



DAMIAN GRAVE

PARTNER

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BACKGROUND

Damian holds a Bachelor of Laws with Honours and a Bachelor of Economics from the University of Adelaide. He also has a Bachelor of Civil Law from the University of Oxford and a Master of Laws from the University of Cambridge. He has completed the Advanced Management Program at Harvard Business School. Damian is admitted to practise across Australia and in England and Wales.

MARKET RECOGNITION

Damian is recognised as a Star Litigator in Australia by Benchmark Litigation 2020 and 2021. He has been consistently ranked in Chambers Asia Pacific (Dispute Resolution) and as a leading individual in Legal 500 (Dispute Resolution and Class Actions). Chambers attributes Damian's market recognition to "not only his personal 'experience and expertise' and thought leadership in this field, but also as one of the key reasons for Herbert Smith Freehills having 'really set themselves apart from everyone else' in that space."

Damian has also been acknowledged by his peers in Best Lawyers as:

- one of a small number of solicitors in the category of Bet-the-Company Litigation over many years.
- 2019 Lawyer of the Year for work in Class Action Litigation.

KEY PUBLICATIONS

Damian is co-author of the leading Australian text on class actions, *Class Actions in Australia*, now in its Third Edition (Thomson Reuters, 2022).

He is also co-editor and co-author of *Class Actions in England and Wales*, published by Sweet & Maxwell, with the Second Edition forthcoming in 2022. This is a definitive review of the law and practice of class actions in England and Wales.

During 2017 he was also co-editor of *25 Years of Class Actions in Australia: 1992-2017*, a new book which brought together a number of contributors and perspectives on the first 25 years of class actions in Australia.

ACCOLADES

Damian is described by clients as:

- having a "*deserved reputation as a gifted litigation and regulatory lawyer*" and an ability to remain "*at the top of his game at all times,*" even under difficult circumstances – Chambers Asia Pacific 2022
- "*extraordinary*" lawyer and "*one of the pre-eminent practitioners in that space*" – Chambers Asia Pacific 2020
- "*unfailingly professional*" and "*a true leader in the space*" – Legal 500 2020
- "*outstanding, whose technical expertise allows for a deep understanding of the class action regime and its nuances*" – Legal 500 2019
- "*a very experienced class action lawyer and very sage in his advice*" – Chambers Asia Pacific 2019
- "*No one knows [the class action] environment better, he really understands how to connect with the client; he delivers a powerful message to boards in language they can understand; he's a lawyer you bring to the top table*" – Chambers Asia Pacific 2019
- "*strategic, client-focused ...having exceptional industry knowledge and is a clear industry-leader in class actions*" – Legal 500 2018
- "*located at the cutting edge of class action work*" and "*plaintiff lawyers don't want to see him on the other side*" – Chambers Asia Pacific 2018
- "*a good counsellor and backstop who understands and discusses the merits of different possible outcomes*" – Chambers Asia Pacific 2018

- “*superb litigator*” – Legal 500 2017
- “*calm and considered, trusted adviser who offers good, practical advice on difficult issues and explains complex legal issues clearly and succinctly*” – Chambers Asia Pacific 2017

KEY SERVICES

Class Actions
Dispute Resolution

KEY SECTORS

Banks
Financial Institutions

EXPERIENCE

Damian helps clients manage key business risks and resolve their most complex commercial and regulatory disputes, including major class action risks, across a broad range of industry sectors.

Based in Melbourne, Damian gained valuable experience over a number of years working in London and continues to work widely across our Australian and international offices. He acts in class action proceedings in both Australia and the UK and is recognised as a leading dispute resolution practitioner across all key industry publications.

Damian’s strategic approach to managing disputes focuses on delivering successful commercial outcomes for clients.

Damian is the Client Relationship Partner for a number of the firm’s most significant global clients.

He is co-author of the leading books on class actions in Australia and the UK, *Class Actions in Australia* (Third Edition, Thomson Reuters, 2022) and *Class Actions in England and Wales* (Sweet & Maxwell, with the Second Edition forthcoming in 2022), respectively. He regularly presents and comments on legal issues, including class actions and litigation funding.

He has led our market leading global class actions practice over many years and before that the wider Australia Disputes practice which spanned the period both before and after the merger.

Damian’s experience includes advising:

- a number of ASX listed companies on ESG related issues and litigation risk arising from activists
- Mayne Pharma in defending a securities class action relating to alleged non disclosures concerning US competition law matters
- the State of Victoria in defending multiple class actions relating to Hotel Quarantine
- Coles in defending parallel regulatory and class action proceedings relating to underpayment claims
- Treasury Wine Estates in defending multiple shareholder class actions in relation to alleged non disclosures concerning FY20 earnings guidance having also successfully defended TWE in previous shareholder class actions
- National Australia Bank in the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry
- PricewaterhouseCoopers in defending multiple funded shareholder class actions in relation to the collapse of Vocation Limited
- Vocus in defending a funded shareholder class action in relation to alleged non disclosures concerning FY17 earnings guidance
- Murray Goulburn on a range of multi-faceted issues including the defence of multiple class action proceedings and various regulatory investigations, inquiries and proceedings
- Diageo in the global coordination and defence of class action litigation and proceedings in both Australia and the UK
- Newcrest Mining in defending a funded shareholder class action in relation to alleged disclosure issues associated with its gold production guidance
- International mining company in defending a claim before the English courts regarding alleged environmental issues arising from mining operations in Zambia
- Commonwealth Bank of Australia in defending an investor class action relating to a forestry-based managed investment scheme
- OZ Minerals in defending three funded shareholder class actions, the most recent being a substantial multiparty class action arising out of the merger between Oxiana and Zinifex
- Centro in defending several landmark multiparty litigation-funded shareholder class actions which involved allegations of contraventions of Australian securities laws and in

the context of the A\$16 billion restructure of the Centro Group. This was the first series of class actions in Australia involving competing proceedings run by different plaintiff law firms and funders

- Santos in the global coordination of legal and commercial issues arising from the East Java mud volcano in Indonesia, involving issues across multiple jurisdictions including Indonesia, the US, the UK and Australia
- Santos and the Cooper Basin producers in a complex and strategically significant gas price review and arbitration which proceeded to a final award
- Mayne in its response to the Pan Pharmaceuticals crisis, which was widely recognised as Australia's largest pharmaceuticals product recall
- Telstra in defending a significant shareholder class action involving allegations of contraventions of Australian securities laws. This was one of the first major shareholder class actions in Australia
- the State of Victoria and a number of its instrumentalities in successfully defending the class actions commenced in multiple jurisdictions following the interruption to gas supply at Longford
- the State of Victoria in the Longford Royal Commission into the Esso Longford Gas Plant