

# The Hon Kevin Edmund Lindgren AM, QC, FAAL

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BA, LLB (Hons), MA, PhD, LLD (honoris causa), FAAL

Kevin Lindgren was a Judge of the Federal Court of Australia from July 1994 until he reached the mandatory retirement age for federal Judges in February 2010. At the time of his appointment to the Court he was practising as a Queen's Counsel at the Sydney Bar, mainly in the area of commercial law.



Following his retirement from the Bench, Dr Lindgren was an Acting Judge of Appeal in the New South Wales Court of Appeal and an Acting Judge in the Supreme Court of New South Wales for a short time in 2010.

While he was a Judge, Kevin Lindgren was also the President of the Copyright Tribunal of Australia from 2000 to 2007.

In earlier times, after leaving high school at the end of 1956, Dr Lindgren served full-time articles of clerkship from 1957 to 1962; practised as a solicitor from 1962 to 1969; was successively Lecturer, Senior Lecturer and Professor of Law (and Foundation Head of the Department of Law) at the University of Newcastle from 1969 to 1984; and practised as a barrister in Sydney from 1984 to 1994, being appointed Queen's Counsel in 1991.

Since retirement from the Bench in 2010, he has pursued a busy practice in alternative dispute resolution, including arbitrations, mediations, expert determinations and early neutral evaluations, almost entirely in the broad area of commercial law, as well as writing activities in that area.

The expert determinations and early neutral evaluations have nearly all turned on the construction of commercial contracts including building contracts.

As at October 2020, Dr Lindgren has been arbitrator in 25 arbitrations, comprising 14 domestic and 11 international. In 21 of the 25 he has been sole arbitrator and in the other four, he has been a member of an arbitral tribunal of three members.

He is the author and updating author of Part 12, "Commercial Arbitration", in *Business Law of Australia* (LexisNexis, loose-leaf), the author of the chapter, "The Choice between Litigation and Arbitration" in Michael Legg (ed), *The Future of Dispute Resolution* (LexisNexis), and a Fellow of the Australian Centre for International Commercial Arbitration (ACICA) and a member of its NSW State Committee of ACICA.

Shortly before his appointment to the Federal Court in 1994, he completed the LEADR mediation course and did a small number of mediations, resuming that work after his retirement in 2010.

Although he has not been counting, since retiring from the Court in 2010 he has also done hundreds of mediations. They have been in the broad area of commercial law, including contractual disputes, defamation, nuisance, tax, intellectual property, environmental law, wills and family provision, etc

He has also spoken at several conferences on arbitration and mediation.

His arbitrations have included arbitrations over:

- a contract for the construction of a public hospital;
- a contract for oil and gas exploration;
- a contract for the construction of a power plant;
- a contractual arrangement involving a professional sporting body (2 arbitrations);
- the fixing of tariffs for access, under statute, to a railway network;
- a contract for a public raising of capital;
- a long running family dispute over substantial assets;
- a franchise agreement;
- a supply and distribution agreement.

The above list is not exhaustive but give some idea of the range and variety of the commercial arbitrations undertaken.