



The Australian Law Firm Perspective

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*Internationalising the Australian Law Curriculum
for Enhanced Global Legal Education and Practice*

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Introduction

- Focus on major 'Australian' law firms
 - Firms with HQ in Australia
 - Clayton Utz; Freehills; Minters
 - Global firms with significant Aust office
 - Ashursts; Baker & McKenzie; Clifford Chance
- Active off-shore
 - Overseas offices
 - Fly in – Fly out



The Australian Legal Market Post GFC

- Market static
 - Perhaps shrinking
- Crowded
 - More entrants likely
- Extraordinarily competitive
- ‘War for talent’
 - At every level



What are we doing and where?

- Pretty well everything!

- Major projects
- Energy & Resources
- Dispute resolution
- International trade

- Pretty well everywhere!

- Recognised for expertise & experience
- Cost competitive
- Willing to go anywhere



Coal Mine & Power Station in Africa

- Agreements to develop/extract/export – site acquisition
 - Local law
- Construction Contracts
 - English or New York law
- Financing
 - English law [local law for securities]



Coal Mine & Power Station in Africa

- Off –Take Agreements
 - Local law [But enforceable elsewhere]
- Regulatory Issues
 - Local law
- Development Funds
 - World Bank/African Development Bank



Anvil Mining

Democratic Republic of the Congo

- DRC Proceedings - Criminal & Civil
 - Local law [Napoleonic Code]
 - In DRC Military Tribunal
- Australian Proceedings – Civil
 - Australian law
 - Congolese law
 - International law – Statute of Rome
 - In WA Supreme Court



Anvil Mining

Democratic Republic of the Congo

- Canada - Quebec – Civil
 - Canadian law
 - Congolese law
 - International law – Statute of Rome
- United States – Alien Torts Claims Act
 - Congolese law
 - US law
 - International law



Australian Class Action Proceedings

- Drug/medical device regulatory regime
- Discovery / access to evidence
- Freedom of Information
- Legal professional privilege
- Privacy legislation
- Corporate law
 - Piecing the corporate veil
 - Corporate successor liability
 - Insolvency



Our Role

- Advise
 - Strategic advice
 - Structure of the deal
 - Allocation of risk
- Negotiate
- Document
- Coordinate
 - Ask the right questions – interpret answers



What do we want in young lawyers?

- Sound understanding of legal principles
- Ethical framework
- Appreciation of other legal systems
 - Introduction ?
 - Comparative approach in key areas ?
- Strong research skills
 - Wikipedia is *not* the right answer!



What do we want in young lawyers?

- Analytical ability
- Critical thinking
- Problem solving skills
- Communication skills
 - Written and verbal
- Ability to work as part of a team
- Cultural awareness