Ashurst

Commercial / equity

- *Metal Storm (in liq)* [2019] NSWSC 1667; [2019] NSWSC 1682 – for cross-claimant (*settled part-way through trial*), led by I M Jackman SC, D Klineberg, instructed by Atanaskovic Hartnell
- *Woolworths v Twentieth* [2021] NSWSC 344 – for plaintiff, led by N Owens SC, instructed by Mills Oakley
- *Boyded v Gateway* [2020] NSWSC 1368 – for plaintiff, led by G Farland, instructed by HWL Ebsworth
- *Choras v Farmakidis* [2020] NSWSC 367 - for defendant, led by I E Davidson SC, instructed by Sparke Helmore
- *In the matter of HHH (in liq)* NSWSC 58663/2001 (*unreported*) - for applicants, led by M Izzo SC, instructed by Ashurst
- *Daiwa v Rubenstein* NSWSC 2020/207158 (*ongoing*) – for plaintiffs, led by J Stoljar SC, J Hutton, inst by Clayton Utz
- *Ashkani v Arnold* 2020/00179934 (*unreported*) - for defendant, **unled**, instructed by Cockburn & Co
- *Beenak v Innovative Piling* LCNSW 2020/54270 (*settled*) – for defendant, **unled**, instructed by Fairweather Legal
- *McMillan v Coolah Home Base* 2020/44327 – for respondents, **unled** at interlocutory hearings, inst by Mid-West Legal
- Acted for major bank in relation to Financial Conduct Authority investigation – as a solicitor at Linklaters LLP
- Represented individuals at ASIC examinations

Industrial / employment

- *UWU v Phoenix Lacquer* 2020/00038716 (*settled*) – for employer, **unled**, instructed by Coleman Greig
- *Xiao Dan Li v Tyres 4 U Pty Ltd* FWC 2021/4322 (*ongoing*) – for employer, **unled**, instructed by Coleman Greig
- Seeking preliminary discovery FCC (*ongoing*) – for worker, **unled**, instructed by Marrickville Legal Centre

SELECTED MATTERS - *continued*

Defamation / media

- *Murphy v Nationwide* [2021] FCA 381; (*No 2*) [2021] FCA 432 – for media, led by D Sibtain, instructed by Ashurst
- *Hafertepen v Channel 10* [2020] FCA 1456 – for media, led by B Tronson, instructed by Macpherson Kelley
- *Sydney Cosmetic v Hu* NSWCA 2021/103514 (*ongoing*) – for appellants, led by A Cheshire SC, instructed by Dentons
- *Ghasemi v GT Law* NSWDC 2020/352024 (*discontinued*) – for respondents, led by D Sibtain, inst by Sparke Helmore
- *Hamcarr v Hamod* NSWDC 2019/163102 (*ongoing*) – for plaintiff, led by M Lewis, instructed by Nightingale Lawyers
- Instructed on “Mobile Telephone Voicemail Interception Litigation” for media party as Linklaters LLP solicitor

Intellectual property

- Recent advices on designs, trade marks and copyright
- *Apotex Pty Ltd v AZ (No 4)* [2013] FCA 162 – acted for AstraZeneca as a solicitor at Ashurst

Trade practices / competition

- *ACCC v Oscar Wylee* (*settled, penalty:* [2020] FCA 1340), led by V Brigden, instructed by Mid-West Law Practice
- *Grenke v Nicvic Pty Ltd* NSWLC 2019/163501 (*unreported*), for defendants, **unled**, instructed by Berger Kordos
- *Latham v Monkeys Resort* NCAT 2019/38707 (*settled*), **unled**, instructed by Nicholas O’Donohue & Co

RECENT PUBLICATIONS

- ‘Guidance from the Full Court on whether a mobile phone is a computer (yes, it is)’ (2021) 24(1) *Internet Law Bulletin* 9
- Declaratory Judgments (2021) *Court Forms, Precedents and Pleadings, New South Wales* (LexisNexis)
- ‘New York media law update’ (2020) 23 *Media & Arts Law Review* 369
- Apologies (2020) *Encyclopaedia of Forms and Precedents* (LexisNexis)
- Letters of Comfort and Letters of Intent (2020) *Encyclopaedia of Forms and Precedents* (LexisNexis)
- ‘Building rapport online: different, difficult, doable’ (2020) 5(4) *Australian Alternative Dispute Resolution Bulletin* 72
- ‘High Court clarifies meaning of “officer”’ [2020] (Winter) *Bar News* 19
- ‘Mediation and incapacity: whether an agreement should be set aside’ [2020] (Autumn) *Bar News* 22
- ‘Hyperlink hypervigilance: a lesson on what not to do’ (2020) 22(7) *Internet Law Bulletin* 101
- ‘Trouble in Paradise Papers: privilege may not found a cause of action’ [2019] (Summer) *Bar News* 26
- ‘Royals and the right to privacy’ (2019) 38(4) *Communications Law Bulletin* 21