

The Australian Women's Register

Entry type: Person
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Davies, Rebecca

Occupation Judge's associate, Lawyer, Legal academic, Partner, Solicitor

Summary

After working at ANU law school, as an associate to a High Court judge and a brief stint with Michael Kirby at the Australian Law Reform Commission, Rebecca Davies joined Freehills as an articulated clerk, with Kim Santow as her master solicitor.

Just under three years after her admission she became the third female partner at a major Australian law firm.

Davies practised as a litigator and a commercial lawyer working in both the Sydney and Melbourne offices of the firm, managing a range of high profile cases and projects.

She was a member of the firm's board and chair of the Women at Freehills steering committee.

Go to 'Details' below to read a reflective essay written by Rebecca Davies for the Trailblazing Women and the Law Project.

Details

The following additional information was provided by Rebecca Davies and is reproduced with permission in its entirety.

Becoming a lawyer was not something I positively set out to do. There were no lawyers in my family. My mother had been a nurse prior to having four children, of whom I was the first. My dad had been in the merchant navy and then went into business.

I went to an all girls' government high school, and although we higher achieving girls were encouraged to succeed, there was still an expectation in those days (late 60's) that girls would either leave in Year 10, and maybe become hairdressers, or if they stayed to year 12, the vast majority would become teachers and then marry.

I had become involved in various political activities during school (Women's Lib, anti Vietnam activities, 18 year old voting etc.) and so my ambitions were more in the political arena. I thought studying politics and economics would be the way into that field, and ANU in Canberra made sense, not only because Canberra was the centre of federal politics, but also it was a way to leave home and spread my fledging wings.

And somewhere in the background, were the stories my mother told about some of the women in her own family, who had been real pioneers in the early 20th century; the first policewoman in South Australia, the first female professor of psychology at Adelaide University, the political activist wife of the editor of the Adelaide Advertiser and others. Real role models of women who made a positive contribution to their communities.

Just before doing the HSC in 1971, I went to the Vocational Guidance Centre in the city with three friends to do the IQ and physiological tests then on offer. It was suggested for me that law was a possible career and that made me consider this option for the first time. It was attractive as I could do both an economics and law degree together at ANU, and was a reasonable stepping stone into politics. Of course, on discussing our experiences, it seemed the Vocational Guidance people may have been pushing students into law at that time, maybe particularly women, as that advice was given to three of the four of us! I was the only one who did take that path in the end. So in early 1972 I left home in Sydney and moved into Bruce Hall, one of the residential colleges at ANU.

During my University life, I enjoyed my law studies, but there were frankly more exciting things going on around me with the election of the Whitlam government and the tumultuous events of the following few years. I became involved with environmental issues and other campus activities, and also enjoyed the freedom of being away from home and in a mixed sex environment. They were heady days!

I was probably not totally engaged in my legal studies until the final year where I really enjoyed Constitutional Law under

Professor Leslie Zines, who was super tough but intellectually challenging. And of course we had witnessed at close hand the constitution under challenge with the dramatic dismissal of the Whitlam government.

After finishing my law and economics degrees in 1976, I then needed a job. Being in Canberra, the public sector was an obvious choice and for a short while I worked in defence superannuation, but soon realised that this was not a realistic long term option for me. Luckily a position back at the Law School came up and I spent the next year or two working as a research assistant back in the Faculty of Law.

One of the fun things from that time was working on the Legal Services Bulletin, the 'alternative' law journal, which meant working with some great people, who I later saw move into very important positions. People like Peter Hanks, Gareth Evans, Mark Richardson, John Basten and Jack Goldring were particularly impressive. But it's also interesting to note, that here I was a young woman among lots of men, so very much in a minority- a feature common to much of the next 20 years of my career.

Then a faculty colleague suggested I become Associate to Sir Kenneth Jacobs at the High Court; a job he had had himself, and without a formal application, I took up that role and worked for Sir Kenneth until his retirement due to illness. It was a great experience, working at the very top of the legal system, and many of the lessons I learned then have stood me in great stead over the years.

I then decided it was time, maybe, to try practicing law rather than thinking and writing about it. A totally unscientific process, as being in Canberra I didn't really have much idea about private law firms. So I went through the phone book and wrote to firms who had bold entries in the listing- figuring that this might mean they were larger ones!

This was 1979. And the interview process was pretty ghastly. I was asked when I was going to get married, if I was engaged, told I should be happy with small salary – 'you just need pin money' – and ignored by many firms, despite having a pretty good degree and having been a High Court Associate.

Feeling that I might need to look further afield or go back to academia, I then got lucky and was interviewed by Kim Santow, the great late Court of Appeal judge, then a senior partner at Freehill, Hollingdale and Page (FHP) in Sydney. We had a most engaging and entertaining interview and I was hired as an articled clerk at the salary of \$9000 pa, about half what I had earned at the High Court.

FHP was a leader in many ways. There was a woman partner, Helen Brown and other senior women, people from varying backgrounds – not just the traditional Catholics – and David Gonski had just been promoted to partner as the youngest in a major law firm. The firm was also expanding beyond the boundaries of one city; again in the forefront of that national, and then international expansion. As for me, although I was initially apprehensive about moving to the dark side – working at the big end of town – I discovered pretty quickly that I actually really enjoyed the work, the people, the clients, the issues. And, to my surprise, I discovered that I was also ambitious.

It's funny to reflect on the things that can motivate you. One thing that really spurred me on was working with another lawyer, around my age but an admitted solicitor, on a piece of research. He told me my work was 'quite good really.' Given I had spent the previous few years writing and assisting senior academics and a High Court judge with research, this was a bit rich! I remember deciding then and there that I was going to get to be a partner in the firm, and I was going to get there at least as fast as any of the men, particularly this one! So I set my mind to that goal and achieved it, just under 3 years after being admitted in 1980. I think I achieved that by working hard and smart and being up front about what I was looking to achieve, although I was still surprised when it happened as quickly as it did.

I then continued to build my practice, being the third woman partner in a major law firm in Australia, and I think the first who was a commercial litigator. Made a partner before I was 30 and looking much younger than that, a major challenge was getting people to take me seriously. I became quite adept at reading the signs from the senior business people I was dealing with that they were thinking 'what is this girl doing running this major piece of litigation for my company', and knowing how to quickly win their confidence. Again, because I had to overcome the assumptions people made based on my age and gender, I worked out that I needed to be better prepared and find the best way to connect with the clients. And that turned out not to be so hard as I found I was really interested in what clients were doing, the challenges they faced and them as people. That I think was key to success in being a business acquirer, so after a few years I had one of the most successful practices in the firm.

Mostly I found, after the initial shock on meeting me, that clients trusted me and enjoyed working with me. I do, though, recall one setback in particular. We had a US based client, and I was running the case with a smart male lawyer assisting me. One day my assistant confessed to me that the client had said he really didn't want to work with a woman leading the team. That was a real blow to my confidence. And I felt let down by some of my male colleagues who took over the case rather than standing up for me. The client, though, was a complete pain, and not too long after the partner who had taken over from me actually sacked the client! Small comfort, but I remember being quite depressed as I thought that my youth was a disadvantage that time would deal with, but being female wasn't going to change.

Then in 1987 I was asked to move to our Melbourne office, the firm having recently linked up with a Melbourne firm. The Sydney office thought the Melbourne litigation team needed to become more commercial and that was the task I was given. I was very apprehensive about that step, and was concerned that the main reason I was asked was because I was single, so relatively easily moved. When I arrived in Melbourne, there was some resentment of the Sydney 'spy', and at that time I was

also the only female partner in the Melbourne office. There was a bit of a 'freeze' applied, and it was quite lonely to start with.

Anyway, I used the skills I had learned in winning people over, and again developed one of the highest billing practices in the firm and was able to sponsor a number of young lawyers, including young women, into the Melbourne firm.

I moved back to Sydney in 1989, and not long after getting back home I met the man who a year later became my husband. I think by this stage there may have been other women partners who were married; certainly over the 80's there was a big increase in the % of women in the partnership. I continued to have a very significant commercial litigation practice, and given my seniority was able to maintain that practice during two periods of maternity leave and some part time work when I had my two children in 1991 and 1993.

Although partner maternity leave was included in the partnership agreement, part time work wasn't and I think I was the first partner to ask to do part time work. This was quite controversial as some felt that as a partner you needed to demonstrate 100% commitment and the only way you could do that was being present and billing at a minimum of 5 days a week. There was certainly a strong macho culture of working long hours and spending little time at home, so giving priority to family wasn't playing the game by the accepted rules. I guess being relatively senior and having a very successful practice gave me the influence to ensure this worked for me, and hopefully that helped pave the way for others who followed after.

The cases I worked on were some of the most interesting around at the time and I had the opportunity to work with amazing people; clients, barristers, opponents and most importantly, the members of my own teams. Major cases included Estate Mortgage, Burns Philp Trustees, Christopher Scase and Qintex, Linter, Alan Bond and Bell Resources.

On my return to full time practice, there was a period of increasing management responsibility within the firm. I was elected as the first female member of the firm's board. I had wider responsibilities for the litigation group as a whole and for risk management and professional indemnity insurance for the firm. It was a time when law firms, ours included, were subject to a number of very large claims resulting from corporate collapses in the late 80's early 90's, and I had the job of successfully managing the firm's defence of those claims.

I then decided to move out of litigation and became a corporate lawyer for several years, focussing on IT issues in particular. I led the Freehills team running the successful demutualisation of the NRMA, acting for the insurance arm of the operation. But my real love was litigation, so I moved back into that field in the early 2000's and stayed in that area until I retired as a partner in 2009. Highlights were acting for Kerry Stokes on a range of major cases, some successful, and some less so, but all amazing challenges from which I learned a great deal.

Although I have really enjoyed all the things I've done since I left full time legal practice, I look back on my legal career with great satisfaction. I acted on some of the Australia's biggest and most complex cases, worked with wonderful people all around the world and was able to make an impact on a range of business and policy issues. I mentored many young lawyers, and brought many into the partnership. As a working mother, I was able to provide one model to young women of how a successful legal career might be achieved. As a champion for women inside law firms, ours in particular, I saw an increasing percentage of women partners in the firm, and talented women taking other senior roles in the firm. I was proud to talk about those successes both locally and internationally, showing what was possible and hopefully encouraging others.

Published resources

Site Exhibition

Australian Women Lawyers as Active Citizens, Trailblazing Women Lawyers Project Team, 2016,
<http://www.womenaustralia.info/lawyers>

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