



HERBERT
SMITH
FREEHILLS
ALUMNI

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with **Noah Riordan**

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signs of depression

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reflects on the merger

THE HONOURABLE MARGARET STONE

Australia's
Inspector-General of
Intelligence and Security
gives us all access

ALUMNI

matters

2016

Herbert Smith Freehills Alumni

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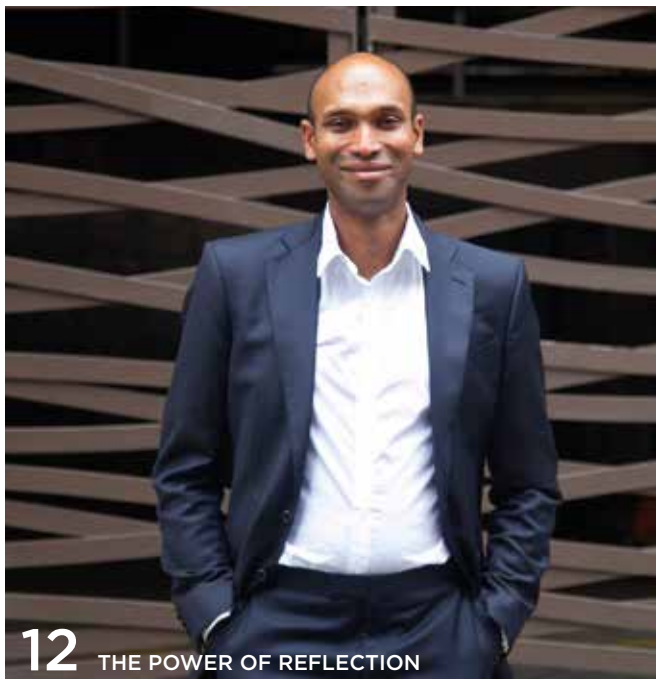
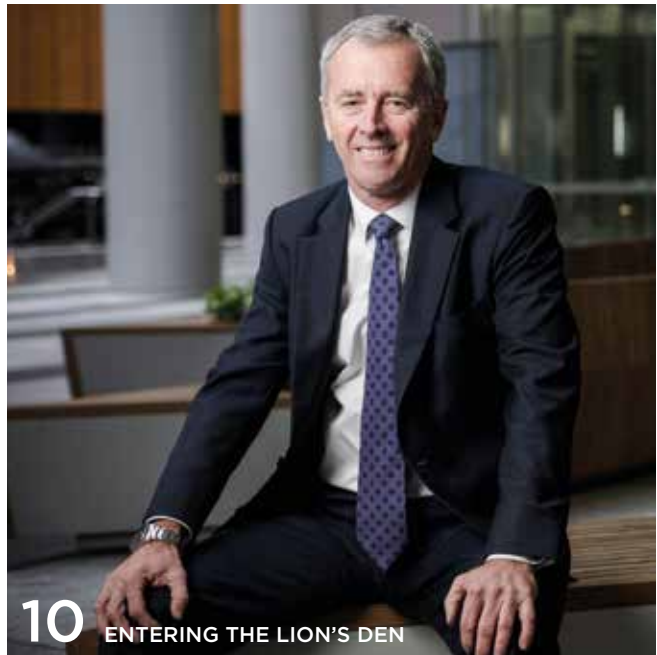
Our programme supports and celebrates the resilience, determination and success of our alumni.

We hope you find these stories inspiring.

"If you worked at Herbert Smith Freehills, it's likely you'll believe that you can go anywhere and do anything"

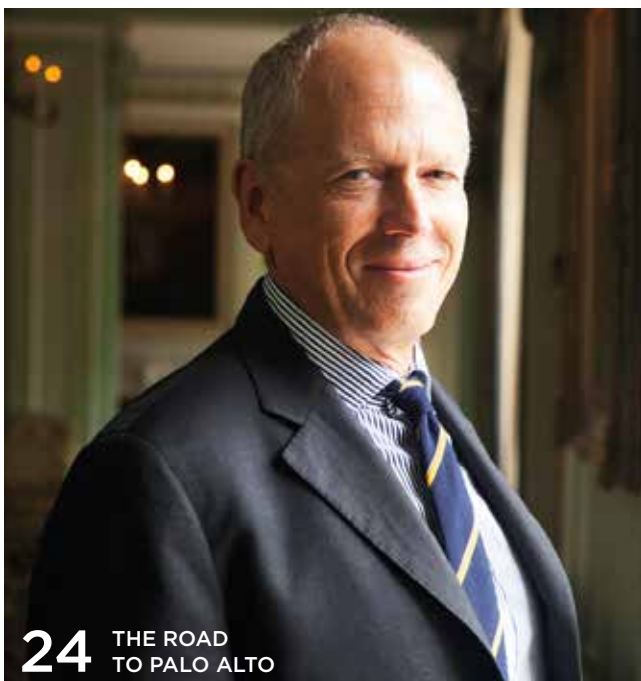
JULIE WEST

HERBERT SMITH FREEHILLS ALUMNA, UK





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IN-TOUCH

Welcome from the CEOs

At Herbert Smith Freehills, we are committed to promoting the mental health of our workforce globally. That is why this issue of *Alumni Matters* takes as its theme emotional wellbeing and resilience.

We all want to be content, motivated and happy in ourselves. This is not always easy to achieve in a high-pressured environment such as a law firm. We relish the challenges and are stimulated by the pressure, but each one of us has our limits. Our aim is to create a supportive, respectful and inclusive culture for all our people.

We approach these issues from a number of different perspectives. Resilience and adaptability in the face of professional challenge is a common theme throughout the lives of our alumni. In overcoming a series of obstacles with a confidence instilled from his time with the firm, **Simon Yencken** transitioned from partner in Australia to CEO of a successful high-tech start-up.

Gavin Bell, former CEO of Freehills and joint CEO of Herbert Smith Freehills, is instructive on the trials of global law firm mergers. **Margaret Stone**, our cover story, recounts how she resorted to a little cunning to set her off on a glittering career path not previously available to women.

Professional psychological viewpoints are provided by **Noah Riordan** and **Miranda Voyle-Wilkinson**, who make a strong case for training people's minds as well as their technical skills. **Chris Parsons**, Chairman of our India Practice, is a wonderful example of someone who came to terms



Sonya Leydecker

with his own susceptibility to depression and found a solution. We encourage greater honesty about mental wellbeing across all our offices so the stigma surrounding this greatly misunderstood issue is reduced.

These are inspiring stories from which we can all learn. They underline how important it is for people to be secure, both physically and mentally, to achieve happiness in their work. This year, we ran the "This is Me - In the City" campaign globally in which partners and associates shared their personal experiences of dealing with depression and workplace anxiety. This followed on from a mental health mentoring programme launched last year for our London and Belfast staff.



Mark Rigotti

Our efforts in this area are more important than ever. Given the current political and economic uncertainty following the UK's vote to leave the European Union, we remain a resilient and well-focused business. The culture of togetherness within the firm and towards our clients enables us to better manage the upheaval that may result with the changing European landscape.

We look forward to staying in touch with our former colleagues to keep you updated on future developments and hope to meet you at our hugely enjoyable alumni networking events. In the meantime, we hope you enjoy reading this edition of *Alumni Matters*.

Sonya and Mark

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Disclaimer

Alumni Matters is published by Herbert Smith Freehills. The opinions expressed in it are those of the individual contributors and not necessarily those of the firm. Every effort has been made to ensure the information in this magazine is correct at the time of print. The next edition of *Alumni Matters* will be published in autumn 2017.

Alumni Matters

We hope you enjoy reading this issue of *Alumni Matters*. Please recycle it, or pass it on to another alumnus once you have finished reading it.

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GETTING TOGETHER

A snapshot of our alumni events held over the past year. Login to the Alumni Hub at www.alumni.hsf.com to view the full range of our photo galleries and for details of upcoming events.



Getting together



Grand Reunion, London



Sydney Cocktail Reception



Retired Partners Drinks, London

Getting together



Brisbane Alumni Reception with MasterChef star Matt Sinclair



20 Year Trainee Anniversary Dinner, London



Competition, Regulation and Trade Alumni Drinks, London



Energy Alumni Drinks, London

ENTERING THE LION'S DEN

"I think it caught them by surprise." So remembers **Gavin Bell**, then the CEO of Freehills, who was having dinner with Jonathan Scott, Herbert Smith's senior partner, and David Willis, Herbert Smith's managing partner. Gavin had a proposal for his fellow diners: would Herbert Smith be interested in merging with Freehills?

As they digested this proposal, Jonathan and David indicated that they were interested but would need to take soundings within the partnership. There then followed an intense nine months of negotiation and the establishment, in October 2012, of Herbert Smith Freehills. For both firms, it was a momentous and historic achievement.

"The merger was undoubtedly the high point of my career," Gavin reflects today. "It was the culmination of my career as a lawyer and then in management, and a very good note to go out on."

Where it all started

After studying law at the University of Sydney, Gavin joined Freehills (when it was then Freehill, Hollingdale & Page) in 1982 on the basis that it was one of the top three firms in Australia. After starting in the litigation practice, he became involved as a lead adviser on a series of construction disputes.

The more he learnt about the sector and got to know people, the more he enjoyed it. "Construction and infrastructure projects tend to last a long time and you can see the results of your work," Gavin says. "As I sit in my office, I can see office buildings that I had a hand in delivering."

However much he enjoyed his practice, Gavin always had a hankering for management. Seven years after being made partner, he studied for an MBA at the Australian Graduate School of Management. By then, Gavin was on the Freehills board and served in that capacity until 2001, after which he became chief operating officer and worked with Peter Hay on the key task of combining the separate state firms into one integrated national firm. Unaware at the time, this served as excellent groundwork for the later international merger.

It is often said that there is no greater challenge than managing opinionated lawyers in partnerships, but Gavin vehemently disagrees. "I always felt it was good to be tested by intelligent, articulate, inquisitive people who had strong views on the business. That certainly made for some difficult times and decisions but ultimately it was very rewarding."

Looking further afield

With the increasing importance of the Australian economy, businesses were looking to invest in Australia and, at the same time, Australian corporates and financial services institutions were expanding into new markets.

The Freehills' partnership indicated a strong preference to merge with an English law firm. Herbert Smith was already well known to the partners and Gavin believed the two firms were complementary in size, revenues, profitability, culture and approach: "It would be a merger of equals, in all senses."

During negotiations, Gavin found himself at the pointy end of questions from many Herbert Smith partners. While those sessions were tough ("I was once introduced by Jonathan as entering the lion's den," Gavin jokes), he was always afforded a hospitable and fair reception. Negotiations were underpinned with a shared philosophy that the merger had to be in the best long-term interests of both firms. Four years on, Gavin points to the increases in revenue, profits, clients and cross-referrals as evidence of the merger's success.

He also has another reason to be cheerful: while skiing in Canada in early 2013, he suffered a serious heart attack, and it was only due to the swift actions of a paramedic that he is still alive. It wasn't stress-related, Gavin insists, it was a congenital condition that had not previously been picked up but which he can now manage with medication. These days, he is as fit as ever, going running, surfing and skiing.

Gavin looks back with satisfaction on his life and career - which puts him in an ideal position to pass on some fatherly and professional advice to his son, who is about to enter the law: "Never lose sight of the fact that law is a profession, even if the business side is important; don't forget that we are a service industry, and that our priority is to serve clients; and, finally, remember the value of networks - as lawyers, we don't operate in a vacuum," before adding, "but whether he listens to my advice is another matter!"

*"It was good to be
tested by intelligent,
articulate, inquisitive
people who had strong
views on the business"*



THE POWER OF REFLECTION

Epiphany can strike anywhere and, for **Hugh Goulbourne**, it happened on the London Underground. A moment of reflection inspired him onto a mission to protect our environment.





On the train from Liverpool Street to Leytonstone in east London in early 2004, Hugh Goulbourne had what he calls his “Damascene moment”.

As he explains it, “I was in a great job, doing work that I loved for an excellent law firm. But, as I sat on the underground train, I had the sense that I was living in a community which did not have access to the same support and opportunities that I had. It struck me that I needed to do more to improve the health and wellbeing of everyone in our community. I needed to change my life.”

The first thing Hugh did following this revelation was to sign up with a local charity to offer to become a governor at a local school. Also about this time, a lively debate with his brother led him to taking an interest in – and then becoming passionately concerned about – the issue of climate change. Hugh has since written widely about this subject, including writing position papers for the Labour Party and UK government. He also became energy coordinator of Labour’s environment campaign. Incidentally, one of those encouraging Hugh to write was Chuka Umunna, a fellow Herbert Smith Freehills alumnus and now a leading figure in the Labour Party.

The Power of Reflection

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From sports to law

As a keen sportsman, Hugh originally wanted to become a sports journalist.

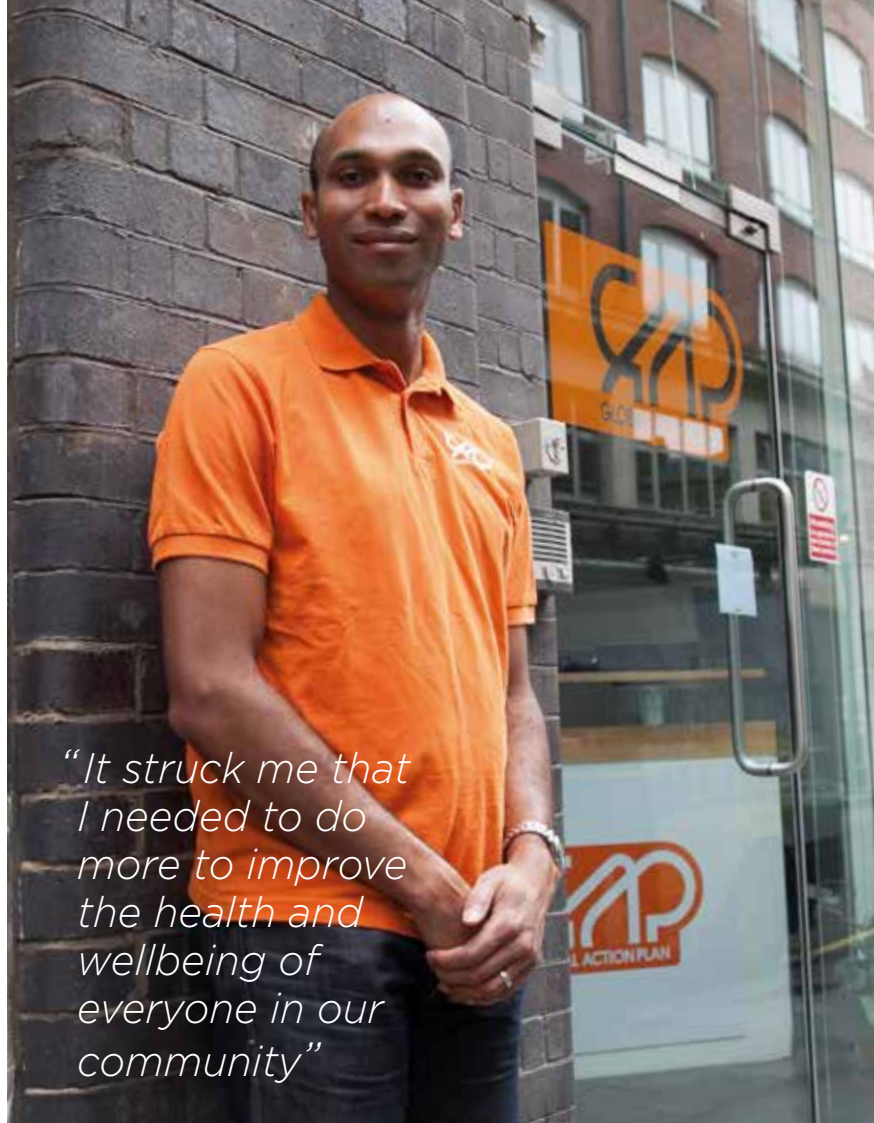
When that did not work out, he switched his attention to law, studied for a conversion course and was offered a training contract by Herbert Smith (legacy).

After his training, Hugh qualified into the Competition, Regulation and Trade team. Having completed six months with the European Commission as a stagiaire before starting his training, this was an obvious choice as a main area of practice. As with Andrea Appella (see page 36), Hugh felt he had landed on his feet by working with some of the leading practitioners in the field, including Elizabeth McKnight, his supervisor, Jonathan Scott, his mentor, and Dorothy Livingston.

After three years of post-qualification experience and many long hours at the coalface, Hugh had his on-the-tube revelation and handed in his notice. He moved in-house, to be closer to commercial decisions rather than as an external adviser. More regular working hours were also a bonus as they would allow him to continue to make an impact in the wider community. He joined the UK Payments Association (then called APACS), which needed a competition lawyer but was also looking for someone to practise general commercial law.

With an increasing knowledge of the renewables sector combined with his commercial law experience, Hugh was approached to join Cobbetts in the Midlands and the north of England. The firm specialised in property work for businesses and individuals that were engaged in the area of sustainability.

After four years with Cobbetts, Hugh was approached by Yorkshire Forward, the regional development agency, to help them on an innovative scheme that would store carbon in the North Sea (rather than releasing it as carbon dioxide into the atmosphere). CO2Sense, as the social enterprise was called, incorporated a handful of different Yorkshire Forward projects designed to deliver the low carbon economy in the region. In this role, Hugh used his legal skills to support with investments for CO2Sense's £10 million cleantech



"It struck me that I needed to do more to improve the health and wellbeing of everyone in our community"

investment fund. He was also increasingly involved with community engagement programmes, including a collective energy switch programme which he led to help 8,000 households get a better energy deal.

In late 2013, Hugh approached Global Action Plan (GAP), a London-based charity, because he was impressed with the way that it had scaled up community engagement on sustainability issues. At GAP, Hugh is responsible, among other duties, for leading the charity's campaign in schools both in the UK and in 11 other countries. He played a key role in the "Big Energy Race" in 2015, where GAP worked with three of the big six energy suppliers to engage 4,000 households around the UK in energy-saving challenges.

He is also the organisation's in-house counsel and deals with everything from negotiating the supply contracts which GAP delivers to sorting out a dispute arising from a "troublesome" photocopier contract.

He still continues his environmental campaigning out of hours. He is chair of the National Right to Fuel Campaign, which works to eradicate fuel poverty. He has recently set up an all-parliamentary group on "healthy homes and buildings"

- established to build the case inside Westminster for a more innovative approach to the way that we design, build and retrofit homes and buildings.

What plans are there for the future? "Early next year we are launching a scheme which may appeal to law firms, among others. It is called Catalyst and it aims to build on the knowledge GAP has gained from previous programmes with, amongst others, Lloyds Bank, O2 and Unilever and apply them in the corporate environment."

The programme helps businesses to embed the Sustainable Development Goals principles within their organisations, whilst also helping their staff to make simple changes in areas such as printing paper piles, reducing taxi and air miles or turning food waste into a resource for the local community.

Hugh puts it in these terms: "We are looking for businesses to join us to be the catalysts: to spearhead the environmental movement in the workplace; try new things; prove impact; and showcase to others how to take leaps rather than small steps to becoming more sustainable businesses."

JUMPING INTO DEEP WATER

A portrait of Margaret Stone, an older woman with short, styled red hair, sitting in a light-colored upholstered armchair. She is wearing a dark navy blue blazer over a white top and large pearl earrings. She is looking directly at the camera with a slight smile. The background is a dark, textured wall.

“It had its full range of eccentricities, but there was a kindness that permeated Freehills,” reflects former partner **Margaret Stone** and Australia’s Inspector-General of Intelligence and Security.

Margaret Stone was a partner with Freehill, Hollingdale and Page (legacy) from 1993 until 2000 when she was appointed as a Judge of the Federal Court of Australia. Following her retirement from the Federal Court after a 12-year career at the Bench, Margaret was appointed as inaugural Independent Reviewer of Adverse Security Assessments. In 2015 she was appointed to her current role as Inspector-General of Intelligence and Security, for a five-year term.

Not partying, studying

When Margaret started studying philosophy at the University of Sydney in the mid-1960s, she didn't tell her parents. The lectures were at night and rather than tell her parents that she was going to lectures, she told them she was going out with her friends: "My parents didn't really approve of girls going to university. They thought it would handicap them for their real purpose in life which was to be a good wife and mother and an ornament to their husband, which, I have to say, I am."

During the day, Margaret worked in the University's Brain Research Unit, "I became very adept at fine surgery on cats. I can cannulate a small cat vein with flair." It was there that Margaret met her husband, Jonathan Stone, who worked in the same department (now, Professor Jonathan Stone, Physiology, Medical Sciences, University of Sydney). "I was a better surgeon than he was but he's a better neurologist," she says.

They married towards the end of her arts degree and moved to Chicago a year later; Margaret following Jonathan with their two week old baby girl, Emily, carried in a "shopping basket". They returned to Australia in 1971 as Jonathan had accepted a fellowship with the John Curtin School of Medical Research at the Australian National University (ANU). They now had two small daughters, Emily and Adrienne.

Margaret's decision to further her career and study law was not a simple one. "I considered doing a doctorate in philosophy, which, as a student I had really enjoyed. I loved the theoretical debates and that you could have a powerful debate without repercussions. On the other hand,

I thought for a lifetime's work, perhaps some practical consequences would be desirable and my husband suggested I study law, something I'd never thought of. At my school, the range of careers was very narrow: only teaching, nursing or secretarial work were regarded as appropriate careers – but law sounded far more interesting."

Aside from the encouragement of her husband, Jonathan (son of Julius Stone, the legal philosopher and writer), Margaret says that what really attracted her to law was "the fact that there was a good theoretical discussion, that it embodied the study of principles, and the application of the principles was important as well".

Margaret devised methods for keeping her daughters entertained during lectures. "At that time, I suppose women were maybe 15% of the law intake and certainly trailing around with two little children was unusual. But I occasionally took them to lectures, one on either side armed with a packet of Smarties, with strict instructions: they were not to start eating them until the teacher in the front started talking." When studying, she often had one child either side of her and they were allowed to colour in the O's on the law school notes whilst Margaret read them. "It was a race to see who finished their task first." During the course of her law degree, Margaret gave birth to their third daughter, Elizabeth.

Jumping into deep water

Margaret graduated from ANU with first-class honours and shared the Supreme Court Judge's prize for the most distinguished student on graduation. She then studied her Masters at Yale University, completing a dissertation entitled "Civil Rights without a Bill of Rights". Returning to Australia, she taught in the law school at the University of New South Wales (UNSW) for 15 years, including as Sub-Dean for seven years.

How does an established, highly esteemed academic leave the career trajectory she is on to work in private practice? "I love the theoretical side, but I also like the practical side. One of the things I hated was the assumption, implied but also quite often expressed, that if you're an academic and you hadn't practised, it was thought

somehow you weren't up to it. Plus I don't like being told I can't do things." Margaret spoke with a Freehills partner and colleague of hers, Don Harding, who in turn spoke with Brian McFadyen, the staff partner at the time. Margaret says that deciding to make the leap from academia to private practice was "a bit like holding your nose and jumping into deep water".

Her attraction to Freehills partly arose from years of watching students go to summer clerk interviews and work at various law firms. "The feedback I got about Freehills was always positive and made me warm towards the place. It struck me as being more human and this is not to denigrate any of the other great law firms, but it felt less hierarchical."

Margaret found the transition from academia to Freehills initially challenging. "It was the most difficult change I've ever made because I came in with a reputation of having a certain expertise...it was harder than going from Freehills to the Bench." However, she says she was fortunate to be working with an excellent group, run by Brian McFadyen whom she describes as exemplary. "He is a knowledgeable, lateral thinking, kind man and he was an enormous help to me." Margaret, in turn,





was consulted widely: "They would come to me and ask, 'Legally, do you reckon we can do this?' And I could really put them on the right track very quickly, as I had taught a lot of subjects which was unusual for an academic, including equity, property, constitutional law, administrative law, legal history, jurisprudence, commercial law and commercial financing. I had a good overall view which I think stood me in great stead."

How did Margaret find Freehills as a place to work? "It was a warm, not particularly hierarchical place. It had its full range of eccentricities and egos but basically there was a kindness that permeated the place, and in my view, a sense of what was really important."

On the Federal Court Bench

Margaret admits she had no ambition to go to the Court: "I had no inkling that it was ever a possibility. It wasn't anything I thought about until one day I got a call from the Attorney General's office which came out of the blue."

In her swearing-in speech upon her appointment to the Federal Court Bench, Margaret commented on the very public role of a judge: "When I started at Freehills I could make my mistakes in my office with the door closed. Here it is very public

and it's a bit like a theatre in that every performance, not only in court but also with the publications of reasons for decisions, is subject to intense scrutiny and analysis."

In writing her judgments, Margaret says the foremost consideration for her was to see it as a process, not an outcome: "The proper way is to work through the material and judge the arguments based on the facts established by the proper processes of evidence that's admissible." She found it fascinating to hear litigants say, "I think we've got the judge on our side," because 95% of the time she did not know herself and did not want to know: "I didn't want to have made up my mind without really thinking it through; it is the writing that makes you think it through."

As to her legacy? "I don't think a judge should approach a judgment with the aim of developing a law. I wanted to deliver careful, reasoned and informed judgments that were clearly expressed and truly addressed the issues of the case."

Becoming Inspector-General of Intelligence and Security

Margaret described her career until that point as comprising three chapters. First, as a student at ANU and an academic at

UNSW: "I have spent much of my time thinking and analysing what judges do." Second, as a practitioner at Freehills in which "the focus shifted to anticipate what judges might do". The third, "and perhaps most daunting chapter is wondering what judges or at least this judge should do". Margaret has yet to decide how to characterise the fourth chapter, following her appointment as Inspector-General of Intelligence and Security (IGIS), though reveals there was "nothing natural" about transitioning to this role.

In her current role, Margaret's legislated responsibility to consider "propriety" as well as "legality" gives her a wide remit: "There are all sorts of questions you can ask about propriety even where the action is undoubtedly legal." She has spent a lot of time getting to know the agencies: "I have a very strong view that I shouldn't just police their activities; I need to understand what they're trying to achieve and the pressures they're under so I can, if necessary, try to help them comply with regulatory requirements without lowering standards."

The IGIS has received a favourable reception from the intelligence agencies and IGIS has proactive briefings from the agencies in particular where a new process or new

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action is being proposed. Margaret works with the intelligence agencies to identify issues of concern and, as far as possible, anticipate any problems. "They have a really important job to do, and in the present climate it's never been more important. So I want to exercise my powers in a way that will be a rigorous and independent oversight of their activities, but which interferes to the least extent possible with what they have to do".

Margaret has also found that the intelligence agencies often self-report their breaches which she describes as "very healthy". For her, the role of IGIS "is not just trying to catch them out, it's a co-operative role, but one where you at all times maintain the standard of what you require".

Due to the sensitive nature of the information she handles, often Margaret cannot be as forthcoming as she would like. She cannot discuss the detail of her work outside of her office. Margaret and each of her 16 staff members have the highest security clearances but, even at that level, intelligence is shared only on a need-to-know basis. "Because we oversee the full range of the agencies' activities we need to know quite a lot. However some intelligence is for my eyes only."

Under the IGIS Act, Margaret (and her staff) cannot disclose anything learnt by reason of their office other than when acting in the performance of their functions under the Act. This applies to any person, even to a court. "It's frustrating because all these fascinating things I learn, I'd like to go home and tell my husband but I can't."

The rule of law

Margaret's dissertation, "Civil Rights Without a Bill of Rights", considered the issue of how a society, such as Australia, fares without a Bill of Rights, as exists in the US Constitution. "I think there are a number of pillars on which the proper protection of human rights rests, and one is the rule of law."

Margaret found that despite the US Bill of Rights, the Communists during the McCarthy-era had their human rights "trashed" by the House Un-American Activities Committee. Similarly, in Stalinist Russia, the constitution was "a model document...you'd think this place would be a paradise to live in. Completely ignored!" Margaret says, "unless you have a strong commitment to the rule of law and a culture that supports it, you can have all the human rights you like written into law, as in Stalin's constitution, but it won't get you anywhere".

For Margaret, the rule of law has been the guiding principle throughout her career and she firmly believes that it is "what makes a peaceful society". At times, the rule of law has required Margaret to deliver difficult judgments. For example, as a Federal Court judge, finding that the decision of the Refugee Tribunal was correct in its refusal to allow a Sri Lankan family to stay in Australia.

The family sat in the court with their two girls of about eight and 10 years of age, wearing "immaculate white dresses, shiny shoes, white socks, white bows in their hair, looking at me with their liquid brown eyes". Margaret had been given what was strictly "irrelevant" material. The material described how well the children were performing at school and had fitted into the community. However, the only thing she could decide was whether there had been a legal error: "I couldn't find an error of law. Sometimes when you judge, the outcome seems really harsh."

Final thoughts

Margaret's motivation stems from "curiosity, interest and self-indulgence": "I've enjoyed everything I've done. It doesn't mean I've enjoyed every minute of every day, but it has been fulfilling." She includes having children in this: "I liked making birthday cakes for my children. I liked drawing zippers on their bananas when they took them to school so they knew where to open them." The search for fulfilment has sustained Margaret: "I don't regard my career as separate from my life. I was lucky to have three fantastic daughters who are my best friends and they're part of it."

It is because of liking the things she does that Margaret says she "can't really claim to have a work ethic...I guess I don't stop when the work gets hard". She feels strongly about keeping her commitments: "Whatever you're doing at the moment, try and do it really well. Don't let it slide if you don't like it. Have the courage to make the decision to move."

As for what is next for Margaret, she will be the Inspector-General until mid-2020 when her five-year term expires. There are unlikely to be any memoirs featuring this chapter given the obligations of secrecy upon her, but a more fulsome account of the first three chapters of her career would certainly make an excellent read.



INSPECTOR-GENERAL OF INTELLIGENCE AND SECURITY (IGIS) QUICK GUIDE:

IGIS is an independent statutory office (that is, not subject to general direction from the Prime Minister or other Ministers) established by the Inspector-General of Intelligence and Security Act (Cth) 1986 (IGIS Act). The office oversees the activities of the Australian intelligence agencies to ensure that they are conducted legally, with propriety and in a way that is consistent with human rights.

There are six intelligence agencies in Australia: Office of National Assessments (ONA); Australian Security Intelligence Organisation (ASIO); Australian Secret Intelligence Service (ASIS); Australian Signals Directorate (ASD); Defence Intelligence Organisation (DIO) and Australian Geospatial-Intelligence Organisation (AGO).

The IGIS has strong coercive powers (as well as immunities and protections), including the power to compel the production of information and documents, to enter premises occupied or used by a Commonwealth intelligence agency, to issue notices to persons to attend before the IGIS to answer questions, and to administer an oath or affirmation when taking such evidence.

As an independent agency, the IGIS reports through an annual report to Parliament. The Inspector-General also appears before Senate Estimates Committees and the Parliamentary Joint Committee on Intelligence and Security.

PHOTOGRAPHY COMPETITION

GLOBAL WATER

Congratulations to **Charlotte Storey**, Senior Associate in Sydney, and winner of the firm's Environment Week Photography Competition with *Frozen Dew Drop*. Over 600 photographs from all offices were submitted to the judging panel, which consisted of members of the Global Sustainability Action Group and the Photography Manager at WaterAid.

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2nd place:

Yosuke Homma, Senior Associate in Singapore
Resting Giants, Vava'u, Tonga

3rd place:

Celine Wang, Associate in Shanghai
Grand Teton National Park

BRIGHT NEW TECH

Sophie Deen's interest in children's education, human rights and technology resulted in starting her own business, Bright Little Labs, which is transforming the way children learn about the digital world.







BRIGHT NEW TECH

"I have a very active imagination." So says Sophie Deen, a paralegal with Herbert Smith for nearly two years in London between 2008 and 2010. She is now the founder and CEO of children's media company, Bright Little Labs.

Bright Little Labs make books, apps, games and cartoons for kids that are educational, gender-neutral and fun. "In a world where silly cartoon princesses are rife, we're creating stories to engage kids with science, tech, engineering and maths. We're focused on positive role models for girls and ethnic groups, as they are either stereotyped or invisible in a lot of kids media today." In October, the company launched its flagship story around a character that Sophie devised called **Detective Dot**.

Sophie explains her thinking: "I was fed up with rubbish media for kids. In cartoons today, zero per cent of princesses are coders, under three per cent of characters are black, men are twice as likely to take the lead and Batman doesn't recycle. And kids spend up to six hours each day in front of screens! We can tell better stories and use better role models. Detective Dot is a coder by day and a detective by night. She has a magic power in being able to talk with objects which in turn are anthropomorphic and talk back to her. Dot goes on big adventures to solve the world's problem with tech."

Other characters in the story include a nasty boss, Shelly Belly, and a bad company, Large Marge. Kids under 12 get given a chance to join the CIA (the Children's Intelligence Agency) with a personal invite. To keep things fully contemporary, Dot has a sidekick robot Drone, and her spy weapon of choice is a selfie-stick that she hacked to do "cool" spy stuff.

“People are often surprised to find out I studied law – it’s like a wild card in my back pocket”

Bright Little Labs has self-published and self-promoted the Detective Dot hardcopy and interactive books. You would not expect anything else from someone as well versed in the digital world as Sophie, who was named by the British Interactive Media Association in their list of the 100 most influential players in the British digital industry this year, and a Rising Star in Computer Weekly’s Influential Women in IT awards.

Sophie is also very happy to manage the legal requirements associated with her business. Her time with the firm taught her the value of flawless organisation and a logical approach to problem solving. “The way I think about producing documents all stems from my time with the firm. Everything I produce has to be well written, clearly structured, properly labelled and look good. I absolutely love templates!” she enthuses.

She also feels much more confident in business. “Starting a company is hard. From dealing with contractors, raising seed investment or working on partnerships, my days at Herbert Smith are invaluable to me. I’m not intimidated to negotiate contracts, and I have an understanding of the law, which is a real advantage. People are often surprised to find out I studied law – it’s like a wild card in my back pocket.”

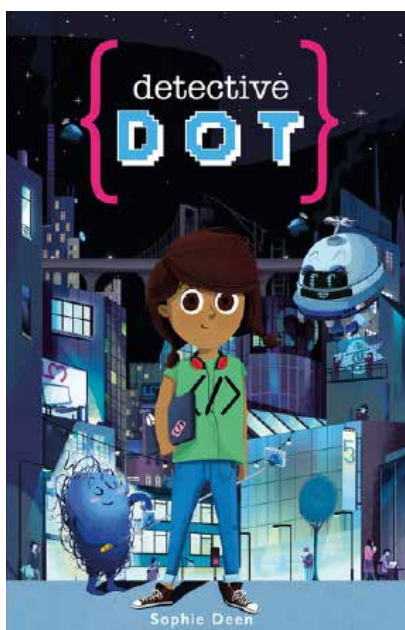
The law as a stepping stone

Although she enjoyed her time as a paralegal – and, in fact, was honoured for her efforts by winning the Jeremy Plank Paralegal of the Year award – Sophie knew she did not want to pursue a career in law. “It may sound naïve,” she says, “but I always wanted to do something to make the world better.”

After leaving the firm in 2010, Sophie trained as a children’s counsellor, as part of which she volunteered as a play therapist in a London primary school. To finance her studies, she worked simultaneously for SamKnows, an organisation that monitors the performance of the internet. She worked on internet

strategy for regulators worldwide, which, as Sophie says, “opened my eyes to the transformative possibilities of technology and, in particular, the growing digital divide between rich and poor countries”.

She was given a chance to help close that divide in her next role, for an organisation called Code Club, which teaches children aged between nine and 11 how to code. The scheme involves volunteers going into schools and teaching them in imaginative ways about how to make the most of digital technology.



Together with Google and the Department for Education, Sophie devised a nationwide training programme for primary school teachers in the new computing curriculum, as well as developing an international strategy for Code Club in some 80 countries. “Being in Code Club was perfect for me,” Sophie relates. “I was working with kids, developing technology and addressing what I feel is a critical development issue – the lack of digital skills.”

It was also pioneering. The UK is the first country in the world to include coding on the education curriculum for children at such a young age. There are now 6,000 schools taking part (one of which, to her great amusement, is the school from which Sophie was expelled for, ironically, her lack of interest in education). Other countries, including Australia, are following suit.

Another of Sophie’s missions is to help get more diversity into the tech world. Stereotyping is a huge problem: by the time children are eight years old, they think science and technology is for boys. “Look at toys in the shops, adverts on TV, look at the bias in schools, look at how male-dominated and white the tech sector is,” warns Sophie. “None of this encourages girls and ethnic groups to become engineers, scientists or coders. I feel strongly that we need to tackle this imbalance, and I hope I can play a role by tackling the issue early, through mainstream media.” So what is the solution? “The answer lies in making everything fun. The world, and science, is inherently interesting. So it shouldn’t be boring when we learn about it. Education doesn’t need to be confined to the classroom either because kids learn everywhere. I didn’t fare well at school, but I loved books, films and games. We’re using Detective Dot and the Children’s Intelligence Agency as a vehicle to get children to think critically, learn and have fun.”

Bright Little Labs has generated a lot of interest. A Kickstarter campaign attracted support from investors in 28 countries. The major cloud computing company, Salesforce, has put its weight behind the company, offering significant support and guidance. Detective Dot and the CIA is just the start, with plans for on-demand video and an online platform in the next year. However, Sophie is clear she wants to have complete control over the company and how she develops Detective Dot. That single-minded approach will surely stand her in good stead.



THE ROAD TO PALO ALTO

Simon Yencken, lawyer turned entrepreneur, has always been one for trying something new. “My philosophy is quite simple,” he says. “You can never discover new horizons unless you have the courage to lose sight of the shore.”

“What I like about start-ups is that you have to be prepared to do everything while starting from nothing”

Coming from an academic background of maths and law, Simon had not intended to pursue law as a career after leaving university in Melbourne. That changed following a chance meeting with Keith Skinner, then the second most senior partner with Moule, Hamilton & Derham (one of the Herbert Smith Freehills legacy firms) in 1977. Keith spotted something in Simon and offered him articles of clerkship. “I thought that might be interesting,” Simon recalls, with characteristic understatement, “so I accepted. It was one of the best things I ever did.”

After training and qualifying, Simon went on to become the youngest ever partner admitted in the Melbourne office and charged with developing the banking and finance practice. He had always hankered for a move to London, and that opportunity was to come in 1993 when he accepted the role to head the legal function of Reuters (now Thomson Reuters). At that time, the role of general counsel was not held in such high esteem as it is today, and there were certainly challenges.

As general counsel, Simon initiated a series of changes that were then considered radical but have since become commonplace. He created a panel of preferred law firms and he required all the company’s outside counsel to enter into service-level agreements. He was among the first general counsel to call upon external legal services providers to demonstrate how they could add value to the relationship by, for example, providing secondees.

Simon certainly caused a stir in the UK legal market, which resulted in his being asked to speak at many conferences and seminars about his approach to instructing outside law firms: “Many of the changes I introduced were already happening in Australia. All I was doing was putting them into practice in the UK. Everyone got quite excited about how novel I was being, but there was really nothing novel about it,” he says.

He built up the Reuters’ legal function, gave it cohesion and made sure that it operated to the highest professional standards.

Simon was also made company secretary, to add to his responsibilities. However, increasingly he felt that he would like to be more engaged with the business.

That opportunity came in 1996 when Simon joined the board of directors of Tibco, a financial data software company that Reuters had acquired. Tibco was then split into two with Simon becoming chief executive officer of Tibco Finance. In order to fulfil this role, he was posted to Palo Alto in California.

One of Simon’s legal colleagues asked him about the role as CEO at Tibco: “How do you have the guts to do that? I never would!” But this was yet another challenge which he felt he could take on. “I knew that I would have to learn quickly, but this was exactly the sort of mission I relished. I had a maths background, strong legal knowledge and an increasingly good understanding of how businesses operated. Why would I not give it a shot?”

Magic of tech

While the management aspects attracted him, what most excited Simon was the rise of the internet and its potential for business. He began to take an interest in other software companies looking to capitalise on online opportunities.

One of these was a company called Aconex, a collaboration platform for construction and engineering industries, which was introduced to Simon by his cousin. Simon invested in the company in the first round in 2000, joined the board of directors in 2008, and was chairman for three years (2011-2014). Aconex was also subsequently successfully listed on the ASX in Australia and has a current market capitalisation of A\$948 million.

His next venture was in a company called NextSet Software, which provided specialist software products for banks. In 2003 NextSet was acquired by Razor Risk Technologies, an Australian public company, which was subsequently acquired by TMX (the Canadian stock

exchange). That gave Simon and his wife an opportunity to return to Sydney. There they might have stayed but for a holiday to Palo Alto, where another opportunity came Simon’s way. This was yet another start-up and, nine years later, is now Simon’s principal focus.

The company is called Fanplayr, an online service based on the digital equivalent of shop assistants in bricks and mortar retail stores. As a visitor searches online for products or services, Fanplayr enables retailers to target particular segments of shoppers, based on a data analysis of where the consumer came from, what they are shopping for, prior purchases, and so on. This allows retailers to provide offers or other incentives to get shoppers to ‘check out’ or to increase their cart size, or to guide visitors to other potential purchases – all through the magic of algorithms and data crunching.

“What I like about start-ups is that you have to be prepared to do everything while starting from nothing,” says Simon. “You get incredible highs and some desperate lows, but the feeling of satisfaction when it all comes together is very stimulating. In fact, it is almost an addiction!”

Simon continues: “I loved being a lawyer and law is one of my great passions, but equally I could have happily pursued a career in technology. I never really wanted to stay doing the same thing for too long. That prompted me to make shifts at different times in my life.

“I believe Herbert Smith Freehills is one of the world’s most pre-eminent law firms,” Simon reflects. “The firm’s partners possess a unique ability to understand their clients’ commercial objectives, and to provide a suitably tailored legal solution. I was pleased to see Aconex choose Herbert Smith Freehills for their IPO, and I am sure there will be many other opportunities to continue working with the firm.”

THIS IS ME

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Chris Parsons, Partner and Chairman of our India practice, is very open to the fact that he has had periods of anxiety and depression, and that this is a mental illness that had a profound effect on his life and work. He has acknowledged his bouts of depression in order both to highlight the problem and to let people know of available support within the firm.

Chris believes that his susceptibility to mental illness dates back to his childhood and school days. He was extremely nervous before exams, and pushed himself to do well as a way of overcoming those nerves. As a lawyer, that anxiety was compounded by the stress of working long hours on transactions and by general pressure of work.

In the early days, and before he knew better, Chris found that alcohol relieved the stress, but it was a dangerous and reckless path to take. "If you are not careful you end up with two problems and not one," Chris says. He also found it hard to sleep and he was having problems concentrating.

Matters reached a head when he collapsed while at the gym and had to be rushed to hospital. His stress turned into depression ("which felt like the end of the world for me"). He worried that he might lose his job. With support from his wife he got appropriate medical advice and was prescribed with medication that helped stabilise his moods and therefore mitigated the effects of depression. "For me, the anti-depressant drug I was prescribed was a life-saving measure and I remain on the same drug to this day."

All the time, the firm was supportive and allowed him sick leave, but he still found it difficult on his return to talk to colleagues about what had happened. Many assumed that he been "overdoing" it and just needed to recharge his batteries. Chris duly continued his career.

Chris then suffered a second bout of depression while working in the firm's Singapore office and a third bout after his return. This provided him with an

opportunity to review his career, to recognise that there were aspects of his role that brought on high levels of stress and, in an inspired move driven by necessity, he presented a proposal to the firm's management. As he explains it, "For me, it was not just a matter of medication, support and time out, it dawned on me that I couldn't do every single aspect of the job. So I sat down and described what I was good at and what I thought would provide value to the firm."

Having at that time become recently involved as the Chairman of the firm's India practice, Chris described how he might undertake that role whilst playing to his strengths. This would involve business development, speaking at conferences, networking, teaching at law schools across India and leading the firm's "wider commitment to India" initiatives including various charitable activities – and of course, much travel across India, a country that he loves.

The firm accepted this idea, and, for Chris, the last 10 years "have been the happiest of my career". Yet he knows that depression might strike at any time, and he has to watch out for warning signals – indeed it returned last summer for no apparent reason.

Chris is therefore on a mission to bring out into the open the issue of mental health and the particular risks faced by lawyers. It has touched a nerve: when Chris spoke on a video about depression on the firm's intranet, he received no fewer than 30 emails from across the business saying how helpful it had been.

"It was easier for me to approach the firm's management when I suffered depression because, as a partner, I was more secure and

more confident and at the other end of my long career with the firm," Chris says. "But we need to make sure that all of our staff, at whatever level they are in their career, feel able to talk through mental health issues without fear of their career prospects being adversely affected."

He applauds the "sea change" in the attitude of the firm in recent years, which makes it possible for anyone suffering from stress, anxiety or depression to speak to their bosses.





Chris has a number of tips for those who may be suffering:

- **Watch out** for the tell-tale signs of depression, such as sleeplessness, irritability, difficulties with concentration and a drop in energy levels.
- **Seek medical advice.** At the very least, talk to someone who will be able to advise on coping strategies.
- **“Depression is not the end of the world,** even if sometimes you feel that it is,” Chris says. “There is life after depression.”

LAWYER PSYCHOLOGY

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Noah Riordan joined the London office in January 2000 as one of the first US-qualified associates to join the firm's expanding US capital markets team. He has now left the practice of law and currently resides in New York City as a clinical psychologist in private practice.



Noah became interested in psychotherapy after he himself went to therapy while working as a lawyer. "I had a transformative experience. I learned about my passions and my fears – effectively what was pushing me forward and holding me back." After 10 years as a securities lawyer, Noah made the decision to return to the US and to pursue a doctorate in clinical psychology.

"Mindfulness affords access to unspoken dynamics in any interpersonal transaction"

During this experience, Noah undertook internships in the psychiatric emergency rooms of several urban hospitals. His current caseload includes consultation work for a number of major law and accountancy firms. "This is a moment when major professional firms are aware that they can no longer ignore the mental health needs of their next generation leaders," he says.

"There is definitely a psychology of the lawyer, which tends to result in wild fluctuations of the self-esteem. Good days can be quickly followed by bad days. In therapy, we seek to even out the individual's self-esteem in order that he or she may have more days of personal fulfilment while still meeting the demands of the job."

A new subject which has gained much attention by professional firms is the value in encouraging their employees

to own their mental health challenges, such as depression. "Many believe this is at odds with a successful professional identity, but it is starting to be viewed by many employers as a way to tend to the totality of the employee and their ongoing needs. Employees who are honest about their needs with receptive employers are employees who feel more valued and are more likely to remain loyal."

Noah is hopeful that law firms will follow in the footsteps of the consultancy firms, which have been quicker to recognise the need to encourage their people facing mental health issues to talk about them. "I recently presented to the global staff of a leading consultancy firm and the message was clear: if you suffer from mental health issues, such as anxiety or depression, the firm wants to know about it early so that they can make accommodations. The firm does not want the employee to hide this information until the employee's job performance and track record are compromised."

Noah also points to a greater emphasis on work-life balance. In what he describes as "the next major challenge for professional firms", millennials are clear that they will not be defined solely by their professional identities. As a result, the old guard must now figure out how to accommodate the changing needs of this new generation.

What else are the professional firms interested in teaching their employees? According to Noah, the answer is, first, the value of emotional intelligence in the workplace and, second, the practice of mindfulness. Emotional intelligence is

defined as the ability to recognise, understand and manage one's own emotions while, at the same time, recognising, understanding and influencing emotions in others.

Employees with high emotional intelligence operate with additional information on how to work effectively. Oftentimes, the greatest impediments to completing a deal are not technical, but psychological. Emotional intelligence, like any other concrete skill, can be taught and thus accessed by anyone willing to work at it.

Mindfulness is defined as the practice of cultivating an open, aware attention to the present and affords access to unspoken dynamics in any interpersonal transaction. The empirical evidence is overwhelming; mindfulness practitioners are alive to current experience and, as a result, enjoy heightened awareness of unspoken dynamics at play in the workplace.

"Most professional services firms have accepted the value of mindfulness and its impact on employees in terms of their efficacy and job satisfaction," Noah says. "After all, if someone told you that you could feel better and work more effectively by dedicating five minutes to mindfulness – a practice where you do not even need to leave your office chair – wouldn't you want that advantage?"

"'Lawyer psychology' tends to result in wild fluctuations of the self-esteem"

TOWARDS DEEPER RESILIENCE

Is the way we are working effective?
Former Herbert Smith trainee
Miranda Voyle-Wilkinson, now a
London-based psychotherapist,
writes how accessing our right-sided
brain can enhance the ability to
withstand work-place pressures.



We can often feel like we are failing to perform at our best or bring new ideas to our work. The digital age means that skills such as memory for detail, and the gathering and filtering of information, are less of a commercial advantage than ever before. However, there is still no computer that can match other capacities of the human mind when it comes to creativity, big picture thinking, curiosity, holistic perspective, openness to learning and empathy. Yet it is these skills which are systematically undertrained and overlooked by law firms. In a rapidly changing marketplace, they are a largely untapped source of competitive advantage. Neglecting these skills affects the ability to think and respond innovatively. Without them, we are at risk of not operating at our peak and may struggle to bring fresh ideas to our work.

Deeper resilience

This has a wider impact beyond the purely professional. As a psychotherapist and personal coach, I work with clients who are suffering corporate burn out, work addiction with associated interpersonal difficulties, depression, performance

anxiety and relationship breakdown. My work often uncovers a rigid way of thinking that is no longer effective. They may be working at the top of their field and have a high degree of the resilience that is associated with toughness, fortitude, focus, intellectual strength and agility. Yet their issues lie in connecting more deeply with themselves and others, often feeling they have lost purpose and find work uninspiring. By working together, we can understand these issues and ways to create a deeper resilience to overcome these difficulties and prevent crises. This deeper resilience is often undervalued.

However, the good news is that it can be fostered at any point in our lives and careers. It is based upon developing a better balance between the skills which reside in the left brain and the capacities which reside in the right.

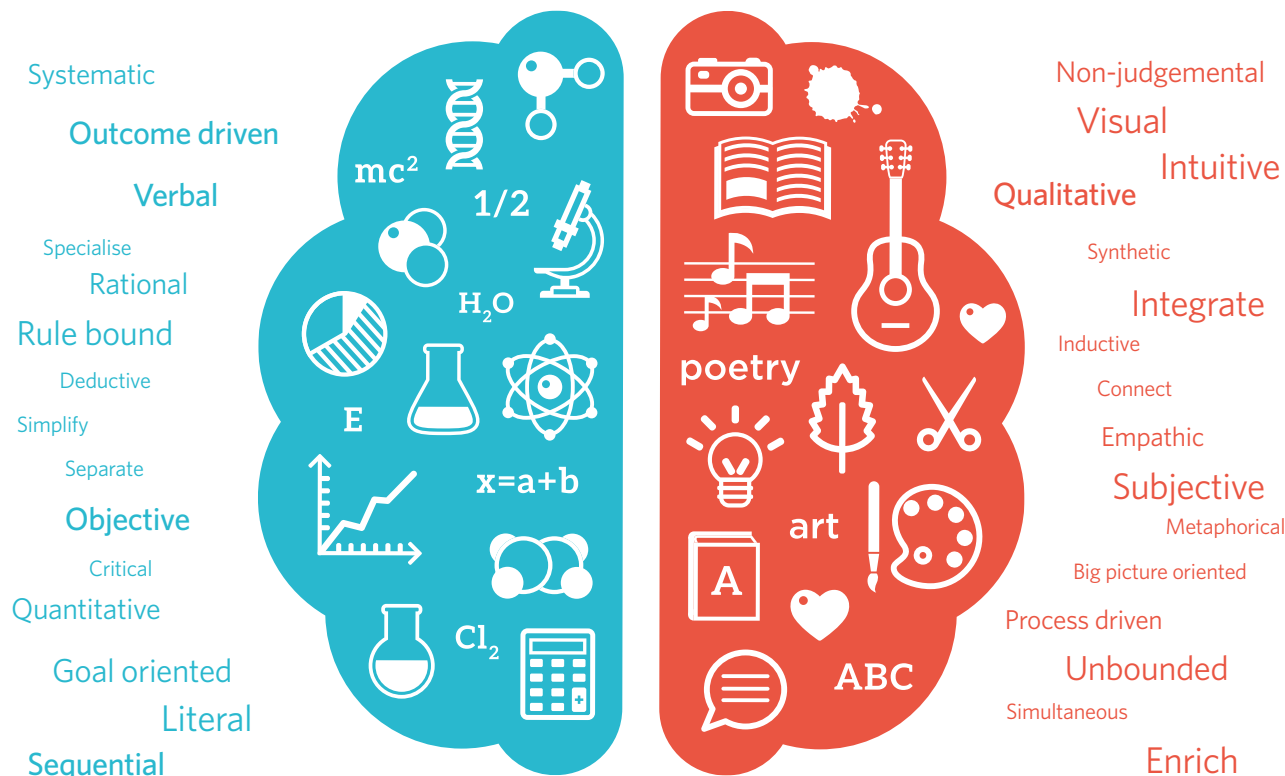
"More, bigger, faster," is the province of the left brain. It is ego-driven and the part that believes we know everything that we already need to. Like a reactionary parent who prefers to conform to existing beliefs than explore new methods of parenting, the left brain favours systemising and reaching

conclusions as quickly as possible based on what we already know.

"Richer, deeper, slower," is the province of the right brain. It is the part that is curious and free spirited, like a child who lacks a voice (language belongs to the left brain) but wants to explore new ideas. The right brain favours adventure, imagination and creative solutions.

Whole brain thinking

The skills associated with the left brain have been prioritised and systematically trained since infancy. In contrast, the skills associated with the right brain are often forgotten or purposefully downplayed after childhood. Our left brain is reluctant to access these as it chafes at a threat to its power and sees itself as in charge of our safety. In other words, accessing the right brain can make us feel vulnerable. However, if we can convince our rational side of the benefits of consciously accessing and nurturing our creativity, we can move through this vulnerability. We can open ourselves to these skills that complement our rationality; two key skills that can be deepened in this way are intuition and empathy.



Intuition

How often do we trust ourselves to slow down, take more time, bracket preconceptions and make a conscious effort to tap into right brain capacities such as discovery and innovation? Most of us instinctively know that preconceptions can blind us to innovation, but our ego-driven desire to have a quick, logical answer can block our trust of this process.

We rarely have our best ideas when we're actively trying to get them, using logic or whilst sat at our computers. Our best ideas come when we let go of conscious control and are relaxing, dreaming, exercising or listening to music. The centre for language is reduced during these activities and the deeper, creative parts of our brain get busy percolating ideas outside our awareness. This may seem like a mystical process but it is simply intuition – the power to attain direct knowledge from seeing and sensing more deeply, without the interference of rational thought.

Empathy

Have you noticed the more we work, the less we feel? The capacity to be sensitive, sympathetic and responsive to other people's feelings and perspectives is a primary strength of the right hemisphere. Intentionally quieting the mind is a way to develop openness to every experience unfettered by preconceptions. This is what Zen Buddhists call "the beginner's mind". Relaxing the instinct to judge and rush to

premature conclusions facilitates greater empathy. Numerous studies have shown that the most inspiring business leaders are those in tune with others' feelings and listen to them with genuine respect.

Accessing our right brain

There are endless ways we can access and evoke the skills of our right brain. This can be achieved through empathic attunement with a therapist or coach, or through exercise, daily meditation, mindfulness, yoga, learning an instrument, having a massage, or painting. It can also be done at our desk with some simple mental exercises. The key is that the exercise prevents the naming and deducing of what we see and allows full immersion in the experience. The aim is to quieten down, let the self-critical voice dissolve and lose the sense of time passing; we can then experience the palpable cognitive hit of becoming absorbed in a task. The challenge is to find activities that work for each of us. When I work with clients, we explore areas of vulnerability and work to discover an activity that is an expression of their individuality like, for example, exploring what delighted them in childhood. Then we look at ways this can be experienced in the here and now on a daily basis. By doing this, we are more likely to continue returning to the activity and deepen our experience. This leads to more positive and creative approaches in our personal and professional lives and, most importantly, to more fulfilment.

Miranda's tips towards deeper resilience:

- **Unleash your creativity:** the best ideas come when we're away from our desks.
- **Trust your intuition:** preconceptions can blind us to innovation.
- **Empathise:** the most inspiring business leaders are in tune with others people's feelings.
- **Access the right brain:** immerse yourself in an activity that allows you to experience the here and now.



HERBERT
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IRIS NETWORK

TRUE TO OURSELVES

LGBT inclusion is a priority at Herbert Smith Freehills. We recognise the importance of being true to our values across our global offices.

The LGBT network has shaped the firm in many ways, but most of all it has helped create an environment where we value the importance of being ourselves. We have provided unique opportunities for us to connect with one another and strengthen our relationships with clients, colleagues and alumni.

If you would like to become a friend of the network, please contact a member of the team by emailing LGBT@hsf.com



A VIEW FROM... CAYMAN ISLANDS



“Innate wanderlust” took **Grant Dixon** from Melbourne to the Cayman Islands. Why, then, has he been there for the past 10 years? Professional satisfaction, stimulating work colleagues and engaging international deals. Not to mention the fact that each day after work, he can swim in the crystal clear waters of the Caribbean.

Offshore jurisdictions such as Cayman have come in for some bad press recently. How has Cayman responded?

The Hollywood/tabloid take on Cayman is far sexier a tale than reality. It is certainly true that Cayman continues to receive considerable scrutiny in the context of offshore jurisdictions, reflecting its significant role in facilitating the flow of investment capital globally. What is often not highlighted is that Cayman has long been an active participant in the adoption of various global initiatives designed to increase transparency. A key challenge now is to have a more level playing field in the transparency requirements imposed on offshore jurisdictions with those required of onshore jurisdictions (for example US states such as Delaware and North Dakota).

The fact remains that Cayman has an excellent reputation in investment, legal and accounting circles. But it is easy to understand how the ordinary punter may struggle to appreciate how Cayman fits into the overall picture.

How did you enjoy working as a lawyer, and specifically for Freehills?

I joined Freehills as an articulated clerk in 2002 and left in 2006. It was definitely the right decision, primarily because of the people I worked with and also because I was lucky to be allowed to work in two separate areas of the practice: superannuation (which in the UK would be called pensions) and for the Head Office Advisory Team (HOAT). On the superannuation side, I worked with Peggy O’Neal and Natalie Cambrell and in HOAT I worked with people like Quentin Digby, Priscilla Bryans and Michael Coker. All were inspirational and fantastic mentors. I was exposed to a rewarding but challenging array of client relationships and

work, which has provided the foundation for my career ever since. Though the secret of my success at Freehills may have been more down to my cake baking rather than legal drafting – never underestimate the value of impressing at Friday morning tea!

Why then did you move?

Truthfully, I was not really looking to move but I do have an innate wanderlust so it was not about leaving, it was about exploring new things. Most Australians head for Europe, and specifically London, but I looked further afield. Around this time, the offshore world was booming. I investigated further and was attracted to Cayman, largely because of the jurisdiction’s strength as a centre for investment funds (approximately two-thirds of the world’s hedge funds are established in Cayman). I always had an interest in managed funds, and I had even written a dissertation in financial intermediaries as part of my degree.

What was your area of practice?

I was involved in two areas of practice initially, funds and asset finance. So I expanded my range of expertise and found myself absorbed by the practice. The first couple of years leading up to the 2008 financial crisis were extremely busy, so it’s fair to say that that period combined with the challenges of that financial crisis was a baptism of fire somewhat.

What has kept you in Cayman?

Professionally, it has been a very good fit for my skillset and temperament. In 2012, I was made partner at Maples and Calder, an international law firm based here in Cayman. I deal with people all over the world, and have built up a great network of relationships. It is a different type of

A VIEW FROM... CAYMAN ISLANDS

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practice, because you can find yourself working on up to 20 different transactions a day, jumping from one to the other. The location can also be a challenge: when you arrive in the office, Asia is finishing for the day, with Europe and the Middle East in the middle of their business days. The US East Coast is starting to ramp up at the same time and then, in the afternoon, you might speak to people on the US West Coast and just as you are about to finish for the day, Asia has woken up again. The world keeps turning...

How useful was Freehills for you?

Extremely! I honestly don't think I could have asked for a better experience or group of people to spend my formative years as a lawyer. I am very thankful for that. When I was promoted to partner, I made a point of reaching out to thank a few of my former colleagues at Freehills, recognising that, without their support, training and friendship, I would not be where I am now.

Do you miss Australia?

Obviously it is a long way away, but I do try to get back every other year to see family and friends. I miss the sporting and cultural life of Melbourne. I support the Hawks, the Australian Rules Football club (for which Peggy has forgiven me, I think), so I have now missed the club winning four premierships (hopefully soon to be five!), but I do get to watch it every so often here in Cayman.

There is increased competition among offshore jurisdictions. How is Cayman responding?

Cayman's strength has been its responsiveness to changing market requirements. Cayman took advantage of mis-steps by competing jurisdictions in the region and has focussed on developing a sophisticated legal regime to enable the jurisdiction to have the pre-eminent role it now enjoys for offshore investment funds. By way of recent example, Cayman this year introduced new law that creates another vehicle for the investment fund community – the limited liability company (LLC). The LLC is a hybrid entity that combines the separate legal personality of a company with the contractual flexibility for the allocation and distribution of profits and losses enjoyed by partnerships.



Cayman has lots more going for it – its common law underpinnings, the English language, location, a well regarded judiciary with a specialist financial division and ultimate recourse to the UK High Court. We have a depth of human capital and skills in legal, accounting and fund administration services. However, Cayman must always continue to innovate. If we become complacent, the risk is that the market will pass us by; other jurisdictions continue to seek to take a bite out of the dominant position we have in hedge, private equity and venture capital funds.

Are there any drawbacks to living and working in Cayman?

Grand Cayman is an island of around 55,000 people. Wherever you go out, you bump into people you know and there is an openness to people both professionally and socially, which I enjoy. We also eat very well, with some great restaurants. But it is a small island, and I like big cities. You do need to get off the rock every so often.



HERBERT
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HELPING WOMEN RETURN TO LAW

Herbert Smith Freehills is proud to be the first international firm to launch the OnRamp Fellowship programme in the UK and Australia. The fellowship helps female lawyers to upskill, retrain and return to practice after an extended career break.

If you or someone you know is looking to re-enter the profession in the UK or Australia, we encourage you to contact OnRamp@DiversityLab.com to learn more about the programme.

IN-HOUSE, IN-TOUCH

The path from private practice to in-house counsel is a well-trodden one. *Alumni Matters* spoke to three alumni who have successfully made the transition. “Having that Herbert Smith Freehills experience gives you a great platform. It makes you resilient,” says one.



The value of the Herbert Smith Freehills alumni network lies in the ongoing connections. Each of **Antonia Scott**, **Andrea Appella** and **Nicky Kerr**, all now senior in-house counsel, say their firm links have played a part in their career progression. It might be a recommendation or the fact that a former colleague has surfaced unexpectedly on a deal, but such connection serves to reassure. "It is a matter of trust," says Antonia, who is now assistant general counsel for Sotheby's. "You know immediately that someone who has been at Herbert Smith Freehills will stand for quality, reliability and a good way of going about their business."

Antonia, Andrea and Nicky came to the firm by happenstance. For Andrea, who is now deputy general counsel, Europe & Asia, for 21st Century Fox, he was advised by his tutor at the London School of Economics to apply to a number of firms to train as an English lawyer (Andrea is Italian). Herbert Smith (legacy) was the quickest to respond, and Andrea had no hesitation in joining. Specialising in competition law, Andrea has continued to work as a competition lawyer ever since.

Nicky, who is now general counsel for the Behavioural Insights Team (BIT), and Antonia joined the firm around the same time and qualified into the corporate practice. Herbert Smith appealed to both for its internationalism, high reputation and general friendliness. Antonia felt she might eventually move in-house and that a good grounding in corporate work would stand her in good stead: "I reckoned that the skills I would pick up as a corporate lawyer would be easily transferable, and that has definitely been the case," she says.

Nicky spent 18 months in the firm's Tokyo office, which gave her a different perspective. She, too, was intrigued by the idea of working in-house and, perhaps, for one of the airlines. Having worked on a number of matters for EasyJet and Virgin, she had seen the variety of issues that would be involved in such a role.

However, Nicky had also long been interested in politics and government, and this is where the firm connection comes in. One of her colleagues had moved to the Treasury Solicitors as an in-house lawyer and thought such a move might appeal to

her. Nicky applied for a government post, and joined the Department for Education in 2012.

Antonia, having worked for six years as an associate, moved in-house after a year on secondment at Sky. She was not sure what type of role she wanted, but when a job at Sotheby's, the auction house, came up, she realised it might suit her well: "I expected that it would be an interesting business and would offer a stimulating working environment. And that has proved to be the case," she says.

Antonia now advises on commercial contracts, including private "treaties" and consignment agreements (where Sotheby's acts as a broker between sellers and buyers), corporate transactional work, and company secretarial work. Sotheby's is also branching out into online-only sales, for which Antonia is advising on consumer protection issues. She works closely with the business on its expansion into new regions and has advised on a number of regulatory issues.

Meanwhile, Andrea has had a number of moves in-house since he left the firm in 1997. He was not intending to make the jump until he saw an advertisement at MTV for a "London lawyer with Italian legal skills", which had his name written on it. "I was hesitant about moving in-house so early, but it seemed too good an opportunity to miss," is his recollection.

Two years later, he moved from MTV to join Warner Brothers, in part on the recommendation of a fellow alumnus, Alastair McKenzie, whom Andrea bumped into. Having learnt about the music business at MTV, Andrea found himself grappling with competition issues arising from the production, distribution and licensing of film and TV.

When Time Warner merged with AOL, Andrea became associate general counsel for Europe with the merged company, where he stayed for five years before being offered the role as head of international for the Office of Fair Trading. His instinct, again, was to go for it: "I had never worked for an authority, but I knew it would be useful to get an insight into

how the regulator works," he says.

Both Nicky and Andrea found that their commercial experience was much valued within the civil service, in Nicky's case dealing with the roll-out of school academies and, in Andrea's case, forging relationships with other antitrust agencies. "I think the revolving door between the public and the private sector is good for lawyers as you gain a much wider perspective," Andrea notes. "American lawyers do it much more than Europeans and we can learn from that."

He swung back through the revolving door into the private sector, joining News Corporation in 2009 as deputy general counsel for Europe and Asia. His subsequent move to 21st Century Fox now sees him deal with film production and distribution, as well as the TV channels businesses.

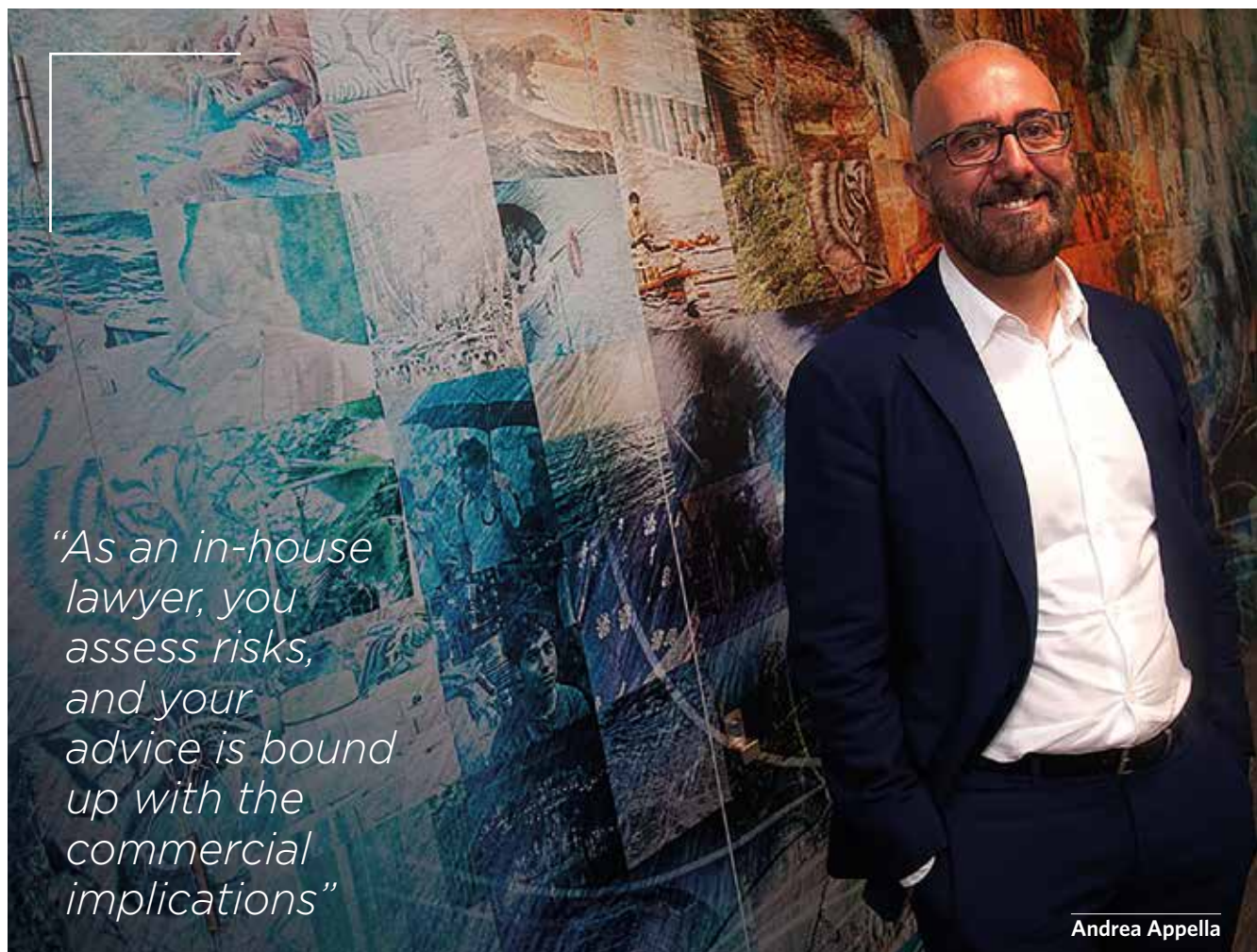
Getting to grips with the business

All three speak of their satisfaction from being close to the business. Andrea again: "As an in-house lawyer, you assess risks, and your advice is bound up with the commercial

implications. In fact, I advise as much on business development as on legal matters."

Nicky, too, is closely involved in the business of BIT, which appeals to many of her different interests and skills. BIT started life as the world's first government institution dedicated to the application of behavioural sciences. In February 2014, it was spun off as a separate social purpose company and is now jointly owned by the UK government's Cabinet Office, Nesta (the innovation charity) and its employees.

BIT helps to change behaviour, as exemplified by its work with Her Majesty's Revenue and Customs, the department of the UK Government responsible for tax collection. The inclusion of a single sentence in letters pointing out that the great majority of people in the local area had paid their tax on time (a "social norm message") significantly increased payments.



Nicky explains her interest in the company: "Behavioural science covers a range of inter-related academic disciplines including psychology, behavioural economics, neuroscience and social anthropology. Our role is to understand how individuals take decisions in practice and how they are likely to respond to options. With these insights, we can design policies or interventions that encourage, support and enable people to make better choices for themselves and society."

Outside the office

Antonia, Andrea and Nicky all work hard, but have the time for other things. Antonia is due to start a silversmithing evening course. Andrea offsets his high-pressured job by doing high-intensity interval training, but he is also Visiting Professor at the King's College London School of Law, where he teaches a masters course on competition and IP in the media sector.

For Nicky, it is not so much work-life "balance" that is important, rather work-life integration: "I don't mind working from home or at unusual hours. What I want is control of my hours. Being in-house allows you to do that."

Having worked in private practice has enabled all three to maintain perspective on what they require from external lawyers. Says Antonia, "Because we are under pressure to save costs, we have to be very specific about what we want. It is better to do as much of the work as we can, and then target our external counsel with key questions. Also, we know from having worked in private practice that the better researched the brief, the better it is for the external lawyers."

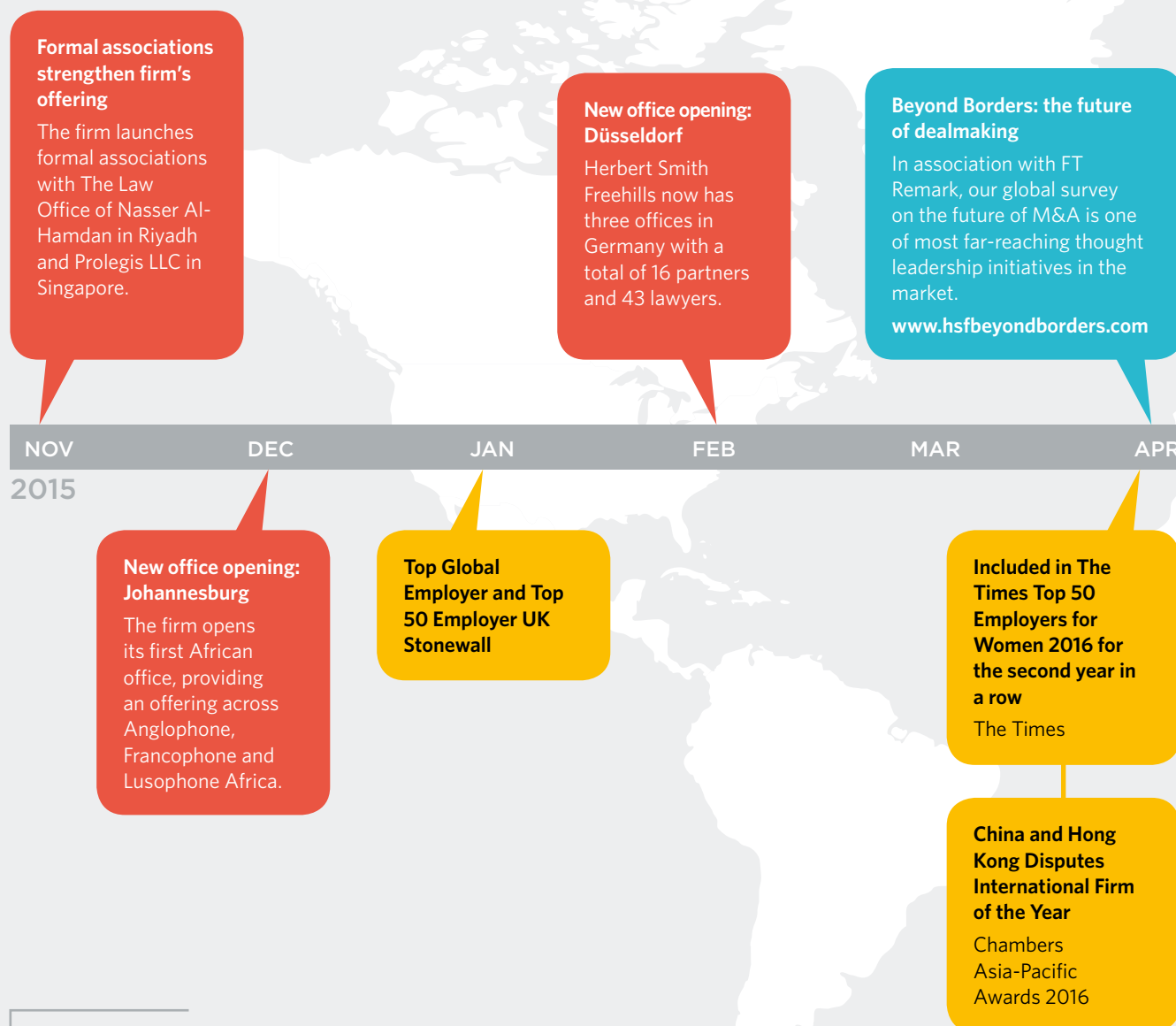
Which leads us back to the value of the Herbert Smith Freehills connection. When Sotheby's sought a local law firm to assist with advice on the company's expansion into India, they identified a suitable choice. "After I met the managing partner, he told me that his junior partner would be working with us," Antonia says. "It turned out that this person was someone who I had worked with at Herbert Smith Freehills. And not only worked with, someone who I really liked and respected as a top lawyer. What goes around, comes around!"



Nicky Kerr

Bringing the best together

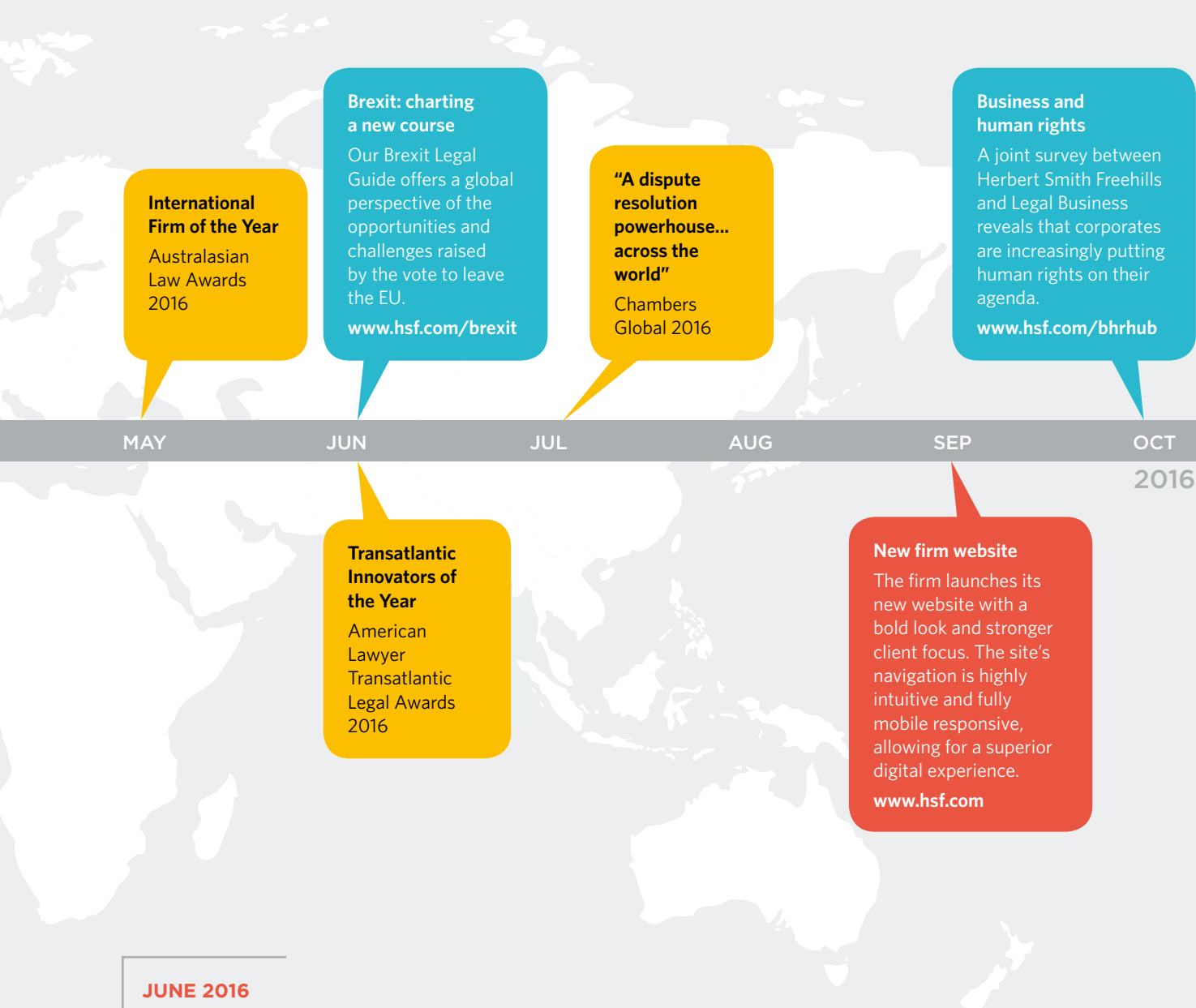
Over the last 12 months, collaboration and teamwork helped Herbert Smith Freehills deliver a truly world-class service. Recognised worldwide for our innovation, quality and thought leadership, the firm acted on the year's top mandates across all our practices, sectors and regions. Here we offer you a snapshot of our key achievements.



MAY 2016

Spotlight on the Middle East

Herbert Smith Freehills is awarded Middle East M&A Legal Adviser of the Year in the Industrials & Chemicals category at Mergermarket's inaugural Middle Eastern M&A Awards. It is recognition for the Corporate team's track record of working on the most high-profile and significant deals over the last 18 months. Particular highlights include advising Gulf Related on the AED2.5 billion limited recourse financing for the development of a luxury retail mall on Al Maryah Island in Abu Dhabi. This ground breaking deal is the first to be completed in the newly established Abu Dhabi Global Market.



JUNE 2016

Spotlight on Alternative Legal Services

Our Belfast office, launched in 2011 with a team of 26, continues to expand with over 250 employees. The success of our Perth "pop-up" office meant it became a permanent base, with a new centre also opening in Melbourne. The firm extends this innovative offering to China, providing us with a global platform to offer clients a new and efficient way of doing business.

- Firm news
- Thought leadership
- Award

In memoriam

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Justice Stephen Alley
(1922 – 2015)

The firm was saddened to hear of the passing last September of a highly respected former partner and consultant to the firm in Melbourne, Steve Alley, in his 93rd year. Steve was a giant of our predecessor firm, Moules (Moule, Hamilton & Derham) and accordingly, a giant of Australian employment and industrial relations lawyers. Together with the late Colin Polites and Russell Allen, Steve helped establish the firm as the leader in the employment and industrial relations field.

In between his partnership and his return to Freehills as a consultant, Steve was deputy president of the Australian Conciliation and Arbitration Commission (now Fair Work Australia) from 1977 to 1987. He was greatly respected in that role. Tony Wood, one of our current partners, reflected: "I never appeared before him, but I suspect he would have

treated me, or any junior advocate, with absolute respect and patience. That's certainly how he acted as a mentor to me and many others while he was here."

Steve was also the principal to a who's who of employment lawyers, not least of whom is Chris Jessup, QC – now Justice Jessup of the Federal Court. Steve was a conservative man, but modern too. At the height of the Kennett era in Victoria, when the former Premier was attacking the Melbourne Age (the "Spencer Street Soviet"), Tony Wood recalls, "I will never forget Steve defiantly brandishing his copy of the Age in the corridors of 101 Collins Street as his rebellion against our brash Premier. I'll also never forget Steve's contributions at our regular section meetings. Every fee-earner was always asked whether they had "capacity". Steve would always reply, without fail, 'My usual enormous capacity...'"



Julian Block
(1934 – 2016)

The partners and staff of Herbert Smith Freehills are deeply saddened by the passing of respected alumnus and friend, Julian Block. Julian joined Freehills (when it was then Freehill, Hollingdale & Page) in Sydney in 1978 and became a partner in 1980. He was a highly accomplished corporate and tax lawyer and a man of great intellect and humour. He remained with the firm until 2000, when he was appointed deputy president of the Administrative Appeals Tribunal. He later became a judicial member of the Administrative Decisions Tribunal and also advised clients as special counsel of Lewis King Blumberg. During his esteemed career, Julian was also a lecturer at Sydney Law School.

Julian was truly one of a kind and will be remembered for his formidable legal skills, his irreverence and his generosity as a mentor and teacher. He leaves behind a distinguished legacy within the Australian legal fraternity and will be greatly missed. Julian was a devoted husband, father and grandfather. We send our sincere condolences to his wife Rosemary, his four daughters, 10 grandchildren, and to his extended family.

Lilias Green
(1940 – 2016)



It was with great sadness that we learned of the death of Lilias Green who was partnership secretary of Herbert Smith from 1977 to 1995 in London. Lilias joined the firm's Personnel department in 1974 before assuming the role of partnership secretary. She supported John Barker, John Goble, John Rowson and Edward Walker-Arnott during their terms as senior partner.

The firm was her life and love. She was a consummate professional with very high standards as those who failed to match them discovered! She could also be wonderfully kind and had an impish sense of humour. She had been unwell in recent years but retained a characteristically lively and intelligent interest in the firm's progress.



Rosemary Ferguson (1949 – 2016)

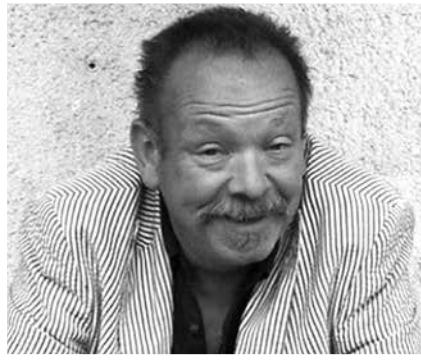
Herbert Smith Freehills staff and partners are saddened by the passing of Rosemary Ferguson. Rosemary joined the firm in Melbourne in 2008, worked diligently as a document production specialist and was loved by all she worked with in her eight years with the firm. She was an honest and loving friend and colleague to many, and also known for her generosity; she loved to donate to Guide Dogs Australia and knitted for underprivileged children. Rosemary was also a devoted mother. We send our sincere condolences to Rosemary's family.



Laura Guttuso (1974 – 2016)

Laura Guttuso, a former Associate, very sadly passed after a short illness. Laura joined the firm in London as a trainee in 1999 and qualified in the Competition, Regulation and Trade team. Jonathan Scott, then head of the team, described Laura as, "A gifted lawyer who, in a high-performing group, stood out and shone. Clients and colleagues adored her because she had a deep inner calm and kindness but also because she was such fun to spend time with."

Laura moved to the Office of Fair Trading (now the Competition and Markets Authority) in 2006 where she was assistant director in the general counsel's office, and subsequently moved to New Zealand and Australia where she took up a career in academia.



Andrew Duffield (1959 – 2015)

*Tribute written by John Mullins,
former Global Chief Finance Officer*

Andy Duffield joined the Herbert Smith London office in 1981 to help with billing and, 10 years later, became accounts manager. Andy had numerous outside interests, including carp fishing which meant keeping his maggots in the Accounts fridge, much to the disgust of the rest of the team. But that was Andy and they forgave him. He had a kind but wry sense of humour and was generous (a word often used to describe him) with his time and manner, be it training others or helping to resolve problems with some of the more colourful partners.

Andy contracted Type1 diabetes not long after he joined Herbert Smith but never complained about his situation or the need to inject insulin regularly during the day. I remember a celebration dinner for a successful project at an Indian restaurant (Andy loved a curry) when he realised he needed to inject as his sugar levels were all wrong. He injected with full paraphernalia in front of bemused and horrified waiters.

Andy left in 1992 to work in a different environment but came back as a temp in the late 1990s to help with a major transformation project and was successful again. We were very shocked to hear of Andy's death at 56 and our sincere condolences go to his lifetime partner, Christine, who supported him throughout. Descriptions of Andy from the Accounts team at that time, with which I fully concur, range from "top bloke" to "genuinely lovely man".



Barbara Anne Zolynski (1953 – 2015)

Barbara Anne Zolynski had a long and varied career. She started her working life as a teacher, but later took a postgraduate diploma in librarianship at the Polytechnic of North London. She spent the first year of her new career at the British Library Map Room, where she received a Society of College National and University Libraries award.

A long period in academic libraries followed and in January 1990, Barbara took up the newly created post of European Communities Librarian at the Law Society. During this time, she made huge contributions to the body of European Community literature, including writing two editions of the *Basic Sources of European Communities Legislation* and a chapter on EC law in Dane and Thomas' *How to Use a Law Library*.

In 2004, Barbara moved to Herbert Smith in London as head of library and information where, for the next 10 years, she was responsible for the information needs of the firm's lawyers and led a team of 12 librarians. She was admired as a gifted librarian and a supportive and trustworthy manager. Her professional qualities were innumerable and she was loved by her team for her patience, generosity and humour. As one of her colleagues said on hearing the news of her passing, "It was impossible not to like and respect her." Barbara is fondly remembered and greatly missed by all who knew her.



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THE ALUMNI HUB: Your online community

Herbert Smith Freehills Alumni is a growing network of more than 4,400 members who have gone on to pursue a diverse range of careers across the globe. Our mission is to help alumni connect with each other and unlock growth opportunities. The Alumni Hub is your space to:

- Keep up-to-date with all our regional events
- Reconnect with former friends and colleagues
- Access legal know-how, tailored content and inspirational alumni profiles
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