TOGETHER
The Alumni Magazine 2015

Coffee Conversations
Colleagues once again, two alumni share their views on realignment, high standards and an aptitude for change.

Women in Energy
Three alumnae speak about the challenges of being a female lawyer in a male-dominated industry.

Richard Bond
Our former senior partner reflects with modesty on a stimulating and successful career with the firm.
TOGETHER: in a new way

We’ve changed our name!

TOGETHER captures our purpose in one word and is the start of great things to come.

Our goal is to create a truly global community, ensuring that our members - Herbert Smith Freehills past and present - have the opportunity to connect regardless of time zone or geographical barrier.

Not only have we renamed this magazine, we have also created a new global Hub providing everyone from Herbert Smith Freehills and our heritage firms with a new platform to connect.

We can’t wait to share it with you - see page 33 for more details.

Working together to compile this magazine is one of the highlights of the year for the alumni team. From the sniffing out of story leads (or “truffles”, as they are known in the office), through to conducting the interviews, editing the pieces, finalising the layouts (image right) and finally proof-reading the finished product, we get a real buzz in seeing fleeting ideas and suggestions crystallising into the full blown magazine.

In this edition we showcase the talent, breadth and diversity of our network. Salimatou Diallo writes from her new firm in Conakry, Guinea. Sarah Hopkins challenges us to play a part in unlocking the real potential of corporate responsibility. Peggy O’Neal talks about making headlines as the first woman president of a football club in Australia.

Some other perspectives: Richard Bond shares reflections of his time at the helm; Charles Plant, honoured by the Queen for his services to legal education and training, advocates some fundamental changes to professional qualification; and Mike Ferraro, the firm’s current Global Head of Corporate, opens up his family photo album for this year’s Beyond the Office Door feature.

From Australia, we report on how the firm’s extensive pro bono and citizenship programme is reaching deep into the interior, offering life-changing opportunities for all involved.

Coffee conversations is our cover story: after training with Herbert Smith two years apart, Mary Geraghty and Joel Hanson forged separate career paths as in-house lawyers, focusing on different business sectors. But their paths “realigned” as they found themselves working on a special project for Starbucks. We discovered they have strong views on everything from the need for more lawyers to sit on the boards of companies to the changing roles of in-house lawyers.

Also offering an in-house perspective, as well as talking about how they have faced the challenges facing women in the male-dominated worlds of energy and natural resources, are Joanne Cross, Kate Hemphill and Tina Ooi, based, respectively, in Europe, Asia and Australia.

TOGETHER celebrates the incredible talent and diversity of our people – past and present. We hope you are inspired to stay in touch either via our new Hub or at one of our events.

Selina Lightfoot
Australian Alumni Lead

John Farr
Alumni Chairman
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TOGETHER
We hope you enjoy reading this issue of TOGETHER, our alumni magazine. Please recycle it, or pass it on to another alumnus once you have finished reading it.
A perfect summer’s evening. The best view over the City of London. A hip bar in one of the more recently completed skyscrapers. A chance for a party and a good laugh with former colleagues. What’s not to like?

So it was with the Grand Reunion London 2015, held on 12 May at SUSHISAMBA, in Heron Tower. Some 400 people came during the course of the evening, and it was clear right from the time everyone arrived to be greeted with a glass of bubbly that they were going to enjoy themselves.

Four hours later, after the party finished, several hardy souls continued to prop up the bar. Once the reminiscing starts, it is just impossible to stop!

Judging by the number of people in animated conversation, it was quite clear that the alumni enjoy the chance to meet one another. Catching up spilled over into some serious networking.

All in all, it was another superb event.
The annual Australian cocktail parties were hosted in March. In Perth, the evening was held at Aqua Bar, Barrack St Jetty. Tony Joyner, Managing Partner of our Perth office, welcomed everyone back with a lovely speech and a look back to a roll call of 1997.

The Sydney event was hosted in the firm’s (still) new office at 161 Castlereagh. Jason Ricketts, Managing Partner of Australia, spoke of the journey since merger and everyone had a few laughs at their profile pictures from the firm directory of 1994. Former partner Rebecca Davies shared some memories of her time at the firm and reflected on the many women who started their careers at Herbert Smith Freehills and have gone on to be successful across a wide range of industries and professions.

The Melbourne function was hosted at the Transit Cocktail Lounge at Federation Square. The dry autumn evening provided alumni with the opportunity to catch up on the deck overlooking the Yarra River. Mike Ferraro, Global Head of Corporate, gave the welcome speech and spoke of the strength of our alumni network across the globe.

For something different, the Brisbane event was held during August at The Powerhouse, where the World Press Photo Exhibition was on display.

The reflection from all events was very positive. One alumnus said, “Thanks for hosting such an enjoyable alumni catch-up at Transit on Wednesday evening. It was a terrific occasion. The firm’s efforts to stay in touch with and arrange gatherings for alumni is much appreciated.”
The Hong Kong office hosted a reception for alumni in February 2015 at Honi Honi Tiki in Central, Hong Kong. Over 60 alumni came together for what was an enjoyable evening, catching up with old friends and making new connections.

Partners drinks reception
A drinks reception to bring together current and retired partners was held in October 2014 at The Reform Club in London. The Reform, famous for being the place where Jules Verne’s idea for *Around the World in Eighty Days* was conceived, and the bet made, was the perfect place for those who attended to reunite and talk about old memories and new journeys.

The evening was deemed a success by all those who attended, and one alumna commented “I thought it was one of the best alumni events that I have attended. It evoked the spirit of old at HSF with those we had such collegiate times with.”

The Christmas Lunch 2014 was a festive affair with nearly 100 pensioners and partners enjoying the opportunity to share the year’s experiences and look forward to the next. This year saw a couple of successful changes to the event; a move into the larger Exchange House restaurant space and a wonderful carols performance by our HSF choir. This is a much-loved fixture on the alumni events calendar, always eagerly anticipated and enjoyed by all who attend.

**Reunited: Hong Kong**
The Hong Kong office hosted a reception for alumni in February 2015 at Honi Honi Tiki in Central, Hong Kong. Over 60 alumni came together for what was an enjoyable evening, catching up with old friends and making new connections.

**Reunited: Shanghai**
A Shanghai reunion is planned for the fourth quarter this year. Keep an eye out for your invitation if you are based in the city, or contact us to be added to the guestlist.

2001 articled clerk reunion
On 5 September 2014 a reunion dinner was held for our Melbourne 2001 graduates.

The event was a fantastic opportunity for the team to reconnect after 13 years. Despite the years apart, everyone caught up as if no time had elapsed at all.

**With our new Asia alumni partner champion, Richard Norridge, on board, more events in the region are planned for the coming year so keep reading TOGETHER for further information.**
Past and present partners dinner, Melbourne

The Melbourne office hosted a dinner for past and present Melbourne partners on 8 October 2014. The dinner coincided with the 30-year anniversary of the merger of Moules with FHP and Muir Williams Nicholson.

With close to 70 current and former partners attending, there was laughter and goodwill in the room and for many, a real sense of nostalgia. Rodd Levy hosted the evening, with Peter Butler, John Cooper and Irene Zeitler all reflecting on their time with the firm and contrasting with today. It was a real trip down memory lane.

Energy alumni drinks, London

The annual energy alumni drinks reception took place in March at The Century Club in Soho, London. Once again, the evening was a fantastic opportunity for past and present energy practice colleagues to reminisce and share current challenges and successes within the sector.

Alumni joined us from as far as Denmark this year so let’s see how far the event can reach in 2016.

London trainee reunion dinners

In London each year we hold reunions for significant anniversaries of trainee intakes. These are wonderful evenings where ‘the class of’ are able to catch up and swap stories – some haven’t seen each other for almost a decade! After only a few minutes, it feels like it was only yesterday that everyone was a young trainee or legal newbie trying to find the best curry house on Brick Lane for after-work dinners. Over the last few years these reunion dinners have taken place at City restaurants, pop-ups in art galleries and iconic West End eateries. Each intake has a different connection and personality and we like to try and capture that.

For dates and details of future events please see the TOGETHER newsheet for this quarter, or visit the alumni website at www.alumni.herbertsmithfreehills.com
Richard Bond, our Senior Partner between 2000 and 2005, reflects modestly on his stimulating and successful career with the firm.

Richard played a major role in the firm’s privatisation work from the 1970s onwards, as well as advising on an extraordinary range of corporate transactions. Reflecting on his long career in the law, Richard believes that the satisfaction he got throughout was in large part driven by “interesting work for top-quality clients alongside tremendous people in an enjoyable working environment”. But there was one other factor that accounts for his satisfaction: luck. “I just happened to be in the right place at the right time,” he acknowledges.

By way of examples, he cites joining Herbert Smith as City firms began to expand significantly following the 1967 Companies Act which permitted firms to have more than 20 partners; being available when John Goble, one of the firm’s top corporate lawyers and later Senior Partner, was looking for an assistant; advising on numerous acquisitions and flotations during the early 1970s during a boom time for British companies up and down the country; and helping to steer the firm through an international expansion at a time of fast-developing legal markets. Above all, Richard is grateful that his name came up when Edward Walker-Arnott was phoned in 1976 asking whether someone might be available for a two-year secondment with The British National Oil Corporation (BNOC). BNOC was the state oil company set up by the then Labour government to own and control oil interests in the North Sea. As part of a somewhat convoluted semi-nationalisation to capitalise on the growing oil revenues by now being generated by oil production, BNOC was given the right to buy at market price all the oil being produced under existing licences and to have a 51 per cent interest in all new licences. Richard was one of five people taken on to negotiate new agreements with a hostile oil industry.
The challenging aspect, as he recalls, was that none of the five then knew anything about the oil industry!

For someone who had believed that he would become a better commercial lawyer if he were to experience life in business, the BNOC secondment was a marvellous opportunity. “These were very important business deals, and we were across the table from the industry’s leaders. It gave me enormous insight into how business operated. I was also dealing with government and learning about how government worked. I just soaked it up,” he recalls, still with some disbelief to this day at his good fortune.

Openings on all fronts

The secondment to BNOC was not just good for Richard personally, it helped with introductions to a range of clients both in the oil and gas industry and in other sectors (for example, to Associated British Foods, which, unlikely as it seems, was a member of one of the consortia bidding to operate a North Sea oil licence). The BNOC connection (Richard was followed by Alan Jowett) also very importantly marked the beginning of the firm playing a leading role in the huge privatisation programme in the 1980s set in motion by Margaret Thatcher’s Conservative government.

Most of BNOC was transferred to a new company, Britoil, in 1982. Richard and many other partners advised on its and a series of subsequent privatisations, including those of British Gas and water and electricity companies. So successful were the privatisations that state-owned companies started to be sold off together and not just one at a time. That was the case with electricity and water.

Asked to name a favourite transaction during his career, Richard thinks hard but plumps for the water privatisation, in which ten water authorities were sold off at the same time in 1989. “The sheer audacity of selling off ten at once was exciting but also of course incredibly challenging. Then, having coordinated the ten deals, in which many of us were involved, the achievement of having pulled off so many at once was very satisfying,” Richard says.

The privatisation work and subsequent advice for the privatised companies continued well into the 1990s, but the very success of the work – and its all-consuming nature – meant that weaknesses were exposed at the firm. There had been an historic failure to bring on a new generation of corporate lawyers. The firm had failed to pick up on the then new practice of business development by law firms, which left it falling behind its main competitors. The two plus points were the inspired decision to move offices to Exchange House in 1991 and the equally foresighted decision to invest in a good IT system.

Cometh the hour, cometh the man, as Richard puts it. Edward Walker-Arnott, first as head of the company department and then as Senior Partner (1993-2000), turned his attention to addressing the weaknesses and modernising the business, with Richard serving as his right-hand man.

Indeed, Richard followed in his footsteps, taking over as head of company and then as Senior Partner in 2000.

“We knew we would have to think outward and ensure we could offer our clients a service that met their global requirements.”
A greater focus on graduate recruitment and some high-profile lateral hires, Michael Walter being a notable example, ensured that the firm’s corporate practice rebuilt its reputation.

**Looking outward**

A second critical aspect of the firm’s revival was the imperative to develop the international practice, Richard notes. “We knew we would have to think outward and ensure we could offer our clients a service that met their global requirements,” he says. This broke down, broadly, into three regions: the US, Europe and Asia.

The firm developed closer relationships with selected top law firms in the US to handle transactions involving both English and US legal advice (notably Time Warner’s merger with AOL in 2000), and it was rapidly growing in Asia. Building on its successful Hong Kong office, the firm opened other offices in Southeast Asia, China and Japan.

That left Europe, an area to which the two Richards (Bond and Fleck) turned their attention towards the end of the decade and following Richard Bond’s election to become Senior Partner in 2000.

The strategy revolved around establishing an alliance with the German firm of Gleiss Lutz and then the Dutch firm of Stibbe to complement the firm’s Paris office.

The alliance would eventually be wound up, but Richard is clear that it was the right strategic move at the time and helped the firm to establish European credibility.

For someone who had devoted a lot of hours to client work, rather than management, fulfilling his role as Senior Partner was very different but equally rewarding, as Richard explains. “I enjoyed going around the network, and was keen to make sure that everyone felt part of being one firm. Our collegiality has always been one of our strengths.

“I was also keen to ensure that our business services staff were recognised for their role in our success. We simply could not function as a top firm without top-quality business services.”

**More time on the golf course**

In 2005, at the end of his term as Senior Partner, Richard retired from the firm. He was then nearly 59 and would have been required to retire in a couple of years anyway. After a career lasting more than 40 years, both with Herbert Smith and the five years he had spent prior to that as a trainee with another law firm, Richard felt it was the right time to retire.

Rather than look for directorships or consultancies, he decided to enjoy himself. Always “sports-mad”, he learned to ski and these days also enjoys golf, cycling and watching cricket and rugby.

“I was immensely fortunate to be practising as a lawyer in London in such interesting times,” Richard summarises. “I think back on the phenomenal rate of growth of businesses in the City, including law firms, and the international expansion. I was also very fortunate to have seen and worked with some of the partners who made huge contributions to the development of the firm’s practice, from the celebrated triumvirate of Higginson, Mann and Barker to Geoffrey Willoughby and Edward Walker-Arnott. I could not have hoped for more.”

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**Career at Herbert Smith**

**1964:** Starts articles with Halsey, Lightly & Hemsley  
**1969:** Qualifies as a solicitor  
**1976:** Was the firm’s third-ever secondee (to British National Oil Corporation)  
**1993:** Became head of Company  
**2000:** Elected Senior Partner and becomes heavily involved in setting up the firm’s alliance with Gleiss Lutz  
**2005 - present** Retired
TOGETHER: we achieve great things

New name, new Hub, new connections. Spanning time zones and geographical barriers, TOGETHER captures our purpose in one word and is the start of great things to come.

Coming soon at www.alumni.herbertsmithfreehills.com

Above: Sari Baird, Oxfam Australia General Counsel
Salimatou Diallo in Conakry

An uncertain legal environment, power failures, military checkpoints and demanding US lawyers are all in a day’s work for Salimatou Diallo, as she cheerfully explains to Humphrey Keenlyside.

You lived in many countries growing up. Has that helped you in your professional career? Yes, it has. I liked moving, it helped me to become the person I am. You adapt to different environments. It gave me the capacity to work with people from different cultures very easily.

Originally, I wanted to be an international diplomat. I studied international law for my degree in France. I happened to come across Herbert Smith while attending a seminar about Africa, which convinced me to become a lawyer. I then did an internship with the firm. I studied for a masters at the Sorbonne and for an LLM in New York. I finally joined Herbert Smith in 2006 and qualified for the Paris Bar in January 2007.

What work were you doing with Herbert Smith? All projects work. I was given a lot of responsibility and I was trusted to do the job well. In other firms, so I understand, if you are a junior you only do junior work. I was also encouraged to develop new skills.

So why did you leave? There was a plan to open an office in Conakry, the Guinean capital. Since I had it in mind to return to Guinea anyway, for family reasons, that suited me very well. Even though at the last minute the plans changed, I decided in September 2013 that I would move back to Guinea and start my own law firm.

What challenges did you face starting your own firm? You go from a firm where you have a lot of support to one where you have to do everything yourself, from the legal work to all the administration.

Then there are logistical challenges. You can’t just come into the office and switch on your computer. Just this morning, before you rang, the power went off, and that can happen quite often.

Where is your office? My office is in the suburbs of Conakry. I chose not to have an office downtown because of the traffic, plus it means I am nearer to home. I have two children, aged five and two. I have a good work/life balance, which is one of the main reasons I decided to move back to Guinea.

What work have you been doing? I am advising a number of mining companies in Guinea. I have been instructed on one of the biggest mining projects in the country. I also do work for international financial institutions, such as the IFC. And I do some real estate work for the hotels and power projects.

Is the legal system well developed? Again, there are pluses and minuses. On paper there is a well developed legal infrastructure, based on the French system. On the other hand, it is difficult to know what the law is. Laws that are passed are supposed to be published in the Official Journal but, as yet, all the laws passed last year have not been published. Each time a question comes up I have to check with the relevant administration to find out what the law is, or rather to make sure that the law as I understand it is up to date and nothing has been published in the meantime. I have to check with the Central Bank to make sure there are no new instructions on foreign exchange.

That must make it difficult for you when advising on the local law element of international deals? Yes, it does. I have to be open and honest with my clients that nothing is absolutely clearcut. The French firms are more understanding because they know how Francophone Africa works, but the Americans are less sympathetic. They always want a definite answer, yes or no!

Is it a good time to be starting a new law practice in Guinea? Yes, and no. Guinea is one of the richest countries in Africa, and has an abundance of natural resources, which have not been exploited to the full as yet. At the same time, the political environment is uncertain. There are upcoming presidential elections. There is some social unrest and we have military checkpoints every night after 11.00 pm. Last week, there was a strike and all the shops were shut. On top of that, we had an outbreak of Ebola. All of which meant that projects were put on hold.

Despite that, there is a feeling of optimism and a perception among international investors that Guinea is a good bet. People are looking longer term.

"...there is a feeling of optimism that Guinea is a good bet."
Talking Point

CR: Window Dressing or an Integral Business Driver?

The fashion industry is huge, global and not without controversy. Allegations of bad working conditions, and avoidance of health and safety practices, have been commonplace. Is the tide turning? For this year’s Talking Point, HSF’s former corporate responsibility executive Sarah Hopkins writes about what the Swedish company H&M is doing in Cambodia.

Since April 2014, I have been H&M’s Sustainability Project Leader for Cambodia. My job is to help H&M address the supply chain risks involved with sourcing clothes from Cambodia and, at the same time, create an environment for sustainable production and growth.

The task is absolutely critical. The garment industry is an example of globalisation in practice. It has been the subject of a number of criticisms, including the failure by brands to protect workers’ health and safety, to ensure that a living wage is paid and to prevent workplace discrimination and other human rights violations.

These criticisms were heard all the more loudly following the April 2013 Rana Plaza disaster in Bangladesh when a factory building collapsed killing more than 1,100 people and injuring many more. Whilst H&M did not source clothes from Rana Plaza, Bangladesh is one of its largest and most important production markets.

The disaster was one for the entire industry and action to prevent anything similar happening again was taken by numerous brands through initiatives such as the Bangladesh Accord on Fire and Building Safety. More than ever, customers want to know that, when they buy clothes on the high street, they have been produced in a responsible way.

Corporate responsibility cannot be about window dressing. For H&M, corporate responsibility (CR) is integral to its brand, to securing growth and fulfilling its responsibility to respect human rights. H&M and other similarly minded brands have been driving supply chain sustainability since the mid- to late-1990s.

However, we recognise that there are still challenges. A check-box approach to compliance due diligence is not good enough.

Putting your money where your mouth is

If it’s not window dressing, what does CR mean in practice? H&M has eight people on the ground in Cambodia working on sustainability in the factories from which it sources, as well as engaging with key stakeholders to push for change at both the industry and national levels. Each factory is audited at least four times in a two-year cycle, mostly on unannounced visits.

Although the environmental footprint associated with ‘cut, make, trim’ production is relatively limited, there are other issues which must be addressed so that customers can buy clothes knowing that production conditions comply with national laws and international conventions protecting workers’ rights and safety. Addressing these risks also makes good business sense.

Some of these risks would be familiar to any business sourcing suppliers within the UK: alleged abuse of short-term contracts and their association with forms of discrimination and denial of benefits; unauthorised sub-contracting by suppliers keen to meet an order, but not keen on sticking to a purchaser’s conditions; and important debates about what constitutes a fair living wage, as opposed to merely the minimum wage imposed by law.

Other challenges are country-specific. Currently, Cambodia does not have clear fire and building safety regulations. Minimum wage negotiations are heavily politicised and industrial relations have been
Cambodia’s garment industry is worth an estimated $5.7 billion, accounting for almost four-fifths of the country’s total exports. In a country with a population of 15 million, factories owned by a majority of Chinese, Hong Kong and Korean businesses employ around 600,000 people – mostly women aged between 18 and 35.

As an important production market, H&M sources from approximately 85 factories in Cambodia. The minimum wage in the garment factories is currently $128 per month, with the industry taking home averaging between $170 and $180.

The Cambodian ‘ready-made garment’ industry is concentrated on the final ‘cut, make and trim’ stages of production, before garments are shipped to sales markets around the world and appear in one of H&M stores, of which there are more than 3,600 worldwide. The production and dying of fabrics used in Cambodian factories happens earlier in the process and in other countries, such as China or Bangladesh.

volatile. In early 2014, for example, security forces violently cracked down on protests by garment workers who were demanding that the minimum wage be increased.

However, if managed properly and fairly, the garment industry offers a potential route out of poverty for many. On worker wages specifically, H&M joined with other brands to commit that the most recent 28 per cent increase in the minimum wage (and subsequent minimum wage increases) will be reflected in the prices brands pay to their suppliers.

Leveraging your influence
At the industry and national levels, H&M recognises its potential influence. It can leverage and engage with suppliers, the government, unions and other brands to improve the situation. For example, the H&M/International Labour Organisation project on improving industrial relations aims to increase the skills and knowledge of local unions and provide them with the tools they need to bargain effectively with factory owners and reach lasting agreements on wages and working conditions. A regular and transparent minimum wage-setting process is an important part of establishing a foundation for achieving a living wage but, to be sustainable, a living wage should be achieved through collective agreements negotiated by democratically elected representatives of employers and employees.

Only through thorough due diligence and proactive engagement can brands like H&M secure a stable sourcing market, demonstrate that they are fulfilling their corporate responsibility and meet the expectations of their customers.
Profile

Kicking and Running into the 21st Century

In 2013, Peggy O’Neal made headlines as the first woman president of a football club in Australia. Used to being the only woman in the room as a lawyer, for her it was nothing unusual.

How does someone from Virginia, in the United States, end up working as a leading pensions lawyer in Victoria, in Australia? Simple, in Peggy O’Neal’s case. “I met an Australian backpacker in a bar in Greece while I was on holiday there,” she recounts, with a laugh. “We ended up getting married and moving to Australia.” Perhaps it was always meant to be: she moved from Richmond, Virginia to Richmond, Victoria.

Peggy certainly made the most of the coincidences that have come her way. She moved to Australia in 1989, requalified to practise local law and got used to life in a country the other side of the world. But it just so happened that Australia was in the process of reforming its pensions system (or “superannuation”, as it is described), prompting a number of law firms to bolster their capability in this area of law.
Herbert Smith Freehills

Her help was certainly needed. In the early 2000s, the club was going through some financial difficulties. Peggy was invited to go on the board, which eventually she did when the firm finally gave its approval for this extra-curricular activity. She joined the board in 2005, becoming the first woman that the club had ever had on the board.

Peggy explains what encouraged her to have a greater involvement in the club. “I became interested in the business of football, which was, and is, complicated because the clubs are a blend of commercial and not-for-profit. Being owned by the members, generally the clubs care more about the football than making money, but of course they need to make money to survive and prosper. Managing, in that situation, is quite a challenge.”

Peggy went one step higher in 2013, when she was elected president of the club. As such, she became the first woman to become president of an Australian Football League club, generating – as might be imagined – a lot of interest and some controversy. However, the disagreement was not so much that she was a woman (although that did raise the hackles of the more sexist elements in the media), it was more because it was suggested by some that, never having played the game, she was not suitable to head a football club. Peggy is quick to dismiss these criticisms. “The skill of playing has nothing to do with the skill of managing people or running a business or chairing a board meeting,” she says. “I felt I was well equipped to be the only woman around the boardroom table in a sports club because I had often been the only woman in the room when meeting with clients. It never registered that I was the only woman among the other football presidents.”

As for her own sporting activities, Peggy goes jogging, enjoys pilates and is a keen walker. And, of course, cheering on Richmond Football Club from the depths of her lungs!
“Our story” began in last year’s alumni magazine with “The Founding Fathers: 1850-1900”. This next instalment draws on more information from the firm’s two history books (A History of Herbert Smith by Tom Phillips and Freehills: A History by Suzanne Welborn) and traces the journey on through the war years.

Sydney
Frank Freehill died on 12 March 1908. He was described by one paper as a “most patriotic, brilliant, warm-hearted and fearless friend with one of the largest and most lucrative law practices in the city”.

In 1909 Freehill Donovan & Hollingdale moved into offices in Ocean House, Moore Street (which eventually became 34 Martin Place). In 1920, the firm changed its name to Freehill Hollingdale & Co and three years later moved into Cathcart House, Castlereagh Street. It might have been a prestigious address, but the conditions left something to be desired: one of the staff members would each morning attach his wrapped, packed lunch to the office’s central light fitting in order to stop rats getting to it!

In 1938, the firm moved to better offices in Martin Place (where Laurence & Laurence had their practice).

Before the second world war, the firm changed its name to Freehill Hollingdale & Page, as the partnership decided that it would maintain the “Freehill” as part of the name.

Melbourne
As the new century developed and recovered from the impact of the first world war, Moule Hamilton & Kiddle created a thriving practice based on banking, shipping, property and corporate law. The firm acted for Dunlop Pneumatic Tyre Co of Australia, the Bank of Victoria and the Broken Hill Proprietary Company, among others. By 1920 the firm was the largest and most profitable of the Melbourne law firms, with more than a hundred staff based in its offices in 55 Market Street.

By 1929 the Moule firm had had 21 changes of name, as a result of constant mergers, becoming Moule Hamilton & Derham. The firm moved to new offices in the Bank of Australasia in Collins Street, Australia’s most beautiful central city boulevard.

Derham was also the first of the Freehills’ legacy firms to employ a woman solicitor, Erena Gellatly, who joined the firm in 1929.

Among those joining Moule, Hamilton & Derham in 1948 was Stephen Alley, who had served bravely and with distinction in the war. He took advantage of a training scheme to help provide work for ex-servicemen and was pointed in the direction of the firm by his former headmaster. He would go on to develop expertise in industrial law and write the seminal book, Industrial Law in Victoria.
**Perth**

The firm of Parker & Parker was thriving in the growing city of Perth at the start of the 20th century, and was able to move into a three-storey brick, stone and stucco Anglo-Dutch federation-style building at 21 Howard Street. Most of the clients were drawn from agriculture or banking, including the Union Bank of Australia.

It was prospering but not necessarily enlightened. In 1904 the Barristers Board refused to allow Edith Haynes, Western Australia’s first female articled clerk, to sit for the admission examination. The word “person” in the legislation was argued not to include “women”. It was not until 1930 that women were admitted as solicitors.

John Nicholson, known locally as “Honest John”, was one of Perth’s most powerful businessmen. He was renowned in the state, a Scottish lawyer who had moved to Australia towards the end of the 19th century. He headed to Western Australia, lured by the prospects of advising mining companies, and joined up with barrister William Hensman in 1897.

Alan Muir followed Nicholson & Hensman to the frontier town of Southern Cross, where the firm had opened an office in 1906. Having been articled to Nicholson, Muir set himself up as a barrister in 1911.

He was reputed to be the best barrister in the state, but had some odd habits. He kept a pile of clean shirts in his office, and when he needed a change of shirt he simply took off the shirt he was wearing and deposited it on the floor. His long-suffering secretary, Marion Eves, would collect them, clean them, iron them and replace them on the pile.

**London**

Norman Herbert Smith, the firm’s founder, died in 1920, at a difficult time for the firm in the wake of the first world war.

In 1926, Herbert Smith merged with the firm of Francis & Johnson (which had a strong mining practice). Hugh Francis would later become senior partner.

The firm’s senior partner between 1920 and 1947 was Edgar Goss (who only stepped down when he retired at the age of 86).

The office stayed open during the second world war, on London Wall, and avoided being hit during the blitz. It took staff three hours each way to get into the office. Business slowed down, but enough profit was made to cover salaries for the staff and subsistence for the partners.

As at 1 September 1949, there were five equity partners - Hugh Francis, Sam Soames, Rex Hare, David Higginson and John Barker; Aubrey Herbert Smith became a salaried partner.

In January 1949, John Barker wrote a letter to Rex Hare encouraging him to join the firm, writing: “Hitherto, litigation has always been regarded as a sort of necessary evil. What we are now aiming for is the formation of a proper litigation department.”
Alumni Mary Geraghty and Joel Hanson forged separate career paths as in-house lawyers. They reconnected working on a special project for Starbucks.

The training and subsequent PQE experience that Mary Geraghty and Joel Hanson gained at Herbert Smith in the 1990s stood both of them in good stead for their subsequent careers as in-house lawyers. The training time was a very formative period, with strong kinships forged and an immersion in a system that demanded high standards they have carried through with them in their post-HSF careers.

“It was such an inspiring place to work and, as trainees and lawyers, we looked up to people within the firm who were at the top of their profession,” Joel remembers. “Still to this day, at key moments, I have always thought how my mentors at Herbert Smith would have approached a problem, even though of course you have to make your own decisions.”

In fact, Joel had an inside view of the firm from before his training contract, having originally worked as a paralegal. He started his training in September 1995 and qualified into Corporate. He was drawn to the transactional side, because he had always been interested in business (with his father having set up a niche advertising agency).

Mary joined the firm two years later. Her interest was in property, construction and planning, partly derived from her father who worked in the construction industry.

Time for change
Each of them was about three years’ PQE when they took the decision to advance their careers outside the firm, and both were attracted by the idea of going in-house. For Mary, the aspects she had enjoyed most when working at the firm were the times when she saw a deal through from start to finish. That led to her
developing close relationships with clients. “I came to differentiate those deals where I was someone to whom the client would regularly turn – the trusted adviser – and those where, as a matter of resourcing, I would be called in as an extra pair of hands,” she explains. “Almost inevitably, those were not so enjoyable. So I started to ask myself where I could put myself regularly in the trusted adviser role, and that was in-house.”

Joel had had an opportunity to get a closer appreciation of the in-house role, having been on secondment to Johnson Matthey. “Intellectually, and in terms of my personality, I prefer influencing and then delivering what I promise I will do,” Joel says. “As a corporate lawyer in private practice, your role is often to document other people’s deals, whereas I could see that, in-house, you would have more chance to shape those deals. I was not quite sure what that would entail, but I was prepared to give it a go.”

In 2000 Joel moved to become the general counsel of the telecoms business of the Lattice Group (later part of the National Grid) at what turned out to be a particularly difficult time. “It was the bust following the dotcom boom. The business was under pressure and the company found itself in a weak bargaining position – not something I had really experienced up to that point.”

He was with National Grid until around 2004, when he took on various project roles before joining Thames Water as its general counsel in 2007. Joel was part of the turnaround of Thames and, having dealt with significant post-acquisition issues (Thames Water was acquired by the Kemble consortium of infrastructure investors in late 2006), oversaw the introduction of a new legal services model to the business. He continued in that role for seven years. Meanwhile, Mary had left the firm in 2002 to join the in-house legal department of Harrods. Her interest in real estate was one of the important factors in her decision to move there, but she soon found herself advising on a wider range of legal matters across the group’s businesses. The then premiership football club, Fulham, was one of those businesses.

An important task for each of them in their respective roles was ensuring that the legal function was given the recognition it deserved within the business. But, as Joel notes, that meant being proactive and earning respect at the highest levels. “We had to show that, as the legal team, we brought benefits to the business; we weren’t simply a necessary cost. I wanted to help shape the business and be integral to its success.”

Mary agrees. “You have to demonstrate where and how you add value. One of the ways was to avoid disputes and litigation happening - to be the fence at the top of the cliff, rather than the ambulance at the bottom.”

Mary was with the Harrods group for almost five years before she left to become the group general counsel for the Arcadia Group. Previously the Burton Group and then owned by Sir Philip Green, the group had a number of brands, among them Topshop and BHS. There, she built a legal team which itself grew as the business expanded internationally.

As it so happens
Towards the end of 2014, both Mary and Joel, each having made a positive contribution and delivered important changes to their respective organisations, sounded out possible new opportunities. Coincidently, each of them had a call with Adrian Thurston, the head of Starbucks’ UK legal operation. It turned out that he had roles available for both of them, as the business had announced and was embarking on a new five-year strategy.

Both were tasked with improving process and developing the Starbucks legal team, working together to integrate a function spread across the EMEA region. Mary was tasked with streamlining real estate procedures, while Joel led compliance and governance initiatives. Having not really seen one another in the intervening years, they were nevertheless pleased to be back on the same team.

“The shared experience at Herbert Smith and knowing that we operate to the same high standards made for a really easy reunion,” Mary says. “Talking with Joel, it is clear we are out of the same stable: we have a shared vision of what we look to achieve in our roles and what good looks like, but with complementary skills.”

Earning respect
Joel and Mary have recently gone their separate ways again. While Mary is staying with Starbucks, assuming a permanent role looking after their legal function in the EMEA region, Joel has been appointed Interim Group General Counsel for Intertek, a global testing and inspection business listed in London. They are sure to stay in touch and, who knows, they may even find themselves working once again in the same team.

“You have to demonstrate where and how you add value. One of the ways was to avoid disputes and litigation happening - to be the fence at the top of the cliff, rather than the ambulance at the bottom.”

"You have to demonstrate where and how you add value. One of the ways was to avoid disputes and litigation happening - to be the fence at the top of the cliff, rather than the ambulance at the bottom."
In their own words

On reasons for joining HSF
Mary: I had a great interview with Patrick Robinson and Jonathan Scott. We talked about all kinds of things, and not just the law. The firm struck me as more colourful and less corporate blue blood than others.
Joel: I had worked in Herbert Smith as a paralegal, so had some insight. Like Mary, I liked the fact that the firm came across as unusual, with a slightly unorthodox streak. I also enjoyed the internationalism: there were several Antipodeans from whom I learnt a lot.

On the benefits of training and then practising with Herbert Smith Freehills
Mary: The high standards. In our current roles, we speak of that a great deal - attention to detail, the rigour, our unwillingness to accept mediocrity.
Joel: Does our insistence on high standards come from us ourselves or the environment in which we trained? In that sense, is it nature or nurture? I definitely think that we were imbued with high standards at the firm which means that we never accept second best.

On lawyers being more commercial
Mary: One of the big differences between private practice and being in-house relates to how you deliver your advice. Our chief executives don’t want long screeds of advice, they want to know whether they can progress something or not. My boss at Arcadia, Sir Philip Green, would want three bullet points – no more.
Joel: The first CEO I worked for had the ‘one side of A4 rule’. At first, this seemed too high level and even slightly lazy. Then I realised that he wanted issues to be summarised succinctly and impactfully. That is a great discipline. You can understand the law, but what is crucial is interpreting the legal position and recognising what it means in the context of your organisation’s objectives.
Mary: We have hired into our teams junior lawyers and secondees, who are bright people with crisp legal skills. I want to help them to become good commercial lawyers, who will therefore make a greater contribution to the business.
Joel: Lawyers in the States are expected to give more than legal advice, they are expected to advance the business and be the trusted adviser. As a profession in this country, collectively, I feel we should be prepared to go the same route.

On solving problems
Mary: Facing a problem, distilling it and then coming up with an answer is the main intellectual challenge of being a lawyer. You have to break down problems into a couple of solutions.
Joel: I agree with Mary that often we are brought in on matters not just because of our legal expertise but to try and funnel thinking into a solution. Another skill that applies is discipline, having a structured approach to any deal or the critical analysis you bring to any problem.

On the need for more lawyers to sit on boards
Joel: It is up to this generation to demonstrate to business colleagues that we have the potential to sit on boards and have a lot to contribute. People have to show they want to be more than lawyers, speaking in the language of business and engaging beyond their core discipline. This is a transitional period and I think in the next 20 years you will see more lawyers taking more prominent management roles in business.
Mary: Even in the next 10 years. As general counsel, we may be in the vanguard of change.

On different career paths and work/life balance
Joel: I think it is vital for all organisations to get the best of the people in whom they have invested time and effort. It is a demanding career, but I am encouraged that more enlightened organisations are finding different career paths. It is no longer a linear progression from trainee to partner in one firm. I am keen to make sure the generation that follows us benefit from the changes that are now happening and we have pushed for. For me, it is vitally important to make time for family and leisure pursuits. Not only do I think that this helps me as a person but in my work, it provides a necessary perspective.
Mary: I think it is not so much a matter of balance, but more about how effective you are at what you do - the quality that you bring in the hours of work, rather than the quantity. As a woman I feel I have a big responsibility towards the next generation of women coming up through the ranks, to make it work. Law has historically been a difficult profession for women, and men, to combine work and families, but things are changing.
Beyond the office door

Mike Ferraro

Each year one of our best-known partners opens his or her photo album to give us a glimpse into their life “beyond the office door”. This year, we had a chat with the Global Head of Corporate, Mike Ferraro.

Raised by hard-working, self-sufficient immigrant parents in post-war Australia, that background emphasised to Mike the importance of education, hard work and not taking things for granted, as well as being able to work with a wide cross-section of people.

Mike has been Global Head of Corporate for three years and will step down from that role on 1 December. He can offer several interesting and different perspectives when it comes both to management and to advising clients. During his career, he has worked with two top Australian law firms, including Freehills. He has been an investment banker. He was general counsel for BHP Billiton, one of the top GC roles not just in Australia but globally. He took the lead in an initiative in Freehills both to streamline and focus on key practice areas and to develop closer relationships with core clients. And he has become a leading corporate lawyer, specialising in mergers and acquisitions.

All of which makes him absolutely clear what lies at the core of a successful firm: strong client relationships dependent on the lawyers really understanding the commercial dynamics of their clients’ businesses and helping clients solve their problems. “I introduced a programme on the importance of commerciality in the mid-2000s, to have it become ingrained in our thinking and practice,” Mike explains. “I spoke about it so much that some of the younger lawyers got a big poster of Arnold Schwarzenegger, superimposed my face on his, and splashed the words ‘The Commerciator’ on it! In a funny way it helped the initiative.”

Mike is someone who likes to rise to a challenge, a trait probably borne of personal circumstances. His parents emigrated from Italy to Australia after the second world war and made a new life there for themselves in Melbourne.

They worked hard (Mike’s father was a truck driver and his mother, to this day, has a small farm holding). Mike went to a state school and competed with those more privileged than him. He chose law for his degree because, as he explains, “in ethnic communities at the time I finished school if you did well in your final year you either did law or medicine.”

He also has a strong spirit of enterprise about him. He tells the story of how, as a junior investment banker, he learnt to take the initiative to win work. “My boss told me that a good way to get business (before the days of the internet) was to come in very early to the office, comb the papers, look for announcements of acquisitions and then get on the phone to the target company.”
“After a couple of weeks of doing this, I noticed one day that a building products company was taking over a competitor. It was early in the morning. I called the office number of the target company and happened to get hold of the company secretary, who then gave me the home number of the MD. The MD’s wife answered, saying that her husband was still in the bathroom but that she would get him. He then came to the phone – no mobiles in those days – and I imagined him mid-shave with a towel around his middle. I made my pitch, and by midday we had been appointed to advise them. It just showed me what you could do with some research, initiative and being quick off the mark.”

He has now been with Herbert Smith Freehills for the best part of 25 years, barring two and a half years with BHP Billiton. He has been fortunate to have several opportunities at Herbert Smith Freehills. These include client relationship partner for ANZ Bank, Santos and GE Capital, member of the Freehills Board, Managing Partner - clients, Head of Corporate - Australia and Global Head of Corporate. “The firm has been very good to me and I look forward to the next phase of my career at HSF.”
Watch football
That is Australian Rules Football, although, as a youngster, Mike enjoyed good (English Rules) football. Mike and his son are members of North Melbourne and attend matches when he is in the city. When he left school, Mike intended to become a PE teacher but switched to the study of law when he realised a teaching career at the time had its limits.

Travel
After qualifying and practising as a lawyer, Mike was intrigued by the idea of going into business. He joined Wardley James Capel, the (then) merchant bank subsidiary of HSBC, in Melbourne, and in 1989 was sent to work in the London office for two years. “That gave me a travel bug. I enjoyed travelling around the UK and Europe.” In his current role, he travels a lot and tries to be a tourist if he spends time in a city on a weekend.

He is a director of Alumina Ltd and recently visited the company’s operations in the Amazon. “It was heart-warming to see our joint venture with Alcoa establishing a hospital and school for local indigenous communities.”

Walk
Mike likes to walk to work, a journey that usually takes half an hour, and also enjoys walking with friends. “Walking helps to clear my head,” he says. He looks forward to the day when work meetings can be held walking around a city rather than in an office or conference room.

He has lifelong friendships, dating back to his university days when a group of them forged a bond borne of lack of privilege and coming from immigrant families. He also maintains close ties with a small group of friends from senior school most of whom became school teachers or small business owners.
Take an interest in the stock market

“Having picked up a lot of knowledge and interest as an investment banker and generally being interested in business, I like to make my own investments.

I also do a lot of reading, with a particular interest in current affairs, political, economic and financial news. I genuinely believe that to be a very successful commercial lawyer you need to think like a business person.”

Spend time with family

Mike likes to spend quality time with his family. A regular event is going to the Victoria market with his son and when in London to do the same at Borough Market. Mike also enjoys spending time with his daughter who is currently studying at Melbourne University.

Watch life go by

Mike likes nothing more than spending weekends at his beach house on Great Ocean Road in Victoria in Fairhaven.

“My idea of a perfect day is watching the birds, looking at the ocean and doing a few things around the house.”
Profile

A Royal Honour

Charles Plant, former head of Litigation and chairman of the Solicitors Regulatory Authority, was awarded a CBE in this year’s Queen’s birthday honours for services to legal education and training and regulation. He told TOGETHER why he believes in greater access to the profession and the need for reform of the way solicitors are trained.

Over the course of his career and in particular over the past 25 years, Charles has played a major role in the ongoing reform of legal education and training, as well as more recently taking a leading role in transforming the Solicitors Regulation Authority (SRA). Both are causes in which he believes strongly.

Charles became chairman of the SRA in 2010 at a time when the organisation faced serious challenges. As the profession’s regulatory body responsible for more than 160,000 solicitors, there were many issues to address, chief among them dissatisfaction expressed by City law firms concerning the regulator’s knowledge of their work.

Another pressing issue was the amount of regulation. “It was our objective to reduce the regulatory burden on solicitors, in particular to slim down the code of conduct, but without, of course, compromising on standards,” says Charles.

When he stepped down five years later, those issues had been addressed and Charles left a modern regulatory body carrying full credibility with the legal profession.

He first became interested – and involved – in legal education in the wake of the Court and Legal Services Act of 1990. Among the many changes brought about by the Act was the granting of higher rights of audience to solicitors (permitting solicitors to appear on behalf of their clients in the High Court).

The Act also established a body to recommend changes to legal education. Despite some very senior figures being appointed to the Lord Chancellor’s Advisory Committee on Legal Education and Conduct (as it was called), as well as extensive investigation over five years into how best to reform legal education, the committee’s recommendations were never implemented. Why? “For two reasons,” notes Charles, who was the solicitor member of the committee. “The absence of political will to push the reforms through and the lack of interest among the legal profession. That left a strong impression on me, and what was necessary to do if we were to achieve change in future.”

More opportunities to do just that presented themselves. In 1999, Charles became a governor of The College of Law and in 2006 the chairman of the governors. During that time The College of Law became the first private education body to be given the power to award degrees (to those who spent two years at the college) and more flexible courses were introduced for the LPC relating to the type of practice students intended to follow.

On arrival at the SRA, Charles put in train a fundamental review of legal education and training. The detailed report, following extensive consultation, was produced in 2013 and is now being actively implemented. Indeed, the person in charge of its implementation is Julie Brannan, a former partner at HSF and one-time colleague of Charles’s.

Charles believed there were two principal failings in the system of legal education and training that needed attention. The first obstacle was that the training was too inflexible, being essentially limited to graduates and involving a structured two years. Charles believed that legal training needed to be made more adaptable to allow for other pathways to qualification.

As he explains it, “What is critical is that on day one of qualification, every solicitor meets the same high standard of competence. However, there should be greater flexibility in the training they receive in order to obtain that standard.”

Perhaps more seriously, Charles felt there were too few entry points to the profession. In particular, the profession was not open to non-graduates. Among other changes, he pushed through a reinstatement of five-year apprenticeships.

Secondly, there was also a need to have greater flexibility in the continuing professional development (CPD), to move away from the mandatory 16 hours, widely regarded as a mere check-box system, to one in which firms can best decide for themselves what is the appropriate CPD credits for their solicitors.

All of this is without even mentioning Charles’s considerable achievements within HSF itself. Just in passing, Charles notes that as recruitment partner he recruited James Palmer, who has risen to become Senior Partner. “Even at the age of 21, James had a patrician air about him!”
TOGETHER: open to all

The alumni network is open to anyone who has worked at Herbert Smith Freehills or its heritage firms.

46 Countries represented

1952 Herbert Smith Freehills years represented over six decades

2015

4,020 Alumni network members (as at October 2015)

All our offices are part of the network. Please contact the alumni team if you would like to connect with alumni or current staff from a particular office.
Women in Energy

Facing the Challenge

What is it like to be a female lawyer working in-house for a major oil and gas or commodities company? What are the challenges they face? And what do they like about working in-house? We spoke to three Herbert Smith Freehills alumnae, working in Europe, Asia and Australia respectively.

It can sometimes be hard being a woman practising law in the male-dominated, macho world of energy and natural resources. At the very least, a woman may find she is the only one in a meeting. Many have to contend with sexist attitudes or cultural expectations that place women at a disadvantage.

On one occasion, however, being a woman saved Tina Ooi, formerly of Freehills and now General Counsel of the energy company Jemena. “I was in the midst of some difficult negotiations with a burly guy from one of the railways in Australia,” she recounts. “We required the company to permit us to place one of our electricity distribution lines under their track. I was trying to explain as dispassionately as I could that actually we had the right under statute. He didn’t like that at all, stood up to his full height, drew his arm back and was on the point, probably, of hitting me. He could not deal with being told what to do, maybe more so by a woman. He only stopped when it dawned on him he should not hit a woman!”

But I have often wondered if he would have thought I was fair game if I was a man.”

Joanne Cross, Managing Counsel, dispute resolution for BP, has certainly had her share of difficult negotiations (many of them involving BP’s interests in Russia) but it has never reached the point of physical violence. Neither has Kate Hemphill, who now works in-house for BHP Billiton in Singapore with responsibility for their global technology, outsourcing and procurement contracts and data protection compliance, yet been faced with anything worse than raised voices in tense meetings.

For Joanne, one of the most stressful times as an in-house lawyer has been dealing with the consequences of the terrorist attack in 2013 on In Amenas, BP’s joint venture plant in southern Algeria. Among other roles, she managed preparations for the inquest that was held in February, including supporting witnesses and survivors in the process to recall a time of unimaginable terror. “That was unlike anything I have ever had to do,” she says.
The three of them agree that the energy and natural resources industry – largely a man’s world – sometimes requires them to act tougher than they otherwise might be. Kate says: “As a woman in a meeting of predominantly men, you certainly have to be confident and maybe even display toughness at times, but I am not sure whether that is a result of being the only woman in the room or a result of being a lawyer!”

Joanne adds, “I have certainly been involved in a lot of tough negotiations where I have had to adopt a very robust position. I have worried at times that it might change my personality, but on balance I think it is a question of knowing when you need to take a firm stand.”

Tina, meanwhile, believes that being a woman can be an advantage in tough positions. “At the risk of stereotyping, I like to think I bring calmness and a distinct lack of ego to what can be adversarial professional situations,” she says.

All three owe their moves in-house to opportunities presented through client connections at HSF. Kate had been advising the firm’s client, BHP Billiton, on its outsourcing deals for nearly three years when she was offered the chance of a 10-month secondment in its Singapore operation. She was approached to move from the secondment role to in-house within a month of her secondment starting – “I found myself having to decide on what the next steps in my career path would be somewhat sooner than I had expected,” she says. Similarly, Tina made the direct transition from secondment to in-house, in her case with United Energy. Joanne had been advising BP as a senior associate with HSF on a number of its cases when she was asked to join the company in-house.

Their reasons for joining an in-house legal function are strikingly similar, and can be summarised as: wanting to become more closely involved with the business; having more of a say in commercial decisions; greater variety of work; and, to a lesser extent, aiming for a different work/life balance. For Kate, “I was doing fantastic work for HSF, and the experience I gained in the TMT team was invaluable. However, it could be frustrating not being involved in the final commercial decisions on a matter. I was craving start to finish involvement, and felt I could only achieve that working in-house.” Tina agrees: “What I really enjoy about being in-house is that you are not just doing the legal role, you are involved in the commercial decisions.”

For Joanne, it has been the variety and quality of work that made the move in-house the right thing for her, as well as being closer to the commercial impact of legal judgment calls. “When I joined BP, I was told I had been recruited both for my judgment in the management of disputes and also for my communication skills. The business is not interested in understanding all the complexities of the legal position, and they definitely don’t want long analytical legal memos. They want to understand the likely legal outcomes and a recommended way forward - and they want that to be communicated concisely and effectively.”

Now, after 12 years with BP, she has the vital task of advising the BP group on dispute resolution management and strategy and contentious risk mitigation in relation to BP’s businesses globally. This includes advising on strategy to avoid disputes arising in the first place.

“I got to live and breathe in the house that I helped build.”
Routes into the law

Joanne chose to change career to become a lawyer, having studied Chinese at University and after working as a commodity trader for a Chinese state trading corporation and subsequently a City sugar broker. Both companies had faced significant disputes which Joanne was asked to handle. “I realised that I didn’t want to continue as a commodity trader and much preferred the challenges of the legal disputes.” She subsequently converted to law and then trained with Slaughter and May and practised there for four years before moving to Herbert Smith in 1999. Almost immediately, she was assigned to work on litigation cases for BP as a result of which she got to know BP very well which, in turn, paved the way for her eventual move.

Tina, by contrast, started off in litigation but switched to projects. “I didn’t mind a bit of a fight, and I enjoyed the dispute strategy part of litigation, but I didn’t like discovery, which tended to be par for the course for junior litigation solicitors,” she explains. She became involved on the gas privatisation that took place in the state of Victoria, advising the state government on the regulatory framework that needed to be put in place. By chance, after her move in-house, she found herself in a regulatory role advising on the very regulations she helped to draft. “I got to live and breathe in the house that I helped build,” is how she puts it.

The company for which Tina works underwent a number of changes of ownership, and is now partly owned by Singapore Power and partly by the Chinese state company, the State Grid of China. At the time the Chinese company acquired an interest in Jemena, Tina discovered it had more than a million employees (“I’d hate to be the one whose job it is to organise the Christmas party every year,” she jokes). As GC, Company Secretary and Head of Procurement, she heads a team of some 35, divided between Sydney and Melbourne.

Kate joined Freehills in 2010 in its Sydney office, but moved to Melbourne in early 2012 as part of the TMT group. The fast-changing nature of technology and therefore technology law appeals to Kate greatly. “It is an area of law that really keeps you on your toes as each time new technology becomes available or existing technology changes, you find yourself having to learn a new skill-set. My role at BHP Billiton has also required me to build up my expertise in data protection law, another area of law that I have come to enjoy.”

In her current role, Kate advises the global procurement and information technology functions of BHP Billiton in addition to providing subject matter expertise to BHP Billiton’s businesses, either on the strategic side (“procuring anything and everything you need to get commodities out of the ground”) and for the company’s IT goods and services. She also advises the company on data protection, privacy and cyber security in all the jurisdictions in which BHP Billiton operates.

All three believe that they work in a dynamic industry that is highly fulfilling but where there should be more women in middle and senior positions. For this to happen, there should be more marketing to attract women and greater efforts to put in place gender-neutral policies, Tina suggests.

Continuing involvement with HSF

As in-house lawyers, all three have continuing professional connections with HSF, instructing the firm on a variety of deals and cases. Joanne also has a pro bono link with the firm, through her work for death row prisoners. She is co-chair of Amicus, a charity that provides legal support to those facing trial or on appeal in the US in death penalty cases. She is also a trustee of the Caribbean Capital Cases Trust, which supports the London panel of solicitors who historically handled Caribbean death penalty appeals to the Privy Council and now also handle certain non-capital Privy Council appeals.

Having worked both in private practice and in-house, Kate is hoping to use her role to try to redress the long working hours in law firms created by clients imposing unreasonable, or worse, false deadlines. “It requires mutual trust and respect between the client and the law firm. I try to offer longer time frames to complete the work wherever possible, and have promised my external counsel that I will never impose false deadlines - so that when I set a due date, they can trust it.

“This approach leaves little room for error if the firm misses that deadline, however, so in return I need to trust that the firm will provide the equivalent respect and meet the deadline we have agreed. Private practice lawyers will only see the benefit of this approach if more clients brief this way, but it’s a small step in the right direction.”
TOGETHER: in a new way

New name, new Hub, new connections. Regardless of time zone or geographical barrier, our new Hub provides everyone from Herbert Smith Freehills and our heritage firms with a new platform to connect.

Look out for your welcome email coming soon and then log-in to register and select your preferences so that we can provide you with a tailored alumni experience.

Coming soon at www.alumni.herbertsmithfreehills.com
Increasing access to justice and supporting initiatives which benefit local and global communities form the focus of Herbert Smith Freehills’ Pro Bono and Citizenship programme. The programme involves a wide range of people from across the firm. A great side benefit of our pro bono and community volunteering opportunities is the reward it can bring not only to the targeted individuals and communities, but also to our volunteers, both personally and professionally.

In Australia, two particular initiatives are great examples of the firm’s commitment to reconciliation by working closely with Indigenous communities.

**Jawun Indigenous Corporate Partnerships**

Jawun is an Indigenous organisation which forms partnerships between corporate, government and Indigenous Australia. Over the past five years some 35 of our staff from the Australian network offices have travelled to East Kimberley in Western Australia as part of the Jawun secondment programme. East Kimberley is located in the northern-most part of Western Australia and is bordered by desert to the south, the Indian Ocean and Timor Sea to the west and north, and the Northern Territory to the east. Needless to say, it is one of the hottest and most remote parts of Australia.

One of the secondees, Ben Robertson, currently Senior Regional Counsel for MasterCard in Singapore, describes why his secondment to Kununurra in East Kimberley was a life-changing experience: “I worked with Wunan, a not-for-profit Indigenous organisation covering the East Kimberley region. Wunan focuses on improving Aboriginal lives through education, employment and accommodation. I worked on framework options for Wunan’s education strategy. This involved consultation with senior community members about strategies to improve school attendance and leadership.”

As Ben explains, “Working on Wunan’s education strategy highlighted the deep connections between Indigenous children..."
greater awareness of Indigenous issues and I’ve felt much more empowered to seek out opportunities to make a difference. After returning, I have been able to work on some fascinating and meaningful pro bono matters for Indigenous clients.”

Career Trackers Indigenous Internship Programme

In the Career Trackers Programme, Aboriginal and Torres Strait Islander university students are placed with corporate partner organisations for 12 weeks each year, to help them build skills and confidence for a career in the private sector.

In 2011 HSF became the first law firm to join Career Trackers. Over the past three years HSF has hosted 14 interns in its Australian offices.
Current Perth-based Partner **Melanie Cave** is heavily involved in the programme. In her experience, “the interns that have been placed with us are amazing ambassadors for Indigenous law students.” Mel describes the presentation which each intern is required to give at the end of their experience to illustrate the challenging yet rewarding nature of the internships.

“The presentation often includes some very personal stories about what it means to come into a law firm environment, which is often in such contrast to where they have come from – including opening up about how terrifying their first interview was for them!” Yet she says that, by the time they come to do their vacation clerkships and to apply for graduate positions, “all of that fear is gone”. Mel has been impressed that the interns, many of whom are young parents, often describe their intentions to be leaders in their community and to bridge the gap so that more Indigenous people can take up the challenge of university study. “I think for the lawyers who have worked with the interns, to see the strength and determination of these young people makes us want to ensure that we do everything that we can to meet the challenge of making our workplace more diverse.”

**Anna Lyons**, an alumna of our Melbourne and Sydney offices, was one of the initial coordinators of the CareerTrackers programme and was awarded “Supervisor of the Year” by Career Trackers in 2011. Anna is now Senior Lawyer for Homeless Law, a programme of Justice Connect, which has worked with HSF helping women at risk of homelessness since about 2009.

Anna recalls how her involvement in the Career Trackers programme “highlighted the vital role that mentoring and gaining practical work skills have in successfully transitioning from university to a legal career. Working with the students and Career Trackers staff was a highlight of my time at HSF and I am incredibly proud of the firm’s leadership in being the first law firm to support the programme.”

The firm has made a 10-year commitment to the Career Trackers programme, as **Brooke Massender**, Head of Pro Bono and Citizenship in Australia and Asia, explains. “We are serious about creating intergenerational change. To see that change, you have to be in it for the long haul.”

**Jason Ricketts**, Managing Partner Australia, adds: “I am very proud of this programme as it is a core component of our commitment to contribute to the skills development and deployment of Aboriginal and Torres Strait Islander students.”
Other news

Mentoring for the future

Joel Backwell, a former Melbourne-based HSF projects lawyer, is now a trade commissioner for Austrade in Kuala Lumpur. He recently contacted us to find out what had happened to the secondary school mentoring programme that he and others coordinated in 2007 while at Freehills in Melbourne. The programme was for students who may be vulnerable or who could benefit from additional support.

He was prompted to find out, after catching up with one of the original students in the programme, Jonathan Mackojc, and commented that “Jonathan is very impressive and a shining example of the benefits of the mentoring programme.”

Jonathan is indeed going from strength to strength. After participating in the mentoring programme, he went on to study political science at Melbourne University, followed by his Juris Doctor at Monash University. Melanie Armsby, a Senior Associate and his original mentor in the programme, notes that Jonathan attributes his decision to study law to his time in the HSF programme.

Pro bono legal advice

Former Sydney Partner Peter Rowe recalls that “on a personal level, providing pro bono legal services has been one of the most rewarding aspects of my career.”

During his career with the firm, Peter was the deputy chair of the former Freehills Foundation until 2014 and a leader in the Australian firm’s pro bono and community initiatives from the early ‘90s.

This included being involved with the establishment of the Shopfront Youth Legal Centre in Sydney with Mission Australia and the Salvation Army. “More than 30 years of being a lawyer has taught me that the [pro bono legal] sector is not led by merely this sense of obligation, but by [the] opportunity to apply legal skills to new areas; for greater life experience; and, of course, to positively impact local and global communities.”
On 1 February this year, James Palmer became Senior Partner and Chair of the Global LLP Council, succeeding Jonathan Scott who retired from the firm on 31 January. James’ appointment is for a term of three years. He has spent his entire career at the firm, having joined Herbert Smith in 1986 as a trainee. He became a partner in 1994, was co-head of Herbert Smith’s global Equity Capital Markets practice from 2005 to 2010, and Global Head of Corporate from 2010 to 2012.

Between 2002 and 2006 he was also a member of the Herbert Smith Partnership Council. As Senior Partner, James continues to advise clients and to lead transactions, and the substantial majority of his time is still spent with clients.

At the time of his appointment James said: “I am delighted and greatly honoured to be taking on the role as Chair and Senior Partner. I look forward to working with our Council members and with our CEOs at what is a very positive and exciting time for our firm.”

The firm’s Global LLP Council

The Council, which is an elected body and acts much like a board in a public company, began its three-year term of office in late 2014. It is primarily responsible for ensuring the firm has an appropriate governance structure aimed at ensuring the success, stability and continuity of the firm and reinforcing its values.

Current members include:
James Palmer (Senior Partner and Chair of the Council), Rebecca Maslen-Stannage (Deputy Senior Partner), Sonya Leydecker and Mark Rigotti (as joint Chief Executive Officers), Ken Adams, Alistair Donald, Nigel Farr, Jane Hemstritch (non-exec member), Paula Hodges QC, Tony Joyner, Malcolm Lombers, Nicolas Martin, Gareth Thomas, Johanna Waterous (non-exec member) and Alan Watts.
Our Brisbane office has turned 25 and is celebrating growing from a small team where Christmas parties could be held around the dining table to becoming the sixth largest office across the firm’s global network.

The office was established in 1990 on the back of client demand and as part of a national strategic growth plan for what was then Freehill, Hollingdale & Page. The office began without the alliance of a local firm and faced many challenges as a new entrant to the Brisbane market, including restrictive state-based practising regulations and a looming recession.

Brisbane Managing Partner Michael Back - who was seconded from Sydney to establish the new office and has remained ever since - said 25 years ago lawyers from New South Wales and Melbourne were referred to as ‘southerners’.

“Queensland at that time was much more parochial than it is now, with many barriers to prevent ‘Southern Firms’ entering the Queensland legal market. For example, we couldn’t call ourselves Freehill, Hollingdale & Page because under the then regulations, named partners in the firm’s brand had to reside in Queensland.

We operated instead as Byrne, Nosworthy & Doyle, the surnames of our three Brisbane resident partners,” Michael said.

“On top of that, tapping into a new market was exceptionally challenging and not long after we started we faced the added hurdle of the 1992 recession. This made it even more important for us to quickly identify our key clients and recruit the very best partners, lawyers and support staff.

“After a rocky start, the office expanded and gained momentum and the client base grew to include Lendlease, the Queensland State Government and QIC. A quarter of a century on, we have grown from four partners to 22, with a total headcount of around 220 people.”
In Memoriam

Matthew Stutsel
(1969 - 2015)

His many friends within the Herbert Smith Freehills community were deeply saddened by the tragic loss of Matthew, a respected colleague and friend. Matthew joined the firm in 1994 and was a Partner in the Sydney office with the financial services team from 2001 to 2011. From 2011 he was the National Head of Indirect Tax, Australia, with KPMG.

Matthew was an exceptional mentor and leader. He was also immensely courageous. He played an active role in the Australian legal industry’s resilience@law initiative, including by opening up about his personal battle with depression in a short film about mental health in the legal industry. He spoke candidly in that film as well as in numerous press articles and on the radio, about some of his lowest moments, earning the deep respect of his peers and colleagues. He did so because he was passionate about wanting to help others facing the same circumstances, knowing how hard it was for him to speak out during the worst of his suffering. Matthew wanted to make a positive difference, not only for those suffering depression in the legal industry, but across our society. He was a true inspiration.

Matthew is also fondly remembered for his great intellect, immaculate presentation and of course, infectious smile. Not only was he an accomplished professional, but also an adventure sportsman and a connoisseur of many of the finer things in life, particularly champagne. A man of many talents, Matthew was the laureate amateur of the coveted Vin de Champagne Awards in 2012. He immensely enjoyed his role as an Ambassador for Champagne in Australia, bringing much knowledge and passion to the role.

Matthew leaves behind many close friends and a significant legacy within Herbert Smith Freehills and the Australian professional services community. We send sincere condolences to his family, his partners at KPMG, and to all whose lives he touched.

Sarah Hefford
(1962 - 2015)

After many years of fighting breast cancer Sarah Hefford died earlier this year at the age of 53.

Sarah joined Herbert Smith in the late 1980s and played a fundamental role in transforming the data processing department that served a small number of employees in accounts into a firm-wide IT department that served every ‘user’ in every office.

Sarah left Herbert Smith in the mid-1990s to raise her family. There may only be remnants of her working methods and team structure today but her legacy must include her uncanny ability to recruit and develop quality personnel, many of whom are now working in significant roles in the IT industry in all parts of the world.

She is survived by her partner Peter and two children, Rosie and Ben. Sarah will be missed by all who knew her.

Jean Jacobsen
(1949 - 2015)

Sandra Farrell, current PA with Herbert Smith Freehills, pays tribute to Jean, a friend and colleague for many years before her passing in January.

Sadly, Jean passed away in January 2015 after a long and difficult illness. Jean joined the Corporate division of Herbert Smith in January 1997 and was a secretary to James Palmer and numerous other team members. She was also a very good friend.

Jean was an efficient, loyal and truly committed PA and had a huge sense of fun. Outside of the office she was part of a very close and loving family. During the years that she was unable to work, she maintained strong relationships with a large number of the people she worked with. She always looked on the bright side, and managed to keep a smile on her face throughout her illness. Her strength and positivity was amazing.

She is very much missed.
Robert Osborne (1929 - 2014)

Robert (Bob) Osborne, the first non-executive director of the firm in Sydney, passed away on 8 December 2014, aged 85. Bob ‘ran the firm’ with then managing partner, Graham Kelly in the late ‘80s/early ‘90s before retiring in 1992. Bob was born in New York City, graduated from The Hotchkiss School in 1946 and Yale University in 1950. In 1974 he relocated with Citibank to Sydney and worked as a management consultant before joining Freehill, Hollingdale & Page.

Regina Kong (1985 - 2015)

Regina was a revenue controller in the Greater China revenue team in the Hong Kong office and was with the firm for over three years. She passed away on 10 March 2015. A funeral was held on 21 March 2015 in Sydney, Australia. We have expressed our deepest condolences to Regina’s family and our thoughts are with them.

George Smith (1913 - 2015)

George Smith, a retired partner and oldest surviving alumnus of the firm, passed away on 13 April 2015 at 101 years old. He was admitted in 1937 and became a partner at Minet May & Co in 1948 which was merged into Herbert Smith in 1963 where he became a partner on merger. His principal area of practice was commercial property law and he is also credited with delivering the London Stock Exchange’s motto “My word is my bond.” He retired as a partner in 1977.

We featured Mr Smith in our 2013 edition of this magazine.

Robert Hedden (1948 - 2015)

Former partner Kerrin Roberts shares his memories of a wonderful colleague and friend.

Nearly 30 years ago on my first day at Herbert Smith, I met Robert when we signed my articles papers. Little did I know that this almost Dickensian process would turn into a strong friendship, even though our careers took us away from Herbert Smith and across different continents. For many, Robert will be remembered as a great property lawyer, but our friendship also thrived on our mutual affection for the theatre.

For City of London Law Society Revellers in the early ‘90s, their memories will be of his masterly direction of one show at the Mermaid Theatre. He took the disparate sketches from law practices across the City and wove them into a coherent story involving Richard III, Dick Turpin, Dick Barton and Dick Whittington and a high-kicking, cross-law firm Chorus Line! Easement clauses just never got to benefit from Robert’s true creativity.

Robert had strong connections in the world of community theatre across south London that stretched back more than 40 years. When rehearsal space got tight at South London Theatre, his front room often became a rehearsal space. On his passing, I realised that we had friends in common, many of whom have shared their favourite Robert theatrical story.

While often working behind the scenes in various production roles as well as a director, Robert did tread the boards in a panto of Cinderella. He would be the first to admit that he was no singer and no dancer but that did not stop his enthusiastic Charleston on stage.

Robert’s popular speaker series at his local theatre is remembered by many of our mutual friends. Beryl Reid and Sheridan Morley both spoke, but his crowning achievement was securing Quentin Crisp. No agent would return his call so ever the problem solver, Robert looked Quentin up in the phone book, called and secured his attendance. Summed up by another friend of Robert as typical of Robert’s enthusiasm - “if you don’t ask, you don’t get”.

David Malcolm AC, QC (1938 - 2014)

David, a Rhodes scholar, was made a partner of Muir & Williams on the day of his admission, 21 April 1962. He was a litigator who became renowned throughout the state of Western Australia and beyond. David played a key role in establishing an alliance in 1978 between his firm and what was then Freehill Hollingdale & Page – at the time deemed highly controversial as well as innovative. The alliance set the firm on its present trajectory, not only becoming the preeminent law firm in Australia, but with ambitions for doing something similar on the world stage which transpired with the establishment of Herbert Smith Freehills.

When David left the firm to join the Western Australian Bar in 1979, the Perth litigation group had an enviable reputation.

David went on to serve on the bench and was the Chief Justice of Western Australia from May 1988 until his retirement from the bench in February 2006. David was a giant of the Western Australian legal profession and an outstanding Western Australian. He served voluntarily on many committees, trusts and foundations.

He will be deeply missed by his many friends and colleagues in the legal profession.
We asked our incumbent Senior Partner and Chair of the firm’s Global LLP Council his views on the current global climate for business, the changes this will compel in the legal market and the opportunities he sees for Herbert Smith Freehills as a result.

I am delighted to have been asked to write for TOGETHER for the first time as Senior Partner. Like my predecessor, Jonathan Scott, I set great store by our engagement with our alumni. We celebrate your time with the firm and enjoy hearing about your progress both within and outside work. And, of course, we like to bring our alumni together in alumni events in cities in all parts of the globe to maintain and grow the network of which we are very proud.

I have taken up my new role as Senior Partner at a time of enormous change for the legal profession. The temptation is to think that change has been thrust upon us unawares and that the profession is struggling to keep pace with it. But, when I think back over the 30 or so years that I have been a lawyer, change has been ever present. What is certainly different is that the pace of change is accelerating.

At the risk of repeating what others have said or written, I would identify three inter-related trends that have the greatest bearing on the legal profession (and, contrary to some, I believe that ours is still a profession, and not only a business). These are: globalisation; competition; and the greater role of the in-house lawyer.

The globalisation of business continues apace. International capital flows are transforming to reflect the changing balance of economic power. There has been a shift from Western internationalisation, generated by corporates and financial entities in the established economies, to one being driven by the emerging and growth economies. As we know from our own business, Chinese, Indian and Brazilian companies, amongst many others, are becoming powerful global players.

Global business has become more complex, as it confronts and navigates political, economic, commercial, cultural and regulatory risk. The financial services sector has borne the brunt of much more stringent regulation, but other industries are facing similar regulatory challenges. We, as lawyers, are well placed to advise our clients on how best to manage those risks.

There has been a redrawing of the boundaries between the state and the private sector, with greater power being vested in the state. There is more regulation, a greater number of regulatory challenges and more investigations. The way the public sector regards business is now completely different, posing further challenges for us as commercial lawyers. Competition between law firms chasing this global business is intensifying. Our merger in 2012 helped us significantly in this highly competitive environment by immediately establishing us as a truly international top-quality law firm. However, just as business in the growth and emerging economies is expanding, so too are the law firms from both established and these emerging jurisdictions. We face competition on a greater number of fronts, and from highly able lawyers the world over.

The rise of the in-house lawyer is the third significant development of particular note. Our major clients often have legal teams running into the hundreds, again complete with highly talented lawyers, who can do much of the work that in the past would have been gone to outside counsel. Some see that as competition, but I don’t. We need to respond by helping our clients resource their legal requirements most effectively. Increasingly, that may involve a combination of in-house expertise and external counsel working with other lower-cost service providers for commoditised work and processes.

As I see it, our focus in this rapidly changing world must be on ensuring that we attract the very best lawyers who are great team members, forging ever closer relationships with our clients,
adapting to and innovating in the highly competitive environment, and making our firm an outstanding place to work. It really boils down to how we serve our clients.

My view is quite simple: that all services firms must align their interests with their clients. We have seen the financial services industry lambasted for not doing so. That is because some thought their purpose was solely to make money and not to provide a great service. Law firms must not fall into the trap, and we certainly don’t intend to make the mistake of losing sight of our clients’ needs.

We are also planning for the long term, continuing to focus on what we think we need to do to be successful. We may not always make the right decisions, but that should not stop us from trying. For me, that is part of the excitement and the challenge. I look forward to staying in touch with our alumni to let you know how we get on. In the meantime, I hope you enjoy reading this edition of TOGETHER.

James Palmer

“Global business has become more complex, as it confronts and navigates political, economic, commercial, cultural and regulatory risk.”