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13wentworth.com.au/barrister/sydney-jacobs/



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As a commercial equity barrister, I will bring to your matter my legal training from Cambridge University, experience appearing at final hearings before senior judges in three countries, knowledge as an author of legal texts for Thomson Reuters, discipline gained from my army service, the perspective gained from being a judge in university moots and commercial nous gained as a former director of a public company.

This learning and experience enables me to make *pragmatic forensic decisions* in court cases and to provide *realistic and actionable* advice. I am adept in communicating via Zoom and Teams, with licences for both. Facilities for hybrid conferences include a video projector.

AREAS OF EXPERTISE

- Conveyancing and real property: rescission and termination of contracts for the sale of land off-the-plan; caveats; actions for return of deposits under s 55(2A) *Conveyancing Act*; s 66G claims for appointment of a trustee for sale of land
- Applications for specific performance of contracts for the sale of land
- Easements and Covenants: applications under s 88K and s 89 *Conveyancing Act* for imposition and modification of easements; seeking a declaration that an easement arises by long user and by necessary implication from sketches on title
- Applications for injunctions including regarding nuisance and trespass, and freezing orders
- Options and rights of first refusal
- Corporations law, including directors' duties and oppression
- Applications of a commercial equity nature, such as restraints of trade and confidential information
- Actions involving directors' guarantees
- Building and construction law
- Commercial leasing and strata

- Partnership and joint venture disputes, including oppression
- Remedies, including damages and injunctions
- Commissions of inquiry
- Acting variously as mediator and advocate at mediations

RECENT CASES

The cases I have previously appeared in and am currently briefed in can be found on my [13 Wentworth webpage](#) and my [personal webpage](#). I have appeared in the Federal Court of Australia, the NSW Court of Appeal, Supreme, District and Local Courts; NCAT; higher courts in Western Samoa and the highest court in South Africa.

My current Supreme and District Court cases include: specific performance of a contract for the sale of a development property; specific performance of a settlement agreement; s 88 K *Conveyancing Act* claim for an order for easement for carriageway; an action for alleged trespass by a television reporter and a declaration that an oral agreement reached to sell a valuable farming property is enforceable.

I have recently had settle the following Supreme Court cases:

- Various cases involving Sec 89 *Conveyancing Act* claims for removal and modification of easements for carriageway
- A section 88 K *Conveyancing Act* claim for an order imposing a stormwater easement

Some recent interlocutory skirmishing includes:

- An application to amend a Statement of Claim
- Demands for documentary production and attendant claims of privilege, and whose set of proposed SMO's will be most appealing to the List Judge

MEDIATION / ARBITRATION / EXPERT DETERMINATION

I am a mediator on the Supreme Court list, and an expert determiner and arbitrator approved by the NSW Bar Association. I have acted as mediator in commercial disputes and as advocate in mediations and arbitrations. I have also appeared in technical references.

PUBLISHED LEGAL TEXTS

I am sole author two major loose-leaf services for Thomson Reuters: *Commercial Damages and Injunctions: Law & Practice*. I am also one of the main authors of two other major Thomson Reuters loose-leaf services: *Commercial & International Arbitration*.

ACADEMIA

I formerly lectured for the UTS Master of Law courses on *Commercial Damages & Equitable Remedies* and am regularly invited to judge Sydney University and other law school moots.

SEMINARS / CPD PRESENTATIONS

I regularly present at (and at times chair) CPD seminars for Legalwise, Television Education Network, NSW Law Society (specialist accreditation courses) and the University of NSW on *easements and covenants* (e.g. Sec 88 K and Sec 89 *Conveyancing Act* claims; acquisition by long user/ prescription/ estoppel; true construction; abandonment); *conveyancing* e.g. sale of land , sales off the plan, notices to perform and to complete; rescission and termination; *construction* of contracts; *Sec 66G* applications for appointment of trustees for sale; agreements in *restraint of trade*; *injunctions* retraining calls on *bank guarantees*; *commercial leases* etc.

Feel free to browse my personal [website](#) for further information.

PARLIAMENTARY INQUIRIES ETC

I have on occasion represented clients at a Parliamentary Inquiry, before the Independent Commission Against Corruption (Operation Spicer into election funding) and the Crime Commission.

EXPERIENCE AS SOLICITOR

Before being called to the bar, I was a Senior Associate at Deacons, Graham & James (now Norton Rose Fullbright) and a Solicitor at Minter Ellison Morris Fletcher (now MinterEllison). As a key member of their Construction Law departments, I negotiated large infrastructure contracts and conducted significant litigation on behalf of major corporations, including State Rail,

Qantas, Polynesian Airlines and Abigroup.

CONTACT

For my availability and rates, feel free to contact:

- (i) My personal assistant [Holly](#), or
- (ii) Mr [Paul Walker](#), the Clerk of 13 Wentworth

Your Observations in advance will assist with considering availability and estimating fees.