Dr David H Denton, AM RFD KC

BA, LLB, LLM (*Monash*) PhD (UWA) CtBLaw (*Cornell*) CUniv (*VU Melb*)

Professional Profile

King's Counsel - Arbitrator - Academic

Dr David H Denton, AM RFD KC is a King's Counsel (***KC***) (and Senior Counsel) practising in commercial law at the Australian Bar and the Singapore International Commercial Court. He practises as a King's Counsel in all superior courts in Australia.

He has been retained to appear in both the High Court and the Court of Appeal in the Fiji Islands and for commercial clients involved in property disputes in the Family Court of Australia. He is a Certified Arbitrator and past President of the Australian Institute for Commercial Arbitration.

He has been an Adjunct Professor of Law at Victoria Law School, Victoria University since 2004. His areas of lecturing and research are in Corporate Governance and Commercial Arbitration.

He holds undergraduate and graduate degrees in Law from Monash University in Melbourne (BA, LLB, LLM), a Certificate in Business Law (USA) from Cornell University (CtBLaw) and a Doctorate of Philosophy (constitutional law) from the University of Western Australia in Perth (PhD).

He has been recognised by Victoria University Melbourne for outstanding contributions to the law and to the University with the award of the Centenary Hoadley Medal in 2016 and then in 2020 being honoured as a Companion of the University (CUniv). In the Australia Day 2023 Honours List the Governor-General of Australia appointed him as a Member of Order of Australia (AM) for significant services to the law.

In business, he was Chairman of Intelemetrix Limited (a start up technology company) and then Chaired the Conflicts Committee and was a Member of the Advisory Board of a listed public company engaged in litigation funding in Australia and New Zealand (JustKapital Limited). He is currently a member of the Investment Committee of CASL Litigation Funding. He is a lay member of the Cabrini Hospital Research Governance Committee.

Qualifications

Honours & Appointments:

- Member of the Order of Australia, (***AM***), Australia Day, 2023
- Appointed a King's Counsel (& Senior Counsel) (***KC***) for the State of Victoria – 2001
- Reserve Force Decoration, (***RFD***), Australian Army Reserve, 1992

Education

- **Xavier College, Kew**
- **Royal Military College, Duntroon**
- **Monash University, Victoria** - ***B.A. LL.B. LL.M.***
- **University of Western Australia** – ***PhD***
- **Cornell University, New York, USA** - ***CtBLaw*** (USA)
- **Victoria University Melbourne** - ***CUniv***

Barrister

- Roll of Counsel - **Victorian Bar**: since 1982
- President, **Commercial Bar Association**: 2001-2005

Arbitrator

- Fellow of the **Australian Institute for Commercial Arbitration** (***FAICA***) – 2004
- Certified Arbitrator - Australian Institute for Commercial Arbitration – 2004
- President of the Australian Institute for Commercial Arbitration: 2004 – 2011

Mediator

- National Accreditation as a Mediator – 2008

Academic

- Companion of the University - Victoria University Melbourne, 2020
- Centenary Hoadley Medal, Victoria University, 2016
- Adjunct Professor of Law, Victoria Law School, College of Law and Justice, Victoria University, Melbourne – since 2005
- Professorial Associate, Sir Zelman Cowen Centre, Victoria Law School, College of Law and Justice, Victoria University, Melbourne – 2005
- Convenor, Adjunct Professoriate, College of Law & Justice, Victoria University – 2014-2024
- Inaugural Fellow in Residence, Victoria Law School, Victoria University, Melbourne – 2012-2020
- Editorial Advisory Board, Victoria University Law & Justice Journal – 2011-2020
- Course Director, Graduate Diploma in Commercial Arbitration, Sir Zelman Cowen Centre, Victoria Law School, College of Law and Justice, Victoria University, Melbourne – since 2004
- Chair of the Faculty of Business & Law Review Committee into the Sir Zelman Cowen Centre, Victoria Law Schoo -l 2009 – 2010
- Victorian Bar Council Representative, Programs Advisory Committee, Victoria Law School, College of Law and Justice, Victoria University, Melbourne – 2004 - 2024
- Advisory member of Head of Law School's Building and Accommodation Committee for the Victoria Law School – 2008-2016
- Occasional Lecturer, The Law of Commercial Arbitration, and International Commercial Arbitration, Victoria Law School, College of Law and Justice – since 2005
- Moot Master, Victoria Law School Mooting Competition 2005 - 2011
- Advisory member pro tem to Provost, Sir Zelman Cowen Centre, Victoria Law School, Professor the Hon J H Phillips AC QC, 2004 – 2008

Significant Cases

http://www.davidhdenton.com/significant-cases.html

Publications & Seminars in Law

- ***The Chapter III Problem - Reimagining the Australian Military Justice System*** (2022) SSRN 4223889
- ***An 'Alternative' New Military Justice Regime for The Australian Defence Force: if not a military court then an Australian Court Martial Tribunal*** (2022) SSRN 3979418
- ***A Proposed New Military Justice Regime for the Australian Defence Force during Peacetime and in time of War*** (2019) SSRN 3551788
- ***The Australian Military Justice System: History, Organisation and Disciplinary Structure*** (2016) 6(1) VULJ 26
- ***Commercial Arbitration - Does It Really Have A Future?*** (2014) 4 VULJ 117
- ***Occasional Address - Conferring of Degrees Ceremony - Victoria University Melbourne - Law & Justice*** (2016) LinkedIn Posting On-Line ("LIP")
- ***The 20 Most Notable Australian High Court Cases since 1981*** (2016) LIP
- ***OK, so you are entitled to damages for breach of contract. You have mitigated your loss. Do you still lose out to the defaulting party?*** (2015) LIP
- ***Litigation Funding - Established Players v New Idea: Crowd Funding?*** (2015) LIP
- ***Whose standard terms and conditions of contract trump the other as between a buyer and a seller?*** (2015) LIP
- ***Magna Carta: in reality - too much myth but wonderful history*** (2015) LIP
- ***Death Sentences and the 21st Century - Think*** (2015) LIP
- ***Commercial Arbitration – Does It Really Have A Future?*** (2014) 4 VULJ 117
- ***Proportionate Liability – Where to from here?*** - (2014 Leo Cussen Centre for Law - "LCC")
- ***Civil Procedure - Case & Statute Law Update*** – 2014 LCC
- ***Directors' Duties – Some Observations – USA – UK – Australia*** (2012 **Law Institute of Victoria** – "*LIV*")
- *Hard Lessons in a Tumultuous Year - Centro and James Hardie - What Next?* (2012 **Institute of Chartered Accountants in Australia**)
- ***Understanding the Proportionate Liability Regime*** (2011 **Legalwise Seminars** "LS")
- ***Liquidated Damages and Penalties - Ensuring Enforceability*** (2010 **LexisNexis**)
- *The Civil Procedure Act Reforms – Ready for the Changes?* (2010 LCC)
- ***Misconduct of Insolvency Practitioners*** (2009 **Insolvency Practitioners Association**)
- *The Accountability of 'Corporate Undertakers' for their Misconduct in Office* (2009 LS)
- *Litigation Intensive - A Practical Session On Preparing for and Conducting a Commercial Trial* (2007 LCC)
- *Re Wakim – Cross-Vesting - Quo Vadis?* (1999 LIV)
- *Voluntary Administration - Framework and Principles* (1995 LCC)
- *Issues and Decisions for Lenders Arising from Company Administration* (1994 LCC)
- *External Administration - Receivers and Managers* (1994 LCC)
- *Liquidation of Corporations* (1993 LCC)
- *Liquidation of Companies* (1988 and 1989 revised, LCC)
- *Winding Up Law and Procedure under the Companies Code* (1983 and 1984 LCC revised)
- *Australian Corporation Law, Principles and Practice*, Butterworths, (contributor)
- *Australian Corporations and Securities Reports*, Butterworths (law reporter)
- *Australian Company Law Reports*, Butterworths (law reporter)

Professional Positions

Commercial Bar Association

- President of the **Commercial Bar Association – Melbourne** (*CommBar*) (2001 – 2005)
- Senior Vice President of CommBar (1999 – 2001)
- Chairman of the Corporations and Securities Law Section of CommBar (1998 – 2005)
- Deputy Chair Corporations and Securities Law Section of CommBar (2005 – 2010)
- Vice President (Convenor) of CommBar (1994 – 1998)

Victorian Bar

- Victorian Bar Representative, Law Council of Australia, Rural Regional & Remote Law Committee - (2023 - present)
- Victorian Bar Representative, Programs Advisory Committee, Victoria Law School, College of Law & Justice, Victoria University Melbourne (2004 – present)
- Member of the Supreme Court of Victoria Corporations & Commercial Court Users' Group (2010 – 2014)
- Member of the Supreme Court of Victoria Commercial List Users' Group (2003 – 2010)
- Member Independent Chambers Committee (2008 – 2011)
- Member Continuing Legal Education Committee (2001 – 2007)
- Member Aboriginal Law Student Mentoring Support Group (2000 – 2001)
- Member Litigation Procedure Review Committee for Commercial Law (1999 – 2001)
- Member Legal Education Committee (1998 – 2000)
- Member Academic and Continuing Legal Education Committee (1995 – 1997)
- Founding Director, List Committee Member and Member Of List A Barristers (1990 – 2010)
- Member Bar Library Committee (1987 – 1989)
- Member Victorian Bar (1982 – 1985; 1987 - present)
- Mentor to the following Barristers: Joanne Piggott, Peter G Lovell, Margaret Lodge, Alan Herskope, David L Bailey, Richard W Short; Picha Djohan

Other Appointments

- Member, **Research Governance Committee, Cabrini Hospital,** Melbourne - since 2022
- Chairman, ***Law Hawks*, Legal Coterie, Hawthorn Football Clu**b (2007 – 2011)
- Member, ***Macrossan Chambers***, Melbourne and Cairns - since 2010
- Member***, Sir Harry Gibbs Chambers,*** Brisbane - since 2010
- Head of Chambers, **Chancery Chambers**, Melbourne (1997 – 1999, 2003 – 2005, 2006 – 2008)
- *Rapporteur* and member of the Papers Committee, **13th Commonwealth Law Conference, Melbourne** (2002-2003)
- Committee member of the Executive of the **Commercial Law Association of Australia Limited** (1995-1998)
- Honorary Secretary of the **International Commission of Jurists (Australian Section) in Victoria** and a member of its Executive Committee (1995 – 1996)
- Fellow of the **Australian Institute of Company Directors** (***FAICD***) (1992)
- Corporate Lawyer (1986 - 1987)
- Official Observer, **Australian Constitutional Convention, Brisbane** (1985)
- President, Senior Common Room, **Newman College, University of Melbourne** (1984 – 1985)
- Senior Resident Tutor in Law, Newman College, University of Melbourne (1982 – 1985)
- Commissioned Officer: **Australian Army Legal Corps (Reserve**) (1975 – 2002)

Contact

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