

CHRISTOPHER JON FLADGATE

EDUCATION

University of Melbourne, Melbourne Australia, LL.M., August 2005

Focus: Construction law, commercial litigation, alternative dispute resolution.

Honors: Average of highest grade awarded ('H1'). Four of eight subjects received highest grade.

Monash University, Melbourne, Australia, LL.B. (Hons), B.A., March 1999

Honors: Graduated in the top 20% of law class; winner Public International Law Prize; Jessup Moot Court Advocate - Winners of best memorial in Australian regional rounds; Winner and Best Advocate in both Junior & Senior Mooting Competitions.

EMPLOYMENT HISTORY

Zetlin & De Chiara LLP, New York, New York, October 2005 – September 2008

Associate Principal

- **Specializations:** Litigation, arbitration and mediation on behalf of owners, architects, engineers and contractors. Preparing and defending construction-related claims (e.g., construction and design defects, indemnity, liquidated damages, breach of contract, other negligence and tort claims) for owners, large contractors and design professionals. Drafting and negotiation of construction-related agreements on behalf of owners, architects, engineers and contractors.
- **Responsibilities:** Court, arbitration and mediation appearance and advocacy, drafting court, arbitration and mediation documents (e.g., motions, pleadings, position papers), including single chairing an arbitration. Supervision of foreign local counsel in United Kingdom/Pakistan. Acting as the "point" person for clients and providing general and strategic advice to those clients. Negotiating various agreements for architects, engineers, owners and contractors. Preparation and delivery of numerous risk management seminars for both existing and potential clients.
- **Sample major matters/clients:** Representing a large international engineering and design company defending a \$50 million Federal claim relating to the design and construction of a bridge; representing a large construction manager defending \$5 million lawsuit relating to a public project, including Appellate Division practice; representing a prominent architect defending a \$5 million lawsuit relating to a high-end apartment renovation which included RICO claims; primary day-to-day contact for an owner/developer facing in numerous lawsuits from contractors and design professionals (approx. 6) in relation to a single, large project as well as ongoing day-to-day advice on an *ad hoc* basis (project value approx. \$500 million) as well as the negotiation of those claims with the various contractors and design professionals; representing developer negotiating construction management, architect's and engineering agreements for projects valued between \$50 and \$150 million as well as general everyday advice on an *ad hoc* basis.

Mallesons Stephen Jaques, Melbourne (Australia) and Hong Kong, March 1999 – September 2005

Litigation Senior Associate, Construction and International Commercial Arbitration Groups

- **Specializations:** Litigation, international and domestic commercial arbitration (institutional and *ad hoc*) and mediation related to construction, engineering and insurance. Preparing and defending construction-related claims (e.g., construction and design defects, indemnity, liquidated damages, breach of contract, other negligence and tort claims) for owners, large contractors and design professionals. Drafting and negotiation of construction-related agreements.

Melbourne Office (March 1999 – September 2000 and May 2002 – September 2005)

- **Responsibilities:** Court, tribunal, arbitration and mediation appearance and advocacy, drafting court, arbitration and mediation documents (eg, pleadings, witness statements, position papers), negotiating settlements, preparing general and strategic advice to clients, drafting various construction-related agreements. Supervision of foreign local counsel in United Arab Emirates.
- **Sample major matters:** Representing large engineering company in claim against State relating to the design of a gas pipeline; representing owner (and design team's interests) defending contractor's \$10 million claim concerning construction of national sporting facility; representing owner defending contractor's \$40 million claim concerning construction of a national freeway.

Hong Kong Office (September 2000 – May 2002)

- **Responsibilities:** International arbitration appearance and advocacy, construction claim analysis and development (preparing and defending), drafting arbitration documents (e.g., pleadings, witness statements, requests for production), supervision of foreign local counsel in Thailand and the People's Republic of China.
- **Sample major matters:** representing contractor in *ad hoc* arbitration concerning construction of airline catering facility at Hong Kong international airport (\$20 million); representing contractor in ICC arbitration concerning construction of polymer plant in Thailand (\$10 million); drafting suite of standard form agreements for multinational power station owner.

Telstra Corporation Limited (Client Secondment), (September 2003 - September 2004)

- **Specializations:** Providing in-house legal advice, primarily to the construction business unit of Australia's largest telecommunications company (and the firm's largest client) on a range of construction-related issues. The construction business unit supervised approx. \$2 billion worth of construction activities annually. Supervision of numerous outside counsels and the preparation and defense of claims by outside counsel.
- **Responsibilities:** Drafting and negotiating various agreements (e.g., construction, licensing, subcontracts), assessing existing claims against company and authorizing appropriate action (i.e., negotiations, mediation, litigation), supervising and managing outside counsel, reviewing request for tender documentation, preparing training materials re: legal issues for employees outside of legal unit, providing on-the-spot advice to non-legal personnel.

PUBLICATIONS & PRESENTATIONS

JURIED PUBLICATIONS

"The Collateral Use of Construction Professionals' Violations of Licensing Regulations and Codes of Ethics," Journal of the American College of Construction Professionals, Volume 1, Issue 2, Summer 2007. (co-authored with Michael Zetlin)

OTHER

"Key Aspects of Structural Condition Assessments," Structure Magazine, August 2006 (co-authored with Michael Zetlin)

BAR MEMBERSHIPS

New York State, January 2003

High & Federal Courts of Australia, July 2000

State of Victoria, Australia, May 2000

CITIZENSHIPS

Australian and Canadian