

Episode Two: Global Thinking with Ella Wardlaw (sponsored by Allen & Overy).

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Mimi is an Events and Engagement Co-opt for the GLSA.

Ella Wardlaw is a Litigation Associate in Allen & Overy's London office.

Mimi: The GLSA acknowledges that the Melbourne Law School is situated on stolen Wurundjeri land of the Kulin nation, of which sovereignty was never ceded. We pay our respects to their Elders past, present, and emerging.

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Mimi: Hi there, welcome to the second episode of the 'Think Global: Careers in International Law' podcast series brought to you by the Global Law Students Association and Allen & Overy. This episode explores what it is like to be a young international lawyer at Allen & Overy, a leading international commercial law firm with over 40 offices around the world.

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Mimi: Welcome to this episode of the GLSA's 'Think Global: Careers in International Law' podcast series. My name is Mimi, and I am one of the co-opts for the GLSA Events and Engagements portfolio. Today I'm speaking to Ella Wardlaw from Allen & Overy, an international law firm and GLSA sponsor.

Mimi: Welcome Ella, thank you for joining us on the podcast today. We hope your recent move to London went well.

Ella: Thank you, Mimi. It's great to be here, back with my old law school.

Mimi: Before we jump into our discussion about your legal career at Allen & Overy, would you mind telling us why you decided to do law?

Ella: As I'm sure your listeners will be aware, the way the university system works in Australia means that law is now primarily only offered as a postgraduate degree. I did a commerce degree before my Juris Doctor at Melbourne Uni, which I think was an excellent foundation for moving into law, especially commercial law. However, at the time of starting my commerce degree, I didn't know that I was heading in the direction of law and would end up doing a law degree. At the time I really wanted to study economics and Chinese and go on exchange, and the Melbourne model gave me the opportunity to do all of that. Humanities had always been my strength in high school and economics was my favourite VCE subject. What I didn't know is that economics becomes extremely technical at university and there's a lot of statistics and mathematics involved by the end. So, I really wanted to get back to my strengths which I saw as writing, problem solving, and critical thinking, and I wasn't really ready to start work when I finished my commerce degree at the age of 21. So, I sort of fell into law as a way to buy myself three extra years of study and also some time to work out what I wanted to do with my life. On my first day of the JD, I had no

idea what a corporate law firm was or what a clerkship was. I was very naive at the time. I wasn't even thinking where the law degree could take me, but I knew that law graduates came out the other side as good communicators, good problem solvers and with a strong sense of social justice. So, I knew that many law graduates went on to do a range of interesting things. Things like public policy work, governmental and NGO work, working in the corporate sector. Many people across these industries started out their careers as lawyers. So for me, the journey certainly didn't start with a firm idea as to where my law degree could lead me, but the opportunities certainly seemed far ranging.

Mimi: Yeah, it's funny you say that. I think a lot of us sort of go into law not having a very clear idea, and at least it does give you opportunities at the end and you're not kind of stuck in doing one path. You did mention you were interested in doing exchanges and learnt Mandarin. Have you always had an interest in the global aspect or going overseas?

Ella: Yes, I mean, I grew up in Hong Kong as a child and I lived there from the age of 9 to 16 and that experience during my formative years really shaped my career and lifestyle aspirations. I moved back to Australia at the age of 16 to do my VCE and basically from that time onwards I was itching to get back to Asia. So, it was always, you know, an end goal of mine to do exchanges and ultimately work overseas at some point in the future.

Mimi: Yeah awesome. I've lived in Singapore as well, so I am an expat as well. I came back at 17 for year 12. How did you go coming back in for high school?

Ella: I found it to be a real culture shock. I think students in Asia, I mean I'm not sure whether you went to an international school, but I think just generally the respect for authority is instilled in you from a young age and expectations of parents and teachers in Asian society is very high, so I was quite shocked coming back to a school in Australia where we are a bit more extroverted and out there in the classroom.

Mimi: So, heading towards how you immediately started working in Hong Kong after you graduated. What was the process to that? Were there any challenges in terms of going over there or how did you navigate that?

Ella: Well I guess I should first talk about the tumbling blocks that I guess led me to applying for clerkships in Hong Kong. The clerkship process is one that I'm sure many of your listeners will be acutely aware of. I went through the very stressful process in my penultimate year of applying for clerkships at corporate law firms in Melbourne. My grades weren't stellar, but they were high enough to get a look in for interviews and I did get five interviews for both top and mid-tier firms in Melbourne, which I was really happy about. Although I did have five interviews, I didn't end up getting a single clerkship offer that year. And despite the fact that I didn't know what a corporate law firm was a year before this, I was of course absolutely devastated that my career seemed to be not leading to this magical world of corporate law. I think law school can feel like a bit of a fishbowl, and it can get quite competitive, so I found it really hard rebounding from that initial set back. I ended up deciding that I would extend my law degree by six months and go on exchange in my final year and have a bit of a reset. Overseas study experience has always been something that I have valued and prioritised and I think my global outlook is ultimately why I have ended up

where I have. So, after that exchange I applied again in my final year of the clerkships in both Melbourne and also Hong Kong, my childhood home. I got one interview in Hong Kong which was with Allen & Overy where I currently still work. I got a handful of other interviews for clerkships in Melbourne and this time, with an extra year of experience under my belt, I got three clerkship offers in Melbourne as well, so I went from having nothing the year before to three offers in Melbourne and one offer in Hong Kong. So I guess that just shows that after an initial set back it certainly doesn't mean that the door has closed to you forever. You can look at other options; you can do internships; you can do placements with barristers; you can go on exchange, and apply again the following year. It's really not the be all and end all.

Mimi: It's really nice to hear that we have a second chance, and there's an option to try again the following year. Do you have any other advice for students who would want to clerk overseas? Or maybe do an exchange overseas?

Ella: So the road to becoming qualified as a solicitor in Hong Kong, and I can sort of only speak to Hong Kong in this respect, is a lot longer and harder than in Australia. Whereas we have the PLT in Victoria and that takes about six months and you can do that during your grad year, Hong Kong has a different system. All future lawyers in Hong Kong need to undertake the postgraduate certificate in laws. It's called the PCLL for short, and the PCLL is offered by three universities in Hong Kong and it's a full time year long course. It's extremely intensive. I did 18 exams during my year long study. It's almost like being back at law school or even back at high school. The contact hours are much, much higher than at university, so ultimately I found the PCLL to be a really useful year both in teaching me some valuable practical skills for my upcoming working life, but also in meeting people and building up a strong network of friends and colleagues who would be joining the profession at the same time. But it is a big time commitment. I should also note that before you even start the PCLL, law graduates from Australia will need to pass conversion exams across several key areas of law. So these include topics like constitutional law and land law, and these exams are only offered twice a year and you need to go to Hong Kong in person to take these exams. Even during the pandemic I've heard. So, once you complete those conversion exams and the PCLL, you then finally start working and that system is also a little bit different to Australia. So instead of a one year or an 18 month grad program, you do a two year training contract across four practise areas. So four six month rotations and once the training contract finishes, you immediately become an associate. I guess it all balances out with the Australian system in the end because I think you guys spend a few years as lawyers before you move on to associate or senior associate, but I guess in Hong Kong it just takes a little while to get to day one as a lawyer, whereas in Australia you might be a lawyer six months after you finish law school.

Mimi: That's really interesting. It's good to know all the requirements that someone would need to do it in Hong Kong and take that path. When you did the four rotations, what were they? Did you have a favourite? Did you get to choose one of those areas similar to here when you get to choose a practise area that you want to stay in and how did that work for you?

Ella: Yeah, so as I said previously, the two year training contract at Allen & Overy is divided into four six month rotations. In Hong Kong we only have 5 practise teams, so you basically get a really good stint across sort of all practise areas in the Hong Kong office. We get to choose one rotation that we know will be able to do, then the other three are up to the firm and depend on demand and capacity in certain teams. I did banking as my first seat, so that's transactional work, very fast paced. But I find as a trainee or junior lawyer, it's actually a really good rotation to do because you get a lot of client contact quite early on in your career and these type of transactions are repetitive so I found that even within six months I was becoming quite familiar with certain loan agreements that were popping up again and again. You feel like you get a lot of responsibility early on with signing deals and closing deals and that can be a real rush of excitement. It's very fast paced and high pressure, but a really great sense of relief and accomplishment when you close a big deal. My second rotation was in international arbitration, very different to banking. Some of these disputes can go on for a long time and I also found that there was a lot of advisory work, so we would produce a lot of memos. Things like that. But also you attend hearings. For a trainee, a lot of work would involve preparing bundles, doing research. So a very different type of rotation to a transactional seat. Then in my third seat I went to London on secondment, which is one of the big draw cards of going to a top firm in Hong Kong is that many firms will offer a secondment opportunity to their head office or another office in their network. So, I went off to London right before the pandemic hit, luckily, and I was in the litigation team. I really enjoyed my time there. Every trainee gets placed with a trainer, so either a senior associate or a partner who feeds a lot of their work to them. My trainer happened to specialise in sovereign immunity which was extremely interesting and very different to the type of work that I was doing in Hong Kong, which is much more of a financial banking centre. So I guess London is great for the variety of work that you can do. Of course, you'll be doing a lot of financial work, but we also do a lot of pro bono work, a lot of work in the public law space, sovereign immunity space. So you're going to get a lot more variety in London and I ended up actually qualifying back into the London office because of the relationship that I had with my trainer there and I really enjoyed the work. So now I'm an associate in litigation in London. After my rotation there I came back to Hong Kong for six months and I worked in our corporate team. That was a very interesting time, I was mostly doing M&A work but the pandemic had hit and no one had any cash so M&A I think across the world really struggled during that time, so I ended up working on some IPOs instead as we were still quite busy there. So that was again very interesting. I think corporates are a good mix of the sort of fast paced transactional work and also more advisory work. I think corporate lawyers are the first port of call for clients and whenever they have any type of query, you'll go to your corporate lawyer first, so the variety in corporate teams is also excellent.

Mimi: Yeah, wow, it sounds like you've got a really good scope of all those different areas and specialist areas. I've never even heard of sovereign immunity. What is sovereign immunity?

Ella: So basically there's all these statutes in certain jurisdictions which say that a sovereign cannot be sued. They get certain protections if they're a governmental body or organisation, but it can become quite tricky if you're a quasi-governmental body. So for example, does a central Bank of a country have sovereign immunity? So we would look into questions like that. So there's also a lot of statutory interpretation involved.

Mimi: Oh yeah, cool. So now that you've moved to London, tell us about your current position there and maybe what a regular day would look like in London now.

Ella: So I finished my 2 year training contract at Allen & Overy in Hong Kong last September and as I said, I've moved now to our London office to become an associate in litigation. I had previously done my six months secondment in London, so that's how I ended up getting this position. The great thing about Allen & Overy is that it's a truly global firm and our offices are very closely connected, so there is a lot of movement between people and people between offices. So provided you work hard and establish good connections in other offices, Allen & Overy is very good at facilitating international moves where possible. In terms of what a regular day looks like for me, I do a lot of drafting, whether that be letters to the other side's lawyers, to help move a case along procedurally, or drafting more substantive documents like pleadings, documents, and witness statements. I also worked closely with barristers in the lead up to mediations, court hearings and trials. I really like disputes work because I think it can be both fast paced and slow moving depending on what stage you're at in the proceedings. Some cases can go on for years and years while others settle or are resolved more quickly. The litigation team also does a lot of advisory work for clients. For example, we may advise on disputes clauses in banking transaction documents, or we might be asked to prepare advice memos in changes in the law or provide advice in relation to a particular scenario, a client finds themselves in, so there's always something you to be doing on a sort of weekly or monthly basis, which keeps the work interesting.

Mimi: Students always love to hear an example of maybe one of your most interesting cases you've been working on recently, or if it was a transaction in your previous years that stands out to you.

Ella: So one of the things that drew me to disputes work is just how varied the work can be. I've worked on cases where there is a dispute as to which of two rival governments in South America is the legitimate regime in that country; disputes between countries in the South China Sea; unfair prejudice claims brought by minority shareholders in a company against the majority shareholders, all the way down to breach of warranty claims brought against our banking clients. So the variety is really endless. There are a couple of cases which I've been working on since I was a trainee that are still ongoing and you do get very invested as the case progresses and you develop very close working relationships with both your matter team and with the clients. So I suppose I've become very attached to those cases.

Mimi: What is your advice for law students thinking of working internationally?

Ella: Regardless of whether you see yourself living overseas indefinitely or returning to Australia in the medium or long term, working internationally is a superb opportunity not just to build up your CV, but also to meet lawyers from all over the world, to experience a different culture and to live life as an expat. It can be hard being away from friends and family, especially during a global pandemic, but I think everyone should take the opportunity to work overseas for a few years if they have the desire to. We're very lucky in Australia that we've had an amazing education and our Australian qualification is very well

regarded among common law jurisdictions. So I really think the opportunities are out there if you look for them.

Mimi: It's nice to know our degree is well regarded internationally. I was going to ask as well, has Allen & Overy been supportive with Covid-19 and the move and everything? Do you work from home a lot or how does that look for you?

Ella: So I, and this is not advisable, have basically lived in three different countries during this pandemic because I ended up getting back to Australia for Christmas and I went by the Howard Springs Quarantine facility in Darwin, which was quite an experience and I was actually working on a High Court case in London from Darwin, which was very amusing. We truly live in a global world. So Allen & Overy have been excellent with allowing me to work remotely where possible. I also have just come back from Hong Kong because I was finally being admitted as a lawyer. When I said that the process is long, I meant that. It is a very long process. I've now been working for nearly three years and finally sort of jumped over the last administrative hurdle to actually sign my name on the roll of solicitors at the High Court in Hong Kong a couple of weeks ago. So I was able to work from our Hong Kong office for the London team for the past few weeks. And now that I'm back in London we are slowly moving out of lockdown. Most people are working from home, but we're hoping to be back in the office by the end of this month. So, I think Allen & Overy is a firm that on such a global scale has done remarkably well with moving into a fully functioning virtual law firm, but we certainly see the huge benefit that you get from working with your colleagues in person in the office, having face to face meetings with clients, and where possible, our offices are now sort of back to working in person. I think in our Sydney and Perth offices most people will be back at the moment because in Australia the risk of Covid is less severe than of course it still is in some European countries.

Mimi: I think we've all seen the pros and cons of the working from home aspect, the lacking in networking and being face to face with partners or things like that, that you do miss out on.

Ella: Exactly. I think it's so important for trainees and junior lawyers to have regular contact with their trainers because you learn so much I think from just sitting in a room with your trainer and listening in on the type of calls that they take and how they manage and run calls with clients and manage expectations. It can be really interesting. So I think that will be great for junior lawyers to be back with their trainers as soon as they can be.

Mimi: Is there a good mentoring program in terms of Allen & Overy when you're doing the graduate program in Hong Kong?

Ella: Yeah, so we have lots of little programs that people can join. I guess the most important professional relationship you'll forge is that with your trainer. But also I found a huge support network amongst my other trainees in Hong Kong, so we really stuck together and shared the highs and lows on a day to day basis which was really nice. The graduate recruitment team also worked really closely with trainees, doing regular check-ins, not just on how it's going professionally, but also how we're going personally and so that's really helpful too. During non-Covid times there were lots of social activities. Now we're trying to

be creative in how we stay connected. So there's a lot of lunchtime breakout sessions with trainees and junior lawyers and they now have buddies who they can check in with whenever they need to. So I think our trainees in London are doing an extraordinary job given the circumstances and I feel that I've managed to become quite close to some of them despite our physical distance. So I think we're coping okay with that, but it'll be great when we can start to transition to going back to the office at least some of the time.

Mimi: Yeah, I know that's really good to hear. Lastly, I know you just finally got your signing at the High Court and you become an associate. But what's your next steps?

Ella: So I'm still quite new to London and I look forward to exploring more of the city when things start resuming to normal here, after what's been quite a hard year with the pandemic. I'm really enjoying my litigation work and I'm glad that I made the decision to qualify into our London office after what was a really great two years with Allen & Overy in Hong Kong. I still adore Hong Kong and I think because I grew up there, I always will. So I may end up there again a few years down the track. It really does feel like as much of a home to me as Australia does. But for now, I look forward to seeing what the next few years bring in London at Allen & Overy there.

Mimi: Thank you Ella for sharing all your insights into your career at Allen & Overy. We really wish you all the best for your ongoing work in the London office, and we hope you are able to maybe get back into the actual office soon or out and about in London for the summer.

Ella: Thanks so much for having me, Mimi.

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Mimi: Thank you for listening to the second episode of the 'Think Global' podcast series. If you would like to learn more about what Ella discussed today and more about Allen & Overy, please see our Facebook page for links to further resources.