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Inspiration, innovation & integrity: Victor Chu’s lessons in leadership

Lawyer to founder: alumni who are changing the world through tech

LEADING FROM THE FRONT

Former partner Michael Shaw on life as general counsel at the Royal Bank of Scotland
Welcome to the 2017 edition of Alumni Matters. I hope you will enjoy this opportunity to find out about the inspiring paths taken by members of the Herbert Smith Freehills Alumni Network.

As alumni chairman, I am continually impressed by the determination of our alumni to succeed in their chosen endeavours. Many are leaders in their fields, including those who have ventured beyond the law and founded their own enterprises. Here we present a selection of profiles that demonstrate their unique approaches to leadership.

Former partner Michael Shaw, our cover story, reflects back on his early martial arts lessons as the formative period that eventually led to his current role as general counsel at the Royal Bank of Scotland.

Despite Lord Gold’s retirement from his role as senior partner of Herbert Smith, his reputation as a pre-eminent litigator provided the perfect foundation to start his own strategic litigation consultancy.

Kate Jenkins, a Freehills partner in the employment practice for 20 years, discusses her appointment as Australia’s sex discrimination commissioner and efforts to advance gender equality in all areas of life.

Elsewhere, we celebrate the entrepreneurial spirits of our former colleagues. Tan Le, CEO of leading bioinformatics firm EMOTIV, arrived in Australia as a four-year-old refugee fleeing Vietnam. Her immigrant status would ultimately instil in her an uncompromising will to succeed. Like many entrepreneurs, Srin Madipalli’s inspiration behind Accomable, an online platform for accessible travel, was born from personal experience as a wheelchair user. Both Tan and Srin faced significant challenges but were motivated to make people’s lives better through their technology start-ups.

We can all take heart from these inspirational stories which showcase the diversity of our alumni. As a firm, we strive to create a diverse, high-performing culture throughout our offices globally. Not only are we a leading law firm in establishing an inclusive working environment for everyone, we are also recognised for embracing digital innovations, including artificial intelligence, when acting for clients.

There are currently over 4,500 alumni spread across 56 countries and it has been another busy year with events taking place across the world. Alumni gatherings have taken place in Brisbane, Hong Kong, Melbourne, Paris, Perth, Singapore and Sydney. I was personally delighted to see another huge turnout at the Grand Reunion: London 2017. The evening was held at the Spanish-themed Aqua Nueva which, incidentally, was founded by Herbert Smith Freehills alumnus David Yeo.

Alumni Matters celebrates the accomplishments of our incredibly talented people – past and present. I hope it will inspire you to stay in touch with both the firm and the alumni network.

John Farr
Alumni Chairman
From the Senior Partner

The theme of this year’s Alumni Matters – leadership – is one that I, like many of us, have thought much about over the course of my career, and especially in my current role. Many different theories exist about leadership and what makes good leaders. Leadership does not come in one form, but is about helping people to achieve their goals.

I and others in the firm’s formal leadership team, strongly believe that effective leadership is as much about encouraging others to be leaders at all levels of the organisation as it is about setting the direction. Everyone has the capacity and the potential to be a good leader with suitable support and training. This is what we aspire to encourage at Herbert Smith Freehills.

Inculcating leadership, whether formal or informal, at all levels is key to helping us achieve our strategy of being the best at what we do and a group of people all are proud to be part of. We have made huge progress in the past three years and are well placed to capitalise on the opportunities arising in the rapidly changing legal sector. As a firm we have strong leadership including in our innovative approach to delivering legal services; notably through our Alternative Legal Services (ALT), which now employs 350 people in the ALT centres across eight jurisdictions (including the first of its kind with Mandarin speaking lawyers). We talk about a culture of empowerment, which is not yet as fully embedded as we think it can be, that supports our people taking initiatives and showing leadership.

We are also delighted when Herbert Smith Freehills people continue to demonstrate leadership as they move on in their lives and careers – as the examples of alumni in the following pages amply demonstrate.

By nurturing leadership, we aim to offer the opportunity for staff to pursue their potential both inside the firm and after they leave. We share in their success wherever they are and whatever they are doing. But their connection with the firm does not end the moment they leave. They have made their mark, contributed to our progress and, in parallel with others, have helped define what the firm represents. We want our alumni to be proud of their part in shaping both the history and the future development of Herbert Smith Freehills.

Our relationship with former colleagues is also important because those of us still at the firm are the next generation of alumni ourselves. How we respect our alumni will set the tone for how the current generation in the firm will in time be respected for their contributions. When each of us looks back at our time with the firm, we will want to have made our contributions and to aim to hand down to those following us a stronger firm than the one we joined. That principle has pervaded our culture through past generations and I hope will continue into the future.

Alumni Matters is published by Herbert Smith Freehills. The opinions expressed in it are those of the individual contributors and not necessarily those of the firm. Every effort has been made to ensure the information in this magazine is correct at the time of print. The next edition of Alumni Matters will be published in late 2018.

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

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Alumni Reunion, Perth

Energy Alumni Reception, London

Alumni Reunion, Sydney

Banking & Finance Alumni Reception, London

Alumni Reception, Melbourne
Many lawyers, especially partners, worry what they might do after they leave a career in law. They often feel that they still have plenty to contribute, but are not sure whether their skills are transferable. Of course, some are happy to fully retire, and enjoy working on their golf skills. No such anxieties, however, for a former senior partner of Herbert Smith (legacy), David Gold, who hit the ground running when he retired from the firm in February 2011.

David had three separate activities to turn his attention to. Following on from his career as a renowned litigator, David created his own litigation strategy consultancy, David Gold & Associates. “I always felt I was good at being able to analyse disputes strategically, and with an ability to see a clear path to resolving them – cutting to the chase, if you like,” he explains. He enjoyed it so much, and realised that his services were still very much in demand, that setting up his own consultancy was an obvious move.

Also on the litigation front, David subsequently teamed up with another alumus, Robert Rottkopf, in a litigation funding business called Balance Legal Capital. The idea behind this is that the company supports those in need of financial backing to pursue litigation with the potential return of a share in any award the litigant wins in a court case (or in any settlement, if the case does not reach court).

Participating in Balance Legal Capital also taps into David’s litigation expertise. Along with the other investors, he can weigh up the merits of the case – and therefore whether that makes for a good investment – and then he can provide advice on the best course of action as the litigation unfolds. “That is what makes us different from other litigation funders; we don’t just put money in, we advise on the strategy,” David says.

The second string to his bow on leaving the firm was David’s involvement with the UK’s Conservative Party. He had been hired by the party to chair the disciplinary committee looking into the expenses scandal that engulfed the Houses of Parliament in 2009. The following year, he was nominated to become a peer – Baron Gold of Westcliff-on-Sea, to give him his full title – and then became a Conservative peer in the House of Lords.

Thirdly, David was appointed as a “corporate monitor” by the U.S. Department of Justice (DOJ) after BAE, Britain’s largest arms company, had been fined $400m by the DOJ to settle allegations of bribery. In that role, David not only monitored the company’s progress to reform its governance and ethics, he also assisted the company with its change programme so that ethical behaviour became institutionalised. He continued in this role until August 2013.

In the intervening time, David was also appointed by Rolls-Royce to review its governance and compliance procedures (as a condition of the company accepting a deferred prosecution agreement) and was asked by KPMG to review its governance. Most recently, David has been hired to advise Airbus on its compliance with anti-bribery rules.

He has clearly carved out a niche for himself in this area, which is only likely to increase as more businesses come under the spotlight for their governance. For David, the work offers him the chance to delve closer into business operations. “What I most like about this work is that I am on the inside. As a lawyer, you are close, but you are always on the outside looking in,” he notes.

“Back to the beginning”

Of course, while he was with Herbert Smith, David certainly had more than his fair share of interesting cases as an external adviser. When he first joined the firm as a trainee (then known as articled clerks) in 1973, the firm was still in its offices on London Wall, complete with manually operated lifts and its “rabbit warren of offices”.

On qualification, David joined two groups, one headed by the legendary David Natali (a renowned litigator who advised on many high-profile cases over his 45 years with the firm), where he worked on commercial disputes, and the other, led by Robin Smee, dealing with construction cases. Preferring the former to the latter, David made it a condition on being offered partnership in 1983 that he never work on another construction dispute again.

He then created his own group, supported by ‘12 associates, that was instructed in a stream of high-profile cases. Notably, David advised business magnate, Alan Sugar, in his long-running dispute with Terry Venables over ownership of Tottenham Hotspur Football Club. He also acted for renowned chef, Albert Roux, who supplied a hamper each lunchtime break during the court hearing.

“Cutting to the chase”

“I have collected characters.” That is how David (Lord) Gold sums up his career in law and what he has most enjoyed about being a lawyer. Not that his career is anywhere near finished, as he tells Alumni Matters.

“The problem is that for change to happen, there needs to be a ‘burning platform’, which just happened to be the financial crisis of 2007/2008.”

David’s favourite case was the celebrated affair involving tracing the assets of a notorious Spanish conglomerate headed by José Ruiz Mateos. The Rumasa group had been founded in 1961 and had built up businesses in property, wine and banking. By the mid-1980s, the group was so debt-ridden that the Spanish government nationalised it – and that was when Rumasa endeavoured to spirit assets out of the jurisdiction. Under David’s leadership, the firm helped the Spanish government track down and retrieve assets worth hundreds of millions of pesetas (Spain’s currency at the time).

The Rumasa group was so debt-ridden that it was clear that it was on its last legs. The company was ultimately placed into liquidation. Under David’s guidance, the firm helped to liquidate the group and recuperate assets. This was a significant achievement, and one that David was proud of.

“Clearly, this demonstrated David’s leadership, but he does not see leadership as top-down directives; rather he views leadership as an enabler. “Whether as head of litigation or as senior partner, my aim was always to get the best out of people working for me and to encourage each of them to be leaders. I hope I achieved that. To this day, that is my approach to leadership.”

David also acted for renowned chef, Albert Roux, who supplied a hamper each lunchtime break during the court hearing. He was a long-time partner of Hong Kong causing him to be appointed as a corporate director in 1988 of a property company. In 1989, he was appointed as a partner of the firm, where he worked on commercial disputes and the other, led by Robin Smee, dealing with construction cases. Preferring the former to the latter, David made it a condition on being offered partnership in 1983 that he never work on another construction dispute again.

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Warm and extremely affable, Victor Chu is in demand across the world – both for his business acumen and his personal wisdom and experience. Along with founding his own airline, he sits on various university and business councils, as well as advisory boards and those of philanthropic organisations across the globe. He has enjoyed a stint as director of the Hong Kong Stock Exchange and in 2011 was awarded the Global Economy Prize (jointly with former US Treasury Secretary Larry Summers and former European Central Bank president Jean-Claude Trichet) by the Kiel Institute for the World Economy.

He came a long way in his career, but Victor is quick to praise his own father for helping him along the road to success. Indeed, First Eastern Investment Group is an offshoot of the company Mr Chu senior started in the late 1950s. But Victor stresses that his early days as a fledgling lawyer also gave him a unique experience of the business side of law. He started working for Herbert Smith (legacy) in 1980, straight after graduating from University College London, attracted to the firm by its reputation in the field of trusts and litigation, as well as its “strong public duty spirit.”

Two years later he was one of three lawyers sent to Hong Kong. “It was quite unusual for a trainee to be able to persuade the firm to open the first office in Asia,” he recalls, adding that the very act of setting up an office was an invaluable experience. “When you open an office you get exposed to lessons that are more than just the practice of law. You learn how to start the firm. We had to go out and buy dustbins and pencils, engage architects and apply to the Law Society for permission to open.”

Compounding his training in the corporate side of law, where he was helping companies to raise funds and issue shares, starting the venture capital and private equity firm First Eastern was a next logical step.

Victor Chu is an old school entrepreneur with many strings to his bow outside of his main day job – chairman of Hong Kong’s First Eastern Investment Group. But he received his first lessons in business leadership as a trainee lawyer at Herbert Smith. 

THE 3 ‘I’s OF LEADERSHIP

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The mainstream adoption of AI is thought to be only a few years away and, for law firms, investing in such capabilities seems an obvious strategy. But how do clients want their private practice firms to respond to these new and potentially disruptive technologies?

Recast the relationship dynamic
Clients believe that AI tools will lead to greater efficiency and challenge revenue models. Achieving greater efficiencies will enable a broader, more valuable service that helps not only general counsel to implement legal and risk requirements, but has wider appeal in supporting all stakeholders such as the board and business unit leaders. More importantly, AI tools could enhance engagement towards a more collaborative relationship model between firm and client.

Embrace new business models
The productivity of law firms has traditionally been measured in billable hours. In the new legal landscape, productivity may soon be measured in terms of output per hour or value contributed. Technology will be crucial for underpinning this solution-provision model. Rather than technology replacing lawyers, it can make them more productive.

Reshape the talent pool
Businesses expect that their legal advisers should leverage new technologies yet still deliver the brightest human talent. Whilst it is expected that an experienced senior lawyer will be ultimately responsible for legal matters, clients are increasingly reluctant to pay for manual tasks when technological solutions are available. However, if law firms invest more in technology at the expense of human talent, where will the next generation of rainmakers come from? As in-house legal teams become more sophisticated, panel firms must also broaden their expertise. Expectations are that the adoption of AI tools can fast track the development of junior lawyers by enabling them to work more closely with partners on the intellectual aspects of a matter.

Visit www.hsf.com/ai to download the full version of Artificial Intelligence: The Client Perspective

ARTIFICIAL INTELLIGENCE: THE CLIENT PERSPECTIVE

Whilst expectations for artificial intelligence (AI) are at new highs, research conducted by Herbert Smith Freehills reveals that the technology is a means to an end. Clients won’t pay for AI investments but they do want their legal providers to take a lead in offering progressive services and solutions to recast the value gleaned from their relationships.

In global business you have to be up to speed on risks and political changes, but also you have to be sensitive to cultural diversity.

“It humbles you transitioning from a professional adviser into an investor, because as a lawyer you do your best to advise your client. But at the end of the day, the risk is with the client,” he says. “When you become an investor, you’re taking your own risk as well. You need to be a lot more discriminating in what you do, who you meet and how to bet the house.”

Those early days gave Victor the solid grounding that has seen him thrive and gain valuable insight into how to lead a successful business. When asked the secrets of effective leadership, he has his answer down pat.

“There is no one size fits all; it depends on generations and circumstances, but I would give three Ts - the ability to inspire people around you, the ability to innovate, because if you just do what everybody else does, you don’t differentiate, and the ability to instil integrity.”

With these firmly in place a leader should be able to negotiate the pitfalls that come with the territory. Today, Victor points to “speed of change” as one of the greatest challenges the modern business leader can face. “When I first started at Herbert Smith, when you sent a letter out, you didn’t expect a response for at least three or four days. Today when you send an email you get a response in five minutes. And also we are in a global village, you know your competition is just one click away.”

The other important thing to consider is being culturally aware. “We are lucky in the English speaking world,” he says. “There’s a medium of language. But culture is still different. There’s a diversity of culture there. So when you’re in global business, one has to be up to speed on risks. Up to speed on the political change. But also, you have to be sensitive to cultural diversity.”

You also have to be sensitive to the zeitgeist and constantly look for opportunities. “You don’t want to be sleepwalking in strategy,” he warns, adding that he invested in the new airline because he saw a chance to disrupt the industry: “Disruptive factors in the market are real,” he says. “Our airline was a disruptive influence in the Japanese aviation market, but the interesting thing is that the number one airline there partnered with us so it could disrupt itself!”

A global business that includes an airline also implies plenty of travelling, something the Hong Kong-based Victor is trying to reduce. A global business that includes an airline also implies plenty of travelling, something the Hong Kong-based Victor is trying to reduce. The man known for circumnavigating the globe twice in one month says maintaining the travel is still “really eating into my family time,” he says. “I’m not very popular at home right now.”

What do we mean by AI?
AI technology is the simulation of human intelligence processes by computer systems. Such technology can either replace human involvement in a limited way or supplant a human’s capacity to complete a process more accurately. Machine learning and natural-language processing are already impacting the legal sector and The Boston Consulting Group predicts that technological solutions could perform up to 50% of the tasks currently carried out by junior lawyers.

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Kate Jenkins has made human rights and, specifically, equal opportunity for women, her life’s work. As the Sex Discrimination Commissioner at the Australian Human Rights Commission, she’s now in one of the most influential positions in the country, but her passion for equality and fairness began in childhood. It was cemented during her time as lead partner with Herbert Smith Freehills’ Equal Opportunity practice.

There’s a popular inspirational quote: “If she can see it, she can be it.” It refers to the positive effect films like Hidden Figures have in getting young women interested in studying science, technology, engineering and maths (STEM) subjects.

Kate Jenkins would take this one step further. The current Sex Discrimination Commissioner at the Australian Human Rights Commission believes women should not only be shown the possibilities of leadership, but actually be given the opportunity to experience them.

After joining the board of Carlton Football Club, Kate spoke to the captain of their new women’s team, Lauren Arnell, about the importance of her position as a role model for other women. Arnell responded that simply receiving her first lessons in fairness and equality from her mother, who made it very clear that Kate and her two brothers (one older, one younger) would be treated equally.

Right from the start, Kate was aware that behaviours are also far too common and men another.

This awareness grew exponentially when she joined Freehills (legacy) in 1993. She spent over two decades with the firm, during which time her law practice was wide-ranging, working in the private, public and not-for-profit sectors.

“I arrived at Freehills at a time when equal opportunity and human rights laws were just starting to impact corporate clients,” she said. An eventual move to the Victorian Equal Opportunity and Human Rights Commission in 2013 was always going to be a logical step. Nearly three years later she headed to the national body. “My desire to do this work is driven by a desire to make a difference, and a recognition that this role at the Australian Human Rights Commission is uniquely placed to work with others to really make a difference.”

Progress and priorities

Kate is quick to indicate the areas where progress has been made in this space – the laws in place that prohibit discrimination, advancement for women in education, and sexual and reproductive health reforms – but she stresses there is still a long way to go. Particularly in the workplace.

“I don’t think that we’ve seen the progress that many of us expected. Well over half of all law graduates are women, but law firms still struggle to get more than a 25 percent representation of women in partnerships,” Kate said.

Kate has identified three priority areas where representation of women in partnership, and men another.

The second priority is economic security and empowerment for women. “Women are retiring with half the savings of men and are more than twice as likely to live in poverty than men,” says Kate. The third priority comes back to leadership. Australia still has the 1990s problem of there being an under representation of women in CEO positions or on boards.

“I have seen an increasing commitment on behalf of law firms, including at Herbert Smith Freehills, to improve the representation of women in partnerships. But it is also important to ensure that women promoted receive the support they need to thrive in these roles.”

For inspiring leaders, she looks to people like former Chief Commissioner of the Victorian Police, Ken Lay, who would seek the opinions of different people, listen and learn from them, and then be clear and decisive in his actions.

“He made good decisions and he brought people along the journey with him. He was never arrogant in thinking he knew the answer, but then when he made a decision he made sure everyone understood how, why and what their role was.”

Building bridges

Aware that change simply does not happen without significant backing from those currently in leadership positions, Kate established the Victorian Male Champions of Change group in 2015, which has been one of her most effective initiatives. Members of the group sit down with female staff members and talk to them about their working lives and any barriers or challenges they face.

In her experience, once these male leaders actually sit down with each other and hear the personal experiences of female staff members, they’re not defensive. They start getting a real understanding of what the actual problems are.”

Kate has a three-step criteria for shifting the dial on gender diversity in law firms.

First, firms need to get more people engaged, particularly partners and senior staff. They then need to listen and learn. They can learn from their own staff and they can also learn from other sectors. Then comes the hard bit: “they need to do something different to take action.”

“Law firms have done quite forensic analysis of what the barriers are at all levels, and I think that’s incredibly important,” she adds.

“With that information we need action, and not just from the HR team. Given we have so many educated women as lawyers, the fact this is still such a challenge in law firms is just really alarming. At the same time, we know that industries like defence and the public service are getting real traction for change.”

Does she ever feel disheartened by the challenges of her role?

“There are a lot of people who really want to change things now,” she said. “I know this is not something I can fix on my own.”

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In June, US banking institution Morgan Stanley announced the winner of its prestigious annual diversity award. “An award is presented every year to one law firm that has made a significant contribution to building awareness and taking action on diversity,” says Justin. “This year was the first time Morgan Stanley extended its award to Asia since it started in 2007 and so they announced us as the inaugural winner of the Asia Pacific Outside Counsel Diversity Award. They said we particularly stood out to them as living and breathing diversity throughout all levels of the firm.”

Justin is clearly delighted by the award, but shares the story to underline his view of the firm’s attitude to diversity and its leadership in this area. He gives an example of a human resources adviser who has been with the firm for just one year. “This is the first place she’s worked where diversity and inclusion are in the DNA,” he says. And this isn’t new. Justin first worked for Herbert Smith (legacy) as a teenager before he’d even taken his law degree. “I knew it was the firm I wanted to work for,” he says, recounting the excitement of being a junior paralegal in London during the 1980s. Nearly 30 years later, he’s based in Hong Kong in a senior leadership role for the global firm.

“We just celebrated the 10th anniversary of our IRIS Network.”

First mover
He was involved from the very beginning. He says, “I was already very open in Herbert Smith in those days. I thought, ‘I’m going to champion this. I want to be part of the future of diversity in this firm.’ So I got involved and helped set up our network. We were the first to move in this space and we’re still at the forefront, even now.

“I had seen many people come out after they’d been promoted; conversely I’d witnessed a lot of people not come out at all. They were out in their private lives, or they were out to me personally, but hadn’t come out in the workplace. I respected their journeys, absolutely. They had come through at a very different time to me. I thought, ‘I’m lucky. I’m of a generation that doesn’t need to hide one’s sexuality.’ At the firm I was actually surrounded by people who were very supportive. And it really grew from there.”

Rainbow allies
But how does this support actually manifest itself? “On the one hand we’ve got incredibly active diversity networks across the globe and across the firm,” says Justin. “Those are all different streams including gender, multiculturalism, ability and the Iris Network. So the networks are vibrant. Most people in the firm will be involved in a diversity network or a diversity stream in some shape or form.” And this is key: “I often find the straight allies are the most powerful advocates for what we’re trying to do. The Allies Program has been something we’ve really focused on. When you get one of the straight male partners coming into your room saying, ‘I’m coming to the Hong Kong Pink Dot event on Sunday with my daughter’, you still get ‘wow’ moments. You still get the goose bumps, thinking, ‘That is really good of you.’ I walk around the office here in Hong Kong and 50% percent of the staff have got a Rainbow Ally sticker on the window.”

“Leadership in Diversity”

Justin adds that in his leadership position, he is held accountable on the diversity objective. The firm’s global diversity and inclusion group ("GDIG") is chaired by the CEO and acts as an advisory body to the Global Executive – he explains that he gives a presentation to the GDIG annually to outline the initiatives that he’s worked on throughout the year, what’s gone well, what needs to be reviewed, and what other new opportunities there may be looking ahead.

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Justin is clearly delighted by the award, but shares the story to underline his view of the firm’s attitude to diversity and its leadership in this area. He gives an example of a human resources adviser who has been with the firm for just one year. “This is the first place she’s worked where diversity and inclusion are in the DNA,” he says. And this isn’t new. Justin first worked for Herbert Smith (legacy) as a teenager before he’d even taken his law degree. “I knew it was the firm I wanted to work for,” he says, recounting the excitement of being a junior paralegal in London during the 1980s. Nearly 30 years later, he’s based in Hong Kong in a senior leadership role for the global firm.

“We just celebrated the 10th anniversary of our IRIS Network.”

First mover
He was involved from the very beginning. He says, “I was already very open in Herbert Smith in those days. I thought, ‘I’m going to champion this. I want to be part of the future of diversity in this firm.’ So I got involved and helped set up our network. We were the first to move in this space and we’re still at the forefront, even now.

“I had seen many people come out after they’d been promoted; conversely I’d witnessed a lot of people not come out at all. They were out in their private lives, or they were out to me personally, but hadn’t come out in the workplace. I respected their journeys, absolutely. They had come through at a very different time to me. I thought, ‘I’m lucky. I’m of a generation that doesn’t need to hide one’s sexuality.’ At the firm I was actually surrounded by people who were very supportive. And it really grew from there.”

Rainbow allies
But how does this support actually manifest itself? “On the one hand we’ve got incredibly active diversity networks across the globe and across the firm,” says Justin. “Those are all different streams including gender, multiculturalism, ability and the Iris Network. So the networks are vibrant. Most people in the firm will be involved in a diversity network or a diversity stream in some shape or form.” And this is key: “I often find the straight allies are the most powerful advocates for what we’re trying to do. The Allies Program has been something we’ve really focused on. When you get one of the straight male partners coming into your room saying, ‘I’m coming to the Hong Kong Pink Dot event on Sunday with my daughter’, you still get ‘wow’ moments. You still get the goose bumps, thinking, ‘That is really good of you.’ I walk around the office here in Hong Kong and 50% percent of the staff have got a Rainbow Ally sticker on the window.”

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LEADING FROM THE FRONT

Being a general counsel is, Michael Shaw believes, the ultimate position for a lawyer wishing to use their skills in a fast-changing and varied environment. He certainly has his work cut out as the group general counsel of the Royal Bank of Scotland. Humility and a willingness to learn are the keys to good leadership, he believes.

As a keen Japanophile, Michael Shaw at one time studied and practised karate. In awe of the sensei (the teacher), he admiringly made the comment that with his black belt he, the sensei, could be confident of his expertise. “Not at all,” came the swift retort. “Being a black belt means you have enough knowledge to know how ignorant you are, by which I understood him to mean that you can always carry on learning and improving.” For Michael, this was a salutary lesson, and he has sought to adopt that attitude throughout his career.

After studying law at the University of Cambridge, Michael joined Clifford Chance as a trainee, which included a life-changing period of six months in Tokyo. There, he met his future wife and also expanded his knowledge of Japanese culture (including his interest in martial arts).

After spending a couple of years in their corporate team, he moved to Herbert Smith (legacy) in the early 1990s, at the height of a recession. He found himself working with and learning from a number of very talented colleagues, including the current senior partner, James Palmer. “I was then only a young lawyer and James was just a couple of years older, but it was clear that he was accomplished beyond his years,” Michael remembers. “It was very instructive and hugely enjoyable to work with him.”

As was typical at the time for corporate lawyers, Michael worked on a variety of deals across a broad range of industries and matters. But with the increasing specialisation of practitioners over the decade, he came to focus on mergers and acquisitions and equity offerings. Every young transactional lawyer looks forward to the first major deal they get to lead. In Michael’s case, this was a deal involving upstream exploration company Energy Africa, which was being demerged or “spun off” from its South African parent, Engen, and listed on two stock exchanges. Not only was the deal very international and long-lasting (12 months from start to
Just as the deal finished, Michael was asked by Richard if he would be interested to do a secondment at the Takeover Panel. So it was then, in 1996, Michael became one of the three secretaries to the Panel, an experience that was much to his liking. This was the second half of the 1990s, when there was a lot of takeover activity. What Michael liked most of all was the chance to work alongside other types of professionals in much more depth than any individual transaction allowed. “The key thing was that I got to mingle with, and learn from, people from different disciplines and we had vigorously debates from different perspectives which I found hugely stimulating.”

On the ascent

After the two-year secondment, Michael returned to the firm, this time as a partner. He continued to develop his practice over the next 11 years, eventually leading one of the corporate groups.

A second pivotal deal then came his way in 2008 when Michael led on the corporate finance dimensions of EDF’s takeover of British Energy, the owner of the country’s existing nuclear power stations. In addition, the transaction involved establishing a joint venture to build a new generation of power stations, initially with Centrica joint venture to build a new generation of power stations, initially with Centrica and eventually with a Chinese state-owned company. An extra layer of complexity was added with the need to find some way of financing part of the enormous takeover despite the scarcity of finance at the height of the post-Lehman banking crisis. The team created a novel instrument which proved to be the key to winning the support of Invesco, a lynchpin British Energy shareholder, and with it, unlocking the takeover itself.

“I thought I would never be able to top that EDF deal, and that triggered thoughts about what I should do next. Though I loved being at Herbert Smith, I felt drawn to seeking an in-house role,” Michael explains of his next move.

By happy chance, the deputy group general counsel role had recently become available at Barclays following a move within the organisation by Michael’s immediate predecessor at the Takeover Panel. The then general counsel was also known to Michael from his days at Clifford Chance. However, Michael was unsure whether his experience as a corporate lawyer was what Barclays were looking for. He anticipated they may want someone with greater knowledge of the banking sector.

Nonetheless, Michael joined Barclays in September 2009 following a lengthy series of testing interviews. Thereafter, not only did Michael put his corporate expertise to work, he was involved in a wide variety of areas, including, as might be imagined, a considerable amount of litigation and investigations and became much more familiar with the world of banking regulation.

Was he not alarmed about having to advise on areas of law with which he was not familiar? “Almost daily at the beginning,” Michael responds, “but I thrived on that challenge and responsibility and enjoyed dealing with the Board and senior executives in an organisation of that size and complexity. The range of work was very stimulating for an adrenaline junkie, as I am! More than that, I learnt about myself and came to a lot of realisations which, on reflection, prepared me well for my current role.”

Practising new areas of law was not the only adjustment Michael had to make. He also had to get used to a change of working environment, as he explains: “There were some difficult times: when you go from a close-knit partnership which had been home for so long to a corporate organisation, where hierarchy is much more ingrained. You lose the sounding board and the familiarity of a partnership.”

After six years (which passed “in the blink of an eye”), Michael was faced with another career choice: should he stay on at Barclays despite the top job having changed hands only two years earlier and see what opportunities opened up or put all of his energy and time into finding the right next role? At the end of 2015 he decided to leave Barclays, arranged a smooth handover of his role and then took a well-earned break with his family in Japan.

Come spring 2016, Michael learned that the general counsel position with the Royal Bank of Scotland (RBS) would become vacant. When he discovered that RBS was handling the process of recruitment internally, not through headhunters, he made contact and was greeted with the encouraging response that the bank was on the verge of inviting him to apply.

For Michael, this was a dream job. This might seem counterintuitive given the dramas which RBS have been through since the financial crisis, in the wake of its decision to acquire ABN Amro and then following the UK government bailout (RBS is still 71 per cent state owned). But that was exactly the challenge that Michael was looking for.

Sign of strength

As with Barclays, Michael enjoyed dealing with fresh issues as they arose and using his knowledge and experience to find the best way to resolve them. “As general counsel, the legal buck stops with you, but the issues the bank is facing include some of the most interesting legal challenges around anywhere.

“This bank has been through very difficult times. It has delivered strong results for nine straight years, but here is the good news: we declared a profit for the first quarter of this year, and we are a long way into the process of clearing legacy issues. While we are not at the finishing line, the line is definitely in sight!”

Before he heads off, Michael reflects on what he sees as being good leadership.

“An important part of leadership is being able to motivate others. This means leading from the front, but also, crucially, motivating people. That has become an increasing focus for me as the years have gone by and especially since moving in-house. It is one of the most rewarding but challenging aspects of the role.”

Michael continues: “Another core role of a leader is to provide opportunity for those under him or her to develop and progress. People will respect you if they know you are looking after their best interests and want them to do well. That may seem obvious, but, in my experience, is often overlooked.”

Finally, Michael returns to the lesson of his karate teacher – to recognise that you don’t have all the answers. “Leadership also means having the judgment to ask for advice from those around, and to realise that this is not a sign of weakness, it is a sign of strength.”

“An important part of leadership is being able to inspire.”
Leadership and Development

LEADING BY EXAMPLE

Herbert Smith Freehills understands that an important element of providing exceptional client value is to develop a culture of leadership within our firm. We also help our clients to build leadership capability and lead change within their own organisations. We caught up with Anthony Kearns to find out about his perspective on leadership and the key challenges the firm has helped our clients overcome.

As a professional services firm we want to continue to provide exceptional legal advice to our clients and work closely with them to help improve their performance and leadership capabilities within their respective organisations. The firm has a number of people in business services with remarkable expertise in developing business and leadership capabilities.

Anthony Kearns sees himself as “a humanist and a pragmatic optimist” who believes we are not even close to realising the full potential of human systems. He spent six years of his working life as a lawyer but it is his diverse background as an athlete and coach, research scientist, educator and executive that has led him to his enduring interest in human performance and leadership.

He spends his days working with the firm’s leaders and in-house legal teams of our strategic clients enhancing their performance and developing leadership capabilities. He says that the commercial world is in the grips of an accelerating revolution driven by technology, declining productivity and minimal opportunities for growth.

In order to manage increasingly complex challenges and remain relevant, Anthony believes it is important for lawyers to loosen their attachment to precedent, accept risk and failure as part of adaption and embrace a diversity of inputs. Only then can we truly foster creative thinking and the innovation required to succeed tomorrow. This is going to require a significant shift in mindset and exceptional leadership.

One of Anthony’s prime areas of interest is in working with general counsel, as they are at the intersection of the legal profession and the institutions it serves. “I think that’s where a lot of these tensions really manifest themselves quite explicitly and the imperative for change is most apparent. “In-house lawyers have often come from large law firm environments and when they move in-house they are quickly exposed to significant commercial complexities. They enter as part of the business services function and encounter different cultural and leadership expectations. They’re now not only measured on the quality of their advice, but also on their ability to deliver results and influence change at an organisational level.”

It is this challenge that Anthony feels compelled to help in-house lawyers to face. “Society is more dependent than ever on the leadership of lawyers within organisations. Not only do we need them to be able to advise their respective organisations of the need for change, but they need to be ready to lead it.” One thing Anthony is emphatic about is “this type of leadership cannot be taught in the traditional sense. What we can do is help them to be more effective in leading change within their organisations once they have decided they want to make a difference.”

Leadership

This begs the question: how is it learned? And what are currently considered the tenets of good leadership? Anthony believes the first thing modern leaders need is the capacity to acknowledge and work with complexity. Adaptability and cognitive agility are key. The age of the individualistic, charismatic and even the transformative leader is dead and we now need leaders who are facilitators of continuous change in genuinely complex systems where the path is unclear and the risks are high.

“Leadership emerges when the circumstances and people’s values and energy collide and they decide that there’s something important to be done. This is less to do with role or seniority than it is to do with energy.” Anthony’s role therefore is to surround these collisions with opportunities to reflect and build capability.

When meeting with in-house teams, he first aims to create a space around important work, one where he aims to create sufficient safety for aspirant leaders to question their own assumptions and beliefs. Most important for lawyer leaders is supporting the development of sufficient cognitive and emotional agility by observing and reflecting on the relationship between their own thoughts, emotions and behaviour. “A paradox of leadership can often be when the things leaders want to achieve tend to be really important, but this attachment and the associated emotions can drive unproductive behaviours,” he says.

In the end, Anthony’s philosophy of leadership comes down to a series of questions: Can you let go of certainty and embrace complexity? Can you observe yourself in action? Can you hold your assumptions and beliefs more lightly and adapt your thinking? Can you assimilate different inputs into your working models? Can you accept a diversity of values and ways of being in other people so that together you can achieve great things? Are you a pragmatic optimist?

“If you are able to answer ‘yes’ to all these questions, the rest is a matter of deliberate practice.”

Anthony Kearns, Managing Consultant, Performance and Leadership

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Kate has always been interested in what makes leaders effective. And perhaps for a simple reason. “I like being in charge,” she jokes. Kate was “an accidental lawyer” to begin with. An interest in humanities and the experience of a summer clerkship saw Kate join the firm in Sydney as a graduate lawyer in the early 1990s, “but despite some great mentors and projects, the truth was that a lot of the day-to-day work as a lawyer didn’t inspire me enough. Being a junior lawyer was an introverted pursuit and what I loved was managing projects and collaborating with people.” Accordingly, she left the firm and transitioned to human resources, later returning to Herbert Smith Freehills in an HR management role, then joining Baker McKenzie as HR Director. In late 2015, she took the plunge and started her own company, Florissant Consulting, specialising in strategic people consulting, workplace conflict resolution and executive coaching.

In Kate’s experience, commercially successful teams are generally those whose leaders bring out the best in others. She also knows the costs of poor management and conflict, including reduced productivity and wellbeing. “Of course, leadership requires vision, drive and skills, but you achieve most of your outcomes through the work of others.” Multiple disruptors are affecting the legal industry, including the rise of artificial intelligence, but “at its core, client relationships are built, problems are solved and most of the work is carried out by people”.

Kate explains that in her leadership workshops, people regularly describe the managers and leaders they admire as “someone I can trust, who is good at what they do, but who also cares about me as a person”. So leadership is about prioritising both business objectives and the human side of the equation. “I fundamentally believe that approaching leadership with generosity and humanity is integral to achieving commercial objectives.”

“Good leadership is not complex to understand, but it’s hard to do.” She explains that we are creatures of habit in our behaviour, communication and thinking. “If we’ve been trained to be the expert, we might be in the habit of thinking we are always right.” Sometimes our old habits of communication and behaviour cease to serve us as we take on more senior roles.

Building trust

So what do we do when our tried and tested methods of communication and navigating the world begin to fail us? If we see that someone on our team is floundering and looking to us for advice, how do we best guide them?

“A critical quality is willingness to hear and understand other people’s perspectives in order to make informed judgements about what you do.” Leadership is about clear direction balanced by empowering others through open questions, optimism and listening.

Kate explains that listening is particularly important in situations of change, conflict or stress. “We are particularly susceptible to misunderstanding when we feel threatened or things aren’t going well. Really listening to understand builds trust, and when trust is high, everything becomes quicker and easier – whether with our clients or colleagues.”

This is all easy enough to say, of course, but between billable hours, heavy commercial responsibilities and high-pressure situations, managing relationships is challenging. But there’s no excuse not to try, says Kate. “My key advice to all leaders and managers is to focus on your relationships as much as your tasks. When we lead others, a huge part of what we do is deal with their work experiences and their life experiences. We have to respond to their needs, not just drive our own agenda. That’s part of the job. As organisations, we have to allow leaders the space and time to do that.”

Top five tips for successful leadership:

- Build trusting relationships through genuine listening
- Know and work to your strengths – and those of your team members
- Be optimistic – it leads to better team outcomes
- Value and embrace diverse perspectives, even if it is feels uncomfortable
- Give feedback frequently, and learn how to give it well
Most lawyers engage with business in one way or another every day. Clients expect them to understand their businesses in order to deliver the best legal advice. For some, they become interested enough to start up their own businesses. Alumni Matters spoke to two alumni who have done just that.

Tan Le, who trained with Freehills (legacy), and Srin Madipalli, who trained at Herbert Smith (legacy), have each embarked on extraordinary businesses that are truly having a major impact on people’s lives.

The motivation for starting up their own companies stems in large part from their own personal circumstances.

Tan’s story is astonishing in itself. Forced to flee Vietnam by boat as a four-year-old with her mother and grandmother in 1981, she was the only law firm that showed interest in my personal growth and development.” She went on to qualify with the University of Oxford, after which she was awarded the prestigious Young Australian of the Year Award in 1998.

After studying law and commerce at university, Tan had her pick of law firms with whom to do her training, but opted for Freehills “because they, and particularly Paul Montgomery, the managing partner at the time, were the only law firm that showed an interest in my personal growth and development.” She went on to qualify in 2000.

Srin also started life at a significant disadvantage, being born with spinal muscular atrophy, which means he is confined to a wheelchair. Not that he sees this as a disadvantage — indeed, he has gone through life determined to overcome what others might view as a disability. “I am conscious about how people perceive me,” Srin explains. “My approach has always been to blow those perceptions out of the window through sheer force of ability. Whatever I do, I make sure I excel!”

After focusing on scientific subjects as a student, particularly genetics and biochemistry, Srin decided that academia and industrial research were not for him. The lure of the City of London had much more appeal, and law also attracted him “because it is fundamentally intellectual.”

Srin applied to several law firms, and, as with Tan, he chose one (Herbert Smith, as it was then known) that was as much interested in him as an individual as his university grades. He also appreciated the fact that no allowances were made at all for his disability. He had to get in purely on merit. “My aim was to be treated like everybody else. I don’t want to be the beneficiary of positive discrimination. Herbert Smith got that.”

“Opportunity knocks”

Srin joined in 2008 and qualified into the real estate practice in 2010. He worked on a succession of major deals and was content with his lot. However, he was developing a passion for technology. “I wanted to be part of creating that future.”

Tan left Freehills in 2000. After a brief foray into a dotcom start-up venture, she then got a lucky break with the application of texting technology. SMS was an underserved, but potentially powerful form of communication and more efficient way of involving huge numbers of people, she reckoned.

She soon found a perfect opportunity to put the principle to test. This was a popular TV show on Australia’s Channel 9 called The Footy Show. The episode was “Player of the Year”, where people would vote for their choice. By introducing the SMS option, the numbers of people voting multiplied by thousands.

Tan’s focus then shifted to what she has called the “fast frontier of technological advance”. This was “human augmentation”, the object being to develop technology that transfers instructions from the brain to digital media. For example, the technology might enable someone to use their thoughts to direct a wheelchair’s movements. The scope for potential applications was huge.

Additionally, Tan wanted to explore how technology could help address — and therefore counteract — neurological disorders, which are becoming more common as we all live longer. “Our goal was to invest in our cognitive health, and in technology to help achieve that, to accelerate brain research on a global scale, and to help improve our brains so that people can lead better lives as they get older.” Tan explains. The company founded by Tan in 2011 is called EMOTIV Inc.

Srin also recognised that he would have to break away from his career in law. As he puts it, “I realised that the life of a solicitor was not suited to my personality. I enjoy taking risks, which may not necessarily work in large structures such as law firms.”

After he left Herbert Smith in 2012, Srin studied for an MBA at the Said Business School, University of Oxford, after which he held a variety of positions – some voluntary and some paid – including working for the University in the technology transfer office. As he continued to write his blog, he also learnt coding (“lawyers would make fantastic software developers, because there is a lot of overlap in terms of logic and structuring,” he says) and started developing websites on commission. It was therefore not a great leap to develop his own website for a new business.

His chosen business and website is called Accomable. The idea was to have an online site lists of accessible properties for those with mobility difficulties anywhere in the world. The mission was simple and thoroughly commendable — “to enable anyone to go anywhere”.

The secret, Srin believed, was to test the properties himself. “My only costs were food and water because most of the property owners let me stay there for free, but I had

“I was enthralled by digital technology... I wanted to be part of creating that future.”

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to go out and not be afraid of reactions. I would do a lot of cold calling and knocking on people’s doors. That worked because I knew that if the properties were up to scratch for me and the service was good, they would work for everyone in my position. I am my own toughest customer.”

The path to growth

The new venture, which Srin started with a friend, got an initial burst of funding after they won a competition run by the University of Edinburgh. “Qualifying in 2007, his first job was as an associate with the Herbert Smith Freehills litigation team in Paris. This gave him an excellent grounding because of the ‘huge interesting cases’ and the calibre of his colleagues. After two years, he followed his mentor Emmanuel Buret – “a brilliant lawyer who taught me so much” – when she left to become a partner at Vivien and Associates. Raphael saw an opportunity to test himself in a medium-size domestic firm. Following a stint as in-house legal counsel for HSBC, working on their mentorship, he was soon overseas again: “My partner had the opportunity to work in Shanghai. I knew it would be difficult to find a job there as I’m a French qualified lawyer and didn’t speak Mandarin, but we took the plunge.”

While he greatly valued his experience working as legal counsel in a Chinese law firm, after 14 months he returned to Herbert Smith Freehills in Paris. “I wanted to feel the excitement and energy of being a litigation lawyer again,” says Raphael. Working in China had broadened his horizons in the area of business development and he welcomed the opportunity to hone these skills on familiar turf.

But what is it about the firm that called him back? “They are always very enthusiastic in the way they work. What attracts me also is their connection between offices and teams. Since joining, I have had the chance to travel in Egypt, the Democratic Republic of Congo and Algeria.”

Raphael is delighted to be in the Paris office again. “When I came back here, I felt like I was coming home. The very pleasant, supportive and inclusive work environment here is important to me.”

―Part of the reason I re-joined the firm was to focus on energy.‖

“Part of the reason I re-joined the firm was to focus on energy.”

Rising Sun

Monica Sun has boomeranged full circle with the firm throughout her career; from Beijing to Hong Kong, to the UK and US and back to Beijing.

―When I came back to Herbert Smith Freehills, I felt like I was going back home.‖

“When I came back to Herbert Smith Freehills, I felt like I was going back home.”

Raphael was always intrigued about practicing law from different perspectives and cultures. “I’d always wanted to study abroad and see how different legal systems work. My studies at University College London and the University of Edinburgh were the best years of my student life,” he says. Qualifying in 2007, his first job was as an associate with the Herbert Smith Freehills litigation team in Paris. This gave him an excellent grounding because of the “hugely interesting cases” and the calibre of his colleagues. After two years, he followed his mentor Emmanuelle Buret — “a brilliant lawyer who taught me so much” — when she left to become a partner at Vivien and Associates. Raphael saw an opportunity to test himself in a medium-size domestic firm. Following a stint as in-house legal counsel for HSBC, working on their mentorship, he was soon overseas again: “My partner had the opportunity to work in Shanghai. I knew it would be difficult to find a job there as I’m a French qualified lawyer and didn’t speak Mandarin, but we took the plunge.”

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But what is it about the firm that called him back? “They are always very enthusiastic in the way they work. What attracts me also is their connection between offices and teams. Since joining, I have had the chance to travel in Egypt, the Democratic Republic of Congo and Algeria.”

Raphael is delighted to be in the Paris office again. “When I came back here, I felt like I was coming home. The very pleasant, supportive and inclusive work environment here is important to me.”

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Monica Sun has boomeranged full circle with the firm throughout her career; from Beijing to Hong Kong, to the UK and US and back to Beijing.

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Raphael was always intrigued about practicing law from different perspectives and cultures. “I’d always wanted to study abroad and see how different legal systems work. My studies at University College London and the University of Edinburgh were the best years of my student life,” he says. Qualifying in 2007, his first job was as an associate with the Herbert Smith Freehills litigation team in Paris. This gave him an excellent grounding because of the “hugely interesting cases” and the calibre of his colleagues. After two years, he followed his mentor Emmanuelle Buret – “a brilliant lawyer who taught me so much” - when she left to become a partner at Vivien and Associates. Raphael saw an opportunity to test himself in a medium-size domestic firm. Following a stint as in-house legal counsel for HSBC, working on their mentorship, he was soon overseas again: “My partner had the opportunity to work in Shanghai. I knew it would be difficult to find a job there as I’m a French qualified lawyer and didn’t speak Mandarin, but we took the plunge.”

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“I was interested in areas like data privacy and smartphone transactions when they were less topical and seen as minor niches.”

After a number of interesting moves between private practice and in-house roles, David now occupies the much-coveted position of associate general counsel and director of legal for EMEA at Snap Inc. London office. Headhunted at the end of 2016 as the first non-U.S. legal counsel, David has a key role in one of the fastest growing tech companies in the world. Snap Inc, he was the general counsel for Comic Relief, the hugely successful charity that runs Red Nose Day in the UK. There, David led the legal team responsible for advising on everything from fundraising and consumer-facing issues (such as marketing law and data protection) to business-to-business matters (such as production contracts with the BBC), as well as regulatory compliance and employment. David was also closely involved in the organisation’s governance, as company secretary and advisor to the trustees.

David’s work at Snap, he says, is a testament to the formal training and mentoring but also the informal learning and development – not to mention his prodigious work ethic – that are fostered within the firm. It’s there in the formal training and mentoring but also the kind of creative licence that enables you to operate outside your comfort zone and it’s a key attribute that is fostered within the firm. David remains eternally grateful for his time with Herbert Smith Freehills, when they were less topical and seen as minor niches,” he explains. “But the firm had a fantastic TMT group, and I learnt a huge amount from partners Chris Rees and Nick Elverston. At the time, the buzz was around ‘convergence’, the coming together of the telecoms, media and technology sectors, and I wanted to be in the thick of it.”

David, now supported by a team of associate general counsel and director of transaction management skills, while his periods in-house have given him a deeper understanding of the businesses he advises. Oscillating between private practice and in-house roles, of course, puts him in an ideal position to know what he wants from his external counsel. “The only advice worth giving is advice that enables the in-house lawyer to make a proper risk assessment. I don’t expect my external counsel to make risk calls for us, but to offer any value, advice must provide enough relevant insight to allow an informed business decision to be made.”

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Europe. Navigating the fast-changing regulatory environment is another key area of focus. Consumer protection and data privacy issues are top priorities, especially with the EU’s General Data Protection Regulation coming into force in 2018. His team also handles some of the company’s real estate transactions (Snap moved into new UK offices in London’s Soho last year and has opened several new spaces across Europe and the Middle East) and advises on the local legal aspects of product launches. One of the company’s recent products are video sunglasses that incorporate a tiny camera and a microphone, simply called Spectacles.

David is used to high-profile roles. Before he moved to Snap, he was the general counsel for Comic Relief, the hugely successful charity that runs Red Nose Day in the UK. There, David led the legal team responsible for advising on everything from fundraising and consumer-facing issues (such as marketing law and data protection) to business-to-business matters (such as production contracts with the BBC), as well as regulatory compliance and employment. David was also closely involved in the organisation’s governance, as company secretary and advisor to the trustees.

Tech aficionado

Prior to that, David was a director in Fieldfisher’s technology, outsourcing and privacy team. That firm’s tech and media focus helped him build his expertise and reputation advising at the forefront of those sectors. David had previously spent several years at BBC Worldwide, starting in the global TV channel business before moving to a team that concentrated on digital media and technology.

All of which takes things back to David’s time at Herbert Smith Freehills. “What has really stuck with me is the expectation of excellence that is fostered within the firm. It’s there in the formal training and mentoring but also embedded in the culture. That gives you the best foundation any lawyer can have, and underpins how you draft documents and support clients throughout your career. It also gives you the fearlessness to take on the most challenging work.”

Best of both worlds

David remains in touch with the firm, both on a personal and on a professional level (he has instructed Tara Grossman, who was in the same trainee intake as him, on some employment issues).

As he looks back on his career to date, David believes that his alternation between working in-house and private practice has given him the best of both worlds. In private practice, he has gained the technical expertise and transaction management skills, while his periods in-house have given him a deeper understanding of the businesses he advises. Oscillating between private practice and in-house roles, of course, puts him in an ideal position to know what he wants from his external counsel. “The only advice worth giving is advice that enables the in-house lawyer to make a proper risk assessment. I don’t expect my external counsel to make risk calls for us, but to offer any value, advice must provide enough relevant insight to allow an informed business decision to be made.”

A love of language, fascination with technology and a near-obsession with learning and development – not to mention a prodigious work ethic – have motivated David Lewis through a career that now sees him head the EMEA legal team at Snap Inc., the company behind the widely popular camera app, Snapchat. “I relish operating outside my comfort zone,” he says.

“These are the personal and professional skills that I want to be able to rely on throughout my career.”

David’s role as director for EMEA adds to his experience and understanding of international operations, as well as the local legal aspects of product launches. One of the company’s recent products are video sunglasses that incorporate a tiny camera and a microphone, simply called Spectacles.

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Our vision is to be a world class professional services business bringing together the best people to achieve the best results for clients. Key achievements over the past year have contributed to global recognition for our cutting-edge expertise across a wide range of sectors and markets.

CEO appointment
Mark Rigotti appointed as the firm’s sole Chief Executive Officer.

Malaysia office
The firm announces plan to open an office in Kuala Lumpur. Led by disputes partner Peter Godwin, the office opens for business in May.

Financial Times Innovative Lawyer Awards
The firm wins in the categories of Innovation in Legal Expertise and Innovation in Social Responsibility.

Adam Johnson awarded Queen’s Counsel
Commercial litigator is recognised for excellence in written and oral advocacy in the higher courts.

Asia Pacific Firm of the Year
Chambers Asia-Pacific Awards

Top Employer for Women
The firm is named in The Times Top 50 Employers for Women for the third year in a row.

Most Innovative Law Firm
FT Asia-Pac Innovative Lawyers Awards

Inside Arbitration
The third issue of our flagship global arbitration publication launches.

Inside Construction and Infra
The first issue is published, offering fresh perspectives on global construction and infrastructure disputes.

Community Engagement Awards in India
The firm launches initiative to showcase the impact of social projects being spearheaded by law students across India.

Morgan Stanley Diversity Awards
Inaugural winner of the Asia Pacific Outside Counsel Diversity Award

Law Firm of the Year
Australian Law Awards

Partner promotions
Twenty-one lawyers are promoted to the global partnership.

Strong Currents: Navigating the Post-Brexit Energy Market
Our report, in collaboration with The Boston Consulting Group and Global Counsel, analyses the range of Brexit impacts on the energy sector.

Global Pound Conference series
The series concludes having spanned 28 worldwide conferences. The firm is proud to be at the forefront of identifying trends and cultural preferences in shaping the future of commercial dispute resolution.

Australia’s Best Infrastructure Project
Infrastructure Partnerships Australia’s National Infrastructure Awards

Trade Post-Brexit: Charting a New Course
In collaboration with The Boston Consulting Group and Global Counsel, our report helps business leaders prepare for the sharp shift in the UK’s relationship with the EU.

Inside Construction and Infra
The first issue is published, offering fresh perspectives on global construction and infrastructure disputes.

AL T opens in Johannesburg
The firm’s Alternative Legal Services team opens its 8th centre, the first of its kind in South Africa.

Crisis Prevention and Management
The firm is recognised at the EVCOM Screen Awards at BAFTA for our film Magnum Opus, which simulates a crisis to help organisations create and tailor response strategies.

Australia’s Best Infrastructure Project
Infrastructure Partnerships: Australia’s National Infrastructure Awards

Top Law Firm in Client Service
A passion for sport and stadiums with a tendency to relish a challenge have been the driving forces in Payvand Vahdat’s career. This, together with his time at Herbert Smith Freehills and then Freshfields working as a lawyer, led him to his current position, associate general counsel with the Supreme Committee for Delivery & Legacy (Qatar 2022), based in Doha.

**A VIEW FROM… Qatar**

What drew you to working in the Middle East and with Qatar 2022?

Qatar 2022 was a client of Freshfields in 2011. They won the 2022 FIFA World Cup bid in December 2010. The first thing they had to do was establish a committee to effectively deliver the World Cup. A lot of people would generally take a deep breath and revel in the moment, I think they did that for a month or two, but by April 2011 things progressed and they established the SC (Supreme Committee). Then in June, Freshfields was asked to come to Qatar and advise the SC on a significant procurement for a delivery partner. Once that was completed in February 2012, I was asked whether I would be interested in staying, and the rest, as they say, is history.

Was it an easy decision to make?

From a timing perspective and where I was at with my career, it worked well. I initially started out on a secondment, so it gave me the opportunity to get a feel for an in-house environment. Midway through the secondment I was confident that it was the right move. I took a short break for a couple of months before hitting the ground running here with my family in September 2012.

Did you find it a big culture shock moving to the Middle East?

Yes and no. When we moved to the region, we’d only previously been to Dubai and, at the time, my wife and I were like those big-eyed tourists. We have since found that the Middle East is an amazing place to live, particularly
“At the time, we had approximately 3,000 workers on our sites. Now we have in excess of 15,000 workers and that number will rise to close to 40,000 at the peak of construction.”

for people with young families. The scale of the projects taking place and the rate at which everything is developing still amazes us. Culturally thought, being of Middle Eastern heritage, there’s a sense of understanding. I think the two cultures (Arabic and Persian) in some ways are quite similar. We have an appreciation for the culture, so this has made it easy for us to assimilate.

What has been the most different or challenging part of practising in Doha?

Law firms in the Middle East, particularly at that time, were quite small. Comparing that to when I joined Herbert Smith Freehills, where we had more people to bounce ideas off, the challenge I experienced to begin with was the lack of support available – be that support services or word processing. So we inevitably had to become more resourceful and resilient.

I also recall a deal I was working on from the first day I landed, which was a $400 million finance project. The sheer scale of the projects blew me away. Then the next few projects included a 42-kilometre bridge for $5 billion, an oil and gas joint venture for $20 billion and a $50 billion social infrastructure investment program in Libya. I also had the added complexity of now working in a civil law jurisdiction. Prior to starting in the Middle East, I only had experience practising in common law jurisdictions, so I needed to change my perspective and learn the local laws.

There were a lot of challenging moments initially and, just when you think you’ve got a grip on it, you realise you’re on a continual learning curve.

What do you love about your job?

I have an interest in and passion for sports. I’m a stadium junkie. Before I came here, any opportunity I could get to travel, I would research stadiums and go and see them. I pinch myself sometimes; I’m a lawyer passionate about sport and stadiums and suddenly there’s a role available for me to lead the legal team of an infrastructure division responsible for delivering stadiums for a FIFA World Cup. I believe I was just lucky to be at the right place, at the right time.

Qatar 2022 has experienced some controversy regarding the rights of migrant workers. How has this impacted your role?

Workers’ welfare and rights is an area of principal focus for the SC. I’ve been fortunate, particularly since January last year, to have worked closely with our Workers’ Welfare Division. At the time, we had approximately 3,000 workers on our sites. Now we have in excess of 15,000 workers and that number will rise to close to 40,000 at the peak of construction over the next two to three years. Workers’ welfare provisions are embedded in every contract we enter into and this has been the case from the outset. What the legal team and I need to be mindful of is: Who are we contracting with? What’s the scope of their works or services? Do they have a workforce? Are they going to employ migrant labour? Taking all of this into account, we then ensure that appropriate workers’ welfare provisions are included in the relevant contract. I will continue to provide assistance along the way. There is still work to be undertaken in this regard, but I believe we are on the right path.

Your original five-year plan for being in Qatar is nearly up. Are you intending to stay on?

It’s hard for me to imagine not being here in 2022 and having to watch it from afar. My colleagues won’t allow me to think about moving on (laughs), which is very nice of them and I appreciate that I’m valued here. One of the best things, and I say this also about my time at Herbert Smith Freehills, is the quality of work you’re involved in one thing, but the people you’re working with is what makes the difference. I had a fantastic time at Herbert Smith Freehills. It was the quality of work you’re involved in. Now, I have the opportunity to lead a legal team and be involved in delivering stadiums, which is a fantastic role. I pinch myself sometimes; I’m a lawyer passionate about sport and stadiums and suddenly there’s a role available for me to lead the legal team of an infrastructure division responsible for delivering stadiums for a FIFA World Cup. I believe I was just lucky to be at the right place, at the right time.

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As part of the firm’s extensive pro bono programme, a key focus has been on supporting the rule of law and assisting the development of justice systems to enable countries to grow economically and to attract responsible, sustainable inward investment.

“The rule of law is the foundation of all democratic societies, and as a law firm, we have long supported pro bono initiatives that promote this. Helping developing countries around the world build a robust legal infrastructure and ensure access to justice is a pillar of the firm’s global pro bono programme,” said Lynn McMahon, Senior Associate – Pro Bono at Herbert Smith Freehills. Among other responsibilities, Lynn is in charge of organizing a diverse range of rule of law initiatives each year in South East Asia that bring together Herbert Smith Freehills’ lawyers from across our network with policy makers, members of the judiciary, legal practitioners, teachers and law students.

The primary focus is to expand legal knowledge and skills and help support a culture firmly embedded in the rule of law throughout the region and, this year, took place in Yangon, Bangkok, Chiang Mai, Hat Yai, Kuala Lumpur and Jakarta.

As well as the workshops, Herbert Smith Freehills co-founded the annual Asia Pro Bono Conference, now in its sixth year. Each conference helps to advance the culture of pro bono in the region, as well as offering examples of best practice.

The firm has a long-established relationship with Bridges Across Borders South East Asia Clinical Legal Education (BABSEA CLE), which is the principal partner for the rule of law-focused projects and the Asia Pro Bono Conference. BABSEA CLE aims to educate law students about professional responsibility and access to justice and local communities about social justice, equitable development, rule of law and the protection of human rights. Herbert Smith Freehills not only assists with training and curriculum development, but also funds some aspects of the programme. Other partners have included LexisNexis and Justice Without Borders, a not-for-profit organisation that supports victims of labour exploitation and human trafficking.

The collaboration goes wider still. Herbert Smith Freehills has worked with other law firms in drafting curriculum materials and delivering training. There are also opportunities for alumni to take part, an example being a former Singapore office senior associate, Ben Robertson. South East Asia Regional Counsel & Vice President at MasterCard, who assisted with a training workshop in Cambodia. “Working with local organisations and local lawyers helps to ensure training is sustainable and adapted to local conditions – another crucial factor in the programme’s success,” says Lynn.

Fair Deal Sierra Leone

On another continent, the firm’s award-winning Fair Deal Sierra Leone (FDSL) programme, now into its eighth year, is having a significant impact on enhancing Sierra Leone’s legal infrastructure. Since the scheme launched, over 250 of the firm’s lawyers have provided more than £4 million worth of free legal advice to assist the Sierra Leonean government in its management of growing volumes of foreign direct investment, and thereby encouraging inclusive growth for the country as a whole.

The FDSL programme has grown to offer policy and legislative advice, training programmes, document drafting, contract review, deal negotiation support, and assistance on disputes. This kind of support proved critical when the country was hit by the outbreak of Ebola in 2014. Apart from the human cost, Sierra Leone faced a potential crisis in the provision of public services as contractors sought to invoke force majeure and terminate their agreements. The firm’s advice helped to “keep the lights on” by preserving key contracts and protecting the Government’s position in agreements negotiated during the crisis.

As with our work in Asia, a core element of FDSL is training and capacity building. The firm recognised early on that by sending our lawyers to work side-by-side with the Government’s lawyers in the capital Freetown, we would be able to build capacity in a more sustainable way. This led to a series of secondments. This March, our fourth and most recent secondee, Fergus Rourke, joined forces with former secondee, Rebecca Perlman, to organise the country’s first ever Commercial Law Summit. Held in Freetown, the Summit brought together 90 leaders from business, government, the judiciary and the legal, diplomatic and development sectors to discuss and identify gaps in commercial law and justice that currently hinder private sector development in Sierra Leone. The Summit day was accompanied by a week of training, workshops and networking events, involving a team of over 40 Herbert Smith Freehills lawyers. Again, other organisations were brought in to collaborate, including Standard Chartered Bank, the UK Sierra Leone Pro Bono Network and the UK and Sierra Leonean governments.

The Summit has led to a number of practical reform proposals that will now form the basis of a reform ‘roadmap’ for the Sierra Leonean government involving legislative and practical changes that will help make the country attractive for inward investment. Directly after the Summit, the firm launched the second edition of Sierra Leone: An Investor’s Guide, which sets out the opportunities and challenges for those looking to deploy capital in the country.

Why does the rule of law matter?

Underpinning the pro bono projects promoting the rule of law is the intention to pass on knowledge and expertise to those in the country who will benefit. By helping countries to build capacity, and the ability to develop their own legal infrastructure with home-grown expertise, the firm is providing the platform on which these countries can develop. This is the principal motivation, according to Lynn. “We are genuinely passing on knowledge and expertise, and providing know-how and training resources in a collaborative manner.” Neither is the firm acting out of self-interest. Lynn adds: “Most of our rule of law training is done in jurisdictions where we do not have a presence.”

The programme is certainly appreciated, from heads of state through to students who take part in the training. Sierra Leone’s attorney-general, Joseph Fitzgerald Kamara, said: “I would like to reiterate the government’s appreciation for the many forms of support provided by Herbert Smith Freehills through the Fair Deal Sierra Leone pro bono programme over the years. In particular, your long-term commitment to providing on-the-ground support has delivered real impact in terms of capacity building and serves as a model for the ways in which the private sector can engage in the development of Sierra Leone.”

For one student at Dagon University in Yangon, the training provided by Herbert Smith Freehills lawyers and others is revelatory. “I learned new things that I had never learned before about legal ethics, confidentiality and access to justice,” he said. “We now know the duties that lawyers have to clients and what lawyers should do.”

If you would like to know more about the firm’s pro bono programme or to participate, contact Lynn McMahon at lynn.mcmahon@hsf.com or Rebecca Perlman at rebecca.perlman@hsf.com.
IN MEMORIAM

Martin Hankey
(1944–2015)

Martin joined Herbert Smith (legacy) in 1968. It was his first job after he qualified. He had decided on a career in law after reading classics at Trinity College, University of Cambridge, where the distinctions awarded to him in the Greek and Latin prose papers resulted in their being displayed in the Wren Library for all to see.

The attention to detail and passion for language that went with being a classics scholar served Martin well in the law. His specialism was in contract law where his razor-sharp intellect was put to good effect. From Herbert Smith he went on in 1971 to work for the merchant banks, Hill Samuel, Nordic Bank and finally Svenska Handelsbanken, where he was responsible for the company’s compliance. His life-long love of languages continued to be of use throughout his career as he worked with people from places as diverse as Japan, Saudi Arabia and Sweden; in each case doing his best to learn enough of the native language to get by, and in many cases impress. It was with sadness and reluctance that he retired from the firm in 1993 and beyond. Bob, as he was known, had an exceptional legal talent and passion for the law. He was regarded as one of Australia’s foremost mining, oil and gas lawyers and he was a valued and respected partner of the firm and a trusted adviser to many of the firm’s clients.

Bob is remembered by his colleagues as charming, funny, gregarious and fiercely loyal, both to the firm and his friends. He will be greatly missed by those who worked with him throughout his career and he leaves behind a significant legacy to the firm. He is survived by his beloved children Marc, Joshua, Alexei and Dominica, step-daughters Anna-Maria and Cassandra and granddaughter Selina. We send our condolences to his family.

Garry Hart
(1940–2017)

Garry Richard Rushby Hart was the leading planning and development solicitor of his generation, involved in many of the innovative and high-profile developments in London, including Broadgate and Canary Wharf. He joined Herbert Smith in 1962 as an articled clerk, becoming a partner in 1970 and head of its property department for ten years. He had a gift for bringing out the best in people who worked for him and with him, including lawyers and clients on the other side of a deal. For the leading developer clients of the day, he became their trusted general counsel and friend. To colleagues, he was open, fair, wise and fun to work with. In 1998 he left to become special adviser to two successive Lord Chancellors. Garry took to that role with the same irreverent wit, lightness of touch, utter lack of pomposity and the instinctive human touch for which he was so well known at Herbert Smith, in the process earning the admiration and respect of the civil servants with whom he worked as he also had during his time with us. Garry was made a life peer in 2004 as Lord Hart of Chilton. His talents were widely recognised in the outside world too; his extensive list of external appointments included chairman of the Almeida Theatre, Chancellor of the University of Greenwich and honorary fellow of the Royal Institute of British Architects. He was also always in demand as a highly entertaining after dinner speaker. Garry is survived by his wife, Gillian, and his daughter Carrie Lasell and Anna Wilson. He will be truly missed as a great colleague, friend, brother, husband, father and grandfather.

John Hayward
(1944–2016)

It is with great sadness that we learned of the passing of John Hayward, one of the firm’s long serving former partners. John, or “Jimmie” as he was affectionately known within the firm, became a partner in 1970 and retired 35 years later. When he joined, the Perths firm was then known as Muriel Williams Nicholson & Co and had no particular affiliations with any firm. When he retired it had joined and then merged with Freihill, Hollingdale & Page. Jim actively supported these moves, which today seem rather normal but which were both momentous and ground breaking at the time. Although he did not lead the negotiations between the firms, he was a steadying and calming influence when the alliance hit troubled waters in its formative years.

When Jim joined the firm there were only seven other partners, who collectively made up a talented group. Jim was a tax specialist and advised many of Perth’s leading firms during the heady days of the booms and busts of the Western Australian economy. He was the personal adviser to John Roberts, from the early days of Multiplex as a small Perth building company through its transition to an international construction leviathan. Jim embodied the finest qualities of a Freihills partner. Impeccably ethical, unwaveringly loyal, cool in a crisis, unselfish, humorous and supportive of change and innovation. He was a great mentor and friend to junior partners who joined the ranks in increasing numbers during the ’70s, ’80s and ’90s. A devoted husband of Elsa, loving father to Andrew and Melissa, of whom he was very proud, Jim will be greatly missed by his family and friends, including those at the firm.

Robert Nicholls
(1942–2017)

The partners and staff of Herbert Smith Freehills were deeply saddened by the passing of respected alumnus and friend, Robert Colin Nicholls. Robert joined the firm in 1964 and quickly became one of the youngest ever partners in 1967. He was a highly regarded colleague and friend to many until his retirement from the firm in 1993 and beyond. Bob, as he was known, had an exceptional legal talent and passion for the law. He was regarded as one of Australia’s foremost mining, oil and gas lawyers and he was a valued and respected partner of the firm and a trusted adviser to many of the firm’s clients.

Bob is remembered by his colleagues as charming, funny, gregarious and fiercely loyal, both to the firm and his friends. He will be greatly missed by those who worked with him throughout his career and he leaves behind a significant legacy to the firm. He is survived by his beloved children Marc, Joshua, Alexei and Dominica, step-daughters Anna-Maria and Cassandra and granddaughter Selina. We send our condolences to his family.

John Rowson
(1930–2017)

The firm was greatly saddened by the passing of former senior partner John Rowson. John passed away peacefully on 12 July, aged 87 years.

John had an extraordinary career which began at Herbert Smith as a junior conveyancing clerk in May 1952. He qualified in 1959 after five years’ articles, gaining the Charles Steele City of London Solicitors Company prize and Second Class Honours in the then separate Law Society’s Honours Examination. He became a partner in 1960 and was senior partner from 1988 until 1993 and it was under his management that the firm’s move to Exchange House was planned and accomplished. Known for his intelligence and regarded as one of the best company lawyers in the City, he was regularly instructed by most of the merchant banks of his era and involved in deals for companies that in their day were household names. Mentor and friend to many and a regular attendee at our alumni events he will be sadly missed.

He is survived by his wife, Molly, three children, Ian, Jane and Andrew, two stepchildren, Christopher and Sarah, and nine grandchildren.

Nick Tott
(1960–2017)

It is with great sadness that we learned of the passing of Nick Tott, a former partner at Herbert Smith. Nick joined the firm in 1986 and became partner in 1992. He was one of the founders of the London finance division but in later years transferred to the project’s team in the corporate division. He took a lead role as a key adviser to the UK government in the design and implementation of the Private Finance Initiative (PFI) for the development of new infrastructure, which has since been adopted as a model the world over. This included a 15-month secondment to HM Treasury’s Private Finance Panel Executive, which was set up to oversee and facilitate the UK PFI programmes.

Nick was a first rate lawyer, always respected, trusted and relied on by colleagues and clients. More importantly, he was universally liked, with infectious enthusiasm and sense of humour. He made an important contribution to our firm as a colleague, friend and role model, and was equally well respected and popular outside the firm. He was a devoted family man, a talented musician, a keen and active member of the Labour party and Chairman of his local Rotary Club.

Nick is greatly missed by all who knew him.
The Herbert Smith Freehills Alumni Network spans the globe with 4,561 registered members across 56 countries*. We are proud of our alumni and what they continue to achieve, and remain grateful for their significant contribution to the firm’s success.

Contact alumni@hsf.com if you would like to connect with alumni or staff in a particular region or enquire about our global suite of events.

*Information correct as of September 2017