



HERBERT  
SMITH  
FREEHILLS  
ALUMNI

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**Helen Wright** reflects on a  
trail-blazing career

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**ALUMNI**

# matters

2021



## GOOD GOVERNANCE: POSITIVE IMPACTS

Ray Cahill, the Associated British  
Foods director of corporate  
governance, putting the G in ESG



# From the Senior Partner

A key goal of mine as Chair and Senior Partner is to further strengthen our sense of connection across our firm. And when I say “our firm”, that includes you as HSF alumni. As my former team members know (I have a tendency to recruit them back once they realise how much they miss us), I never accept that anyone truly leaves HSF.

We consistently find that the more we connect and collaborate, across geographies and practice areas, to bring the best of our firm, the better the outcomes for our clients.

It took me time to learn the power of connection. As a graduate in our Perth office, with no background in the law or business, I was determined to be the “perfect” lawyer. I focused purely on my legal work and never saying anything that was not the “right” thing. One day the penny dropped that I was developing the persona – and personality – of a perfect legal task-implementing robot. I was transacting but not connecting.

Once I realised the magic of actually expressing my personality and connecting with others, work became

so much more fun. The friendships I developed at and outside the firm made me a far more effective lawyer. Our job is about influencing, persuading, encouraging – having people enjoy working with us and want us on the team.

The power of connection is one reason an inclusive culture is so important to us. We recruit the best of the best and we want the benefit of all of us bringing our full selves to our roles with the firm, with no one feeling an outsider for arbitrary reasons such as gender, sexual orientation or cultural background.

There’s nothing like pandemic lockdowns to reiterate the importance of connection. We missed one another – and were driven to find new ways to connect. We utilised VC technology

we hadn’t even realised we had, shared virtual cooking and dance experiences, and found innovative ways to share knowledge and learning. Our “Agile 60” way of working – when pandemic restrictions permit – with our team in the office 60% of the time and flexibly connected for 40% – has shown we can connect and collaborate in many ways.

So enjoy connecting with us and fellow alumni in this edition of *Alumni Matters* – and please keep in touch. We are particularly looking forward to connecting with you in person again as that becomes possible.

*Rebecca Maslen-Stannage*

**Rebecca Maslen-Stannage**  
Senior Partner

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**38 HOLLI SARGEANT**

# Introduction



When I wrote my welcome message for the 2019 edition of *Alumni Matters*, I can have had no inkling of how subsequent events would unfold around the world, and that it would not prove possible to issue a 2020 edition. We are very pleased that *Alumni Matters* is now back in your inbox!

Of course, *Alumni Matters* is not the only part of our programme to have been disrupted by the pandemic. One of the most noticeable things about this edition is the sad absence of photos from reunion events around the world. We have missed seeing you, and we hope that, at least in some parts of the network, it will be possible for us to recommence events before too much longer. Time will tell.

In the meantime, I'm happy to say that the alumni team has been finding some creative ways to keep us all in touch virtually, from webinars showcasing the work of some of our amazing alumni to virtual social events, and happily the Alumni News emails have continued to appear both globally and regionally. The pandemic has also given us some useful thinking time to consider how we can continue to improve the value of the network for both alumni and those currently at the firm.

The theme of this year's magazine is Environmental, Social and Governance (ESG). As ESG has moved from corporate platitude to boardroom imperative in recent years, we are delighted to feature a hugely impressive range of Herbert Smith Freehills alumni, each of whom offers their own perspective on the significance of ESG issues for their business.

Ray Cahill, our cover profile, describes the growing impact of regulation on corporate governance, and explains how it offers opportunities for better decision making (page 14). Helen Wright has overcome numerous professional barriers during her career, and demonstrates the importance of the firm's focus on diversity and inclusion (page 6). Minimising harmful impact on the environment is key to the businesses of Rochelle Eades, distilling vodka in Minneapolis (page 10), Lauren Lee, making beauty products in Korea (page 22) and Khoa Pham, encouraging people to get out of their cars into electric vehicles in Asia and increasingly elsewhere (page 26). Paul Christensen is at the forefront of new technology applications, in his case to help small business suppliers around the world get paid more quickly than is now the case for many of them (page 22).

Elsewhere, we feature Holli Sargeant, who is researching the growing impact of artificial intelligence on decisions in the financial services sector (page 38). Natacha Heffinck explains how ESG is built into the investment decisions of the Global Fund, which invests US\$4 billion a year to defeat HIV, TB and malaria (page 40). Finally, we welcome Aaron White and Lena Naris back to the Herbert Smith Freehills fold (page 42).

We hope you enjoy reading our alumni stories.

The positive way in which both current and former members of the firm have responded to their lives being turned upside down continually inspires us. Let us all hope that by the time I come to write next year's welcome we are all in a much better place, and that we have returned to what the Alumni Network is best at, bringing the HSF family together 'in real life'. In the meantime, we send our best wishes to you and your families for the year ahead.

**Adrian Clough**  
Senior Alumni Ambassador

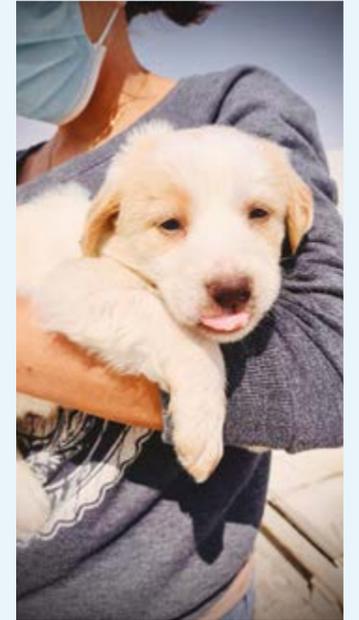
# Eighteen months on...

While alumni events have been on hold during the pandemic, below is a snapshot of new hobbies, proud achievements, charitable exploits, positive daily habits, new working environments and extraordinary adventures that our incredible alumni and current partners have shared with us.



**Lewis McDonald, HSF Partner and Global Head of Energy**

"just before a virtual live New Year's Eve gig for a US audience and I'm holding fireworks!"



**Kristene Siena, HSF Dubai alumna**

"The last 18 months of working from home has provided me with more time to focus on charities that are close to my heart. I always have a soft spot for animals and with the extra time on my hands, I am able to feed, medicate, neuter and rehome the many stray dogs in our city. I have been looking after approximately 200 dogs and puppies in an industrial part of my town. With help from the community, I was also able to patriate some of these strays and they now have forever homes in the US, Canada and Europe. The job is exhausting but if there is one thing I learned during the pandemic, it is that we are our brother's keeper (and this applies to all living things)."



**Carol Aldridge, Head of Knowledge Management at Burges Salmon LLP**

"just after a 20 mile circular trek around the footpaths and fields surrounding Bradford on Avon to celebrate 20 years in my current role."



**Rodd Levy, HSF Managing Partner in Melbourne**

A very impressive book collection in Rodd's work from home setup!



**Rob Martineau, Co-founder of TRIBE**

"for me reading each day, alongside running, became a daily habit in lockdown (I have also put my book, *Waypoints*, which came out in April, on the stack)."



**Bruno Basuyaux**

"In June 2021, I sailed, on a 54-foot sailboat from Saint Pierre, a small French island off the coast of Newfoundland, Canada, to Lorient in Brittany. We crossed the Atlantic in world (yes! There has only been very few attempts) record time - 7 days, 14 hours, 43 minutes. Our crew comprised six members including myself and a gentleman who raced several times solo around the globe (Vendée Globe, his best result was 4th) and won two double-handed races around the globe."

*Helen Wright*

# PERSISTENT PIONEER

She may balk at the suggestion of being a trail-blazer, but **Helen Wright** smashed ceilings at a time when others were still dreaming of the possibility. The former chair of Screen NSW had a stellar 22-year tenure at Herbert Smith Freehills when single mothers were a rarity in the profession.

With a throaty chuckle, Helen Wright dismisses any idea of being a pioneer. But joining the legacy Freehill Hollingdale & Page in 1980 as a single mother of two was hardly the norm. Indeed, she says she picked the law firm as it was the only top one at the time to have a female partner and she had always assumed she would rise to the pinnacle of the profession. "I usually come out pretty much on top of whatever I do," she says with another laugh and not a hint of false modesty.

Her rise through the law firm included some significant milestones – a notable early one was working on the Darwin Sheraton alongside Bruce Cutler, prior to him becoming managing partner. She remembers the experience as being her first sight of integrity in a law firm, when Cutler responded to a proposal put to a meeting with the simple words "that would be a fraud on the revenue... we would not act".

She also remembers acting for Qantas when the airports were privatised and Sydney was bought by Macquarie Bank. "It was my first off-balance sheet financing, so a bit demanding," she says. "Some years later the then executives called me to a meeting at Mascot and complained 'the rent is too high'. I had to explain that it wasn't just rent: they were repaying a \$30 million loan and getting a deduction.

**Helen Wright**  
Alumna of Sydney  
office 1986 – 2003



"Had they asked me over the phone," she adds, "I could have told them in five minutes for no charge, but now I had to charge for two taxis and an hour of my time."

A typical moment was the tenacity she showed when setting up ING Bank in Australia. ING would only accept deposits from existing bank accounts and would only pay out to the same, so Helen argued that the three-point check for establishing an account was unnecessary, as the accounts involved would have already passed the check. The client told her, "You are the only lawyer I have ever known who has said, 'I'm right, they're wrong, we will get you there,'" she recalls.

Now in her late seventies, Helen still shows every sign of that same indomitable spirit, dyed-in-the-wool pragmatism and healthy attitude to the vicissitudes of life. Currently, she's as busy as ever, not just with her personal business affairs, but also as the only lawyer on the residents' committee of the Paddington retirement village where she now lives.

“

**I used to say to my young female solicitor, 'Stop saying sorry. The boys never say sorry...'**

She had a good grounding for her approach to life, she says. Her father was invalided out of France during the Great War and was never the happiest of men after that. Even today Helen remembers him telling everyone at a family gathering, "You only have children to support you in your old age".

Fortunately, Helen had another role model to help form her character and backbone. "Our mother was just wonderful," she says. "How she kept her sense of humour throughout that marriage I will never understand. Robert (three and a quarter years younger) and I laughed 'til it hurt as children."

She learned resilience at home, especially when a change in financial circumstances saw the family move from the Parkes hotel her father owned to a Coogee flat, where her mother had to learn to cook for the first time. This was compounded at the age of six, with her first unjustified belting at Belmore Catholic School in front of the whole class and the parish priest. Showing remarkable gumption, despite the public corporal punishment, young Helen still refused to admit to being the source of a comment that was later reported to the principal. "I had said it, but I was repeating it with amazement to another girl on the bench," she recalls.

Not all the nuns were horrors, and some of them are not only fondly remembered to this day, but also bestowed the odd great teaching moment. There was Sister Irenaeus who, instead of accepting Helen's proffered return of the Good Conduct medal she'd been awarded in her first year of high school when it was discovered that she'd organised a midnight feast in the nuns' chapel, simply said, "Keep it, and live up to it."

Helen with Former Australian Prime Minister, Gough Whitlam





Happily, the story doesn't end there. "Forty years later, that parish donated a magnificent property as a women's shelter," says Helen. The property is now Mary's House, a charity she's been very glad to support.

Although she may not like to admit it, Helen has clearly been an integral part of the gains that women have made over the last few decades. She may not have been waving any flags, but she's certainly led by example. A few months after she joined the Property and Development Group on her first rotation after a year in Commercial, she noticed she was being kept off 'the big stuff' and quickly queried this. "Peter Carney said, 'But you've got children, you've got to go home,'" she recalls.

Helen's response? "You can forget that. I want to do whatever is available to be learned and done." And that was that. The 'big stuff' came her way.

"I think they were ahead of their time," she says now. "They seemed to be very upfront in diversity, not only gender diversity, but racial. A lot of the others were very white Anglo-Saxon and blokey."

She simply loved law right from the start. "I just thought, 'this is about reasoning: this is what I want to do'. The kids were fine and I always made sure they had someone nice to look after them after school. And on weekends when I did not have to work, we sailed a 40-footer up the coast on Friday nights and spent the weekend – kids and dog – on the lovely waters of Pittwater."

With a love of reasoning, her areas of expertise included tax, equity and property law – the latter she describes as a mixture of very ancient English common law and overriding legislation. "It can take some serious reasoning to make the two come together," she says.

Her approach was to put her head down and "just get on with it". The key was to know her stuff and, above all, believe in her own abilities. "I used to say to my young female solicitor, 'Stop saying sorry. The boys never say sorry...'"



**They seemed to be very upfront in diversity, not only gender diversity, but racial. A lot of the others were very white Anglo-Saxon and blokey.**

Talking to Helen now, it's apparent she took this advice to heart. Her life and career have been characterised by a dedication to not just her legal career (true to form, it took her only five years to make partner) but to a wide range of boards and charities. She spent seven years on the board of the Australia Day Council of New South Wales, and the following four on the advisory board of the Little Company of Mary (Calvary Hospitals). There were also, among other things, 13 years on the board of a public listed company, and several statutory appointments, including 10 years as The Tribunal – SOORT – in which role she set the salaries of the NSW Supreme Court and judiciary, and the Senior Executive Service of NSW. She was also one of only two partners who used their sabbatical to attend the Harvard Business School Advanced Management Program. She says, "I think we learned more from each other than we did from the faculty. And several of us are still friends – I organised a reunion in Paris three years ago; about 20 of us came from all around the world, and we so much enjoyed seeing each other again."

Recalling her formative school years, she once acted pro bono for the nuns of Lewisham Hospital when they were privatising. "The nuns were personally liable because they had never incorporated," she says. The proposal would have put all of the nuns' assets into a company to make that liable, but it was Helen who realised the remaining nuns were being overlooked. When she recommended enough should be saved for the sisters to live out their lives comfortably, she was met with resistance and cries of 'no, that looks bad'. But Helen dug in and the nuns were protected. "I had to fight for that..." she says.

She didn't always have the courage to stand up for her beliefs, however, and recalls an experience in 1973, listening to a priest in a North Sydney church "railing from the pulpit about women's shelters breaking up marriages". Heavily pregnant and with a one-year-old in tow, her blood boiled. "Had I been then what I am now, I would have stood up and said, 'Father, I'm not listening to this any longer. Why don't you speak to the men who are causing their wives and children to have to seek shelter and anybody, man or woman, who agrees with me should walk out now.' I didn't do it and I still regret it," she says.

# A LAW FIRM'S ROLE IN ADVANCING ESG

International law firms have an essential role to play in advancing ESG.

Outside our firm commitments, our greatest impact can come from assisting our clients with their own programmes for ESG and responsible business conduct.

By acting as advocates, architects and guides, we can spread understanding at the very highest levels of boards. And legal counsel are central to ESG advancement.

Earlier this year, we formed a new ESG team within Herbert Smith Freehills. It brought together lawyers with existing expertise to lead these issues across our practices and client base.

To mark this development, we issued a report – entitled **Responsibility Incorporated** – based on interviews with 20 general counsel at major international companies.

What was striking to me was that ESG was at the very top of the agenda of these general counsel, and considered strategically critical to their organisation. And these GCs were increasingly likely to have been given significant responsibility for oversight and leadership on ESG issues.

The interviews confirmed that lawyers were already playing a leading role in implementing ESG strategies and resolving challenges faced in their business

I speak regularly with our clients' senior counsel and executives. In the past 18 months, ESG has been raised as an issue in every conversation. But for many clients, ESG is no longer solely about new governance frameworks, strategies or risk assessments.

We are increasingly working with clients that are seeking to utterly transform their businesses in pursuit of net zero targets or social impact goals.

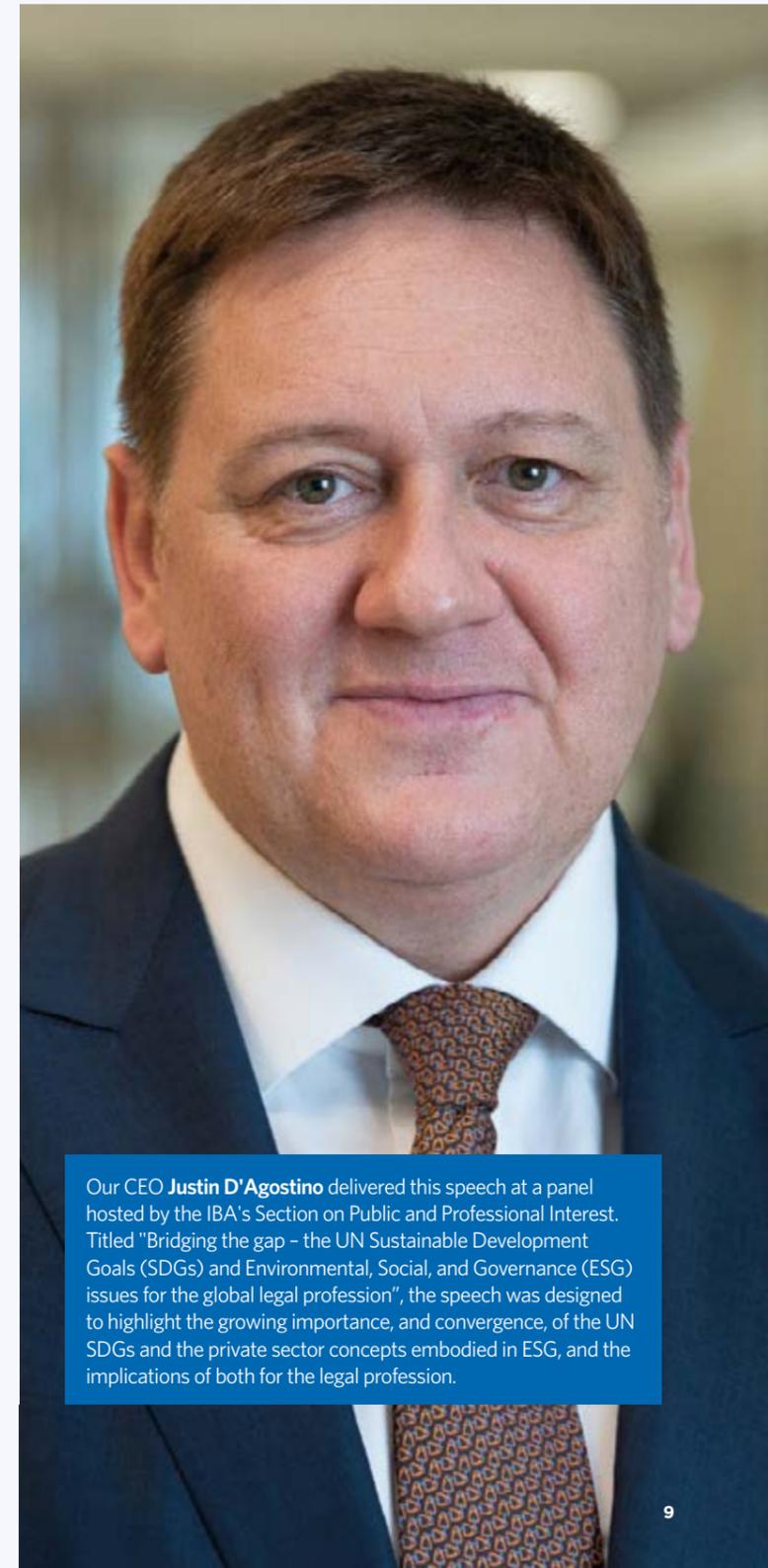
And from my base in Asia, I see this drive in both the oldest and newest companies, from the global titans that are Japan and South Korea's trading houses and chaebol, to the newest unicorns emerging from Southeast Asia and China.

This shift is hugely encouraging and very necessary. Achieving the SDGs and net zero goals in the aftermath of the pandemic will require huge amounts of investment and innovation.

It will also require a positive outlook; a desire to create transformative and equitable opportunities from the challenges we face.

Lawyers have long played a critical role in these shifts – in government, in institutions, in law firms and in companies.

I believe that in the coming months we will only see that role expand, and quickly.



Our CEO **Justin D'Agostino** delivered this speech at a panel hosted by the IBA's Section on Public and Professional Interest. Titled "Bridging the gap – the UN Sustainable Development Goals (SDGs) and Environmental, Social, and Governance (ESG) issues for the global legal profession", the speech was designed to highlight the growing importance, and convergence, of the UN SDGs and the private sector concepts embodied in ESG, and the implications of both for the legal profession.

## Rochelle Eades

Alumna of Melbourne, London  
and New York offices 2011 - 2017

# A VIEW FROM MINNEAPOLIS

### Tell me about BET Vodka.

The correct way to write the name, reflecting how beet is written phonetically, is BĚT Vodka. It is my husband Ben's business, which he started with a friend in 2014. They were interested in the whole idea of craft breweries and wondered whether that might work for spirits, specifically making vodka from sugar beets. Minnesota, where Ben comes from, is the third largest grower of sugar beet in the world, after being introduced by a Frenchman in the 19th century. No one had made vodka from sugar beet before, so that could make for an interesting product and an interesting story to help sell it.

Ben and his friend tried a number of different formulas/recipes at home before hitting on the current one. They have been helped by a local creative and digital marketing company, who threw their weight behind the product. The bottles started hitting the shelves in 2016.

The name itself was a challenge, and it was quite a process to get the name approved by the Food and Drug Administration, which looked at many things, including the percentage of alcohol. The product couldn't be called a commodity, like carrot vodka, for example, and be called beet. So, we think our name is a clever one!

### Where were you while all this was happening?

I was with Herbert Smith Freehills in New York, so hearing all about this on the fringes. I did mention some of these issues in passing to the lawyers in the product liability team, who offered some helpful hints. But this was not official, since Ben used a lawyer in Minnesota.

### Did that prompt you to leave the firm?

Yes, it did. I left Herbert Smith Freehills in 2017, moving to Minnesota and joining a company to help with their marketing. The following year, it was clear we both needed

to be working on the business full-time. I had a background in marketing, sales and HR, so that was and is my focus. I have also been working on social media strategy, with the aim of getting the product into restaurants, hotels and airlines. We were successful with Delta, which sells our mini bottles. We are aiming at the higher end of the market. To get ourselves known, we have tapped into a lot of culture and arts events, for example. We sponsored the local opera for two years.

### How far do you incorporate ESG into the business?

In terms of working with the land, we definitely factor in environmental considerations. We are very conscious that we want to minimise or eliminate any harmful impacts. We are thinking about how we can address water and soil concerns, in future, to further reduce any adverse impact on the environment.



“We are very conscious that we want to minimise or eliminate any harmful impacts. We are thinking about how we can address water and soil concerns, to further reduce any adverse impact on the environment.”





**“So far as working with the local community is concerned, we actually receive grants from government to help educate people, including schools, about sugar beet.”**

So far as working with the local community is concerned, we actually receive grants from government to help educate people, including schools, about sugar beet. That has been very interesting for us. And as regards the social elements, that is at the heart of our business – we hope that by selling our vodka, we are promoting great social interaction for the benefit of society. We work closely with farmers, of course.

**Who are you competing with?**

We have one competitor in Denver, in that they make vodka out of sugar beet, but there are lots of competitors making vodka from many different products. That is why we enter our vodka into competitions, and that has paid off. We have won silver and bronze medals, which vouch for the product’s quality.

**What do you like about Minneapolis?**

It reminds me a bit of Melbourne for size and feel. It has dramatic changes in temperature – very cold winters that last five months, a lovely temperate spring and then very hot summers. There are 10,000 lakes and plenty of water. Lots of parks and bikeways that make it very pleasant for outdoors. In terms of business, the city is very entrepreneurial with many young millennial creatives. It is the sixth-ranked state in the US for Forbes 500-headquartered companies.

**What comes next for the company?**

We don’t yet have a distillery, which is probably the missing link. We were thinking of that in 2019, but then the pandemic hit, which would have been terrible timing if we had by then invested. We saved ourselves a lot but, of course, we have suffered because people don’t necessarily want to splash out on our product online and they weren’t going to restaurants.

Post-Covid, however, we are thinking of expansion. At the moment, we only sell to Minnesota and the three surrounding states. The bigger beverage companies have advised us to stay small and go deep in our local market, get entrenched, and then build from that. We will weigh up different options, whether inviting some outside investment or hooking up with a large beverage company.

**Tell us about your route to Herbert Smith Freehills.**

After doing a degree in business studies, I started in the recruitment sector. I was working in that sector, including in London, when in 2011 a very good friend, who happened to be working at Herbert Smith Freehills, asked me whether I might be interested to try my hand at legal marketing. I knew nothing about the legal sector, but I was definitely interested.

I was introduced to Darren Milo, who turned out to be my boss for the whole time I was with the firm. I went through a rigorous recruitment process and joined the firm’s employment practice in Melbourne. Then I went from Australia to the UK in 2013 and then to New York, in 2015. In those last two roles, I was attached to the International Arbitration practice. I thoroughly enjoyed working with the International Arbitration practice, which at the time spanned over 20 offices. I really learnt a lot in that role and had such wonderful people who supported me and helped me. My role in New York was managing the BD strategy for the office. I feel that it was a culmination of all of my experience at HSF. It really required me to utilise my expertise in domestic and international practice management and working across multiple time zones and cultures.

**Did you enjoy your time with the firm?**

Yes, I loved it. I was very fortunate to work with the most fantastic people, and I keep in touch with some of my Australian cohort on the BD side and some of the partners in the New York office. I was sad to leave as I had such a great experience.

# ALTERNATIVE LEGAL SERVICES DOING GOOD, BETTER

We know that ESG issues, and operating a better business, are right at the top of your priority list, but we also know that those issues can be complex, time-consuming and costly to address. ALT can help you tackle your legal challenges with better quality, better value for money and at a better pace.

We combine the deep technical skill sets of our specialist practice groups with the efficiency gains of an alternative legal services model. The team seamlessly delivers high-quality, cost-effective, technology-enabled services for data-intensive, defined-process matters across a wide range of products and services including commercial contracting, general corporate, real estate and finance work, claims management, e-discovery and document review.

Our global team works seamlessly, adopting a “follow the sun” model to deliver bespoke, integrated solutions to meet current market challenges. We can respond rapidly, using the scalability of our model to meet pressure points and provide bespoke solutions to current challenges.



**Alternative Legal Services Provider of the year**  
African Legal Awards 2021



**Alternative Legal Services Providers (Litigation Services)**  
Band 1  
Chambers Global 2021



**Alternative Legal Services Providers (Contract Lifecycle Management)**  
Band 2  
Chambers Global 2021



**Shortlisted for Legal Technology Team of the Year**  
Legal Business Awards 2020

**ALT GLOBAL**  
**OUR TEAM HAS OVER 350 LAWYERS, TECHNOLOGISTS AND LEGAL ANALYSTS GLOBALLY.**

## Ray Cahill

Alumnus of London and  
Brussels offices 1999 - 2012



## GOOD GOVERNANCE: POSITIVE IMPACTS

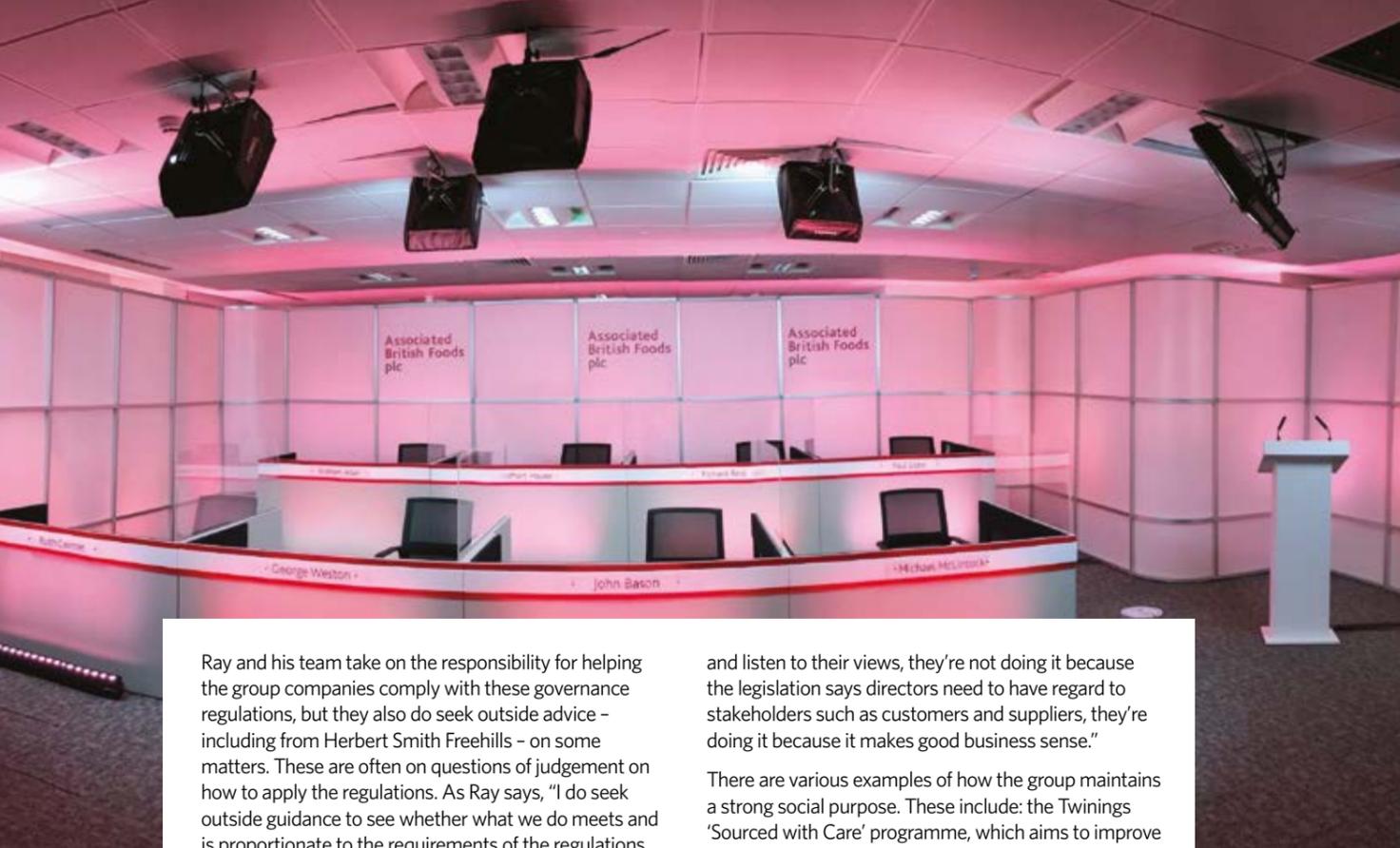
Corporate governance – part of the G in ESG – is now uppermost in the minds of company directors, both through government regulation and investor expectation. So, no pressure then on **Ray Cahill**, who is director of corporate governance for the Associated British Foods group of companies, which operates in 53 countries and includes more than 40 consumer brands with annual revenues of around £14 billion, employing more than 128,000 people. He is definitely up to the task.

ABF, or Associated British Foods plc to give the company its full title, operates several businesses, ranging from grocery food products (such as Kingsmill bread, Silver Spoon and Billington's sugar, Ovaltine, Twinings tea, Jordans and Dorset Cereals, Ryvita, and Patak's sauces and pastes), sugar manufacturing (with more than 25 plants around the world), retail (Primark, which now accounts for about half the group's turnover), ingredients (yeast, bakery and specialty ingredients), and agriculture (animal feed and nutrition). What makes the company unusual is that, while Associated British Foods is a public company whose shares are traded on the London Stock Exchange, the majority shareholding is ultimately owned by a charitable foundation. Many of the dividends get redistributed to UK charities. That sits neatly with the company management's desire to operate a sustainable businesses for the long term. As George Weston, the CEO, put it recently, "We don't just plan ahead in years, we plan in decades."

**"We don't just plan ahead in years, we plan in decades."**

For Ray Cahill, who joined ABF as senior legal counsel in 2012 and became director of corporate governance in December 2020, that long-term approach is what he most likes about working for the company. "The company's culture is to do the right thing whilst fulfilling its purpose of providing safe, nutritious, affordable food and clothing that is great value for money. That makes it eminently satisfying and makes my job slightly easier."

Satisfying, but also, for someone heading up the group company secretariat with ultimate responsibility for how the group companies are governed, challenging, not least for having to guide them on making sure the wealth of corporate governance regulations in many jurisdictions are complied with. In the UK, these regulations include the all-important Section 172 statement, which imposes on directors an obligation to report on how regard has been had to stakeholders' views in respect of decisions that have been taken in the interests of the company. The company's stakeholders include employees, suppliers, customers/consumers, communities and the environment, shareholders and governments. Just as well the lawyer in him is not daunted by the thicket of regulations.



Ray and his team take on the responsibility for helping the group companies comply with these governance regulations, but they also do seek outside advice – including from Herbert Smith Freehills – on some matters. These are often on questions of judgement on how to apply the regulations. As Ray says, “I do seek outside guidance to see whether what we do meets and is proportionate to the requirements of the regulations, and that is difficult because the regulations are not always clear. A lot of the legislation is highly technical.”

Despite the complexities and challenges, Ray is in favour of having these types of regulations. “I don’t think that there’s any doubt that increased regulation in this area puts greater focus on the systems and processes in place. This isn’t necessarily a bad thing as it’s always good to look at how you can improve things and make them more efficient. But I also think it’s important that the regulatory requirements are clear. It does strike me, having only recently come into this field, that even just interpreting which rules apply to which companies feels unnecessarily technical and complex and the different requirements are not necessarily joined-up. It shouldn’t be regulation for regulation’s sake or a knee-jerk reaction to things that have gone wrong (especially where there are already enforcement mechanisms in place which could be used to address this).

“The ‘comply or explain’ method of the UK Corporate Governance Code strikes me as quite a good model. The challenge for companies is making sure they don’t see the process as a ‘tick the box’ exercise, but rather as an opportunity to improve how they do things.”

### Creating a sustainable business

Whatever the regulations, ABF strongly believes in good corporate governance as a matter of best business practice and in keeping with the group’s culture. The aim is to operate a sustainable business, delivering steady growth for investors over the long term while making a positive impact on the communities in which the businesses operate. As Ray describes it, “For quite a lot of what’s required you take a look and think – we do that already because it’s the right thing to do, we’re not doing it because it’s a governance requirement. For example, when our businesses talk to customers or suppliers

and listen to their views, they’re not doing it because the legislation says directors need to have regard to stakeholders such as customers and suppliers, they’re doing it because it makes good business sense.”

There are various examples of how the group maintains a strong social purpose. These include: the Twinings ‘Sourced with Care’ programme, which aims to improve quality of life in the communities from which it sources around the world, the Primark Sustainable Cotton Programme, which works directly with farmers to grow more sustainably farmed and traceable cotton, the ‘Primark Cares’ initiative, which reflects growing consumer demand for products made using more sustainable materials, and Primark’s in-store recycling scheme in the UK allowing customers to recycle pre-worn and used clothing, textiles, footwear and bags from any brand.

The company was certainly tested during the pandemic. On the downside, all Primark shops were closed for a period of several months resulting in lost sales of approximately £650 million for every month that all stores were closed with knock-on impacts on stakeholders such as customers, suppliers and governments. Against that, the sudden interest to take up baking as people were confined to their homes led to soaring demand for flour and baking ingredients. So far as regulatory commitments were concerned, the group was under expectations to report on why certain decisions were taken and how stakeholder views were taken into account.

For Ray and his team, another particular challenge resulting from lockdown was ensuring the smooth operation of board meetings and the compliant sign-off of all accounts (of which there are more than 100 in the UK alone) and company paperwork. He set up a system of e-signatures which enabled all that to happen. “We had been thinking of how we could use technology to make these processes more efficient, and the pandemic gave some extra impetus to actually put things into practice.” He is aiming to take the process a step further even as the pandemic eases and people return to work, with use of software filing of accounts and improving functionality and cost-effectiveness of the directors’ governance portal set up by his team.

Above:  
The ABF 2020 Annual General Meeting in December 2020 needed to be “closed door” because of COVID restrictions so a set was built and the meeting broadcast to shareholders from the company’s offices

### Ray’s days with the firm

Ray joined Herbert Smith Freehills as a trainee in 1997, having studied law with European law at university. As a German speaker, he was placed with a German lawyer during his first seat and spent his final seat in the firm’s Brussels office, which sparked his interest in competition law. Competition law, and competition law litigation, appealed to him because “I really liked the fact that you had to understand clients’ businesses, the business of their competitors and the market dynamics generally.” He qualified into the Competition, Regulation and Trade team in 1999.

It was in this capacity that Ray first came into contact with ABF, a client of the firm. He advised on the merger control aspects on several acquisitions the group was making over several years, including the 2002 acquisition of Ovaltine from Novartis. Following a secondment to the group, Ray joined ABF full-time in 2012 with a focus on competition law. The more involved he became with the company, the more he realised that an in-house role would suit him well.

In 2014 an opportunity came up for Ray to go to Sydney to cover the group’s activities in Asia Pacific, both to advise on competition law but also on anti-bribery and corruption. That was an eye-opening experience for Ray, involving visiting factories and suppliers across the region to ensure that they operated to the highest standards. “That was when I first came across the Primark ethical trading team and all the work they do auditing and inspecting factories,” Ray says. “I was doing a lot of anti-bribery and corruption training for our businesses, including meeting suppliers in India and Bangladesh. There was no legal requirement for ABF to pay

for a senior lawyer to go around Asia training people, but they did, which told me a lot about this company.” It also provided a career development step for Ray to move into the corporate governance role.

So, why does Ray enjoy his current role? “I look at governance across the businesses and see how it can be improved, especially through better use of technology, how we can mitigate risks and help the businesses to operate as efficiently as possible. The lawyer in me takes pride in simplifying the myriad of requirements and guiding them on how to meet them. I also work very closely with a great group of people both from my own team and from other functions within ABF, including our group corporate responsibility team, audit team, finance and accounting team, and, of course, our legal team.

“From a personal point of view, I am a firm advocate of good corporate governance, not just because it is the right thing to do but also because governance seeks to put in place processes to ensure that decisions are being taken by the right people on the basis of the best information available. That makes for better decision making from a business perspective and also provides protection for the decision makers.”

When not working or spending time with his wife and two teenage daughters getting used to life back in London since moving back from Sydney in 2019, Ray focuses his attention on the strings of his guitar, as the guitarist in a band called St. Roller (they were called Stroller but had to change it when they discovered someone else was using that name). Readers are strongly advised to listen to their song, Medicine, available on all good streaming platforms!

**“I look at governance across the businesses and see how it can be improved, especially through better use of technology, how we can mitigate risks and help the businesses to operate as efficiently as possible.”**

Below:  
Ray at a Vietnam yeast plant





# BIG ISSUE, BIG BUSINESS

ESG has moved from corporate platitude to boardroom imperative in recent years. We have built one of the largest teams in the sphere as the legal industry scrambles to respond.

For long-time watchers of corporate morals, it is easy to forget how recently the vast field now dubbed Environmental, Social and Governance (ESG) has moved from marginal marketing effort to core business strategy.

While the debate on moving beyond narrow definitions of shareholder capitalism and its ruthless profit-driven ethos was underway back in the 1980s, it is only in the last five years that such thinking has moved into the mainstream of plc agendas.

Our recent report on general counsel responses to ESG illustrates how issues like climate change, wellbeing and human rights are rising to the top of board agendas, driven by policymakers, changing consumer attitudes and mounting investor pressure.

We have been at the forefront of building an ESG practice, with more than 300 lawyers globally in our cross-practice group, with our team earning top-tier rankings in the major legal directories. Given the roll call of bluechip firms making net-zero commitments over the last two years, few doubt that tackling ESG – and climate change in particular – constitutes the defining business transformation challenge of the age.

Yet legal advisers face a challenge in responding to client demand given the sheer span of ESG and the reality that issues thrown up encompass a huge field of legal and industry disciplines, including corporate, finance, litigation, employment, regulatory and anti-corruption.

Stitching together an effective team involves pulling together disparate specialisms, as reflected in the leadership we deploy. Our four-strong ESG leadership is made up of practice chair Silke Goldberg, a veteran energy lawyer; Rebecca Perlman, a London corporate lawyer who helped to launch the firm's impact investment practice; Hong Kong-based business and human rights specialist Antony Crockett; and Tim Stutt, a Sydney corporate governance expert.

Our practice, likewise, spans a group of disciplines including:

- **Climate change**
- **Responsible investment and sustainable finance**
- **Corporate governance**
- **Business and human rights**
- **Litigation and activism**

Rebecca unsurprisingly expects ESG will come of age during the 2020s as business and politicians scramble to address environmental concerns. "The climate piece is fundamental but it is not the only piece – we've really seen that during Covid with the increased focus on social factors, human rights and worker wellbeing."

## OUR KEY MANDATES:



Advising **bp** on its move into offshore wind via a **\$1.1bn** strategic partnership with Norwegian firm Equinor to develop four assets off the US coast.



Acting for **Indofood**, one of the largest consumer groups in Asia, in relation to allegations of labour and human rights abuses in palm oil plantations.



Advising **Rio Tinto** on the ESG impacts of an Australian mining project and the involuntary resettlement of locally impacted people.



Acting for **Vedanta plc** and its Zambian subsidiary in a human rights class action brought in the UK by the local Zambian community. The claim led to a landmark ruling in the Supreme Court on the liability of UK holding companies for foreign subsidiaries.

## HOW THE FIRM IS CONTRIBUTING TO THE GLOBAL EFFORTS TO COMBAT CLIMATE CHANGE?

# 13

We are the first law firm to join forces with **13 other world-leading businesses to support The Earthshot Prize** – a global environmental initiative founded by Prince William to discover and scale the best solutions to help repair our planet.

# 190

We were an industry partner at the 12th Sustainable Innovation Forum, which took place alongside the UN's COP26 climate change conference in Glasgow this November. **More than 190 world leaders gathered for 12 days of talks**; joined by tens of thousands of negotiators, government representatives, businesses and citizens.

**"The climate piece is fundamental but it is not the only piece – we've really seen that during Covid with the increased focus on social factors, human rights and worker wellbeing."**

## NET-ZERO BY 2030 OUR SCIENCE-BASED TARGETS



Cut our overall emissions by **50%** ↓↓↓↓



reduce emissions from travel by at least **35%**



transition to **100%** renewable energy where possible – up from 54% now



by 2025, ensure that **55%** of our suppliers (by spend) have science-based targets for reducing their emissions

Offset any carbon emissions we produce from 2020 to 2026

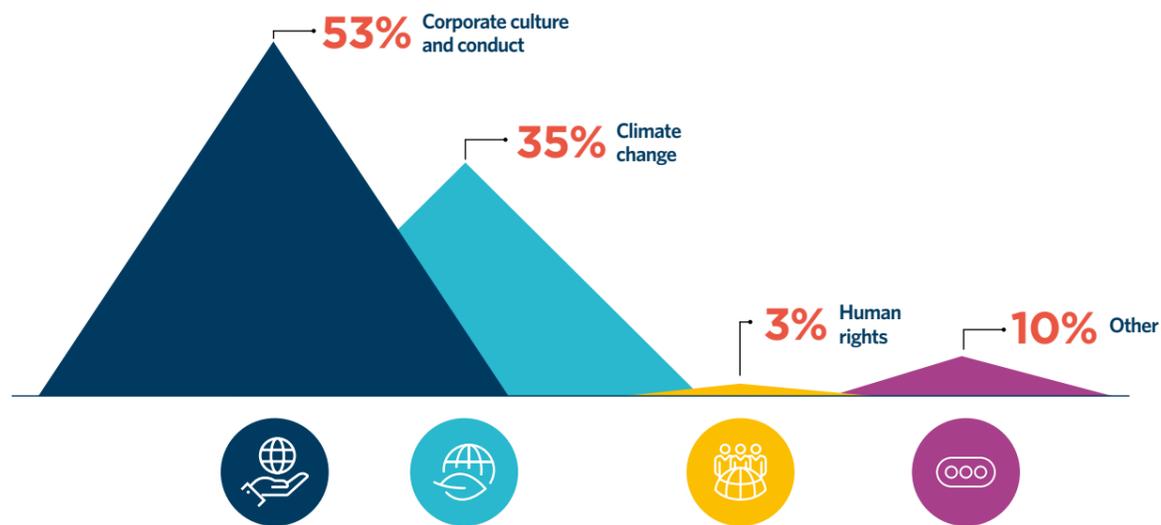
Remove any emissions produced from 2027 to 2030

Our targets are certified by The Science Based Targets Initiative (SBTi), and our data and progress are audited and verified externally.

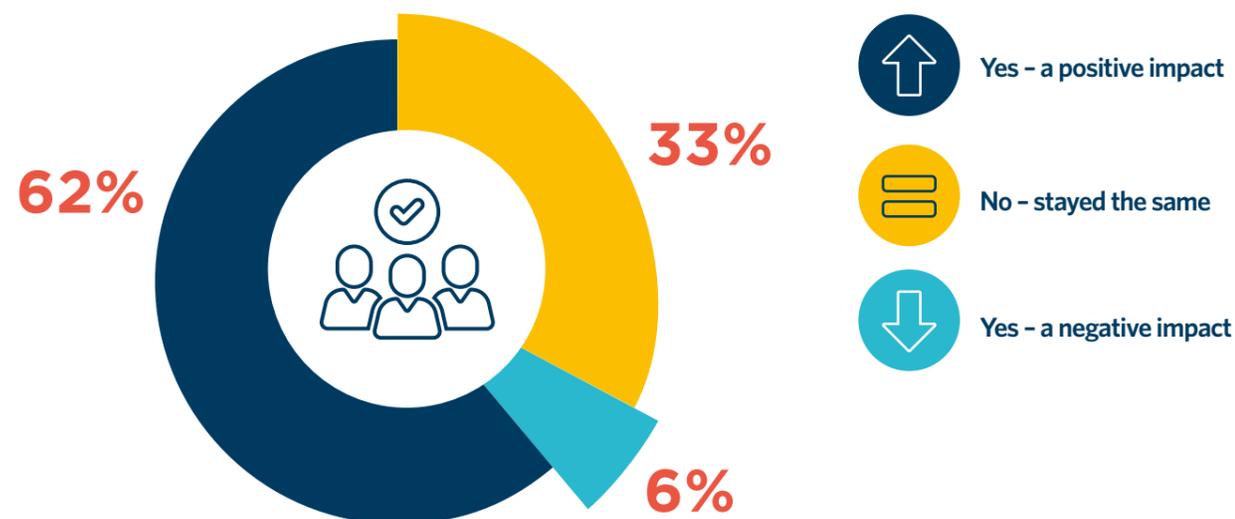
# ESG ALUMNI SURVEY 2021

We were interested in how ESG is impacting our alumni, their sectors and professions – the results are in.

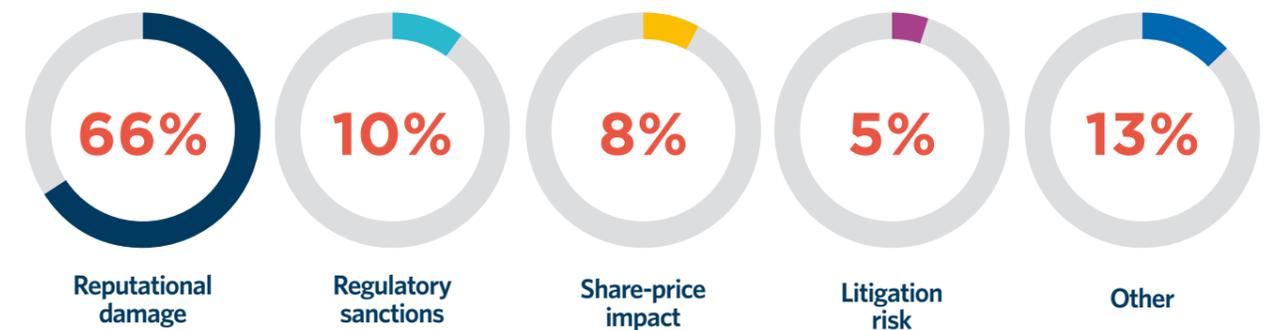
## Q1. WHICH ESG FACTOR POSES THE BIGGEST RISK TO YOUR BUSINESS?



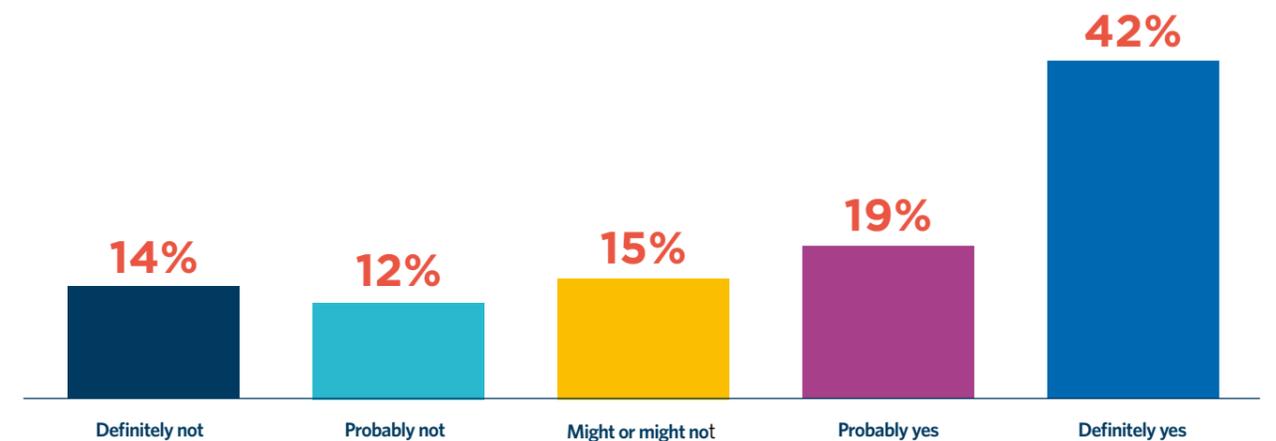
## Q2. HAVE ESG FACTORS INFLUENCED YOUR RELATIONSHIP WITH STAKEHOLDERS?



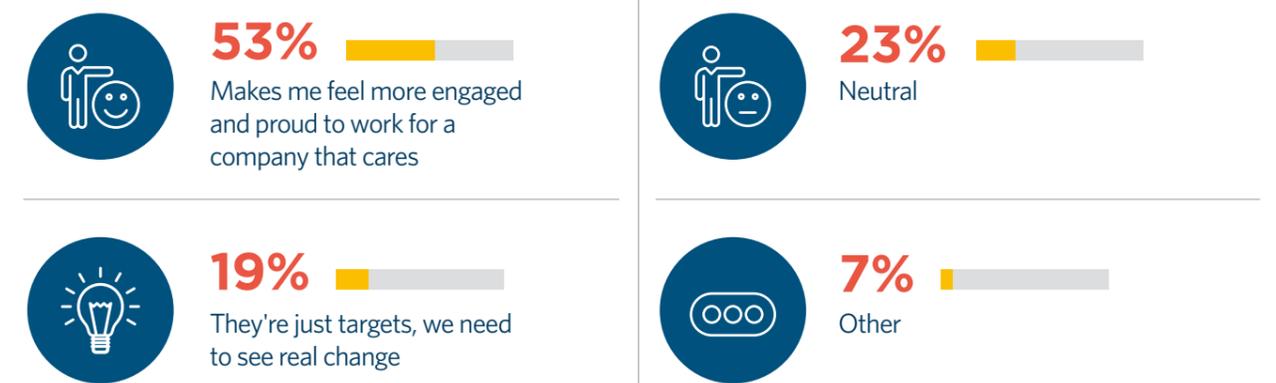
## Q3. WHICH ESG-RELATED RISK TO YOUR ORGANISATION IS THE MOST SIGNIFICANT?



## Q4. DOES YOUR ORGANISATION ROUTINELY MEASURE ESG-RELATED DATA?



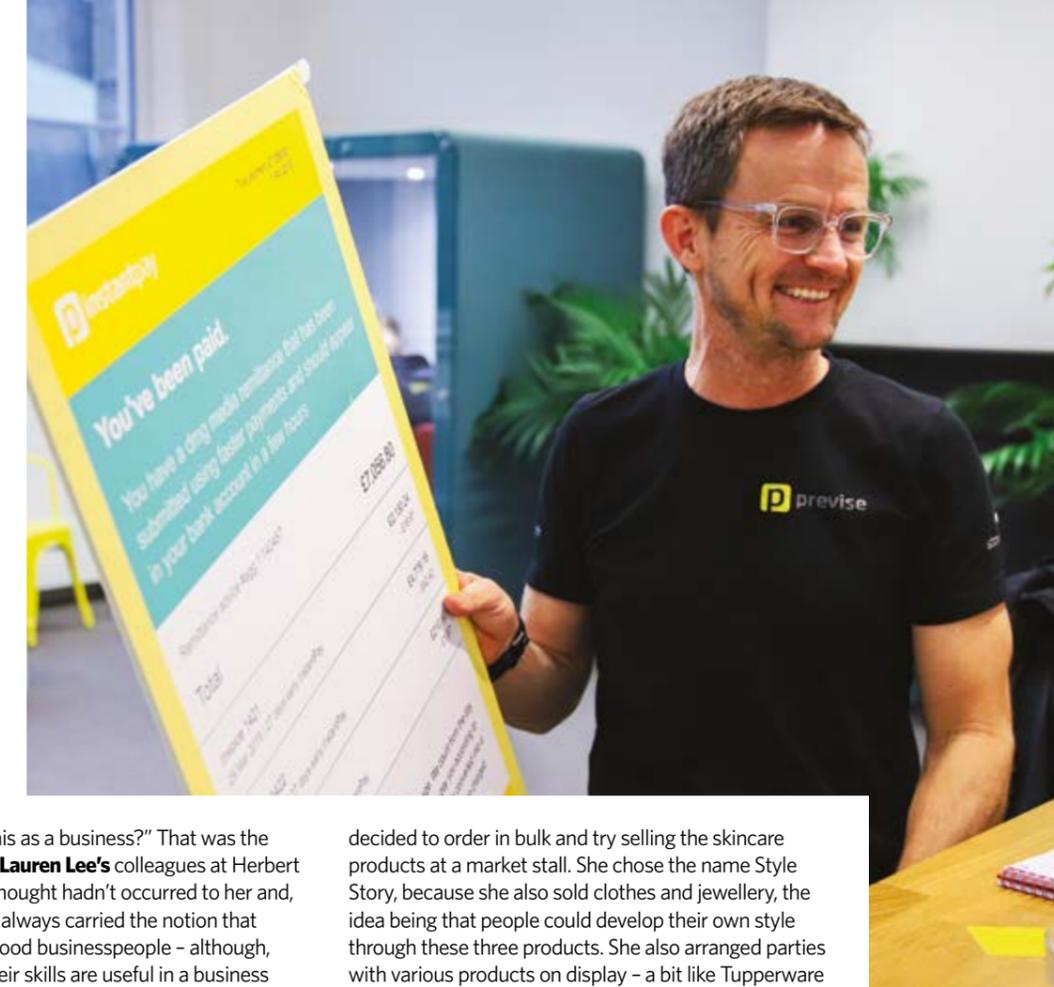
## Q5. HAS YOUR ORGANISATION MADE ANY PUBLIC COMMITMENTS TO ESG STANDARDS OR TARGETS? (FOR EXAMPLE, COMMITMENT TO NET ZERO, COMMITMENTS OR POLICIES RELATING TO HUMAN RIGHTS AND MODERN SLAVERY, PARTICIPATION IN THE UN GLOBAL COMPACT, ETC) IF YES, HOW DOES THIS MAKE YOU FEEL?





**Lauren Lee**  
 Alumna of Seoul  
 office 2012 – 2018

**Paul Christensen**  
 Alumnus of Sydney  
 office 1996 – 1998



# FROM LAWYER TO FOUNDER

**Lauren Lee** and **Paul Christensen** have very different businesses – one selling Korean skincare products and the other providing a fintech solution to transform B2B payments. Their legal background and skills have proved their worth time and time again, as each seeks to reach potentially global markets.

“Why don’t you do this as a business?” That was the suggestion by one of **Lauren Lee’s** colleagues at Herbert Smith Freehills. The thought hadn’t occurred to her and, in any event, she had always carried the notion that lawyers don’t make good businesspeople – although, of course, many of their skills are useful in a business context. But, as she thought about it, she realised she could turn her hobby into a business, and that is exactly what she did in 2014. Seven years later, she can look back on a good decision although, as she says, with a laugh, “I hadn’t realised how forensic you need to be in business!”

For **Paul Christensen**, starting up a business was not such a remote idea. As someone who had long been interested in fintech – both as a lawyer and in business – the step to starting a fintech business that would help suppliers (and especially small businesses) to get paid more quickly was a natural one. Prewise (which means ‘predicting the future’) began life in 2016.

Lauren’s business owes its existence to chance. She only found herself in Korea almost by accident when she was a student. As someone who was keen to do exchanges, and learn languages, she was hoping to go to Hong Kong, having already done student exchanges in Italy and Singapore, but she was turned down in favour of someone else. She then researched another opportunity in Seoul to study law and took up the challenge in 2011. “I didn’t speak a word of Korean and the limit of my knowledge about Korea was a Korean restaurant in Brisbane!” Lauren recalls, “but I relished the challenge.”

While in Seoul, Lauren was surprised and interested to see the many shops that sold skincare products and that many of these products had English, as well as Korean, packaging. They also offered samples. Lauren tried them out for herself (“I must have tried hundreds of products”) and was delighted with the results, so much so that she scooped up armfuls and took them back to give to friends and family as Christmas presents.

Lauren joined Herbert Smith Freehills in January 2012, but, as a favour to friends and colleagues, continued to order Korean cosmetics from Korea for them. She then

decided to order in bulk and try selling the skincare products at a market stall. She chose the name Style Story, because she also sold clothes and jewellery, the idea being that people could develop their own style through these three products. She also arranged parties with various products on display – a bit like Tupperware parties, only for skincare – to sell to others. Clearly, she felt, there was a demand for Korean skincare products among Australians.

Fun though it was to have a market stall and sell at parties, Lauren realised she needed to be more ambitious. She commissioned someone (the sister of a colleague) to design and build a website to start selling online and set up an Instagram page. Towards the end of 2014, the investment paid off. The orders came flooding in as people started making bulk orders. Another inspired move was to send the products to bloggers, who then reviewed them. “I am not a natural seller,” Lauren confesses, “but I always believed in what I was selling. I knew that skincare is very personal and I think my recognising that really helped the business to take off.”

In 2016, Lauren found herself back in Seoul, this time for Herbert Smith Freehills, as a junior associate working on dispute resolution. “By then, I had developed a bridge with Korea,” she explains. “My interest got deeper, I developed a love for the food, became more interested in the culture and fell in love with it.”

**“By then, I had developed a bridge with Korea. My interest got deeper, I developed a love for the food, became more interested in the culture and fell in love with it.”**

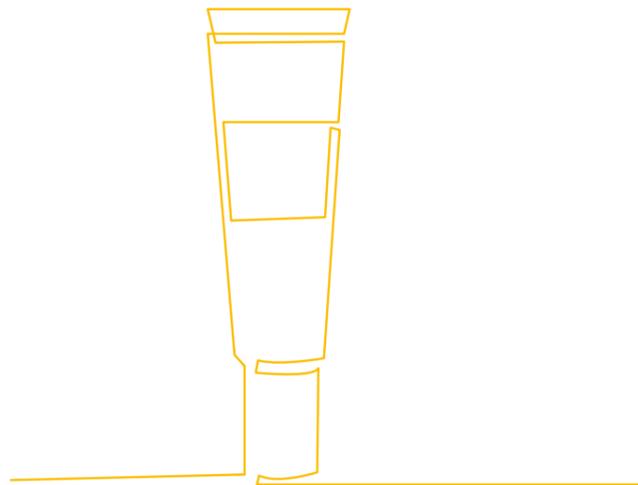


### FROM THE STARTING BLOCKS

Paul's route to becoming a businessman started on the track and field and in the pool – as a pentathlete, a sport in which he represented Australia (alongside another Herbert Smith Freehills alumni, Cecile Wake). When he narrowly missed the Atlanta Olympics, law became his chosen profession, joining Herbert Smith Freehills in September 1996. He got his first taste of business when in 2000 he was part of the founding team of a new fintech business, Volbroker, an electronic trading platform for foreign exchange options, before joining first Deutsche Bank and then Goldman Sachs, where he led the strategic investments team. After banking, Paul was CEO for Green Key Technologies, the voice-as-a-service collaboration platform for financial markets.

The idea behind Previsé is to tackle what Paul and his co-founders saw as a profound global problem: the fact that every B2B payment in the world is dependent on an approval from the buyer, a process which takes weeks or months. Given the technology tools now available, this is an anachronism, and the Previsé team set out to solve it. A particular problem is slow and late payments to millions of small suppliers by big corporate buyers. They found that typical payment terms ranged from 30 to 120 days, with smaller suppliers often being paid later than their larger peers. To cover the cashflow shortfall this causes, suppliers are forced to take out expensive financing and spend hours chasing invoices – and many go bankrupt as a result.

Previsé uses machine learning to analyse data from the systems of large corporate buyers to ascertain which invoices are historically reliable and therefore merit early payment and which ones are a greater risk. The process then involves a third party funder – usually a bank – paying suppliers the moment an invoice is received. The buyer settles with the funder on normal payment terms. Suppliers are given the option, on payment of a small



commission (typically 0.5 per cent for every 30 days an invoice is paid before it becomes due), to receive payment immediately.

As Paul explains it: "We realised the answer to the problem lay in the huge amounts of historical data sitting in large buyers' ERP systems which nobody was looking at. By applying machine learning to mine this data, we knew we would be able to predict which invoices are unlikely to get paid, so the rest could be paid instantly. We then tested our algorithms on a huge data set to see if this was possible, which took around six months and came up trumps."

As Paul says, this is a classic win-win: suppliers know they will be paid instantly on day one, and buyers can count on contented and reliable suppliers at no cost to themselves. "Helping suppliers helps buyers. If your suppliers are struggling that is going to hurt you. The key is changing the way that buyers have traditionally paid their suppliers. We're on a mission to ensure 5 million small sellers worldwide get paid instantly by 2024, and to take the first steps towards a world where business data makes commerce efficient and fair, unlocking trillions of dollars of growth."

### THE PANDEMIC HITS

Both Lauren and Paul have been building their businesses and fending off various challenges. In Lauren's case, she is facing greater competition as others have come to see the value of Korean cosmetics – known as K-Beauty products in the trade. She has first mover advantage, combined with her on-the-ground presence, which enables her to stay ahead of the competition. She has recently launched her own brand, Jelly Ko. For Paul, the biggest challenge is inertia among large-scale buyers, but his message is getting through. He now has many big buyers on-board, such as Mastercard and Bupa.

**"We want to be at the forefront of embedded finance so that every supplier in the world can get paid at the touch of a button."**

**"We realised early on that the success or failure to translate K-Beauty in Australia would come down to our ability to connect with our community and successfully communicate the concepts and philosophies behind Korean skincare."**

As with most other businesses, the pandemic has led to some of their plans being put on hold. "The pandemic has been a distraction and, of course, it has been harder to get people's attention while there is so much else going on, but, in the longer term, the disruption should work to our advantage, especially with the recognition of the need to promote sustainable business," Paul says. "The pandemic has thrown up a lot of issues which we solve – cash flow, supply chain resiliency, and so on. These things have highlighted a bunch of problems that we fix."

This year, Previsé led a new initiative, together with the Federation of Small Businesses, called Good Business Pays, which is pushing for a better, smarter way of doing business, through advances in technology and the availability of data to engage corporates and small businesses to get suppliers paid sooner. All of the main industry bodies have signed up, which indicates that Previsé's time might have come.

Previsé has ambitious plans to be an enabler for the B2B payments industry, and the key idea here is embedded finance. For example, when you take an Uber, payments and other features are "embedded" in the transaction, so you don't need a separate financial transaction to pay. Previsé will have its solutions available on invoices, with a clickable "Pay me now" button that enables the supplier to receive instant payment should they wish as they submit their invoice to the buyer. "We want to be at the forefront of embedded finance so that every supplier in the world can get paid at the touch of a button," Paul says.

Lauren's hopes of moving offline have also taken something of a back seat as a result of the pandemic, but she is now moving forward with those plans. She also has plans to open in retail outlets in other markets, particularly in the US.

### THE ESG DIMENSIONS

Both Lauren and Paul are driven by the wider context and have ESG considerations uppermost in their businesses. Lauren says: "The ESG dimensions are very important to our business. The beauty industry has historically had a poor reputation for caring for the environment due to concerns around single-use products and over-packaging and also so far as animal testing is concerned. Korea and Australia have now outlawed animal testing of cosmetics, which means that we are able to be really selective about the brands we choose to partner with. The ability to shop cruelty-free is incredibly important to our customers and we now have an entire section of our website dedicated to cruelty-free products."

Style Story has also completely changed the way it packages orders, using cardboard boxes and paper filling while eliminating plastic, wrappers, glitter, sequins, food, ribbons and frills in the boxes to keep the products safe, clean and intact on their journey to the customer. The company ships by sea rather than air wherever possible to minimise its carbon footprint.

Community is also a key part of the business, as Lauren explains. "We realised early on that the success or failure to translate K-Beauty in Australia would come down to our ability to connect with our community and successfully communicate the concepts and philosophies behind Korean skincare. In order to facilitate that, we held meetups around the country where our community would come and try the products in person, listen to demonstrations about how and why to use them and get to know others interested in exploring the world of K-Beauty as well."

When Covid-19 put a stop to in-person gatherings, Style Story moved the "meetup" online and started a podcast, The Korean Beauty Show, which is now listened to in some 140 countries.

For Paul, as his business is totally tech-focused, there is less concern about environmental impact and, by its very nature, he is aiming to assist the whole small business community. His focus in ESG is the S – social value. There is a growing awareness of the need to build back better, and to the best way to help small businesses is to pay them faster.



For **Khoa Pham**, this was a job that could have been written especially for him. A tech start-up, headquartered in Singapore and looking at markets in Asia-Pacific that would hire out electric scooters and bikes, the company was looking for a lawyer to help with fundraising and everything associated with getting the business up and running.

**Khoa Pham**  
Alumnus of Melbourne office  
2009 - 2011



# MAKING CITY LIFE

As someone who rode everywhere in Singapore on an e-scooter, had long been interested in start-ups in the tech world and was looking to apply his legal skills in a business context, Khoa met the co-founder of the company, Alan Jiang, and duly joined as the company's third employee.

The tech start-up is Beam, which describes itself as a "micromobility" company. The business opportunity is huge: appealing to people in Asia's congested and polluted cities looking to get around more easily, cheaply and in an environmentally sustainable way - as well as having fun while doing so. The opportunity occurred to Alan Jiang when he was working for Uber, where he discovered, among other stats, that 40 per cent of all Uber journeys were less than 3km, and that each journey on average only had just over one passenger (as well as the driver). That struck him as both inefficient and environmentally damaging.

Beam (the name chosen as a one-syllable, movement-sounding connotation which the

founders gave themselves half an hour to think up) started in 2018 and has quickly become the largest micromobility company in Asia Pacific. It currently operates in its three target markets of Australia and New Zealand, north Asia (including Korea and aiming for Japan and Taiwan in the not-too-distant future) and Southeast Asia. The company now has around 100 employees. It recently celebrated 10 million rides.

Khoa is Beam's general counsel (with two more lawyers in his team) and also president of the company's operations in Australia and New Zealand. Alongside managing the Beam Group's legal and insurance functions, handling the business in Australia and New Zealand is now Khoa's principal responsibility from his base in Singapore. Pre-pandemic, he would travel often to the continent, but, with the need to quarantine, has restricted the number of visits. The number of cities signing up is growing fast: Brisbane is the latest, with Beam ousting Lime as the city's preferred e-scooter renting service.

# BEAM



Running a new business presents many legal as well as commercial challenges, which can be exacerbated by the lack of regulations. That varies from city to city, Khoa says, the Australian cities will only let Beam operate once regulations are in place, while Seoul has permitted the vehicles to be used under guidelines while regulations are being developed and, in Malaysia's case, Beam is working with local authorities actually to work up the regulations together. "We are not unique in this," Khoa notes. "Others, such as AirBnB and Uber, have faced the same issues. I particularly enjoy this aspect of the job, in which I can bring my legal skills to bear."

He could also add project management skills since there are multiple stakeholders to deal with, from the manufacturers (the vehicles are made in China) to the warehouses that store and repair the vehicles and "consumers" (the riders).

#### THE BEAUTY OF TECHNOLOGY

Key to Beam's success has been the use of technology. Each vehicle is linked to the internet of things (IoT) which can control its usage (called "geofencing"), for example, imposing a maximum speed or preventing the vehicle being ridden in pedestrian zones. The technology also allows for virtual parking spots, designed to be in areas that do not get in the way of pedestrians and are not near waterways (to prevent any thought of the vehicles being thrown into the water). Users can get penalised for not returning the vehicles to virtual parking spots, but the company prefers to offer an incentive for returning them correctly, such as a credit or rebate. Not surprisingly, the technology is developing all the time, adjusting to the time of day, congestion and the concentration of people.

ESG is central to the Beam philosophy and approach. It is a certified carbon-neutral company. There is also a strong focus on social and governance issues. Beam has a and BeamForAll programme where they provide subsidised discounted rides to eligible groups who may not otherwise have access to their service. Beam partners with different causes, donating a portion of Beam-taken trips, including donating to the Country Fire Service Foundation in Adelaide. "We hope to be able to do more of these initiatives as we grow," Khoa says.

Integrating with, and being supported by, the local community is another central feature of how Beam wishes to operate as a business. As Khoa explains, "These vehicles sit on the street and are visible, so they have to be embraced by the community. If you connect with the community and they feel like it is something for them, then they will respond in kind. We have people who look out for our bikes and scooters, picking them up and standing them neatly, if they have been dumped, or just calling us to let us know of a problem. That is very helpful, but only works if they know that we have the community's interest at heart, not just our riders."

Beam is going to extra lengths to assist local businesses, especially those that have been hardest hit by the pandemic. For example, the company has encouraged cafés and restaurants to have a parking place for the e-vehicles outside "so that we can drive footfall to them," Khoa says. "Simple things like that can make a big difference."

"We really believe that we have one answer to address Asia's congested cities," Khoa says. "It is not sustainable for everyone to have their own private cars on the road, and that is why there is such an appetite for our

### "All of us joined the company to make a difference to people's lives."

vehicles, and, hopefully, after we sort out the pandemic and people can move more freely again, demand will continue to grow."

The ethos underpinning the company is simpler still: "All of us joined the company to make a difference to people's lives," says Khoa.

Khoa was born in Vietnam, but grew up in Melbourne after his parents emigrated. After studying law, he joined Herbert Smith Freehills in 2009 (before the merger, when it was Freehills), drawn by the firm's commercial approach when dealing with clients, as well as the fact that it was a top-tier firm. "The firm was more in tune with business than others I came across, which suited me well because I always viewed myself as a lawyer with an interest in business."

Khoa left to move to Vietnam, where he was for three years, before moving to Singapore where he worked in-house for another three years. He also has a number of business interests, including investing in, and advising, some tech start-ups in Vietnam ("where the tech scene is developing very rapidly").

# RECOMMENDED READING AND LISTENING

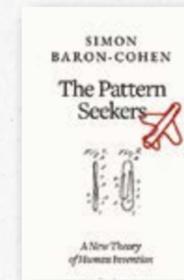
We asked our four managing partners for their book or podcast recommendations.

May Tai, Asia

Andrew Pike, Australia

Alexei Roudiak, EMEA

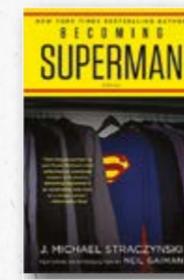
Alison Brown, UK



**The Pattern Seekers:** A new theory of human invention  
*Simon Baron-Cohen*

Why can humans alone invent? In this book, psychologist and world renowned autism expert Simon Baron-Cohen puts forward a bold new theory: because we can identify patterns, specifically if-and-then patterns. And he argues that the genes for this unique ability overlap with the genes for autism.

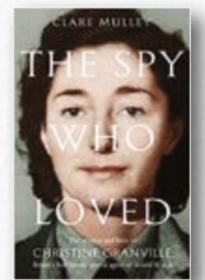
About the author: Simon Baron-Cohen is professor of psychology and psychiatry and director of the Autism Research Centre at Cambridge University. He is the author of six hundred scientific articles and four books, including *The Science of Evil* and *The Essential Difference*.



**Becoming Superman:** My journey from poverty to Hollywood  
*J. Michael Straczynski*

For four decades, J. Michael Straczynski has told hundreds of stories and forged multiple careers in movies, television, and comics. Yet there's one story he's never told before: his own.

In this dazzling memoir, the acclaimed writer behind *Babylon 5*, *Sense8*, Clint Eastwood's *Changeling*, and Marvel's *Thor* reveals how the powers of creativity and imagination enabled him to overcome the horrors of his youth in a dysfunctional family haunted by a terrible secret to become one of the most successful writers in Hollywood.



**The Spy Who Loved:** the secrets and lives of one of Britain's bravest wartime heroines  
*Clare Mulley*

The remarkable story of Krystyna Skarbek, aka Christine Granville, George Medal, OBE and Croix de Guerre.

About the author: Clare Mulley joined Save the Children as a corporate fundraiser in the 1990s. She is the mother of three daughters and currently lives in Essex, UK. Her first book, *The Woman Who Saved the Children*, a biography of Eglantyne Jebb was both critically acclaimed and won the Daily Mail Biographers' Club Prize.



**The a16z Podcast:**

The go-to place for discussions about technology, innovation, and change as it impacts all our lives.



**The Stoic Path:**

Apply the wisdom of ancient Stoic philosophy to the challenges of modern life with professor William B. Irvine (available on Sam Harris' *Waking Up* app)



**HSF Podcast:**

A series of thought provoking podcasts ranging on topics and sectors.



Working Together for the  
**GREATER  
 GOOD**

Pro bono work is integral to Herbert Smith Freehills (HSF) services, and most of the firm's lawyers gain considerable experience in pro bono work for the benefit of a wide range of charities and community organisations. Quite a few go on to work for these types of organisations. We caught up with five of them, **Claire Hall, Sanjay Bhandari, Michelle Yu, Hannah Smith** and **Emma Anderson**, to find out what they are doing and how their experience at the firm has helped them in their current role.



## What have you done since leaving HSF?

**Claire:** I joined the strategic litigation team at Child Poverty Action Group (CPAG) as a solicitor. I was aware of previous test case challenges which CPAG had brought and so when I saw the role come up, I applied.

**Sanjay:** After working at KPMG and Ernst & Young as a partner, I have had a portfolio career as an independent board member, adviser and charity trustee. I came to my current role in Kick It Out after being a member of the Premier League's Equality Standard Independent Panel for four years.

**Michelle:** I moved in-house from Herbert Smith Freehills in 2015 and after a few career moves am now vice-president of ethics & compliance for Asia for LVMH, the luxury group. My work experience at HSF directly gave me a path to working in compliance. I am also on the board of the NGO Justice Without Borders, a charitable organisation registered in the US and Hong Kong, which does work across Asia relating to migrant workers, primarily focused on Hong Kong, Singapore, Indonesia and the Philippines.

**Hannah:** As part of my training contract, I spent six months on secondment to AIRE (Advice on Individual Rights in Europe) Centre, which I loved and made several friends who I kept in contact with. When an opportunity to work at AIRE as a solicitor came up, it was one I felt I could not turn down.

**Emma:** I joined another law firm before moving to an in-house role. After that, I took up my current role as a solicitor at Kingsford Legal Centre, where I had already done a secondment when I was with HSF. That secondment really opened my eyes to the importance of the work done by community legal centres and inspired me to want to continue doing that type of work.

## “My work experience at HSF directly gave me a path to working in compliance.”

Michelle



## What does your organisation do, and what is your role?

**Sanjay:** I am chair of Kick It Out. We are a charity that works throughout the football, educational and community sectors to challenge discrimination, encourage inclusive practices and campaign for positive change. Kick It Out is at the heart of the fight against discrimination for everyone who plays, watches or works in football. We promote inclusion through a range of activities around learning and talent. This includes educating kids in the academies and their parents, education of fans and inspiring new entrants to the football industry through the Raise Your Game programme. We were actively involved in the introduction of the Football League's diversity code, which was launched in the autumn of 2020. Over 50 organisations in football have committed to increase diversity, both in terms of gender and ethnicity in coaching and senior leadership.

**Claire:** CPAG works across England, Wales and Scotland on behalf of the more than one in four children in the UK growing up in poverty. I work as a lawyer in CPAG's small legal team, which carries out high-profile legal work to establish and protect families' rights. The team engages in test case litigation on social security issues primarily affecting children and their parents, predominantly through both judicial review and statutory appeals in England & Wales.

**Hannah:** AIRE is a charity dedicated to using European and European human rights law to uphold fundamental rights in Europe. My role involves providing direct representation in deportation and social security appeals, assisting individuals to make complex applications to the EU Settlement Scheme (EUSS), contributing to AIRE's third party interventions before the UK and European Courts and training local authorities, NGOs and advisers on European law and the EUSS. I also work within the AIRE Centre Western Balkans Team, in which I draft publications and guides for judges and legal professionals in the region with the aim to strengthen the rule of law and implementation of human rights in Southeast Europe.

**Emma:** Kingsford Legal Centre provides free legal advice, casework, law reform and community legal education to people who live, work or study in our local catchment area. We also offer specialist discrimination and employment law services to clients state-wide. Kingsford Legal Centre is also part of the UNSW Sydney Faculty of Law and Justice and provides clinical legal education to its students. I am a solicitor and clinical supervisor, meaning that I provide advice and casework services to our clients, while also supervising and teaching law students who work in the Centre as part of their studies. The focus of my role is working in our Health Justice Partnership with Prince of Wales Hospital and the Eastern Suburbs Mental Health Service to provide legal advice and assistance to both inpatients and outpatients.

**Michelle:** Justice Without Borders does work across Asia relating to migrant workers. I joined the US board while with HSF and have been a director of the Hong Kong entity since its incorporation in 2016. I am active in its corporate governance and fundraising, as well as contributing at least 100 hours a year on pro bono work. I also contribute efforts to a number of other official and unofficial organisations supporting disadvantaged populations such as ethnic minority youth and asylum seekers.

## How important was your pro bono work at HSF, and did it lead you to your current role?

**Sanjay:** At the firm I was part of the London pro bono panel acting on behalf of prisoners on death row in Trinidad. It did not lead directly to my current roles, but it was important early career reinforcement that there is life beyond the City, that we have skills that can help others and that it is our duty to do something to help others. It is quite easy in a career working for big firms doing big cases and big deals to live in a bubble that is divorced from everyday life for most people. I think that it is important to pierce and escape that bubble regularly.

**Emma:** It was through my role at HSF that I was seconded to Kingsford Legal Centre and first experienced the type of work done by community legal centres. When I returned to the firm after my secondment, I was really fortunate to be able to continue doing pro bono work – both within the firm and by volunteering at Kingsford Legal Centre.

**Claire:** My pro bono work at HSF was a big part in my career path which led to my current role. I learnt a lot about different not-for-profit organisations and the incredible work which goes on in the pro bono community in partnership with the advice and access to justice sectors, which helped me focus on finding a role where I could use public law and human rights to make an impact. The pro bono work both as a trainee and associate also helped me develop many of the skills that I use in my current role; it was often a chance to push yourself outside your comfort zone, whether through having sole conduct of a matter, working with clients facing extraordinarily difficult circumstances or deploying advocacy skills.

**Michelle:** My pro bono work at HSF was very important and I was grateful that HSF provided the opportunity for us to include a certain number of pro bono hours as part of our billable requirements. I spearheaded a pro bono project involving a number of trainees, junior associates and senior associates, to write a “Practitioner's Manual” for common claims available to migrant domestic workers in Hong Kong. In the future, with the increased corporate engagement on topics such as ESG, D&I and CSR, pro bono work of all types, not just legal work, will become crucial as an engagement strategy. Through my experience, I can see that there is a gap at many non-profits for strategic advice and governance practices which employees from companies could certainly step up to provide.



“There are some cases which benefit from in-depth background research which is where pro bono services can be invaluable.”

Claire

“It is quite easy in a career working for big firms doing big cases and big deals to live in a bubble that is divorced from everyday life.”

Sanjay

**Hannah:** My pro bono work at the firm was essential to me gaining my current role. My secondment to the AIRE Centre was an invaluable opportunity to immerse myself in the work. I was trusted to manage cases and deliver presentations throughout my secondment and formed great friendships with the team there, which meant I was able to easily integrate back in as a qualified solicitor. My experience working for HSF also helped me to understand the perspective of the corporate firm providing pro bono assistance, which has proved an advantage now when instructing pro bono solicitors and liaising with them to benefit from other forms of corporate support.

### Does your organisation rely on law firms providing pro bono services? If so, how? And does HSF provide any pro bono services to your organisation?

**Hannah:** Yes, we do and it does! There is a letter writing project in place, whereby HSF volunteers and volunteers from other law firms write letters of advice for us to send to clients. AIRE receives far more requests for advice than we have the capacity to take on ourselves. Support from HSF and other firms in this respect enables us to increase the number of people we advise every month. The firm also supported AIRE to produce online information tools and develop an online app and Flow chart to determine a person's eligibility for residence status, which has been accessed thousands of times. They also provide assistance with translating information resources, and sometimes correspondence with clients. The vast number of international staff members, with a variety of language skills, is really helpful.

HSF and other corporate firms also provide pro bono representation on our third-party interventions before the UK and European Courts. Their legal and practical support is invaluable, especially given that they have more time and resources to dedicate to liaising with counsel and the court, creating bundles and so on.

**Claire:** There are some cases which benefit from in-depth background research which is where pro bono services can be invaluable. For example, before launching a judicial review challenge to the two-child limit, which restricts the financial support available for children through universal credit to a maximum of two children per family, CPAG engaged HSF to undertake a review of any similar policies in other Council of Europe countries. This took a huge amount of work which CPAG wouldn't have had the resources to carry out internally, and which demonstrated that the UK is really an outlier with this policy.

In addition to acting directly for clients, CPAG also acts as a third-party intervener in significant cases where we are able to assist the court with the organisation's collective expertise or by providing evidence. The Public & Administrative Law team at HSF has acted for CPAG in a number of these cases. HSF also previously co-sponsored a trainee solicitor through the Justice First Fellowship scheme - CPAG acts as a host organisation for the scheme, which supports the next generation of social justice lawyers to qualify.

**Emma:** Yes - we work closely with law firms in a number of different ways. Since 1992, HSF has provided Kingsford Legal Centre with secondees solicitors, on a six-month rotation basis. This amazing pro bono assistance greatly increases the centre's capacity to provide advice and casework assistance to disadvantaged members of our community. Secondees take on a caseload, provide advice to clients at outreaches, and also provide advice to clients at home, in hospital and in prison. They also participate in all other aspects of our service, including teaching, delivering community legal education and attending community events. Kingsford Legal Centre also benefits from the assistance of many other law firms who participate in our pro bono clinics, providing advice to clients in areas including employment and discrimination law. Of course, we also could not provide advice to anywhere near the number of clients we do without our dedicated volunteers. We have a roster of over 80 volunteer lawyers, many of whom are from law firms.

**Sanjay:** We have some pro bono support from a few law firms. We are a very small charity operating in a highly contentious environment and also adapting to more agile ways of working given the changes accelerated by the pandemic. For example, we recently had some support on the terms of our partnership deal with Sky and on surrendering our property lease as we move to a more hybrid operating model. And we also had some great support on responding to the government's Online Safety Bill as we fight against online discrimination. HSF gave us absolutely fantastic support on both of these issues which was particularly helpful for me recently when giving evidence to a Joint Committee in Parliament with the FA and Rio Ferdinand (a former captain of Manchester United and England).

**Michelle:** Yes, Justice Without Borders relies heavily on pro bono support from law firms, including many of HSF's offices (Hong Kong, Singapore, and the associated Indonesian law firm HBT in Jakarta). I am pleased to say that the relationship between HSF and Justice Without Borders, which started when I was the firm in 2014, has continued ever since under a number of different dedicated partners, counsel, associates and trainees who have helped to take on cases and legal research. HSF has also generously provided core financial support which is so vital to non-profits.

### "A lack of sufficient funding and resources for our work is a key challenge."

Hannah



### What are the challenges and opportunities facing you in the not-for-profit sector?

**Claire:** Adapting to the changes to society which came about during the coronavirus pandemic has without doubt been a significant challenge. The whole sector has shown an incredible amount of resilience, flexibility and creativity in responding to the pandemic, but I think that front-line advice services in particular have had such a difficult task of ensuring that they continue to serve their client base. Innovative use of technology has offered some fantastic opportunities and solutions to these challenges but moving forward with this in a way that doesn't exclude or disadvantage certain groups in society is an ongoing task.

**Michelle:** With Covid-19, the challenge is always an increase in the demand for services due to migrant domestic workers not being able to return home or losing their jobs, as well as a decreased opportunity to engage potential donors for funding. Aside from pandemic-specific challenges, I see the biggest philosophical problem of non-profits being the question of how best to serve the community, as many organisations have evolved from a purely charitable hand-out model to an empowerment model; however, how best is that community empowerment model possible to implement and what is the influence that non-profits can wield on society at large to change so as to provide systemic improvement to longstanding issues of poverty?

**Hannah:** A lack of sufficient funding and resources for our work is a key challenge. There are many more people requiring advice than we are able to support with the numbers of staff we can afford to employ, and we are always working at maximum capacity. This is compounded by government cuts to legal aid, meaning our pro bono advice is in high demand. We also lack the level of administrative support and practical resources that you benefit from in a law firm, this includes things like a quality printer, assistance creating bundles and administrative support staff more generally.

**Emma:** Funding always remains a critical issue. Community legal centres operate on a very tight budget and the threat of funding cuts is ever-present. At the same time, there have been some increases to State and Federal Government funding to certain types of legal services, particularly as a result of Covid. This has created opportunities for new and innovative types of service delivery. Working with vulnerable clients without the ability to meet them face-to-face (as a result of the current Covid restrictions) brings many challenges, including practical challenges with making sure that clients can continue to access legal advice and assistance.

### "Funding always remains a critical issue. Community legal centres operate on a very tight budget and the threat of funding cuts is ever-present."

Emma

### How can HSF alumni help or support you?

**Michelle:** I would encourage all alumni and current employees to constantly evaluate how they can give back (money, time, expertise) in their community and for the causes that are close to them. Everyone can contribute and the best part is that it feels great to give back! Alumni in Hong Kong or in Asia may contact me directly if they want to get involved.

**Claire:** It's a cliché but the simplest way is to become a CPAG regular giver and follow us on Twitter @CPAGUK to hear more about our policy and campaign work.

**Hannah:** Donations and funding! Plus any skills or support alumni can offer in terms of pro bono consulting on IT/comms/fundraising/digital skills/social media.

**Sanjay:** Get in touch. We can always find ways people can volunteer or raise funds or support in other creative ways. If you are a football fan, make a public pledge to doing something to challenge discrimination and join our Take A Stand campaign.

**Emma:** If you live in Sydney, have a current practising certificate and at least two years' PQE, and are interested in volunteering on our evening advice roster, we are always looking for volunteers!

If you would like to find out more about HSF's current pro bono work and opportunities please contact: [probonoresponsiblebusiness@hsf.com](mailto:probonoresponsiblebusiness@hsf.com)

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# PLATING UP

## THE DRIVERS OF FOOD INDUSTRY INNOVATION

There is no doubt that the global food industry is evolving at a rapid pace. This doesn't simply refer to the remarkable rise of food delivery services in developed countries across the world and how in cities across the developed world it's almost impossible to cross the road without dodging a swathe of cyclists branded with the logos of companies like Deliveroo, Menulog, UberEats and their ilk. Nor is this about the noticeable upsurge in readymade meals lining supermarket shelves to also service the time-poor and/or those unable or unwilling to cook for themselves.

Because, while it's true the way we access our food has changed, it's the actual content of that food that has begun the most radical evolution, spurred on by innovation in the food industry. And there are many reasons for this.

Over the last decade there has been a move towards sustainable proteins, a move driven fundamentally by climate change, but also by education, the food preferences of Millennials, animal rights, food safety concerns, evolving palates and, more recently, specific events like the coronavirus crisis, which is currently having an impact on perishable Australian food exports to China, but could have more serious ramifications in the future.



### CLIMATE CHANGE

A huge driver, however, is climate change. Louise Kruger, senior associate at Herbert Smith Freehills, Brisbane, points to the findings of the Food and Agricultural Organisation (FAO) of the United Nations, which works to assist countries "improve policy coherence to achieve national agricultural objectives". Over the last decade the FAO has expanded its climate change portfolio in response to growing demand, instigating over 300 programmes between 2009 and 2017 alone aimed at addressing problems caused by climate variability and extreme conditions in the various agriculture sectors.

One such challenge is the inability to grow traditional crops, says Silke Goldberg, partner at Herbert Smith Freehills, London. Silke talks of a European sugar producer that is no longer able to source its traditional sugar cane. Drought in African and, conversely, increased rainfall in European areas have made the crop untenable. The producer has been forced to diversify their supply chain and try growing European sugar beet instead. This, naturally, has a flow-on effect on everything from taste to different price points.

Louise believes that this is merely an indication of the way the industry is heading and that Western populations, at least, will have to adapt their diets. "At some point, it won't be a choice, it'll be something that's pushed onto people," she says. Addressing climate change means also addressing food production supply chains

## "Essentially livestock is a really significant contributor to climate change; it's one of the main drivers."

that contribute to it and this entails moving away from diets with a heavy reliance on meat. "Essentially livestock is a really significant contributor to climate change; it's one of the main drivers," says Louise.

This is borne out by the FAO's findings, which calculate a fifth of the world's greenhouse gas emissions (GHG) are being generated by agriculture, including forestry, fisheries and livestock production. The FAO says it is imperative to reduce this by 2030 to achieve the target of limiting global warming to two degrees Celsius.



### SUSTAINABILITY

Linked to climate change is another environmental issue – sustainability. An important influence in changing food consumption patterns is increased awareness of the ongoing impact of the agricultural industry on the planet. This means greater consideration of food miles and an increased preference for locally sourced goods, says Silke. Reflecting on the sugarcane/sugar beet situation, she asks, "Is there an alternative that's closer or an equivalent that can be sourced more sustainably? Customers are interested in this. We all know about fair trade, but sustainably traded food is becoming increasingly important in this context."

Louise prefers the term 'alternative proteins' to 'sustainable proteins' as "you can still have sustainable animal-based proteins," she says, but notes that there is a generational influence at work here too. "A lot of commentary focuses on Millennials and their healthy plant-based eating that's driving some of the change."

She also notes the rising awareness of food security concerns, with high-profile outbreaks of salmonella or alarm over antibiotic and growth hormone use in livestock prompting an aversion to mainstream agricultural practices.

Raising livestock impacts the environment in other ways as it has such a high use of water – water that is ever more scarce in drought-plagued areas like much of inland Queensland and New South Wales in 2018 and beyond. Then there is the deforestation that results from land clearing for grazing.

The result is a move to the mainstream for vegetarian and vegan-based products. While the take-up may not be so widespread yet, Louise points to the number of household brands that have dipped their toes in the water as evidence of the growing trend. "It's mainstream in the sense that major players like Nestlé now have a whole vegan range," she says, while adding the caveat that there remains some scepticism. "People are uncertain about any health benefits. There's the idea that you have to have red meat."

She also believes that the big names in the fast food industry have been forced to address concerns over where and how they source their food. "They have a real reputational risk if they don't move to more sustainable farming," she says.

Louise warns of the 'Blackfish effect', citing the 2013 documentary about a Seaworld orca, which led to a controversy regarding captive killer whales and a subsequent \$15.9 million loss for Seaworld, which

was in part attributed to ticket prices and other reasons by the company's CEO, Jim Atchinson.

And alongside Blackfish, there have been documentaries like Netflix's Seaspiracy, an alarming exposé of global fishing practices and the disturbing links between some 'sustainably fished' labels and the big corporations responsible for some of the most egregious practices.

"There have been some damning inquiries," says Louise, "that have seemingly resulted in, if not a reduction, at least more information on where companies like McDonald's source their meat from."



### RIGHT TO THE TOP

Perhaps the most extraordinary outcome to date of public awareness of climate change and its impact on food supply chains was in December 2019, when the Dutch Supreme Court upheld the decisions of the Urgenda Climate Case and ordered the Dutch State to reduce Dutch GHG emissions by 25 per cent by the end of 2020 "on account of the risk of dangerous climate change that could also have a serious impact on the rights to life and wellbeing of residents of the Netherlands".

"The same government estimated that in 2018, when they had a really hot summer with a lot of drought, the Dutch agriculture sector lost nearly two billion euros," says Silke. "So climate change has also had a financial impact on agriculture and therefore the food sector."

"It all points to companies needing to look really carefully at where it is sustainably possible to source our food from in the long term," she concludes.





**“It is a subject that is right up my street, bringing together economics, human rights and law.”**

**Holli Sargeant**  
Alumna of Brisbane office  
2018 - 2020

# THE RIGHT TO KNOW

**Holli Sargeant** always knew she would move into academia, and now she is studying for a PhD at Cambridge University on a subject that is of key importance to all of us - how artificial intelligence is used in decisions by corporations and governments.

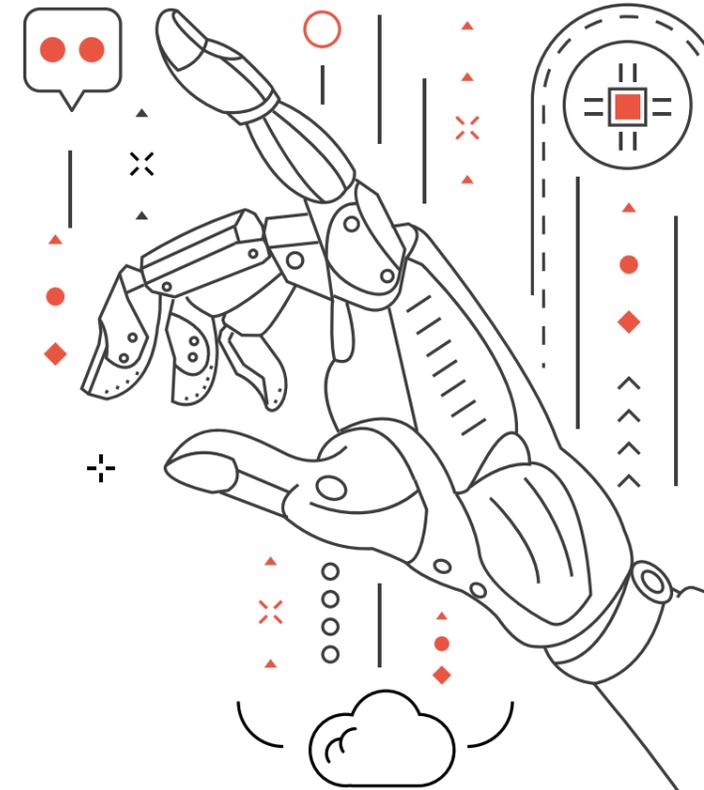
“It is a subject that is right up my street,” says Holli, “bringing together economics, human rights and law.” On a BHP John Monash Scholarship, Holli embarked on a PhD at Cambridge University in September 2020 to research the lawful design and deployment of emergent technologies, such as artificial intelligence in corporate and government decision making. In particular, she is focusing on the extent to which financial institutions are using AI to make decisions that have a huge bearing on their customers.

There are great benefits in using AI or machine learning (ML), in terms of efficiency and quickness of decisions. However, there is also a lot of scope for bias and therefore flawed decisions that have adverse effects, Holli explains. “The problems may come if, for example, banks use data from your Fitbit or Facebook page and then profile you and make decisions about whether you can access financial products and at what price. That, I believe, needs the intervention of law, either to mitigate the unfairness of decisions and/or to give people the right to know how decisions have been made.

“At the same time, the many potential benefits of AI- and ML-based decisions could be explored with awareness of, and strategies to mitigate, the potential suboptimal outcomes it may cause.”

As part of her research, Holli is participating in various multidisciplinary research projects to identify practical uses of AI in law and finance. There is no shortage of data, but a particular challenge is that, in such a fast-changing environment, the information can be easily superseded. “A substantial portion of my research is ensuring the principles and premise is future-proof. I’m doing what I can to make sure that by the time I finish my research, it is not out of date,” Holli laughs.

While Holli has relished the chance to conduct her research at Cambridge University, the pandemic and lockdown have made the experience to date slightly less than ideal, as the university has been largely empty of students. Thanks, however, to the magic of social networking, she has met a number of other Australians who are in a similar position. She is hopeful that, with easing of lockdown, she can enjoy the full university experience. “I absolutely love Cambridge, and, without hordes of students and tourists, I have been able to marvel at its beauty, as well as the intellectual inspiration you draw from the place.”



## FROM LAW TO ACADEMIA

Holli initially did a summer clerkship with Herbert Smith Freehills before joining the firm’s Brisbane office in March 2018. There, she gravitated towards the Projects practice, working for partner Peter G. Butler and advising on a range of projects from wind farms to autonomous vehicles in mine sites. There was also a strong technology element to the practice, which also appealed to her. She put her interest to practical use, building a special machine learning tool to carry out legal and mining searches in projects, as well as being a key member of the firm’s Digital Law Group.

Before she started her PhD, she was seconded from Herbert Smith Freehills to the Australian Human Rights Commission (AHRC) to work on a project to analyse the infiltration of algorithmic bias in different AI-based decision making. Working in collaboration with scientists and consumer organisations, Holli was one of the principal writers in the final paper. Prior to that, she was one of a Herbert Smith Freehills team providing legal expertise input to a discussion paper researching human rights and technology and specifically on the legal issues surrounding facial recognition technology.

“There had often been small nudges pointing me in the direction of academia,” Holli says. “I enjoyed the legal practice, but I missed the abstraction of exploring why the law works the way it does, and making recommendations for ways that it should work. I was interested in exploring the rabbit holes, which you have the privilege to do as an academic. But, at the same time, I wanted to use my skills from legal practice to be systematic, pragmatic and logical.”



**Natacha Heffinck**  
Alumna of London office  
2008 - 2017

## 12 QUESTIONS WITH...

*Natacha Heffinck*

### 1 What or who inspired you to become a lawyer?

My upbringing and work at Ashoka (a social entrepreneurship organisation) inspired me to become a lawyer.

I spent most of my childhood growing up in various countries in Africa and Asia. The rich diversity (and economic disparity) I encountered in these countries inspired me to take up studies in a field that would have a tangible impact on the lives of others. I first did an international politics degree, with a focus on international law, and then a BA in law.

In 2005, I moved to Mumbai to work as a legislative assistant for Ashoka, wanting to learn first-hand what a legal career would entail. I worked with the Law for All Initiative, conducting field research in remote villages across the country, meeting with social entrepreneurs to better understand where the law had been/could be used to advance their work. This was the final push I needed to become a lawyer.

### 2 Why did you decide to join the Global Fund?

I joined the Global Fund at a junction in my career where I was ready to translate the invaluable skills I acquired through my work at HSF (particularly under the mentorship of Andrew Lidbetter and Nik Kiri) into something more personally fulfilling and international.

I am now Principal Legal Counsel at the Global Fund, advising country teams across West and Central Africa and South and Southeast Asia on grant design, negotiation and implementation. I also advise on the drafting of organisational level policy and provide legal support to our Grant Approvals Committee. Finally, since the pandemic started, I have been actively involved in the design of the Covid-19 Response Mechanism.

### 3 As Principal Legal Counsel for the Global Fund, the Covid-19 pandemic must have had a significant impact on your work and highlighted its importance. Can you tell us more about that?

The Covid-19 pandemic has had an unprecedented impact on the fight against HIV, TB and malaria.

In early 2020, the Global Fund launched the Covid-19 Response Mechanism (C19RM) to mitigate the impact of the pandemic on the three diseases. Most recently, we received over US\$3.5 billion from the US and German Governments to fund the C19RM. I have been very closely involved in the development, design and implementation of the mechanism and work with my country teams to help ensure that the funding gets to those countries expeditiously and with the adequate assurance and oversight mechanisms in place.

Separately, as our grants operate on a three-year cycle, many of them were due to end in 2020. Grant-making had to, therefore, be done entirely remotely. It was quite a challenge for everyone involved, but our teams managed to sign 157 grants by December 2020, with a value of US\$8.1 billion.

### 4 How close are we to ending AIDS, TB and malaria as epidemics?

I wish I was asked this question in 2019. The pandemic has unfortunately taken a toll on global health systems, including efforts to fight the three diseases, and threatens to reverse the health gains of the last two decades.

This has made the fund-raising efforts for C19RM (and other Covid-19 response efforts) all the more important for the following activities: (1) Covid-19 control and containment; (2) Covid-19-related risk mitigation for programmes to fight the three diseases; and (3) reinforcement of health systems, generally.

Despite the pandemic, the aim is still to achieve the ambitious Sustainable Development Goal targets of ending the epidemics by 2030. To that end, the Global Fund is working hard with its implementers and partners to get these targets back on track and safeguard and accelerate existing gains, while at the same time exploring ways to build health systems to deal with the current (and possibly future) pandemic(s).

### 5 How do you feel that a global urgency and focus on ESG, both from business and government, is influencing or helping the Global Fund and its work (if at all)?

For one, the Global Fund, as an organisation, takes ESG very seriously. For a few years now, it has an ESG Investment Framework in place to ensure alignment between its investment management and its strategic objectives, values and principles.

Separately, in terms of external funding, the focus on ESG is certainly an influencing factor. There has been an increase in private sector and government contributions for our last replenishment. The increased focus on ESG principles may also have had a spill-over effect on our private sector engagement. The Global Fund works with many private sector partners on delivery innovation and alternative funding mechanisms. In case of interest, I've included a link here for further details: <https://www.theglobalfund.org/en/private-ngo-partners/>.

### 6 What career path would you have taken had you not become a lawyer?

I never had a plan B! I have many interests outside of work (jazz, travel, running, snowboarding etc.) but none that would have led me to a different career path.

### 7 What's the most unusual request you've ever had from a client?

I have been quite fortunate to have had very pleasant clients over my career (at HSF and elsewhere). Maybe the most unusual request was being asked to get documents signed while the client was at a dinner party - running them through the final changes while their guests patiently waited, to make sure all was in order before submission the next day.

### 8 What's the best career advice you've ever been given?

It would probably come from my rowing coach, Jimmy King, when I decided to leave the team in my final year of undergraduate studies. I was coming off the back of a long injury and knew this was the right time to move on. I was worried about letting the team down, but he was clear that I would only be of benefit to any team if I took care of myself first. That is a good life lesson on all fronts - especially given the demands of the legal sector.

### 9 Tell us about one of your proudest achievements

I have two - my daughters, Talya and Aline. They are kind, smart and strong-willed people, who will hopefully grow up to do good things. They are at home wherever my husband and I are, and I hope we can instil in them the sense of open-mindedness, respect for others and wanderlust I had growing up to mixed heritage parents of my own.

### 10 What's something funny or interesting people don't know about you?

Maybe one that people wouldn't know is that one of my first languages was Portuguese. I moved to Angola when I was three weeks old (I don't remember any of it now, however!).

### 11 If you could invite any four people to a special dinner party, who would it be and why?

**1. An athlete** - I love sport, especially athletics. Any of Eliud Kipchoge, Haile Gebrselassie, Kara Goucher or Alison Felix. They all have fascinating personal stories, notwithstanding their impressive sports achievements.

**2. An author** - Arundhati Roy or Chimamanda Ngozi Adichie (ideally both if they were free!). They have very informed perspectives on race, religion and politics, which I would like to probe into more.

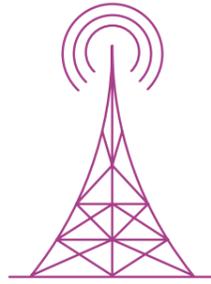
**3. A musician** - Joshua Redman or Daniel Barenboim and his piano. I have been a long-time fan of jazz and never missed a Redman performance in London. More recently, during the pandemic, I have discovered Barenboim's music and am hooked.

**4. Trevor Noah**, who would masterfully orchestrate the conversation at dinner.

### 12 Where is the first country you will be travelling to post-pandemic and why?

I spend a lot of time thinking about this. On a personal front, in order: Belgium to see my parents; the UK to see our friends and to revisit our favourite restaurants; and the Philippines (preferably Siargao or Palawan for a month - wouldn't that be lovely!). On the work front, any of the countries I advise. My last mission was to Kachin State in Myanmar in December 2019.

# WHY I CAME BACK



## AARON WHITE

After finishing my first undergraduate degree, I joined the police service in Australia. There, I spent quite a lot of time preparing briefs of evidence for Court proceedings and giving evidence in Court, which piqued my interest in the law. I studied an undergraduate

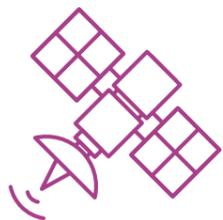
law degree law part-time for five years whilst working full-time in the police service.

After qualifying and joining another law firm in Australia, I wanted to move to London and broaden my experience as a lawyer. I decided to join Herbert Smith (as it then was) because I felt that it offered a great platform for me to develop my expertise and experience in international transactions and projects in the TMT sector. My interest in telecoms and technology was ignited during one of my training contract seats in Australia.

I left the firm in 2010 to work at global communications company Telefónica, which was (and still is) a key client of the firm. Working in-house was a wonderful experience, taking me to all corners of the globe on some super-interesting deals, and it has served me very well as a private practice lawyer.

I returned to the firm in 2017 for four key reasons. Firstly, it was a fantastic opportunity to work (again) with people from a diverse range of backgrounds who are super-intelligent, innovative, energetic, collaborative and committed to delivering first-in-class client service – and are also a lot of fun to work with. Secondly, I admired the firm's commitment to fostering a diverse and inclusive culture. Thirdly, pro bono work is in the firm's DNA, and the opportunity to do interesting and challenging pro bono work was a key consideration. Finally, I was impressed by the firm's thinking around using technology to enable it to be more agile and efficient, and to provide better service to its clients.

**“Working in the technology and telecoms sectors is constantly challenging, particularly with the need to keep up with the huge pace of change.”**



Compared with my time originally with the firm, the main change I would point to is that when I came back it had become a fully integrated global law firm, following the merger with Freehills in 2012. The merger and industry changes have also led to a much stronger focus on financial performance and productivity. Whilst the firm always had a very strong culture, coming back, I observed that it was much more focused on fostering a culture of excellence, innovation, high performance and discretionary effort, and rewarding people who consistently demonstrated those traits.

Working in the technology and telecoms sectors is constantly challenging, particularly with the need to keep up with the huge pace of change. But it is also one of the things that makes working in these sectors so interesting. You are constantly challenged to design creative legal solutions for new technology where the law may not always be in step with these innovations. For a lawyer, that is exactly the place I want to be – to have to come up with innovative solutions to problems that have not been thought of before.

Our Digital Law Group, which has been set up specifically both to deliver service more efficiently but also to sell technology-based products to our clients to help them in their business, is truly groundbreaking. I can give a couple of examples of products we have developed to assist clients. One is a contract review app to reduce the burden on a client's in-house legal team who were regularly receiving a large volume of similar contracts to review. The second is an end-to-end process for an in-house team, from instruction through to closing on matters, to help them optimise their e-billing and identify requirements for new solutions to enhance efficiency and generate better data.

Being a partner now, I am also relishing having management responsibility. I like to help develop other people. I was helped a lot (and still am) by some amazing managers, leaders and mentors at the firm, so I like to pay that forward where I can. On mentoring specifically, I really get a lot out of the reciprocal flow of giving and receiving; it's most definitely not a one-way relationship.

Finally, and perhaps most importantly, working at the firm gives me opportunities to change the world for the better. I can illustrate that with an example of an infrastructure project I have been working on recently. At its heart is a project to bring internet connectivity to people globally including, for example, in Africa, which is currently the least-connected continent with only a quarter of its 1.3 billion people connected to the internet. It is the opportunity to work on transformational projects like this one, which have positive impacts on communities in terms of access to education and healthcare, where I think I am playing a small part in making the world a better place.



## LENA NARIS

I had always wanted to be a lawyer, following in the footsteps of my father. After I graduated from Sydney University Law School, my first job was with the Director of Public Prosecutions. I spent a year prosecuting criminal matters for the State, before becoming Associate

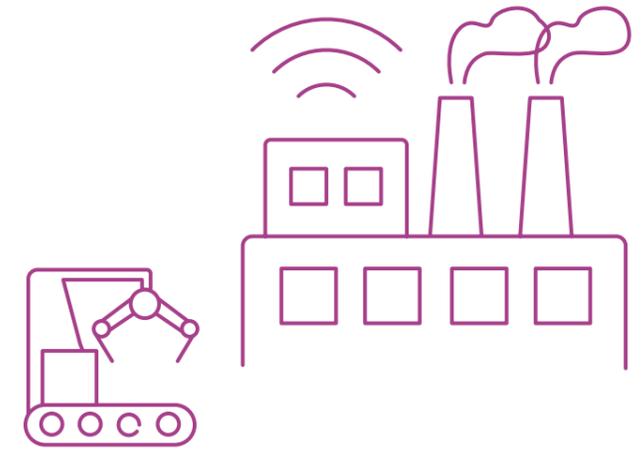
to Judge Payne in the NSW District Court predominantly in country NSW. I loved this work, however I realised that I wanted to explore the broader world of commercial law.

In 2007, I joined Herbert Smith Freehills in Sydney as a junior solicitor in its Construction and Projects Team, where I worked for Toby Anderson and Amanda Davidson. One of my undergraduate degrees was economics with a major in geography, specifically human geography. The natural link between my interest in the built environment and how cities are developed blended well with my litigation experience. I was offered a role that straddled both the disputes and transactional matters, eventually transitioning full time to the transactional side as I really enjoyed being at the inception end of projects.

I remained with Herbert Smith Freehills for a few years until I was drawn to work in the UAE, which was in the middle of its then construction boom. I was there for nearly four years before moving to Hong Kong for a further two years. I moved back to Australia in 2013, where I took on a role at another large firm.

I've always actively enjoyed and undertaken pro bono work with every firm that I have worked with. At the end of my time at this previous firm, I was invited to join The Hunger Project to assist in-house with its legal and development matters, as they did not have an in-house presence at the time. The Hunger Project does incredible work in Africa and Asia, helping to empower and transform impoverished communities, through education, microfinance, agriculture and health, so that communities, and in particular women, can build knowledge and resources to break the poverty cycle.

Amanda Davidson, having remained in contact throughout my career and since departure from Herbert Smith Freehills, invited me to join her newly-established construction law consultancy practice. I worked with Amanda until the birth of my son, and following a period of maternity leave, re-commenced working with TeamSource, Herbert Smith Freehills' flexible workforce community which places legal consultants with clients. I found out about TeamSource through a good friend and member of Herbert Smith Freehills, and thought that this was a great way to continue my career as a lawyer, whilst retaining the flexibility to be a mother.



**“Renewable energy is the future, and I'm proud to be a part of this sustainability.”**

Through Toby Anderson, I was placed with a renewables company, RES Australia, where I have been ever since. RES sources land to develop renewable energy projects, covering wind, solar and battery storage. As one of the in-house lawyers, I advise the business on a range of issues, including from the development phase, through to project close, and then beyond in an asset management capacity. It is a fantastic space to work in. Renewable energy is the future, and I'm proud to be a part of this sustainability.

This has been such a positive working experience. From the way the secondment was arranged through to the work I am doing and the RES community. The connection with the firm and with Toby's team works incredibly well. We have excellent lines of communication, founded on a long history of knowing each other well. I understand how the team works, and, now knowing RES well, act as an effective bridge.

The working arrangement has also worked well during the pandemic, which is extremely flexible, accommodating and adaptable. My contract continues to be renewed, and I have been able to slowly increase my working days.

Naturally, I am a big supporter of TeamSource. It is a very valuable resource, both for the firm since it can call upon extra resources and also for the lawyers, particularly women, who can continue their careers working on top-tier projects with an element of flexibility.

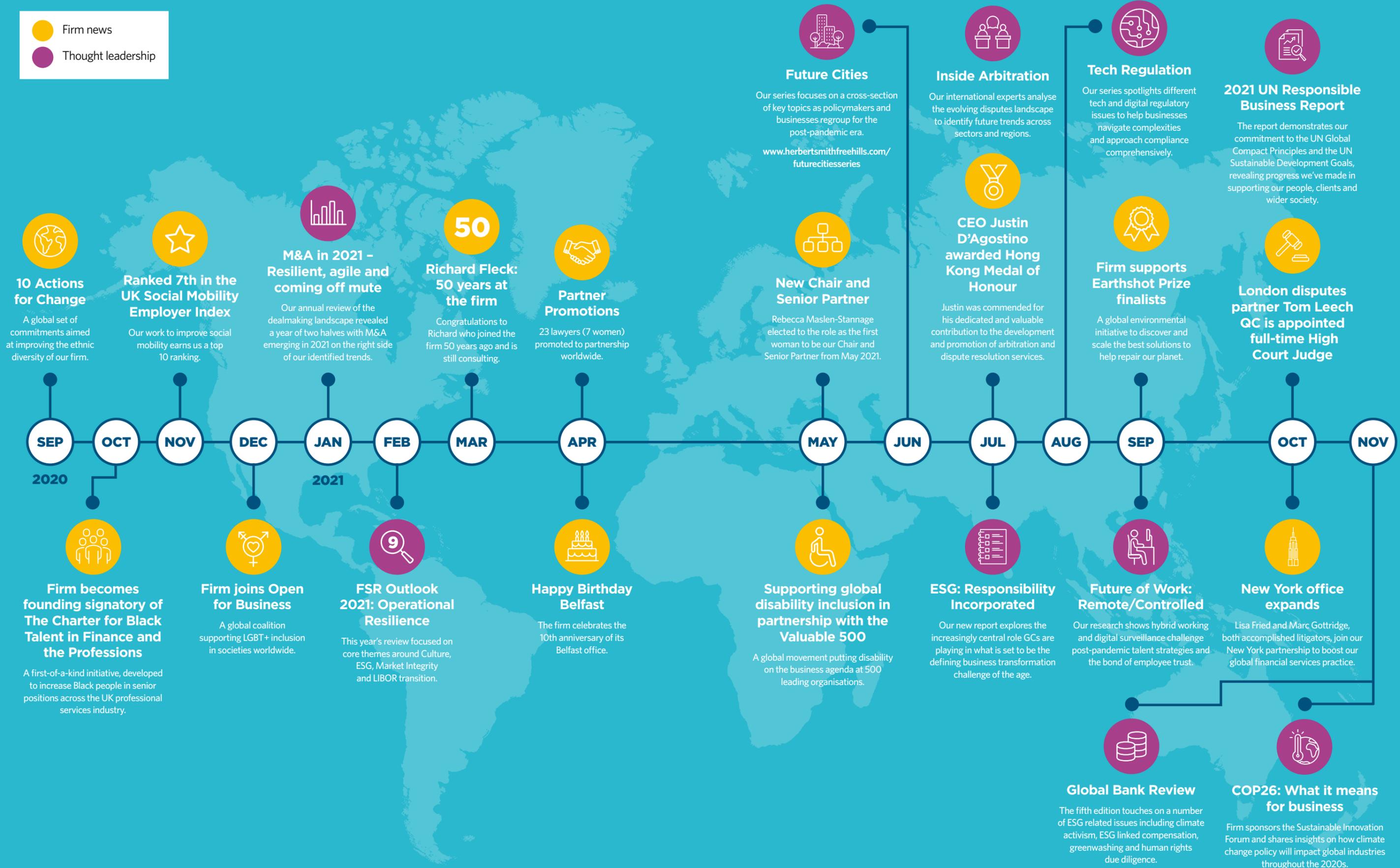
Herbert Smith Freehills has been a constant throughout my career, high-quality, professional and approachable at all times. It has been an extremely positive, happy and supportive working experience. HSF has always been a warm, welcoming and comfortable place, and I am excited and grateful to be a part of its community.

## About Teamsource

Since 2015 TeamSource, Herbert Smith Freehills' Australian flexible workforce community, has been connecting HSF Alumni and other skilled lawyers with some of the most in-demand legal opportunities in Australia. Working alongside some of our largest global clients and award-winning teams, as a member of TeamSource you gain exclusive access to in-house and private practice assignments that rarely reach the wider market, providing you with the platform to select the type of experiences you want as a lawyer. If you or someone you know would like to learn more about joining the TeamSource community, please email TeamSource at [TeamSource@hsf.com](mailto:TeamSource@hsf.com) for a confidential conversation.

# FIRM HIGHLIGHTS

- Firm news
- Thought leadership



### 10 Actions for Change

A global set of commitments aimed at improving the ethnic diversity of our firm.



### Ranked 7th in the UK Social Mobility Employer Index

Our work to improve social mobility earns us a top 10 ranking.



### M&A in 2021 – Resilient, agile and coming off mute

Our annual review of the dealmaking landscape revealed a year of two halves with M&A emerging in 2021 on the right side of our identified trends.

**50**

### Richard Fleck: 50 years at the firm

Congratulations to Richard who joined the firm 50 years ago and is still consulting.



### Partner Promotions

23 lawyers (7 women) promoted to partnership worldwide.



### New Chair and Senior Partner

Rebecca Maslen-Stannage elected to the role as the first woman to be our Chair and Senior Partner from May 2021.



### CEO Justin D'Agostino awarded Hong Kong Medal of Honour

Justin was commended for his dedicated and valuable contribution to the development and promotion of arbitration and dispute resolution services.



### Firm supports Earthshot Prize finalists

A global environmental initiative to discover and scale the best solutions to help repair our planet.



### London disputes partner Tom Leech QC is appointed full-time High Court Judge

SEP

2020

OCT

NOV

DEC

JAN

2021

FEB

MAR

APR

MAY

JUN

JUL

AUG

SEP

OCT

NOV



### Firm becomes founding signatory of The Charter for Black Talent in Finance and the Professions

A first-of-a-kind initiative, developed to increase Black people in senior positions across the UK professional services industry.



### Firm joins Open for Business

A global coalition supporting LGBT+ inclusion in societies worldwide.



### FSR Outlook 2021: Operational Resilience

This year's review focused on core themes around Culture, ESG, Market Integrity and LIBOR transition.



### Happy Birthday Belfast

The firm celebrates the 10th anniversary of its Belfast office.



### Supporting global disability inclusion in partnership with the Valuable 500

A global movement putting disability on the business agenda at 500 leading organisations.



### ESG: Responsibility Incorporated

Our new report explores the increasingly central role GCs are playing in what is set to be the defining business transformation challenge of the age.



### Future of Work: Remote/Controlled

Our research shows hybrid working and digital surveillance challenge post-pandemic talent strategies and the bond of employee trust.



### New York office expands

Lisa Fried and Marc Gottridge, both accomplished litigators, join our New York partnership to boost our global financial services practice.



### Global Bank Review

The fifth edition touches on a number of ESG related issues including climate activism, ESG linked compensation, greenwashing and human rights due diligence.



### COP26: What it means for business

Firm sponsors the Sustainable Innovation Forum and shares insights on how climate change policy will impact global industries throughout the 2020s.

# IN MEMORIAM



## Geoffrey Lewis (1929 – 2020)

Geoffrey joined Herbert Smith in 1952 as an articled clerk – at which time the firm had only seven partners. He qualified in 1955, making partner himself in 1960.

Geoffrey was an outstanding lawyer and draftsman. His primary area of practice was as a corporate lawyer; but like many of his generation, he had a wide and varied practice, including corporate litigation, acting for clients such as General Tire and Hoffmann-La Roche.

He led the firm's Hong Kong office in 1983, moving there within months of the office opening, and was key to the successful launch of the office. He then returned to London where he became briefly the first head of our Finance Department when it was established outside Corporate in 1986, which he led for two years. In both of those roles, he was known as a very good, fair and level-headed leader.

In 1987, during the October 1987 crash, he travelled urgently back to Hong Kong to lead work for the Hong Kong Government and Futures Exchange, overseeing the bail out of the Futures Exchange, which saved it from collapse. He was also appointed the Hong Kong Government's special adviser on stock market legislation.

Geoffrey retired from the firm in 1990 to become the first Legal Director of the Hong Kong Airport Authority, which developed the "new" airport at Chek Lap Kok on Lantau Island.

Geoffrey had a passion for legal and political history and on his retirement he was able to fulfil a lifelong ambition to write a biography. His books include Lord Atkin (1983), a biography of the famous common lawyer; Lord Hailsham: A Life (this authorised biography was published in 1997 to coincide with the former Lord Chancellor's 90th birthday); and Carson: The Man who Divided Ireland (2005), about a figure who combined politics with a career at the Bar. More recently, Geoffrey authored Balfour and Weizmann: The Zionist, the Zealot and the Declaration which Changed the World (2009).

Geoffrey was a highly successful and talented lawyer, who helped recruit and mentor many partners who followed him across different parts of the firm. He was a humane and cultured man, with wide interests both within and outside the law, always interested in ideas and with wise perspectives on life, as well as a particular enthusiasm for helping young lawyers to develop their careers.

Geoffrey sadly passed away aged 91 after a stroke on 26 July 2020. Our thoughts are with his wife and four children.

**James Palmer, Partner**



## Idwal Lewis (1931 – 2020)

Idwal joined Herbert Smith in 1969 from Provident Mutual Assurance, where he was legal adviser, with the brief of setting up a pensions department. He became a partner in 1975. As a native of Wales, he ran the pensions practice from an office in

Cardiff for six years in the 1970s before returning to the London office in 1977. However, he continued to live in Wales and was famed for his long-distance commuting on the InterCity 125.

He was an outstanding practitioner in his field and used his knowledge and experience to build a close working relationship with the pensions managers at many of the firm's key clients at the time, including Grand Metropolitan (later Diageo), Gallaher and De La Rue. He was also a founding member of the Pensions Lawyers City of London Discussion Group, which later became the Association of Pensions Lawyers. He was always convinced that (in his words) pensions law had a "golden future", and, given the subsequent upsurge in pensions legislation and case-law, he was certainly not mistaken.

Idwal retired as a partner in 1988. Following his retirement, he took a degree in Welsh and Welsh History at Cardiff.

Idwal passed away peacefully on September 22nd, after having been diagnosed with bowel cancer. His wife Beryl pre-deceased him. We send our condolences to his daughter, Catrin.

**Ian Gault, Consultant**



## Brenda Duchon (1936 – 2020)

It is with great sadness that we learned of the passing of respected alumna Brenda Duchon.

Brenda emigrated from South Africa to Australia in the mid-1960s with her young family. After working at Freehills (as it

was then known), Brenda established her private practice in Edgecliff, New South Wales, specialising in criminal law. During this time Brenda was involved in a landmark case regarding the Chelmsford Private Hospital and electro-convulsive shock treatment, with Brenda freely representing patients. Brenda was also a passionate fan of the Australian professional rugby league team, The Manly Warringah Sea Eagles, and the team's supporters gave her a fitting and special tribute for her at Manly's Brookvale Oval. Brenda retired from professional life, impressively aged in her 80s.

We send our condolences to Brenda's family.

**Erin Wakelin, Managing Partner, Sydney**



## David Andrew Ipp AO QC (1938 – 2020)

David was a partner who was with the firm from 1981 to 1984. He was one of the leading lawyers in the country. He joined

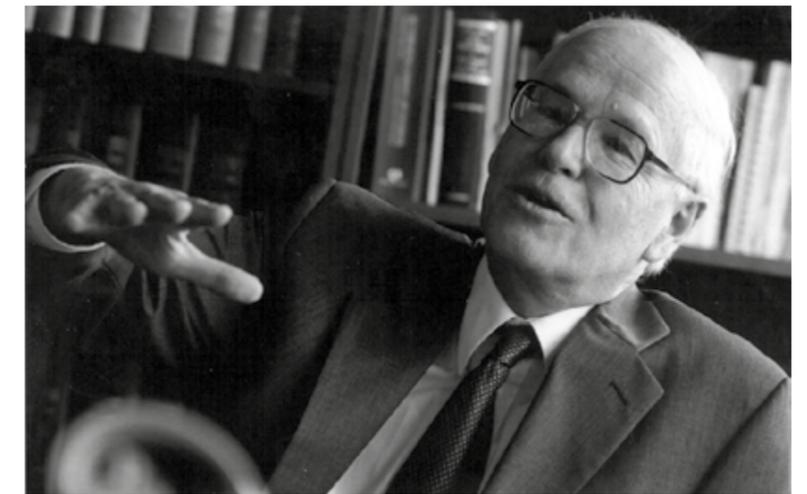
the firm after emigrating from South Africa. He was part of an extraordinary group of South Africans who joined the Perth office in the 1970s and 1980s – as a group they were characterised by integrity, toughness, big brains and, in many cases, big laughs.

David had all of these qualities in abundance. He was a really impressive man. In 1985 – having been in the country for all of four years – he was appointed Queen's Counsel, and from 1989 to 2001 was a judge of the Supreme Court of Western Australia. In 2002 David moved to NSW where he joined the NSW Court of Appeal. Then in 2009 was appointed ICAC Commissioner. It was in this role that he is probably best known – he was at the helm of ICAC when it began a series of historic public hearings into the dealings of former NSW Labor government figures, including Operation Jasper, its explosive inquiry into a \$30 million coal deal involving the Obeid family.

He famously found Obeid, his son Moses and former NSW Labor mining minister Ian Macdonald acted corruptly in relation to a coal exploration licence granted in 2009 over the Obeid family's Bylong Valley property. In between judicial appointments, David headed a landmark review of Australian negligence laws, reporting in September 2002, aimed at reining in negligence actions and ballooning damages awards. In 2007 he was awarded the Order of Australia for service to the 'judiciary through implementation of major reforms in court procedure in Western Australia, and to the law as a significant contributor to a review of the law of negligence in Australia'.

For those of us who worked with David, we will remember him for his brilliant mind, his hard work, his (very) straight talking and his decency. He was a great lawyer and a great man. And another migrant, who loved his adopted country, gave it so much, and made it a better place. He was 82.

**Tony Joyner, Partner**



## Tom Phillips (1938 – 2021)

Tom's route into the firm was not the conventional one. Before joining us he was working in Kenya (where he was born) as a state counsel for the Government. Together with two other African governments, the Kenyan government instructed the firm on a major dispute through which Tom met John Barker, one of the founders of our Disputes practice. In Tom's own typically self-deprecating words, "He was recruited by John Barker, later to become senior partner, who fortunately valued connection higher than any need for a CV".

Tom joined the firm in London in 1970 and became a corporate partner in 1977. He spent almost three decades as a partner and subsequently full time consultant to the firm. For the majority of his career, his practice was the traditional mix of corporate transactions, in particular for major clients including Grand Metropolitan (now part of Diageo) and Eurotunnel. He was a first-rate technical lawyer with a calm and analytical approach. In addition he had an excellent grasp of the commercial realities of transactions and accordingly his clients liked, valued and relied on him. He was resolutely cheerful, impeccably polite, full of common sense, unflappable and utterly dependable. He saw the humorous side of everything. For many partners he was also a good friend. One of Tom's other great qualities was that he could turn his hand to anything and in the later years of his career, with the launch of the UK Private Finance Initiative (in which the firm was a market leader), he successfully reinvented himself as a projects lawyer.

Whether you were working for him or alongside him, Tom was a delight to

have as a colleague, and his effortless humanity made him one of the most liked people in the partnership. Many corporate associates found their feet under his gentle, good-humoured guidance. He had a particular ability to size people up and to support and encourage them, and it was no surprise when Edward Walker-Arnott, on taking over as head of London Corporate in 1990, asked him to join his three-partner Corporate leadership team with responsibility for "people" issues.

When he arrived from Kenya, the furthest thing from Tom's mind would have been that he would one day become the firm's "official" historian, but that is how things turned out. With Herbert Smith's 125th anniversary approaching, the then senior partner Richard Bond decided that the firm's history needed to be committed to record and approached Tom to write it. Tom was always somewhat bemused by this but rose admirably to the challenge. The book was published in time for the 125th in 2007 and – though Tom was characteristically humble about it – was a triumph, bringing the many years of the firm's development and the characters who built it wonderfully to life. I recommend it to anyone who has not had the opportunity to read it.

Outside work, Tom was both a keen sailor and mountaineer. As he put it on the back cover of the book, "Outside the law, his interests are reflected by Wordsworth's lines: 'Two voices are there, one is of the sea, One of the mountains...'" He was also an excellent skier.

Our condolences go to Tom's widow Rosemary, children Roland and Laura and granddaughter Hazel.

**James Palmer, Partner**



### Bill Moodie (1947 – 2021)

Bill's route into the firm was not the conventional one. Born, educated and brought up in South Africa, Bill was an engineer by degree and qualified first in his home country as both a patent agent and solicitor, working for the respected IP firm,

DM Kisch. Arriving in London long-haired and Afghan-coated, after an epic drive across Europe in a small car, with good friends, Bill spruced himself up by the time of his associate interview with Herbert Smith's founding Head of Intellectual Property, Christopher Tootal (also a patent agent by background). Before allowing Bill across the threshold, however, Christopher required the prospective recruit to sit a patent drafting exam of his own devising, just to check he had the IP 'chops' for the job.

As an extremely strong, yet highly practical academic lawyer, Bill didn't miss a beat: he aced the test and joined the firm as an associate, becoming a partner in 1984. He succeeded Christopher as Head of IP in the mid-1990s and led the team with aplomb until 2004. A fierce advocate for, and developer of, the IP team, Bill enhanced the group's reputation and engendered strong loyalty and affection among all those who worked with and for him. He could be a firm taskmaster but he backed his team to the hilt and had a knack of getting the best out of people.

Bill's practice covered the full spread of IP work, with a particular focus on patent infringement, especially in the engineering fields. He was fascinated by technology and won a famous infringement victory for Quantel against Spaceward in the early days of televisual editing software – ushering in the forerunners of the sort of video effects we have now long taken for granted. It was Bill who invited the Quantel clients along to demonstrate the technology at an HS partners' conference, a demo which, memorably, involved the face of then senior partner, Edward Walker-Arnett, emerging from the mouth of a roaring lion!

Highly respected by peers and clients alike for his practical and commercial solutions, when negotiations were exhausted Bill liked nothing better than a good contested trial and he had a strong track record of winning them. There were notable victories in leading IP cases for clients as diverse as Markem, easyJet and Guinness, among many others.

Retiring at 60 in 2006, Bill moved to rural Norfolk with his wife, Alison. Bill was a keen sailor and they had long had a holiday home on the north Norfolk coast. In retirement, they restored a beautiful Jacobean Revival house, roping in a group of mates (and their young children) to help with the donkey work of planting a small vineyard with the 'Champagne mix' of vines in what had been 'the old potato field' in his garden – North Norfolk allegedly sharing a similar terroir with that of the Champagne region in France (he lived in hope!)

Selling up in Norfolk a few years ago, Bill and Alison moved to Edinburgh, where their youngest daughter, Annabel, also lives. It was good to be within easy walking distance of the restaurants, theatre and other metropolitan interests they both so enjoyed. Sadly, it was not to be more than a couple of years before Bill was diagnosed with the cancer which he fought valiantly for 18 months, most of it during lockdown. Ultimately he lost that battle in May 2021.

Our condolences go to Bill's widow, Alison, and his children Fiona, Celia and Annabel, all of whom were able to be with him at the end. My thanks to Mark Shillito and Dorothy Livingston in particular for sharing their memories of Bill in this note.

Alison Brown, Executive Partner



### Vincenzo (Vince) Paparo (1950 – 2019)

Vince was a senior lawyer who was with the firm from 2005 to 2013, in the Projects team in Perth, specialising in land law.

He came to the law late, after a successful career in industry, and brought with him a passion and curiosity that belied his seniority.

He was an exceptionally popular man, and dealt with the illness that eventually took him at the age of 68 with grace and humour.

Tony Joyner, Partner



### Barbara McMillan (1933 – 2020)

**The Four Musketeers – A Unique Friendship**  
A poem written by Carol Clement

Over forty years ago the four of us met  
From then on our friendship was set  
We have been through lots of highs & lows  
But that's what makes a friendship grow

Sometimes folk thought we were Barb's daughters  
One glare from her and their opinion altered  
She was our drinking pal & funny mate  
To her and us age was just a date

Barb was always so generous and kind  
A nicer lady you will not find  
She could be stubborn & set in her ways  
And kept this up until the end of her days!

We won't forget all the good times we had  
Or even the times when things were bad  
You got us in trouble at work and in play  
But we wouldn't want it any different, no way

We hope you will now be with your family  
At peace and at rest just how things should be  
We know you'll be keeping an eye on us  
Every holiday and celebration a cheers to Barb will be a must

We all loved you Barb I think you knew  
We would have done anything for you  
The Four Musketeers are now just three  
You'll be missed so much by Lin, Lol & me

So we say farewell and although we are sad  
We are grateful for all the good times we had  
And although now the time has come for us to part  
You will always, always live on in our hearts.

Carol Clement, Alumna and friend



### Terry MacMahon (1959 – 2021)

Many will have known or worked with Terry in his 25-year career as Research Librarian at the firm. He was respected for his extensive knowledge of resources and adept research skills – much valued by his colleagues and lawyers alike – and he will

be fondly remembered and missed for his mastery of general knowledge, his dry wit and his kindness.

Our thoughts are with Terry's wife Denise and his daughter Megan.

Alison Brown, Executive Partner



### Alex Dunn (1949 – 2019)

It is with great personal sadness that I'm writing to inform that Alex Dunn, a former member of our Office Service team passed away on 1 November 2019.

Alex was 70 years old. Alex started in the Melbourne Office in 1997 as a Mailroom Assistant and retired in 2016, after almost 19 years of service.

Alex knew more people in the firm than anyone else and was one of the most popular members of staff. He loved a chat and social gatherings, especially the firm's Christmas party, which he never missed in 19 years. Alex featured in a large number of grad revue skits and his dance card was always full. Alex was passionate about the Carlton Football Club (AFL), Tour de France and the Olympics, which he spent many hours watching and discussing with colleagues. After retirement, Alex made the most of his free time by travelling wherever his heart desired.

Many of us will remember Alex as a highly intelligent, genuinely warm and wonderful individual with a rare friendliness and charm of personality. He was one of the kindest people I have worked with.

Eirletta Pickles, Facilities Manager



### David Germain (1954 – 2018)

David was a senior lawyer who was with the firm from 1996 to 2014, in the Projects team in Perth.

He was a lovely man; an unusual cat, in many ways, but a very sweet and genuine one. He was a good lawyer – very precise and careful. He may have missed something, once, but we never saw it. David was a great mentor to many junior lawyers around the office, making friendships that transcended employment here. He loved his wine and food, leading many disparate gourmand groups from within the office.

He was 63.

Tony Joyner, Partner

### The Hon Margaret Stone AO FAAL (1942 – 2021)

I am writing with the sad news of the passing of The Hon. Margaret Stone AO FAAL.

Margaret was a partner of the firm in the 1990s and had a distinguished legal career spanning any years.

After graduating from The Australian National University with the University Medal and completing a Master of Laws at Yale University, Margaret taught law at the University of New South Wales for 15 years, including as Sub-Dean for seven years.

In early 1991, Margaret moved into private practice, joining (then) Freehill, Hollingdale and Page and becoming a partner in 1993 in the firm's Property practice. She remained with the firm until 2000, when she was appointed a Judge of the Federal Court of Australia.

Following a 12-year career at the Bench, and as one of many appointments after leaving the Federal Court, Margaret re-joined (then) Freehills in early 2012 as a consultant in the firm's Financial Services practice.

In October 2012, Margaret was appointed by the Federal Government as the inaugural Independent Reviewer of Adverse Security Assessments at ASIO. In August 2015 she was appointed by the Federal Government as Inspector-General of Intelligence and Security, at which time Margaret retired (for a second time) from the firm. Margaret acted in the important capacity of Inspector-General of Intelligence and Security until her retirement in August 2020.

Margaret was a remarkable individual, hugely admired for her great intellect, integrity, kindness and good humour. She made a lasting contribution to the law (in multiple capacities as a teacher, practitioner, leader, mentor and judge) and to public service more broadly.

We send our sincere condolences to Margaret's family and loved ones.

Andrew Pike, Executive Partner





### Helene Kydd (1959 – 2020)

Helene worked in the insurance section of what was then the London Litigation Department and became a partner in 1994, at the same time as I did. Others made up to partnership that year included fellow insurance litigators Terry Mehigan and Tony Dempster.

Helene was a formidable, determined, resolute and most able lawyer. She worked extensively with some of the Litigation Department's biggest clients including what was then Royal Insurance and the insurance broker Willis.

Clients will remember Helene for many qualities beyond her undoubted legal ability. In particular they will remember her warmth, her kindness to others, her splendid wit and sense of humour and her inherent sense of fairness and support for others in a less privileged position. She was determined to stand up for what was right and to confront things that were not. This last quality is one which perhaps set Helene apart from many of us. She was not afraid to make her views known and this continued well after her retirement from the firm when a few years ago an Alumni event in London was unwittingly scheduled to take place at a members' club which did not allow equal membership for women. The venue was quite rightly changed.

The partnership was a better place because of Helene and others like her. When in 1999 the firm decided to launch a free legal advice centre in Whitechapel, Helene, as the firm's community action partner, led the way and drove the project forward. It is a testament to Helene that in many ways the Whitechapel legal advice project paved the way for the extensive pro bono activities now undertaken by HSF members around the world.

Helene sadly died in December 2020 following a determined fight against cancer and is greatly missed by all who knew her.

Our thoughts are with Helene's husband Tony (Bradbury), who was also with the firm, and their children Zach, Isabel, Amelia and Orla.

James Palmer, Partner



### Peter Patrikeos (1937 – 2021)

Peter was a partner who was with the firm from 1988 to 2006. "Patrikeos" is the Greek form of Latin "Patricius", meaning "patrician, of noble descent." And, taking the very best interpretation of those concepts, that was Peter to a tee.

He has some competition, but in my view Peter was simply the nicest partner at this firm I ever met. He was always turned out beautifully, and always very proper, and dignified and thoughtful – he was the perfect gentleman. Peter came from a family of Greek descent in Victoria. His father had served in the Greek navy in World War I, and had emigrated to Australia shortly after.

After a stint with law firms in his native Victoria, he moved to WA to join the Crown Law Department, from which he was poached by the legendary Robert Holmes a Court – one of WA's early maverick businessmen, and indeed Australia's first billionaire. He was a senior adviser to RHC for many years, before he joined the firm in Perth in 1988. Peter was terrifically popular, and had a highly successful career here, working on some of the biggest transactions of the day. A beautiful man, and a part of our rich history. He was 83.

Tony Joyner, Partner



### Annabel Bainbridge (nee Viner) (1968 – 2020)

Annabel was a lawyer with the firm for a couple of years in the 1990s, working in the Environment team, primarily planning & liquor licensing. She was a bright and generous-spirited soul. After leaving us she worked in several places before settling with a family in Melbourne. She died far too soon, leaving behind a young family.

Tony Joyner, Partner



### Sylvie Scanlon (1960 – 2021)

Sylvie was a much loved member of the team. She started with us in 1995. In those days, her sister worked with us too. Sylvie always worked in the Printroom and was a vital part of the group of long-standing close-knit team members in that area. Sylvie did her job at a very high standard. She was always helpful and went out of her way to ensure that HSF delivered excellent service to our clients. This has particularly been the case during the pandemic with so many of us relying on the Printroom for help. She was a firm identity and just about everyone in the Melbourne office would have known her, which makes her passing so sad for the office.

Sylvie (and, I might add, the rest of Printroom team) always attended firm social events with great enthusiasm. She loved the Christmas party. I extend my sincere condolences to Sylvie's partner and family and her immediate work colleagues. I will miss Sylvie's dedication, commitment and friendship. May she rest in peace.

Rodd Levy, Managing Partner



### Dan Blue (1953 – 2021)

Dan worked as a partner in the Melbourne corporate group from 1997 until 2012. Dan was originally from Perth. He joined Parker & Parker in 1981. Parkers was then the most prestigious firm in Perth, having been a leading establishment firm since its founding in 1868. Dan became a partner in 1984. He was one of six new partners that year – testament to enormous amount of work going on in 1980s Perth. The firm was very close to Alan Bond, one of the swashbuckling entrepreneurs of the 1980s. Dan acted for Bond and his group of companies on numerous transactions, including trade marking the famous boxing kangaroo image used in Bond's America's Cup success. Dan had a strong base of other local clients, predominately in the finance and mining sectors. In 1988, while on holidays in London with his wife, Hellen, Dan was approached by Linklaters & Paines to join that firm. He remained there for a number of years and returned to Perth and re-joined the Parkers partnership in 1990.

On 1 September 1997, Parker & Parker merged with Freehill, Hollingdale & Page in Perth, bringing Dan into the Freehills fold. We were expanding in Melbourne and Dan came over to help us, becoming partner here in 1998. During his time with us, Dan was an excellent partner, widely respected by clients and staff. He was a mainstay of the resources group in Melbourne and advised on numerous M&A transactions.

He had an excellent manner with clients. On his very first day in the office, as he was stepping into the lift to go upstairs, briefcase in hand, I was stepping out on my way to see a client, Grand Hotel Group, about a merger proposal. I asked him to come with me, which he did. From then on, Dan was the man for that client and he developed a very close relationship with them and their managing director.

Dan was an active member of the Law Council's Corporations Committee. Together with his wife Hellen (also a company law expert), he was very well known among Australia's corporate lawyers and a regular contributor to the annual workshops, often with a glass of wine in hand (Dan subscribed to the view, widely held, that much of the work of the Committee required post-dinner discussions on the finer points of company law).

Dan was a generous friend to me, inviting me to his home for dinner on numerous occasions. I will miss his friendship.

Rodd Levy, Managing Partner



### Justin Little (1975 – 2021)

Justin was a partner who was with the firm from 1999, when he started as a graduate, until 2014, in the Mining/Corporate group in Perth. He left us to join Gilbert & Tobin, where he continued his successful career. Justin was a good guy. He was clever, generous, funny, and above all, loved his family and did a lot for the community.

He died far too young, only 46, leaving behind his wife Kelley and his beautiful – and equally mischievous – twin boys Cooper and Hudson.

Tony Joyner, Partner



### Roger Lyne Hamilton SC (1948 – 2021)

Roger Hamilton SC joined the firm as a partner in 1985 from his position as a Tax Law lecturer and author at the ANU. He very quickly endeared himself to colleagues at the firm and clients alike, with his warm smile, attentive ear, great depth of tax and legal knowledge and practical advice. Combined with his great legal tax mind, Roger was the quintessential perfect gentleman and trusted friend. This became even more widely recognised when Roger joined the NSW Bar and was later appointed to the NCAT as a Senior Member. That Roger's NCAT decisions have withstood appeals and been cited and followed interstate is testament to his excellence. In 2019 Roger was appointed Senior Member at the AAT. Roger has been described as irreplaceable, a great inspiration, exceptionally kind and generous and a wonderful man. He was humble and unassuming and remained more concerned for others than himself even throughout the great demands of serious illness. Thank you, Roger for your friendship and for giving of your time and enormous talents. Requiescat in Pace and God bless Roger's wife, Susan and all the family.

Joanne Seve, HSF alumna



### The Hon. Geoffrey Giudice AO (1947 – 2021)

We were saddened to hear of the death of our former partner the Hon. Geoff Giudice AO. Geoff was one of the most honourable of Industrial Relations practitioners, an absolute gentleman and proudly fair and even handed. Geoff joined the Melbourne office in 1978. He was articulated to Colin Polites, admitted to practice in 1979, and appointed a partner in 1981 and was highly sought after by our clients. In 1984 he resigned from the firm and was admitted to the Victorian Bar where he was frequently briefed by us on leading cases including the 1989 pilots dispute and the 1995 Weipa dispute opposite former Prime Minister Bob Hawke. In 1997 Geoff was appointed to the positions of President of the Australian Industrial Relations Commission and judge of the Federal Court of Australia. As President he quickly established a reputation for being even handed, consultative and enormously competent and fair. Both unions and employers saw him as independent so it was no surprise that when Fair Work Australia was established, he was appointed its first President, a role he retained until his retirement in 2012. He has left a wonderful legacy and will be remembered for far more than his trademark bow tie. He will be remembered for his wisdom and wise counsel, for his marvellous job at the tribunal, and for maintaining its independence and public confidence during a lengthy and difficult period. We are very proud of our role in nurturing his abilities and are saddened that his life has been taken at such an early age. We extend our thoughts and condolences to his family and friends.

Russell Allen, Consultant

[Read our full tribute here](#)

If you would like to contribute information or a tribute for "In memoriam" please contact a member of the alumni team.



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