



<b><u>Surname, First name</u></b>	McDougall, Robert
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<b>Nationality/ Date of Birth</b>	Australian; 14.07.1947

### **Educational/Professional Memberships**

Graduated from the University of Sydney with honours in Arts 1968, and with honours in Law 1972.

Admitted to practice as solicitor 1972; practised as solicitor 1972-1974.

Admitted to Bar in NSW in 1974; practised at the Bar 1975-2003.

Appointed Queens Counsel 1990.

Appointed a Judge of the Supreme Court of NSW, sitting in the Commercial and the Technology and Construction and (when instituted) Arbitration Lists in 2003.

Served as Judge, 2003-2019.

Returned to private practice, as arbitrator, referee and mediator, in 2019.

Adjunct Professor, School of Law, University of Technology, Sydney 2008 to date.

Fellow, Australian Centre for International Commercial Arbitration.

### **Current Position**

Arbitrator, referee and mediator in private practice.

### **Professional Experience**

*Experience at the Bar:* my major areas of practice included insurance law; construction law; equity and commercial law (including professional negligence litigation) banking law (including consumer credit law); and trade practices litigation. I appeared in many significant Australian commercial and construction disputes heard over the years 1990 to 2003. I appeared also as counsel for one party or another in many domestic arbitrations (principally concerned with the construction industry) and in many mediations throughout the years of my practice at the Bar.

*Judicial experience:* as a judge I heard and decided many major commercial and construction cases. They encompassed a wide range of contract, insurance, construction and trade practices disputes. I have also delivered the leading judgment in the Court of Appeal on numerous occasions.

Many of the cases I heard involved complex questions of expert evidence in many disciplines, including engineering (civil, structural, geotechnical, electrical, mechanical, petrochemical, fire, mining and others); architecture; accounting; valuation (land and businesses); and loss assessment. As a result, I built on my expertise, first developed at the Bar, in analysing, assessing and deciding conflicts in expert evidence.

*Other experience:* I have lectured in equity and commercial law, and have delivered papers on a wide variety of topics in the fields of commercial and construction law.

### **Arbitration Experience**

Apart from my experience at the Bar, I have the following experience relating to the 9 months since my retirement from the Supreme Court:

- 1 Appointed as presiding arbitrator in an ICC arbitration, reference 23987/HTG. That arbitration has progressed beyond the point of the first procedural hearing.
- 2 Appointed as sole arbitrator in an ACICA arbitration, reference 2019/130. That arbitration too has progressed beyond the point of the first procedural hearing.
- 3 Appointed as a referee by the Supreme Court of New South Wales in three separate proceedings to date. I completed one of those references by delivering a written report, which was adopted. The other two were resolved by compromise prior to a hearing upon the reference.
- 4 Appointed by the Supreme Court of Queensland as a facilitator to conduct expert witness conclaves, in a billion dollar dispute which involved some 28 expert witnesses over 17 different disciplines. The conclaves were conducted over a period of three weeks, and the process of production and certification of the joint expert reports occupied a further three weeks.
- 5 Appointed as mediator on seven separate occasions to date.

### **Publications**

None, save for the papers referred to above.

### **Languages**

English.