

# JASON MITCHENSON

YEAR OF CALL: 2018

Jason has a broad civil practice with a focus on contract, equity, construction and infrastructure, competition and consumer law and intellectual property. He is particularly experienced in arbitration.

Prior to joining the Bar, Jason worked as a foreign legal adviser at Bae, Kim & Lee in Seoul and as a solicitor at Corrs Chambers Westgarth in Brisbane. He also worked as a researcher at the Graduate Institute of International and Development Studies in Geneva, focusing on international dispute resolution.

Jason holds a Bachelor of Laws from Griffith University, a Master of Laws from Korea University and a Doctor of Philosophy in Law from the University of Geneva.

Jason is the co-author of a textbook on the conflict of laws to be published by Cambridge University Press and the assistant editor of the Oxford Handbook of International Arbitration to be published by Oxford University Press.



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## AREAS OF PRACTICE

Arbitration, Banking, Building & Construction, Class Actions, Commercial Equity, Competition & Consumer, Contract, Corporations, Employment & Industrial, Insurance, Intellectual Property, International, Judicial Review & Administrative, Land Law & Property, Media & Defamation, Native Title & Cultural Heritage, Planning & Environment, Professional Negligence, Resources & Energy.

## CASES

### ***Auspile Pty Ltd v Bothar Boring and Tunnelling (Australia) Pty Ltd***[2021] QCA 223

October 2021, Building & Construction, Contract

### ***Built Qld Pty Ltd v Pro-Invest Australian Hospitality Opportunity (ST) Pty Ltd***[2021] QSC 224

September 2021, Building & Construction, Contract

### ***Santos Limited v Fluor Australia Pty Ltd & Anor (No 2)***[2020] QSC 373

December 2020, Contract, Building & Construction

### ***Santos Limited v Fluor Australia Pty Ltd & Anor***[2020] QCA 254

November 2020, Contract, Building & Construction

***Santos Limited v Fluor Australia Pty Ltd & Anor* [2020]**

July 2020, Contract, Building & Construction

***Campbell v Sutherland* [2020] FCA 765**

May 2020, Intellectual Property

***Harper Property Builders Pty Ltd v Queensland Building and Construction Commission* [2020] QCAT 56**

February 2020, Building & Construction

***Tang v Body Corporate for Greenly Gardens CTS 41566* [2019] QCAT 207**

July 2019, Contract

***Spoor & Ors v Price & Ors* [2019] QSC 53**

April 2019, Contract

***Johnson v Minister for Home Affairs* [2018] FCA 1940**

November 2018, Judicial Review & Administrative

## EXPERIENCE

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Recent experience includes:

- Acting for Santos Limited in a claim brought in the Supreme Court of Queensland for repayment under an EPC Contract of amounts in excess of \$1 billion.
- Acting for a Korean manufacturer in an ICC arbitration in relation to claims for breach of contract and unauthorised use of confidential information in excess of €40 million.
- Acting for a German engineering company in an ICC arbitration concerning various claims arising from the design and manufacture of industrial equipment.
- Acting for a Mongolian state entity in a SIAC arbitration in relation to claims for breach of contract in excess of USD\$20 million brought by a Japanese investor.
- Acting for Vald Performance Pty Ltd in a claim brought in the Federal Court for patent infringement.
- Advising an Australian company in relation to an intellectual property dispute with a foreign government.
- Acting for a mortgagee in a claim brought in the Supreme Court of Queensland for payment of principal and interest owing under a mortgage outside the limitation period prescribed in the *Limitation of Actions Act* 1974 (Qld).
- Acting for and advising shareholders in oppression proceedings in the Supreme Court of Queensland.
- Acting for a licenced firearms dealer in an application brought in the Federal Court to set aside a decision of the Minister for Home Affairs to refuse importation approval.
- Acting for a body corporate in an application brought in the Queensland Civil and Administrative Tribunal concerning the validity of a caretaker and letting agreement.
- Acting for a builder in a claim against the Queensland Building and Construction Commission in the Queensland Civil and Administrative Tribunal.
- Advising a patent holder in respect of various issues arising out of an agreement to assign and commercialise a patent.
- Advising the owner of a building in relation to claims arising out the structural failure of the building.

- Advising a property developer in relation to various claims arising out of a joint venture dispute.
- Advising in numerous cases concerning allegations of defective design and workmanship.
- Advising in numerous cases concerning complex intellectual property disputes.

## RECOMMENDATIONS

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### Doyle's Guide to the Australian Legal Profession

- 2021 – Recommended as a leading Australian IP & TMT barrister.

## MEMBER

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Bar Association of Queensland

LawRight

## CAREER

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**2018** Barrister (Brisbane)

**2015** Researcher, Graduate Institute of International and Development Studies (Geneva)

**2013** Solicitor, Corrs Chambers Westgarth (Brisbane)

**2012** Foreign Legal Adviser, Bae, Kim & Lee (Seoul)

## EDUCATION

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University of Geneva, Doctor of Philosophy in Law (Summa Cum Laude)

Korea University, Master of Laws (Distinction)

Griffith University, Bachelor of Laws (Hons)

Griffith University, Bachelor of Arts

## AWARDS

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Swiss National Science Foundation Scholar

Department of Foreign Affairs and Trade Scholarship

Korea University Academic Scholarship

Griffith University Award for Academic Excellence

## **PUBLICATIONS**

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### **The way of the future - Arbitration or other options?**

November 2019, Arbitration, International

### **Best Practice International Arbitration in Australia: an Australian view on current issues affecting the arbitral mandate**

November 2019, Arbitration, International

### **The Principle of Comity in Public and Private International Law (2019, forthcoming)**

September 2019, Arbitration, International

### **The History of Comity**

July 2019, International

### **The Oxford Handbook of International Arbitration (2019, forthcoming)**

February 2019, Arbitration, International

### **Navigating Sovereignty and Transnational Commercial Law: The Use of Comity by Australian Courts**

August 2016, Contract, International

### **Voluntary Third-Party Intervention in International Arbitration for Construction Disputes: A Contextual Approach to Jurisdictional Issues**

August 2013, Arbitration, Building & Construction, International

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