

Sam Rappensberg

Special Counsel

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OVERVIEW

Sam Rappensberg is an experienced insurance and commercial litigation lawyer, focusing on the defence of professional negligence and superannuation life insurance claims. He also has extensive experience acting for and advising clients in connection with defamation claims and product liability disputes. He regularly advises on policy and coverage issues, including those arising under the *Insurance Contracts Act 1984* (Cth).

Sam appreciates the unique issues and challenges associated with insurance litigation, as well as the specific manner in which these claims can be litigated. He helps his clients navigate these issues and challenges by providing clear, practical and thorough advice and appearing for them in Court and alternate dispute resolution (e.g. mediation) settings.

Sam otherwise regularly acts on a wide range of contractual and commercial disputes across various industries and commercial sectors, as well as in connection with claims in equity and consumer law disputes. He also acts in administrative law disputes, including applications for the judicial review of government decisions.

ACHIEVEMENTS

- Listed in *The Best Lawyers in Australia*™ for Legal Malpractice Litigation Law, 2027
- Recognised by *Doyle's Guide* as Insurance Law Rising Stars in Victoria, 2026
- Listed in *The Best Lawyers: Ones to Watch in Australia*™ for Alternative Dispute Resolution and Litigation, 2023-2025
- Recognised by *Lawyers Weekly* as a finalist in the 30 Under 30 Awards for Insurance, 2022

PROFESSIONAL / CIVIC ACTIVITIES

- Australian Insurance Law Association member
- Australian Professional Indemnity Group Inc. member
- Communications and Media Law Association member

- Law Institute of Victoria member

SPEAKING ENGAGEMENTS

- "Legal Professional Privilege", presented at the Australian CPD Series, February 2019, 2024, 2025 and 2026
- "Insurance Claims – the Lawyers' Role", delivered to Mallee Family Care Community Legal Centre, 19 December 2023
- "Preparing a will - do the basics well", presented to Victorian lawyers on behalf of the LPLC, 27 September 2023
- "An Update on Defamation Law and Social Media", presented at the Australian CPD Series, February 2023
- "Defamation Reforms – Stage 1", presented to selected insurance claims solicitors, August 2021 and February 2022
- "Legal professional privilege – overview and update", presented to selected in-house counsel, 25 February 2020

EDUCATION

- Master of Commercial Law, University of Melbourne, 2018
- Graduate Diploma in Legal Practice, Australian National University, 2015 *Canberra*
- B.Com, University of Adelaide, 2014 *(International Business)*
- Diploma in Languages, University of Adelaide, 2014 *(German Studies - Advanced)*
- International Commercial Litigation and Arbitration, Michigan State University, 2014
- LL.B., University of Adelaide, 2014 *(Hons)*

ADMISSIONS

- Federal Court of Australia
- High Court of Australia
- Supreme Court of South Australia
- Supreme Court of Victoria

LANGUAGES

- German

THOUGHT LEADERSHIP *POWERED BY HUB*

- February 2026, Australian CPD Series 2026: Legal Professional Privilege
- 1 October 2024, The New Australian Statutory Tort for Serious Invasions of Privacy–What Does It Currently Look Like?
- 14 March 2024, Equitable Subrogation and "Controllers" for the Purposes of the *Corporations Act 2001* - Can a Lawyer be a "Controller?"
- 12 February 2024, Institutional Abuse Claims in Victoria—Legal Identity of Defendants (Organisational Child Abuse) Act 2018 Applies to Secondary Victims
- 29 November 2023, *Kneale v. Footscray Football Club Ltd*–Cautions for Both Sides of Institutional Abuse Claims
- 14 November 2023, A Statutory Tort for Serious Invasions of Privacy?
- 21 September 2023, Some "Serious" Developments in Defamation Law
- 6 September 2023, "You Promised Not to Say That!" Non-Disparagement Clauses in Settlement Agreements
- May 2022, May 2022 Accolades
- 12 May 2022, Google Reviews - Qualified Privilege Defence Upheld in Defamation Claim
- 30 March 2022, Check Your [Legal Professional] Privilege - A Timely Reminder From the Federal Court of Australia
- 28 March 2022, And So It Begins…First Consideration of "Serious Harm" Threshold in Australian Defamation Claim
- 15 September 2021, Social Media Users and Operators Beware! High Court Confirms that Facebook Page Operators are 'Publishers' of Third Party Comments
- 28 July 2021, Meeting the Threshold: Stage 1 Defamation Reforms Go Live

OTHER PUBLICATIONS

- "Serious harm to reputation in the context of online defamation claims — the Australian position", Internet Law Bulletin, May 2025
- "Defamation law reforms: risk management tips for practitioners", *LSJ Online*, May 2025
- "Defamation law reforms stage 2 — tips and traps for practitioners", *Legal Practitioners' Liability Committee*, November 2024
- "The implied obligation - case update", *Legal Practitioners' Liability Committee*, July 2024
- "Permanent stays: A fair trial need not be a perfect trial", *LSJ Online*, December 2023

- "New Traps in Defamation Reforms", Law Institute Journal, November 2021

NEWS & EVENTS

- 16 April 2026, More Than 80 K&L Gates Lawyers Across Asia-Pacific Recognised in 2027 Best Lawyers, Ones to Watch Editions
- 3 February - 19 February 2026, 2026 CPD Program–Australia
- 11 February - 20 February 2025, 2025 CPD Program–Australia
- 13 February - 21 February 2024, 2024 CPD Program–Australia
- 7 February - 16 February 2023, 2023 CPD Program–Australia

OTHER MEDIA MENTIONS

- Quoted, "Big Four's Legal Privilege and Lawyer-Client Relationship Protections are Tested in Australia", Law.com International and Legal Week, 8 April 2022

AREAS OF FOCUS

- Commercial Disputes
- Insurance Recovery and Counseling
- Professional Liability

REPRESENTATIVE EXPERIENCE

- Defending professional negligence claims on behalf of law firms and lawyers in Victoria and New South Wales, including in proceedings in the Supreme Court of Victoria, the County Court of Victoria and the Federal Court of Australia.
- Defending life insurance claims made by members of retail superannuation funds on behalf of the trustees of those funds.
- Defending professional negligence and defamation claims on behalf of state government owned companies and their employees, including in proceedings in the Supreme Court of Victoria.
- Advising and acting in defamation and media related disputes arising from traditional and "new media" publications (including, but not limited to, newspaper articles, social media "posts" and/or reviews, podcasts, internet webpages and forums) for individuals and entities including aged care service providers, local government organisations, a record label, solicitors and insurers.
- Advising and acting for an Australian animal protection organisation in respect of an urgent application for judicial review of an administrative decision providing for the control of an animal population by lethal means.

- Acting for a national law firm (and its file operator) in the defence of a Federal Court of Australia proceeding under the *Disability Discrimination Act 1992* (Cth) arising from the settlement of historic worker's compensation claim. The claim was dismissed as against the firm and solicitor with costs: *Rossi v Qantas Airways Limited (No 2)* [2020] FCA 1080 (with a subsequent application for leave to appeal dismissed by consent).
- Acting for an international law firm appealing the District Court of South Australia's judgment in the Full Court of the Supreme Court of South Australia – a "failure to advise" claim regarding the so-called "penumbral" duty of care in relation to a share acquisition transaction: *AS Bannister & Ors v Sirrom Enterprises Pty Ltd* [2016] SASCFC 153.
- Acting for a national law firm in relation to a trial in the Supreme Court of South Australia on a preliminary point, more specifically, the proper interpretation of certain provisions of the amended *Retail Leases Act 1995* (SA): *Diakou Nominees Pty Ltd v Gouger Street Pty Ltd & Ors* [2017] SASC 72.
- Acting for, and advising, plaintiffs and defendants in a wide range of commercial litigation matters including in proceedings in the Supreme Court of Victoria and the County Court of Victoria.
- Assisting a major aged care services provider in the preparation of its detailed response to the initial, opening letter from the Royal Commission into Aged Care Quality and Safety, including advising on key issues outlined in the Commission's terms of reference and its initial letter.