

James W Kewley
Barrister-at-law
Nationally Accredited Advanced Mediator

In September 1989 I commenced as a reader with Mr John Middleton (as he then was – now his Honour Justice Middleton of the Federal Court) at Aickin Chambers.

Areas of Practice

- Commercial Law
- Banking and Insurance Law
- Property Law
- Tenancy Law
- Intellectual Property
- Medical and Professional Negligence
- Aviation Law

Trial Counsel

I consider myself primarily a trial counsel. In recent years my practice has consisted primarily of conducting Supreme Court and Federal Court commercial litigation briefed by both large Melbourne and Sydney firms and smaller legal practices in Victoria, New South Wales and Queensland. In earlier years I conducted numerous hearings in the Magistrates' Court and then the County Court and VCAT.

The bulk of my briefs I conduct on my own, however I have on numerous occasions been briefed as junior counsel. I have been junior to, among others, John Middleton QC (as he was then), Peter Bick QC, and David Shavin QC.

More recently I have been briefed with a junior or have sought and obtained one. My juniors have included Georgie Costello, Justin Graham, Daniel Harrison, Glen Pauline, Suzie Jones, Garry Moffatt and James McKay, all of counsel.

In the last couple of years I have often appeared in matters interstate, particularly in the Supreme and Federal Courts of New South Wales and Queensland. Given that interstate flavour I am considering taking Chambers in Sydney. I have been asked by the Board of Edmund Barton Chambers to join their floor and I am considering that offer.

A significant proportion of my time in the last two years or so has been taken up with two large commercial matters, both of which are yet to be heard.

Largely due to my involvement in the two matters referred to above I have spent less time in Court than in previous years, which in turn has made it less easy for me to name Judges before whom I have appeared regularly this year, especially in Victoria.

Banking & Finance

For many years a substantial aspect of my practice has been banking law, primarily for Commonwealth Bank, briefed by its in-house and its retained solicitors. Two of my three readers, Samantha Cipriano and Garry Moffatt, were former employees of CBA, indeed Garry was the head of litigation there for 15 years. I have also acted for ANZ Trustees, briefed by Ms Jane Sheridan, a partner at Arnold Bloch Leibler, and Bendigo Bank. I have conducted many County Court and Supreme Court trials for those banks.

Intellectual Property

I am also briefed regularly by Freehills. In particular I conducted, initially on my own and in the latter stages led by Mr David Shavin QC, a substantial intellectual property litigation for Smorgon Steel in the Federal Court of Queensland. My instructor in that matter was intellectual property partner Mr Shaun McVicar.

Injunctions

I have always had a substantial practice making applications for injunctions of various kinds and I am capable of acting swiftly and competently under pressure to produce a speedy outcome if required.

Memberships & Qualifications

Last year I became a Nationally Accredited Advanced Mediator, and since then my practice has included numerous mediations, the majority concerning commercial and intellectual property disputes.

I am a member of CommBar and I have been a member of the Victorian Bar Dispute Resolution Committee and the Legal Assistance Committee.

In September 2005 I obtained a Private Pilot's Licence, which has led to an increasing interest and participation in aviation law matters. I am a former State President of the Victorian Chapter of the Aviation Lawyers Association of Australia and New Zealand (ALAANZ) and I remain a committee member of that organisation. I am a former member Board of the Aviation Safety Foundation of Australia (ASFA) based in Canberra, which was until recently chaired by the former Minister for Transport, The Honourable John Sharp, and has lately merged with the international Flight Safety Foundation. I continue to receive aviation law briefs emanating from the FSF.

Pro-bono Work

I have for many years been on the PILCH list and have from time to time conducted proceedings and applications, particularly concerning tenancy disputes, on a pro-bono

basis. In addition I have on many occasions offered to act and have acted pro-bono for persons who have appeared in Court unrepresented.

James W. Kewley
Mornington Peninsula Chambers

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