

William & Lonsdale – Lives in The Law

Ep 80. Derek Humphrey-Smith

Voiceover: [00:00:04] This is William and Lonsdale, a podcast about the legal ecosystem and the fascinating people who make it tick. Today, your host, Michael Green, speaks with Derek Humphrey-Smith, partner and head of international at Lander and Rogers. Derek practices in all areas of workplace relations and safety law. He is also chair of TerraLex, the world's largest network of independent law firms, and chairman of the Victorian Council of Governors for the American Chamber of Commerce in Australia. Roles we'll hear more about today. Derek first studied science at the University of Queensland, where he found his passion in anatomy, specifically the bottom lip of the Tamar Wallaby. But while completing his honours year, it dawned on him that wallabies might not be his lifelong path, so he embarked on a law degree. Around the same time, Derek was transitioning from playing football at university to umpiring, a notable shift given he had been rubbed out for abusing an umpire not long before. Derek went on to umpire in the AFL, a role that brought him to Melbourne, where he pursued both his legal career and umpiring

simultaneously. As we'll hear today, in a football town like Melbourne, there were significant professional benefits to being on the inside of the AFL and often unexpected advantages to having both strings to his bow.

Derek Humphery-Smith: [00:01:24] I remember there would there was a change to the right of entry laws in Queensland, and, one of the part I'd been doing quite a bit of work with the BLF at that time, and the partner said, look, I I don't wanna do this on a Sunday. Why don't you go to their state conference and you do the update from the membership on the right of entry laws? And I went, sure. Okay. That sounds interesting. I remember going, and I'd never met the president, and and he had to introduce me as I was sitting on stage. And and he said that I think these were his words, Michael, what a sad, sad day it is for our union that we have a bloke with a hyphenated surname presenting to us. And there were boos, and it was great. It sort of set me up for a life in umpiring later. It was great.

Michael Green: [00:02:29] Our guest this morning in Lives in the Law is Derek Humphrey-Smith. Derek is a partner at Lander and Rogers, and possibly more importantly, certainly to Victorian listeners, he's a former AFL umpire. Derek, good morning.

Derek Humphery-Smith: [00:02:41] How are you, Michael? Great to see you.

Michael Green: [00:02:43] Derek, what about the Humphrey-Smith bit? How did the family get that name, and what about the hyphen? Where did the hyphen come from?

Derek Humphery-Smith: [00:02:49] It's quite a nice story, Michael. I I must say I thought we were this very progressive family back in the seventeen hundreds in England. And, you know, carrying this miss Smith's name that had come through the ages, that was the story I was told a child. And then about ten years ago on the passing of my uncle in England who was a genealogist, we finally got to the bottom of the story. So, apparently, in 1932, my grandfather, Frederick, received an MBE from the then king, and the envelope, which came from Buckingham Palace, dropped a hyphen, which was very fashionable in the day between Humphrey and Smith. And, you know,

Frederick, I think, was a little entrepreneurial and thought good enough for the king, good enough for us. So we've been Humphrey hyphen Smith since 1932.

Michael Green: [00:03:34] What did he get an MBE for?

Derek Humphery-Smith: [00:03:36] He look, public service in the county of Sussex is the I think he was on water boards and strong cricket background and helping a whole range of charities.

Michael Green: [00:03:46] So Community person.

Derek Humphery-Smith: [00:03:47] Yeah. It's nice.

Michael Green: [00:03:48] Which Gong should be for. So your dad was a 10 pound pom who wanted to be a jackaroo.

Derek Humphery-Smith: [00:03:53] He did.

Michael Green: [00:03:54] I think some of our listeners would need to be reminded what a 10 pound pom was and then how that led to your mum and dad meeting. Just tell us that.

Derek Humphery-Smith: [00:04:00] Yeah. Sure. He he was one of those, I think, young Englishman who tried desperately hard to join up in World War two, kept being knocked back based on age. And he was also sent sent away by his parents to allow London borders to come and stay in the family home. So he was he was off. He said, you know, his bedroom had people different people from London as the bomb raids came through London, and his family would open up the home. Lots of people in, I think, Sussex did that. So he was off at Hearst and not really a great student, I think it's fair to say, as he's not that interested. He was interested in milking cows and becoming a farmer. But when everyone came back from the war, I think he found it particularly difficult that he was you know, he turned 18 in 1945, so the end of the war, so when he could first formally join up. And I think he found it uncomfortable that these terribly wounded peers were coming back from particularly Europe, and he thought he needed just needed to get out of England and have a fresh start. And I think Australia at that time were doing a fantastic marketing campaign, and he thought, well, if I can be a

farmer in England, surely I can be a Jackaroo in Australia. And he literally paid his £10, headed to various ports along the way, and remembered docking in Fremantle. And dad dad passed away just over a year ago. So I had a number of really lovely chats and learned things more recently. Forgot to Freo and said, no, I think and was offered, would you like to keep going? And he said, well, how far can I go? And they said, you know, all the way to Townsville. So he finally got off the boat almost circumnavigating Australia in Townsville and sent out to an extraordinary place called Richmond at wonderful Western Queensland town, which these days is famous for all its dinosaurs that have been discovered there. Back then, it was, you know, large scale sheep and cattle properties and cotton farming interestingly, but it was just starting at that stage. And he you know, the local Englishman who's arrived, you know, with a view that he can do everything, and he and he met my mother in Richmond at that time. So it's a nice story.

Michael Green: [00:06:10] Didn't he meet your mother falling off a horse and breaking his arm?

Derek Humphery-Smith: [00:06:13] He may have entered and he says he was put up to it by the locals to put the palm in the Rodeo in Richmond. You imagine how this would have played out. I reckon dad might have put his hand up to show he could do it anyway, but the classic is that apparently, he broke his arm without leaving without actually leaving on the horse. So it happened all in the pen before they actually released the gate. So and mom mom was sitting in the stand apparently watching this all play out and saying, who who is this fellow and heard the name Humphrey Smith? And she said, who? I've never heard a name like that, but the rest is history.

Michael Green: [00:06:49] So moving forward a bit, you were born in 1969, and you grew up in Brisbane.

Derek Humphery-Smith: [00:06:54] I did.

Michael Green: [00:06:54] In my mind, I may be over egging the pudding here, Derek, but it was seeming to me to be idyllic to grow up in Brisbane in the seventies.

Derek Humphery-Smith: [00:07:01] It was a great time. Like, I I like, it's my I had a wonderful childhood playing as much sport as I could possibly play, Michael, so it was

all and the great thing in Queensland was that you played all four codes of footy. So I I sort of had time playing rugby league all through my primary school. Always played footy, Australian football sort of from the sort of about as a six year old at Main Junior Footie Club. And then, you know, go to high school, you get put to fullback because you could kick. Hope like hell they wouldn't break the lines, but you could always kick, and played some soccer at school as well. So sort of all it was one of those unique situations from a football perspective. You could get that chance to to try all four codes, and cricket was, you know, one of my great loves, continues to be, and played that all summer and then into into footy over the winter.

Michael Green: [00:07:47] At cricket, you're a keeper, and that led to maybe a hiatus in your cricket career.

Derek Humphery-Smith: [00:07:54] It did, Michael. It did. It was you know, I thought I've had these as everybody did who were keepers, you know, Rod Marsh on the wall and John McLean. So he had these sort of two larger than life people I adored in in cricket coming through that time. And I thought, well, that's gonna be where I'll end up as the, obviously, the Australian keeper. And I got had a terrible situation. The nets at school. I went to school at Churchill in Brisbane and had a batsman sweeper leg spinner and ball and bat both hit my forehead at the same time. And, yeah, it it caused it caused enough trauma that, you know, my ability to go down leg side to this day is still impacted by sweeping bats create something in my brain that goes off that says, probably don't go there. So my bravery down leagueside has been limited for a good forty years. Sensibly so, it

Michael Green: [00:08:45] Would seem to me, Derek.

Derek Humphery-Smith: [00:08:46] Well, before helmets, Michael, there was none of that, particularly not in the nets. It was always that risk, but unfortunately, it happened. And poor bloke who hit me, you know, hardly played cricket from that day on, like the batsman. He felt awful. It was just as I said to the league spinner, it was a shocking delivery, and that's how it all happened. So

Michael Green: [00:09:04] Now moving ahead to university days, you don't initially do law, but you do science and do it well at the University of Queensland.

Derek Humphery-Smith: [00:09:11] You're kind to say. I did it well. Michael, I I didn't really know anything else when I finished school. Like, I had a brother who was who'd done a PhD in parasitology, and, you know, we'd grown up with bats in in his bedroom.

Michael Green: [00:09:25] Not cricket bats?

Derek Humphery-Smith: [00:09:26] No. Small eared bats in Queensland, small eared bats, feeding them with, you know, maggots and all of that stuff because he was fourteen years older than me. So I think it probably had an impact that I didn't really know anything else but science. So I chose to do science when I finished school and probably had a very good time at university certainly in first year. You know, coming from an all boys school, I'd I'd never had two females sitting either side of me. It was fantastic fun. I I I really struggled in first year science. I just didn't go to uni. So by the end of it, I was convincing the dean that to keep me in. And then I realized, well, I better actually get cracking here. And I hadn't found anything that I really loved, and it was only in second year science that I was first given an opportunity in anatomy and kind of found something I really enjoyed and and loved and sort of then did honors in anatomy, became a tutorial fellow in the anatomy department at the University of Queensland, and then was, you know, at the end of my honours degree, that decision around, you know, doing a PhD or perhaps doing something else. And I'd been exposed to some ethics, so sort of being approached to be the student representative on the university's ethics committee, which I found really interesting. I had no exposure to law at all. No lawyers in the family that that I knew of. They go back a few generations, but not not more recently. So it was it was that sort of decision that I was doing. My my honors thesis was on the you'll like this, Michael, the perioral epithelium of the newborn Tamar wallaby, *Macrobatus eugeniae*, which just means looking at the lips of a newborn wallaby and how they get from the urogenital sinus to the pouch. And I loved it. I love I still love. My great love is animals and particularly Australian animals. And I had a little breeding population of Tamar wallabies. I was looking after it Moggie in in Brisbane, which was part of the one of the university's campuses, and I I loved it, but I couldn't see myself doing it for the rest of my life. So it was then that I thought, well, if I'm gonna do law, which sounded interesting, maybe I could use my anatomy and perhaps jump into something like medical negligence or an area like that. But the transition to law was a was a difficult one I found because you'd gone from having the right answer to the best answer. And that didn't my brain

Michael Green: [00:11:42] So science, you've got the right answer?

Derek Humphery-Smith: [00:11:44] Yeah. Yeah. And law? Law was the best answer. And my brain, you know, took me a year or so to reconcile that, and then, you know, started to really enjoy and thrive in the in the degree. But first year was that battle of there isn't a right answer. There's just the most persuasive one.

Michael Green: [00:12:03] Derek, when you finished law in 1994, did you see yourself being a lifelong lawyer?

Derek Humphery-Smith: [00:12:09] Had no idea. Well, it was always this thing of what would I do when I grew up? I kinda still feel that today. You'd sure you know that feeling. No. I never quite knew, and I knew that I hadn't even finishing law quite found my passion. I think it's I think that's a really interesting concept that I think I'd I'd found it in sporting endeavors at that stage and loving all of that. But I hadn't thought, gee, that's what I wanna do for the rest of my life. I really had no idea, and I also realized that because science law as a combined degree wasn't an option back then, so you were you were coming into the profession perhaps that little bit later. So you had that, you know, perhaps a little bit of apprehension that there may not be a role anywhere for you. So I found that exercise difficult. I also didn't wanna be a number in a big firm, so I was choosing a firm when I to do articles back then, which was two years of articles in Queensland. So so I chose a very old very old Queensland firm, so the Quinlan Miller and Tristan, which was, you know, amazing experience because you were given opportunities probably way beyond your years of experience quite early. They gave you good work to do. It was wonderful. Not the first year. Like, I I explained to our graduates now, like, the difference between articles then and, you know, I had a I had a master, Michael. I had to negotiate eventually to say, look. I can't call you master. He expected me to call him master. I said, surely we can come to mister Miller rather than and we eventually got to Brock, but it took us a long time. But master was how it worked. And, literally, you were in the mail room for the first year.

Michael Green: [00:13:46] And Not on the Tuesdays. Tuesdays, you had another job. I did

Derek Humphery-Smith: [00:13:49] Another job. I got to wash all of the partners' cars, which was alright when it was in the middle of summer. We had a great old time, but

what isn't that incredible that that was a thing back in 1994, '95 where you were washing the cars.

Michael Green: [00:14:03] And then we better move on.

Derek Humphery-Smith: [00:14:05] Sure.

Michael Green: [00:14:05] What actual work did you do?

Derek Humphery-Smith: [00:14:07] Good point. That's a very good question. So the firm was the firm was interestingly split, Michael, between an insurance practice that did all sorts of, you know, compulsory third party claims and insure general insurance litigation all the way through to an industrial practice that happened to act at that time for seven of the state's nine unions. So I went in there thinking, well, my natural affiliation here is gonna be to do medical diligence, defense work, use my anatomy, whatever that looked like from my marsupial past. And I did that for a while, but I I I certainly worked out pretty quickly that and and this was plaintiff medical negligence work as well. So they'd they even had that split between defendant and plaintiff work. So we're doing plaintiff medical negligence work. You're often dealing with, you know, doubly damaged plaintiffs. So they'd often gone into hospitals very unwell. They'd come out even worse, and there probably wasn't as much anatomy as I thought that they might be as useful as it could be. Anyway, and I remembered one of the partners, Chris Campbell, delightful fellow who was, you know, an outstanding mentor to me in those early years sort of threw me a bone one day and said, look. I'm jammed. Can you just go down to the Queensland Industrial Relations Commission? We've got a a matter for a prison guard for acting for this fellow. Can you go down and just do the mention? I went, sure. I had and he literally had three minutes to tell me what it was about and what I needed to do.

Derek Humphery-Smith: [00:15:30] And I said, are you sure? Chris, I've never looked I've never looked at the Industrial Relations Act as it then was. It was even before the Workplace Relations Act. And he said, you'll be fine. Just go down there. And so I went down there and met this prison guard, and I think he'd been terminated or some I think there's some discipline reaction or something against him, and I muddled my way through this mention and hung around and watched the next hearing that was coming on and and thought this is all very interesting. And I and, you know, I know you'll be surprised, Michael, but with a conservative background that I'd had, perhaps I'd not

been exposed to unions to a great deal a great deal through my childhood. And, you know, I think mom and dad were conservative, probably conservative voters. There was a view of unions perhaps in our house that I think now is is very unfair. Like, I think good unions play a really important role in certain industries and sectors, but I think that that really was born out of that time acting for these various unions in Queensland. And, you know, I I can the BLF was around then, Michael. You remember with Norm Gallagher and all of that. They were still very much up and running in in Queensland, and they were one of the unions we acted for. And I remember...

Michael Green: [00:16:37] Did that create a problem?

Derek Humphery-Smith: [00:16:39] Well

Michael Green: [00:16:39] Acting for someone like the BLF?

Derek Humphery-Smith: [00:16:41] Well, we were just required to give advice. And, I mean, it sort of certainly explained to me. It gave me a great understanding of how unions operate. What drives them? It's it's often money, if I'm blunt, not dissimilar to employers in many ways, but coming from a different perspective. I remember there would there was a change to the right of entry laws in Queensland, and one of the part I'd been doing quite a bit of work with the BLF at that time, and the partner said, look. I I don't wanna do this on a Sunday. Why don't you go to their state conference and you do the update for the membership on the right of entry laws? And I went, sure. Okay. That sounds interesting. I remember going, and I'd never met the president, and and he had to introduce me as I was sitting on stage. And and he said that I think these were his words, Michael. What a sad, sad day it is for our union that we have a bloke with a hyphenated surname presenting to us, and there were boos and it was great. It sort of set me up for a life in umpiring later. It was great.

Michael Green: [00:17:39] I'm assuming there was a bit of humor in there. Surely some people...

Derek Humphery-Smith: [00:17:41] Well, there was some laughs as well, but there was also just underlying, we're not gonna like this guy. But it look. I got on really well with the unions. I'm still still in touch with the Bacon Factories Union of Employees Queensland, one of the meat one of meat processing unions who -

Michael Green: [00:17:56] A separate union for bacon factories.

Derek Humphery-Smith: [00:17:58] Yeah. So but they did they also did broader meat work. They sort of were able to capture those employers, but that was you know, that became a I love that relationship. Like, they they were a truly great union, ran really lean, excusing the pun, the meat industry, but they did run it, like, with hardly any fat in that unit at all, and they they really represented their members' interest. So and they called me they called me two dogs, which I've carried to this day. I get I still get text messages, two dogs, how are you? How's the year going? From the former secretary Exactly. Former secretary of Boca Factories Union, and he'd call me two dogs in the commission, which I found unhelpful. So we'd we'd often have to explain that. So

Michael Green: [00:18:43] You were also witnessed or aware of unions who weren't there for the benefit of their members.

Derek Humphery-Smith: [00:18:49] Yeah. Certainly, there was some there was certainly some matters which were ethically very and morally very challenging even at that stage. Like, I could see I never, you know, never participated in it, and and I think the firm to its credit drew a very strong line on what it would and wouldn't be involved in. But, yeah, I certainly witnessed the, you know, exchange of money between employer to union to make issues go away. And that was back then, not surprisingly, Michael in cash, and that was that was how these deals were done. And, you know, the union barbecues and all of those sorts of things funded by whoever had been in strife that year, there was a there's certainly a a blacklist of employers. You got that sense that certain unions did, not all of them. So you sort of come away with it with a you're a little philosophical about it, but I I I found it incredibly helpful as when, you know, when I finally moved to Melbourne and in our area of the law, as you know, you're one side of the fence or the other really. And I and I sort of landed on the employer side when I came to Melbourne. That seemed the more natural fit coming down, and that was very comfortable and has been ever since. But it's certainly made my ability, I think, to hopefully be able to speak to people at all sorts of levels, all sorts of roles. I'm interested in what people do all day. There's a great Richard Scarry book when I was growing up, I think, called What Do People Do All Day, and I I loved it as a child, and I'm still to this day as interested in what people do each day with their lives.

Michael Green: [00:20:19] Which is the purpose of this podcast.

Derek Humphery-Smith: [00:20:22] It is. It's exactly right.

Michael Green: [00:20:24] So, Derek, you've mentioned moving to Melbourne, and I think that came about through football, didn't it?

Derek Humphery-Smith: [00:20:28] It was through footy, director of umpiring.

Michael Green: [00:20:30] When did you get first involved in umpiring? Because that was in Brisbane.

Derek Humphery-Smith: [00:20:34] That was in Brisbane. So I've been playing footy, as I said, all the way from under, you know, about a six year old, but playing under eights all the way through. And I had a bad leg injury playing for universities. So I'd been at Main and then transferred that was more difficult from a training perspective, went to uni. And playing for university was outstanding experience because everybody hated us, like, as the students. Like, it was a squaffer back then. The South Queensland Australian Football Association was a it was a pretty scary league, Michael, and they were there were lots of former prisoners running around in that league, but, hey, I broke my leg. And it was funny. Neville Nash had just moved from Melbourne up to got the role, I think, as the Queensland director of umpiring. You would have remembered Neville.

Michael Green: [00:21:17] I remember his dad even more.

Derek Humphery-Smith: [00:21:18] You would have. You would have. And so Neville, I think, umpired a I think one VFL grand final and then got this job. And he cleverly thought that there was this pool of injured footballers who might actually be quite useful to get into umpiring. And that's really he rang me, said, I hear you're gonna be out for the rest of the year, and, you know, you need to get back and you wanna stay fit, and this will give you an opportunity to do some running. And would you like to do some umpiring? I said, you know, there was a pause because I'd I'd had a few issues, Michael, with the umpiring community in the previous couple of years. I think I'd certainly be the the year immediately before joining the umpiring ranks, I'd been suspended for two weeks for For abusing an umpire. Perhaps that's right, Michael. Yes.

Michael Green: [00:21:59] Which in that obviously, you didn't do it, Derek.

Derek Humphery-Smith: [00:22:02] Well, I've no. I'm just I think I think I'm I was just wanting to explain to the tribunal how bad this decision was, and they weren't that interested. So anyway, so I I had to then sort of join the the ranks of community footy in Queensland to you know, I thought, well, I'm gonna go to training.

Michael Green: [00:22:19] How old are you? And are you at uni or

Derek Humphery-Smith: [00:22:22] I'm at yeah. I'm at uni. I'm still doing, yeah, still doing honors at that stage. So it was 1992, I reckon, was my first year. And I think I think what I realized was they literally tossed me a whistle and a foot and a footie and said, you better learn how to bounce that. I never never even thought about bouncing a football. I thought how ridiculous was that was that, and all of the grounds in Queensland back then were, you know, always had a cricket pitch in the middle. So you you get great bounce out of it, but it also might amplify might amplify when they're not quite straight. So it never I never sort of felt gifted particularly, Michael, with the bounce from even from the earliest stage. But I would do it and got into it, I loved I must say I loved just the because I was pretty quickly umpiring guys I was playing footy against the previous year. So that's difficult because I don't think I was particularly liked as a as a player, Michael.

Michael Green: [00:23:11] Whether you were or not.

Derek Humphery-Smith: [00:23:14] Wouldn't have mattered. Well, I kind of built much better relationships with them once umpiring them, and I and I sort of found some really useful skills in getting just like I I came into umpiring going, like, I really detest umpires who are condescending or, you know, abuse the power and the role or love the power of the whistle. That's everything I hate about, you know, that sort of authority, particularly in sport. So I thought, well, we're gonna do it. Let's let's umpire the way perhaps I might have liked to have been umpired. I know I had the view that the end of the year, I'll be back at footy and I'll be back playing and balls. It was really a temporary thing. So but, you know, I would just chase the ball around. I had no the first, you know, I don't know, seven or eight games. You literally I was exhausted. I never run kilometers like it, and I had to sort that out and and and really become a a middle distance runner because you thought you were fit playing footy, but, boy, being told that the the the time

trial you had to do was a fourteen minute four k time trial, and that was the that was just the one thing everyone knew an umpire. If you were ever gonna do AFL footy, you had to break fourteen minutes for four k's. And the first time I ran four k, it was like 16. I've just broke seventeen minutes. Absolutely knackered running on the grass, and it took a lot of years of just honing that and people teaching me how to run it, and we'd end up running it at out at the QE 2 Track in Brisbane where they held the Commonwealth Games. So you're on a on the Tartan, and I've just never done any running like that. Like, I just thought I was fit through footy.

Michael Green: [00:24:40] And you're not a small person. I mean, you're not jockey size. No. You're a six footer and a so it's yeah. It's not gonna be natural to run long long distances.

Derek Humphery-Smith: [00:24:49] Wasn't natural. No. It wasn't. And and, you know, lots of lots of the blokes at that stage were whippets who were coming through the the umpiring ranks, so you were, yeah, you were always

Michael Green: [00:24:58] What I find interesting is so you started playing football at six. Yeah. And you've played football consistency from six to, at this stage, 18, nine, and

Derek Humphery-Smith: [00:25:06] 21. 21. Yeah.

Michael Green: [00:25:08] Therefore, you've had all those years, fifteen years of playing football, fifteen years of being coached at football, the skills required, etcetera. You come to umpiring. You get no training. There's no one is really

Derek Humphery-Smith: [00:25:22] No. They give you the rule book. They give you the rule book and expect you to read it, which I'm not sure I ever still have, but those sorts of things at that stage were very basic in the umpiring ranks.

Michael Green: [00:25:31] Yeah. I mean, obviously, bouncing the ball, our ball is a difficult ball to control. Yeah. It should be taught out about the tension. Well, that's It should be a technique Yeah. Yeah. And someone should have been teaching it.

Derek Humphery-Smith: [00:25:43] And I and the problem is there isn't a technique. I think the, you know, the biometric specialist that I've worked with over the years,

particularly when I started having some bouncing problems, which I guess we may talk about shortly. But when I started having those, I mean, I'd go in and you'd have all the ping pong balls strapped to all your joints to look at how you brought the ball from above your head to the ground. The reality was, you know, there is no model. Every single field umpire on the AFL list at that time and even now bounces the ball differently. Some break their knees. They always compare it to a golf swing that and for me, it was about having my hands level at the point of release. And I think being taller probably wasn't that helpful. I was always had hamstring issues and yeah. It was a it was a challenge and but a great intellectual challenge. I think the thing I loved most when I first took up umpiring was this under duress, running hard, having to make good decisions. And I think there's no doubt that's something I enjoyed the challenge of, and it's, I think, been really helpful in professional life as well.

Michael Green: [00:26:41] The decision making would be for sure. And we may have an argument about how good your decision making was, Derek. But having to do it while exhausted Yeah. That's that's a great and a very difficult and obviously great challenge.

Derek Humphery-Smith: [00:26:55] Yeah. And to shut out, I think, the external factors, think, is the things that you learned. Like, when I first took up umpire, I I remember that those first couple of games in, you know, squaffer second division reserves or something, one umpire system. The abuse that I would cop, not just on the field, but from people off the field is extraordinary. Anyway, it creates a really strange reaction in people umpiring. Now we

Michael Green: [00:27:20] Better veer a little bit back towards the law. Yeah. It was umpiring that brought you from Brisbane to Melbourne?

Derek Humphery-Smith: [00:27:26] It was. So so director of umpiring at the AFL wanted the list all in the one place. I'd been on the list by then a couple of years, and Peter Schwab came in and said, we want you all training together at Waverley. So I came down then, and I had to find a role. And I thought, look, I didn't I'd realized by then the industrial stuff was quite I I was enjoying it, but I hadn't taken that step across to the employer side yet. I wondered how that would be. I probably had seven interviews and four offers when I came down, which wasn't a bad strike rate. But I must say, genuinely,

when I walked into Landon Rogers at that time, sort of felt like I was home. It was a really interesting feeling that I can vividly remember sitting in reception, watching the comings and goings. I still look at you know, I still look when I visit lots of law firms around the world, how people interact with the reception. With the reception staff, that's very critical in my mind in terms of what the cultural overlay is just felt very natural. And then and then to find out that they acted for Hawthorne so that, you know, all the if you remember all the Melbourne firms back then sort of they all had one team for one firm and Landon Rogers through through Chick who was still alive when I joined. Hartwell George Landon had been their honorary solicitor at Hawthorne and infamously wrote the lyrics to we're a happy team at Hawthorne. I think a little intoxicated in the early nineteen fifties.

Michael Green: [00:28:50] He did a good job!

Derek Humphery-Smith: [00:28:50] Yeah. Well, it's still going well today. So but that was helpful. I think you knew it was a home where I could still do my football, and they needed to be accommodating because of the travel schedule.

Michael Green: [00:29:01] And at this stage, you may have been in practice for five or six years?

Derek Humphery-Smith: [00:29:05] No. No. I'd been I was coming down as a third year lawyer, I think, because he had the two years of articles. So then yeah. I think beginning of third year, so a baby.

Michael Green: [00:29:14] And so how long did you were you umpiring and still and working at Landers? Long How did the umpiring continue for?

Derek Humphery-Smith: [00:29:20] Well, that was six more years. You know? And three of those was as a partner, which doesn't happen now. Such a such a quick rise through the ranks, but it that was hard, Michael, like that. Just that combination of the demands of AFL football and the training that we were that we were doing and leaving the office at 04:30 at least twice a week. Myself and Steve McBurney were I was the driver. He'd sit in the passenger seat, and it was back then you'd have these cords out of your ears. We just got mobile phones, and we'd both he was he was a lawyer back then with the National Crime Authority. And I'd pick him up in Lonsdale Street, and we'd

hurtle out always the there, but get there just in time. And we'd make calls all the way out to our respective clients, and there were some interesting phone calls. I think I overheard with lots of things happening at Crown Casino involving the National Crime Authority. So that was always an interesting trip out.

Michael Green: [00:30:12] But landers were understanding of this. They were accommodating.

Derek Humphery-Smith: [00:30:15] Oh, they're fantastic. I think it was a a football firm, and they're interested. Who's this who's this strange fellow? And and and what I found was it wasn't only the staff and the partners. The number of clients who would ring me Monday morning to say, why the hell did you pay that? How could you possibly have paid that? And just they would start watching watching the footy. Michael Brown, I remember taking over as CEO of Hawthorne not long after I'd started at the firm. So Michael and I became good mates because we were doing a lot of work together. I was just brought into that work quite early. I think I found it I found it last year. He'd sent me some hair dye, Michael, you'd like this in the post, which arrived on a Tuesday because he said my graying hair had become quite distracting while he was watching the football on Saturday night under the lights. So it was nice. They were very supportive bunch, the client buzz, as you'd imagine.

Michael Green: [00:31:07] Let's let's finish off with the footy because we gotta get back to the law. But I mean, obviously, they're intertwined. They're not we can't separate them out, really. Why did you finish umpiring? Because I

Derek Humphery-Smith: [00:31:16] Couldn't bounce the ball, Michael. You wanted me to answer it that way. So I'm just saying it to you. I couldn't bounce it. I'd love to say that if I had been able to bounce it look, if I'd been able to bounce the footy, I would have kept umpiring. But it was it was also in that after this disastrous game of the MCG in round five of two thousand and three, which unfortunately attracted a lot of publicity. I got back finally to AFL footy by round 13. That was the end of the financial year in 2003, and I became a became a partner equity partner in the firm on 07/01/2003. So so that was a I could justify it in my own mind, but boy, if I'd still been an elder umpire, all my mates have gone on to do hundreds and hundreds of games, and I was stopped at 83. I

thought I was just getting started. So it was a bit shattering and, you know, an incredible experience to have a skill just completely leave you. And Structure

Michael Green: [00:32:08] Strange, really. And and, of course, today, wouldn't matter because there's no longer a center bounce in the game.

Derek Humphery-Smith: [00:32:13] It may not have been lost on me, Michael. So I was just ahead of my time, but, yeah, it certainly brought a whole lot of attention. But, you know, I now look at it, you know, in quite a positive way and think, well, you know, there are a whole lot of media opportunities that wouldn't have come my way. I think Rex Hunt was a great person at this sort of when I finally retired. He was, you know, rang me on the Monday and said, well, we want you on on this weekend. Are you happy to do special comments on three AW? And I said, that would be amazing, Rex. So I sort of went along and just sort of learnt the ropes and go on there, and we'd start talking about sort of or I certainly interpretations, but that sort of evolved quickly into tribunal, into the lore of football, the lore that sits around football, and the sort of the off field piece, which no one had done before. And and then sort of by the end of that and then the ABC got me doing special comments as well. So I was sort of doing doing both. And then the end of the year, SEN started, and that was the beginning of seventeen years of a thirty minute program that could only be run-in Melbourne. Like, you could only run this in Melbourne. And I think people saved up their venom for thirty minutes, and the the seven second pause was was of great value to SEN. But Dermot Brereton and Anthony Hudson, we we sort of did a show every Tuesday for half an hour, and, you know, that was amazing experience that sort of evolved over time into David Schwartz and Mark Allen by the end, and that came to an end with COVID, and that seemed a natural sort of full stop for me.

Michael Green: [00:33:40] Regardless of umpiring, you've had a great career in footy.

Derek Humphery-Smith: [00:33:43] Oh, you you kind of say that. I mean, it was a nice way to let myself down from a great passion that my you know, just my skill level prevented me from continuing in, so it sort of eased me out. And there's no doubt, and I say this to to our graduates now, like, without Footy, there is no way that, you know, my legal career in Melbourne could be, you know, in terms of client followings and opportunities given. It opens so many doors because you were a novelty. There's no

doubt people just wanted to talk, get the inside story from somebody on the ground with a pretty good view of the play on you know, and they can work with them as a lawyer, and they get to talk footy. Like, it was a lovely combination. So there were I was a great beneficiary of that, I think.

Michael Green: [00:34:27] Let's get back to the law. You come to Landrum Rogers continuing to act in industrial relations, but shift from the union side to the employer side. Correct. Was that difficult?

Derek Humphery-Smith: [00:34:38] No. It wasn't difficult. And in fact, I think it was as I said, look, I I think I had some understanding of the drivers in the union movement. So I think for those clients, you know, and there was obviously general employment matters that didn't always involve unions, but there were also lots of matters that did. And I think I was able to engage with unions pretty effectively because probably I had some understanding of their interests and what might be what might be the longer game. Very rarely was it just a a single matter strategy. It would be a longer play and, well, maybe there's a concession that might need to be made here with benefit further down the track. So I yeah. I really enjoyed that, and I think it helped certainly helped build the practice.

Michael Green: [00:35:21] Any significant difference in acting for employers or unions? I mean, obviously, they have different roles. Yeah. But as a lawyer, is it a different

Derek Humphery-Smith: [00:35:31] I think the only issue that I'd struck when acting for employees on instructions from unions that was on occasions you would get competing interests. So there may be a a push by a union for a particular outcome, which wasn't in either in the employee's interests or in accordance with their instructions. So I think that that issue of just navigating conflict fell away much more so when you were dealing with an employer. That would be that would be the biggest difference, I think. But, again, it was often about, you know, cost effectiveness and efficiency and all those sorts of things, which may not have always been quite dealt with in the same way on the other side of the fence.

Michael Green: [00:36:09] Soon after starting at Landers, you were really thrown into the deep end because the whole workplace relations and safety practice left the firm?

Derek Humphery-Smith: [00:36:17] They did. They did. That was October. I'd started in March ninety eight working with working with one partner, and then we'd built that team up a little bit. It was only, you know, it was only five or six people back then, but it was at least on the map in Melbourne from an employment law perspective, and they all got up and left and went to Mitra Ellison. And I think I was counted in that business case, Michael, and I probably well, it never crossed my mind that I would be leaving Landon Rogers. I think I'm a loyal person, and it would have been it would have felt incredibly unfaithful with all the support they were giving me to allow me to continue to, you know, follow my passion of footy. So I stayed. So I I had six weeks as the only person in the team as a as a senior associate and went about recruiting.

Michael Green: [00:37:03] I mean, if the clients knew that peep the whole team had left, surely the clients would all leave as well.

Derek Humphery-Smith: [00:37:08] I think we went okay, Michael. It was very kind. Maybe footy had a maybe Footy was a great glue that that kept many of them, you know, based on really strong personal relationships. They I think many of them expressed the view that they'd like to support me, and it was it was wonderful. So so we did we did incredibly well in in keeping them. I was recruiting a partner, Mark Deserio, who joined me, and Mark and I worked together for twenty five years. No. No. No. And I was I was recruiting. I was involved in the recruitment process to bring someone on board who I thought, you know, we'll team well and work well together. And, you know, to the firm's credit, they kinda let me do that, which was really, really lovely of them at the time.

Michael Green: [00:37:48] And the client stayed, and you were able to hold the whole thing together and build that practice to become a significant part of Landis?

Derek Humphery-Smith: [00:37:55] Yeah. It's a very significant part now, and, you know, I think if we're not I think we're very close to being the largest practice in Australia in that space now. So it's but that's taken that's taken twenty five plus years, you know, to to get that to that level. Well, twenty years. Yeah. I think it's really interesting when a when a firm sees you starting to have some success. And I I mean, our perfect model is always where an instructor leaves an employer. You keep that employer, and then you move with the instructor. And if you, you know, are able to keep those personal

relationships and that care for the individual and the person and making them look good in whatever whatever they're doing, I think you you generate great loyalty, and I think we've instilled that across the practice. You know, we've now got twenty twenty one partners 20 partners. They're huge that's a huge practice. And I think each of them have really been beneficiaries of that transitioning of clients. Because when once we can effectively transition clients to someone else, that allows others to go and chase new opportunities and win more work. So it's been a good model, and I think the equal partnership structure at Landon Rogers has served that very well because it's not a point scoring exercise. You're not competing against your fellow partners. You're just getting the right person with the best skills to do the work and allowing those that will have strengths in building relationships and building the commercial side to to go and get on with it. Plenty of strength. So it's been a great model for us.

Michael Green: [00:39:21] Derek, tell us about Colin Beatty, a leadership coach. Yeah. In reading about your career, he sounds a very interesting person and made a real contribution to the culture at Landers.

Derek Humphery-Smith: [00:39:32] I agree with that, Michael. Colin's a great friend of mine still. He's still my right now, he continues to coach me, so I catch up with him once a month, which is lovely to be back doing a bit of that with him. But he I met Colin Michael back in the mid two thousands. I realized that we needed to keep doing things to make us a little bit different in the market. He had a consulting firm, which was really him, but he had access to a group of improvisation actors, which is very unusual to to bring improvisation actors into a world of law. So and we really embraced the rules that govern improvisation acting. So no blocking, no hogging, no wimping, make your partner look good. Now we had to change your partner because that's never gonna work well in a law firm, so it became make each other look good. But that no blocking, no hogging, no wimping, make each other look good, they continue to be the cornerstone of how we operate as a firm, and it means that you don't get possessive territorial selfish behavior, and you can call it out. And I've never, you know, never seen anything in professional services firms and do a lot of work with other firms. When when people are behaving badly, it will be captured by one of those four terms. So it's been, yeah, been a great success for us.

Michael Green: [00:40:48] And you started using him for the industrial relations practice?

Derek Humphery-Smith: [00:40:53] Yeah. That's right.

Michael Green: [00:40:53] But it then expanded.

Derek Humphery-Smith: [00:40:54] Well, it did. And I suppose that was triggered a little bit in, you know, 2012. We made a change on the leadership of our corporate practice. So that was, you know because each of the groups at Landon Rogers have really grown almost independently of each other, you know, driven driven often by some key individuals who've got it going from the start, and then we're, you know, we've become very good at cross fertilizing those practices, but they've generally grown in their own right. So unlike other big commercial firms in Australia, our corporate practice was not the centre of everything. So we we've had to build that, shape that, and in 2012, we made a change in the leadership, and a firm asked me and I agreed to step in and lead that practice for a while, which, you know, was a great challenge as an employment lawyer coming in to kick the tires and poke around at a few things. And I certainly wasn't gonna contribute to the legal work, but I was able to, I think, ask some questions about why we did things a certain way and how we may be able to do things in an easier way, particularly in terms of the winning of work. So I did that. It was a pretty intense period leading two practice groups, but I really, you know, really enjoyed it, learned so much, some lovely people to work with who were, you know, who were keen heading all in the same direction. So did that and then had a little bit of a health episode, which reminded me was a good wake up call to not push myself too hard.

Michael Green: [00:42:20] Before we get to the health episode, can I just go back to those four pillars of improvisation? Please. Because I'm very interested in your comments you made about wimping being a big challenge at the time. Could you explain that to us and and how why it was a challenge to Landers and maybe many firms, and how you dealt with it?

Derek Humphery-Smith: [00:42:37] Yeah. Sure. So I'm people would say, and I probably agree with that, that I'm a reasonably competitive fellow, Michael, and I like that sense of the underdog and taking on taking on the market with being a small group initially and now moving into being a a larger player. That's been a huge driver to keep,

you know, keep winning share of client spend across the market. But what I was finding back in that mid two thousand and five, 2006 was some of some of our partners who we'd brought in as lateral hires from other firms, they'd kind of they'd make the decision that we wouldn't win an opportunity without trying. And that was beginning to drive me crazy. So it meant that, you know, there would be opportunities that, no, we may not, but it might be the benefit to us was that it's part of a longer game. Show ourselves this year, we may not be successful, but client knows that we're hungry. We'd love to do their work, and maybe in the next time that that opportunity comes up again or a panel opportunity comes available, they know we're there and we're not going anywhere and we really want their work. And so I just wasn't seeing enough of that hunger and resilience from some of those lateral hire partners who'd come from firms with a very good brand in the market at that stage. I said, well, you know, Landers isn't gonna win that, so let's not waste the time doing it. So really instilling in the group that, you know, eight times out of 10, you'll pop your head above the trench. It might get kicked and that you might not win, but that's okay. Because we win the two out of those 10 opportunities, that's a really good strike rate. And I think our strike rate has got better and better than 20% over the journey, but back then, winning two out of 10 was really important to us. So you had to play a numbers game, Michael, just to get that traction in the market.

Michael Green: [00:44:23] And those people who were wimping it, to use that word, did they learn from it? Did they grow as people? I I say this as someone who I would have been a wimp, I'm sure. So I'm interested I'm interested in how those individual people developed from the training.

Derek Humphery-Smith: [00:44:38] Well, I think they would have got frustrated by me with that sort of, you know, well, let's just have a go. Like, what's the downside? And you've got to weigh up how much discretionary effort you do invest in these things because you can go down lots of rabbit holes in in a market like this. And so so we were always trying to focus on big fish and winning winning some big clients that would really give us a name. And and I remember when we first started acting for Walt Disney, that was a trophy like, that was sort of a trophy client recognized globally. And we got there just through really expressing that view that we'd really love to do your work. And they finally gave us a chance. Mean, gee, we like these guys, and then it goes from there. But those partners, I think, have ridden the wave. Now those of us those of them who

are still with us today have sort of realised that that's our that's our cultural fabric as a as a firm that we love to have a go and compete, you know, really strongly with firms bigger than us. And we've got, you know, obviously much, much bigger than when when I first joined. But and now, you know, work comes to us, you know, probably because of our brand, and our brand was a major, you know, it was a real struggle, Michael, for, you know, a good fifteen years of our of our of our time building that practice. It's only really, I think, in the last sort of five to ten years that we've really got some traction in the market. People know the Landon Rogers brand in the workplace relations and safety space, and, we win work as a result of that.

Voiceover: [00:46:14] William and Lonsdale is brought to you by Greenslist, one of the leading multidisciplinary barristers lists in Australia. Greenslist believe in promoting conversation around the ideas and issues that shape not only our legal system, but our wider community.

Michael Green: [00:46:33] Derek, you mentioned a health episode that you had back in 2013. Yeah. It was shingles in your optic nerve?

Derek Humphery-Smith: [00:46:41] It was, Michael. Around Not a great place to get. Ocular shingles is reasonably rare, and, yeah, it gave me a hell of a shock.

Michael Green: [00:46:51] And so what impact did it have upon you? Well, obviously, personally, it had hell of a shock and no doubt a lot of medical work to be done. Professionally, how did it impact you?

Derek Humphery-Smith: [00:47:00] I think it just gave me an enormous wake up call. Like, I was literally out of action for, you know, me I was in Cabrini for nearly two weeks, so it was a it was a bit of a shock to everyone. And it happened on my birthday. Isn't that awful? I'd taken my children to see Pirates of Penzance, these young kids to be exposed finally to a a great musical, and I could not you know, I just couldn't hear anything. The headache was awful. And anyway, and it took two or three days it took two days at least to diagnose that it was shingles. So you finally got that little vesicle coming out of the eye. So people went, oh, well, you've got shingles. But that wasn't diagnosed. And I don't know about you, but when things are undiagnosed, you go immediately to the worst possible outcome. It's all over. And so that I think that was really stressful, but I just realized that, you know, I was burning the candle both ends,

peddling too hard, desperately trying to make workplace relations and safety and our corporate group a success, and you can push too hard. So I was lucky it was only I look back now and go, it was only shingles? But, you know, you it was something I just never encountered and of the most painful things and lost sight in my eye for about four months, which was also a bit scary that you're thinking, my gosh, is this is this really where I'm at? Because it was important, Michael. Was a little blind spot as I turned my head on the drive at a crack at down the middle of the fairway. I wasn't quite seeing it as clearly as I once was.

Michael Green: [00:48:24] I've been more worried about you driving the car, Derek, with a little blind spot.

Derek Humphery-Smith: [00:48:26] Thank you. Anyway, it's all recovered, and I feel really fortunate that

Michael Green: [00:48:32] So what happens? So you're pushing too hard, I mean, as many professional people do, and you're in a you're trying to build a firm, build a practice within the firm and build a firm to have a national profile, maybe an international profile, but in doing that, you're going too hard. Yeah. You've to work yourself. How do you change your regime?

Derek Humphery-Smith: [00:48:50] Yeah. Well, I think the immediate thing was to make a change on the leadership of both groups, so there were obvious successes that I'd been working closely with to come into the role, so made that change. And and one of the things I'd really been nurturing in our corporate practice particularly, because what I what I'd realized was that as an independent Australian firm, we'd spent very little time winning work from other parts of the world in respect of Australian transactions particularly, and to a lesser degree, you know, Australian employment matters where you've got a a global employer. So that work led me quite neatly into continuing to practice, having a full time practice in workplace relations and safety, but also leading our international practice. And it was about the time, as you would recall, Michael, the international invaders arrived in Australia and so many rebrands of Australian firms and firms merging. And I think it was it was really Herbert Smith merging with with Freehills as it as it then was. That merger, I explained to the firm when that happened that I thought there was a really good opportunity in the London market that we would be able

to win work through relationships with firms that perhaps used to use Freehills in the Australian market, didn't like Herbert Smith in the London market. So why don't we go and round up those opportunities? So myself and Jackie Solikovsky, one of the corporate partners who took over the corporate practice from me. She and I went to London, met with probably 20 firms.

Michael Green: [00:50:16] Can I say, you hopped on a plane and did what in sales parlance is called made cold calls?

Derek Humphery-Smith: [00:50:21] They were pretty cold, some of them, but they were interested because you had to and this was the no whimping. There you go. Comes up again. Was there was that think

Michael Green: [00:50:28] About whimping. It's a pretty hard thing to do on the other side of the world.

Derek Humphery-Smith: [00:50:31] Yeah. You had look. I had enough people who I knew had landed, you're probably making a number of little connections again to to sort of even if they weren't in leadership roles, they were able to introduce me. And, generally, if you've come all the way from Australia back then, not many people were doing that doing that trip. And and so I can't recall a firm that knocked us back in terms of at least having a meeting. They didn't all they didn't all roll over and give us work immediately. Well, but it it led to some, you know, great discussions and now, you know, really burgeoning relationships in the London market out of really that decision. We we would I think we saw 20 firms. We continue to act for 12 of those 20, and I'd like to think they were you know, we were their exclusive Australian provider now for legal services.

Michael Green: [00:51:17] That's an amazing story, really. Was it about this time that you were acting for Malaysian Airlines?

Derek Humphery-Smith: [00:51:22] Yeah. It was about that time. It was a little bit after that, Ma, when MH370 disappeared, which I I'd done Malaysia Airlines work since 1998 when I first arrived. So one of those sort of legacy firm clients that I'd sort of stepped in over time to be the client relationship partner for, very close to them, and they were a very good, you know, very good brand in the Australian market in terms of international airlines at that time. So when this incident occurred, yes, I was very close to the client.

The regional vice president called me and said, you know, you're not gonna believe this. It was like 04:30 in the morning here in Melbourne. You know, I don't believe this, but we've had a plane disappear, and we think it's come down off Perth. We need you to help us. And, like, you know, and that and to get that phone call, you think, what on how on earth am I about to help a client look for an aircraft? So we put together a team, you know, assembled a team with some lawyers. Some we didn't have a Perth office. We continue not to have a Perth office quite deliberately, but we're a very close relationship that continues to this day with RSM Bird Cameron as it then was. So we had an accounting firm we could work out of. We headed over with crisis consultants and security people, and I had one lawyer who I think booked every bus line in Perth over twenty four hours because we had we're about to have all these next of kin arriving in Perth after the disappearance of the aircraft.

Derek Humphery-Smith: [00:52:44] And, obviously, Malaysia Airlines with a substantial shareholder being the Malaysian government were negotiating deals with the Chinese government, which that plane was headed to Beijing when it disappeared, and that was obviously a significant diplomatic issue that was developing for Malaysia. I think Malaysia and China were doing deals which involved Australia, but perhaps hadn't entirely told Australia our involvement. And so it became a it was a fascinating it was two weeks of our lives. We'll never get back, but, you know, it was, you know, the Malaysian government sent down, must have been 30 or 40 people to Perth Airport. They hired space. They all wore lime green t shirts. Michael, I remember them all walking in going, what are you doing? What are you here to do? And they weren't sure. No one was really sure. And I think the we learned pretty quickly from some outstanding German mathematicians who had been engaged by, I think, the Malaysian government to look at trajectory of aircraft and fuel usage and where are the places on the basis of what their fuel levels were when they left Kuala Lumpur. Where in the world was this plane gonna go down? And from some, you know, understanding of radar and beeps that were picked up before it went before this plane went dead. They worked out that the most likely place was gonna be off off of Southwestern Australia. You know, the searches that went on at that time with the, you know, Australian naval vessels were some of the most monstrous seas you could ever imagine.

Derek Humphery-Smith: [00:54:14] We nearly lost a naval vessel in that search. So helicopters washed off the top of a naval vessel from waves that you just couldn't

imagine. It was pretty scary stuff, but the view was, well, Perth seems a reasonable place. If there's gonna be memorial services and all of that, that that's where it would be. None of that ended up proceeding because pretty quickly it became apparent that actually people didn't have any idea where that plane had gone down and, you know, but for a tail wing, I think, that had turned up off Madagascar a few years ago, we're none the wiser. I wonder in our lifetimes whether that plane will ever turn up. But, you know, just a just such a state of such a state of stress for a a company, and I think for employers, obviously, losing staff, but losing passengers and the reputational impact on Malaysia Airlines and and the diplomatic impact between Malaysia and China of what was going on at that time. It was it was a very rare matter to be involved in. I felt very blessed that they would trust, you know, Landon Rogers to assist the company. There were multiple investigations including, which you'll you might find amusing, Michael, the city of Perth decided that they would have an investigation into the disappearance of Malaysia Airlines MH three seventy. We probably didn't see there was great merit in that or or necessity actually with five other concurrent investigations going on. But, anyway, it was a strange time.

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Michael Green: [00:56:05] Derek, with the growth in Lander's international practice, people like Malaysia Airlines, Are you doing more work like that which is not specifically legal? Is well, that that was almost like a handholding exercise, but, yeah, has what you do, the service you provide your clients, has it expanded beyond strictly legal because you're acting for companies.

Derek Humphery-Smith: [00:56:24] It's a good question. I know some firms have expanded into that sort of consulting services. We haven't, Michael. We've know, we're that matter's rare. That matter is something where it's really based on the strength of a client relationship that they would ask you to do that. I mean, our work internationally I mean, we our involvement internationally was traditionally to for outbound work. We wanted to take our clients to the world, ensuring that they would not be given an

opportunity with a global competitor that might steal the client, if I'm blunt. That was very much our play. So when we joined Terilex, which is the the largest network of independent law firms in the world, and we're the exclusive member for Australia, we did that so that in, what, a 142 firms and 200 jurisdictions globally, we knew there was somebody vetted, very careful, very carefully vetted to ensure that they would be able to look after our client in that jurisdiction. So that was the reason.

Michael Green: [00:57:18] And not steal your client.

Derek Humphery-Smith: [00:57:19] Not steal your client. But the inbound is really the benefit. What we've realized is that Terilex alone has, you know

Michael Green: [00:57:26] Derek, can I just interrupt?

Derek Humphery-Smith: [00:57:27] Yeah. Please.

Michael Green: [00:57:27] You better tell us what Terralex is.

Derek Humphery-Smith: [00:57:29] Yes. So that's that so Terralex is is really a it's a vehicle. It's a network. It's an organization which has a whole rain you know, a whole lot of staff around the world, which, as I say, covers a 142 firms. Nearly, if you think the largest law firm in the world, Michael, is just under 7,000 lawyers. That's Dentons, I think, still at the moment. There's a Chinese firm hot on its heels. Terralex has more than 23,000 lawyers, so nearly well, more than three times the largest law firm and, obviously, a 142 independent firms, and we have the Australian market to ourselves in that. But that's only it's only one part of our international practice. It's a very important part because it does, but but in you know, there'll be a number of jurisdictions where we've got legacy relationships with other independent firms, and there are a lot of a lot of multinational firms who haven't entered Australia, and they like to work with us as well. So it's sort of a it's a combination of those things which make up the Landron Rogers international practice.

Michael Green: [00:58:27] What's your role with Terralex?

Derek Humphery-Smith: [00:58:29] My my role now is as global chair, so I've taken that. This is my third year in that role. So it's the first time that Terralex started in 1990.

So celebrating our '30 1991, our thirty fifth anniversary this year. And this is the first time we've had a a chair outside of The US where it started. And The UK was the first time they'd had someone outside of The US who was my predecessor. And then they've given us an opportunity in Asia Pacific, and it's an amazing role. It's

Michael Green: [00:58:58] Do you enjoy it?

Derek Humphery-Smith: [00:58:59] I love it, Michael. I learn you know, literally learn something every day. Like, there is you know, with that many firms and that many countries, my geography's improved, Michael. You'd be pleased to know. I'm even getting better in Africa. You know, in Africa alone, we've got you know, we have 29 firms out of 54 countries, which there's no there's no other organisation even close to that sort of traction and coverage. So, you know, you're you're really fortunate to deal with matters truly global in nature. So they might be multi jurisdictional mandates on an M and A deal, or they might be, you know, just a a US client like this morning, US client needing Australian employment advice on a really sensitive industrial issue, and that matter will now play out, you know, that that introduction's been made. So it's really a business development organisation. We leave we leave the rule of law in many ways to the IBA. I think the IBA plays that role importantly and does a very good job, but so many of our members are involved, obviously, in the IBA, but also within Terilex. And Jaime Carey, who's just stepped down as the president of the IBA is is firm in Chile, the International Bar Association. So that's sort of a that that's the in terms of the protection of the rule of law, that's the body that plays that role for the profession globally. And Terelex, as I say, we're the largest independent network of firms, but that's really for the generation of work cross jurisdictionally across the globe.

Michael Green: [01:00:24] And I think, Derek, you're also chair of a similar body called AMCHAM?

Derek Humphery-Smith: [01:00:29] AMCHAM, the American Chamber of Commerce. So I I chair the Victorian Council of Governors for that organization, which sits nicely. Obviously, a large part of our focus as a firm is on The US Australia trade corridor, which Amcham plays a vital role in, you know, really expanding the interests of the and protecting the interests of the alliance between US and Australia. And so it was I approached to become a governor and then got approached to become chair and

accepted both very, very willingly because they're a great opportunity to be involved in some very interesting discussions, some interesting opportunities. One of the things we're doing with Amcham at the moment is supporting the NFL coming to Melbourne later in the year. We'll we'll run a significant business symposium alongside the NFL game, which will be focused on US investment into Victoria and Victorian investment into The US. And, you know, we've got mayors of San Francisco and LA both coming because their teams are playing, and we might might even see the Californian governor. So it'll be a pretty significant event. And, you know, that sort of thing, I think, just from a personal perspective is fascinating. But from the firm's perspective, from a Landon Rogers point of view, it sort of has given us a a different dialogue opportunity with a whole range of corporate clients and, obviously, on a global stage and not just in the Australian market.

Michael Green: [01:01:48] The obvious question that raises, Derek, is how much are you still a daily practicing lawyer, and how much are you more of a chairman, of a taking an overall role, a rainmaker? Do you work on files anymore at all?

Derek Humphery-Smith: [01:02:04] Absolutely. So that's why I was running late this morning, Michael. I'm sorry. So now I I run a full practice, and, you know, that

Michael Green: [01:02:11] Oh, just not enough hours in the day.

Derek Humphery-Smith: [01:02:14] Well, I think the great thing about having a large team now is you can. So they're probably you know, I I probably have 40 matters that I touch, you know, when necessary, but, you know, really well supported. What I don't do anymore probably is do much work with graduates and really younger lawyers. I'm delegating to either other partners or delegating to senior associates and special counsel who they're great lawyers and we're in really close contact on the matter, but they'd probably be at any one time, you know, two to five matters I'm very immersed in and handling. They tend to be, you know, more sensitive matters.

Michael Green: [01:02:47] And are you taking maybe a more strategic role?

Derek Humphery-Smith: [01:02:50] On those, I'm pretty hands on, but only you know, certainly on those other that whole other transient matters, I think they're a bit more in the strategic bucket. Yes. So and I love that. I mean, I I still love the practice of law. So

and I think, you know, I think that would be would be incredibly difficult to do the other roles cause you lose relevance so quickly in my view. I mean, I think having I think I can say as chair of Terilex, I'm the first person to hold that role who's still running a full practice as somebody who's not on the perhaps retirement pathway. So our former chairs have been, you know, great lawyers, been managing partners of their firms, and then been taking the Terilex role on their way into retirement. I'm doing it at a different time, so probably there is some different focuses in the way we we do the role. But I've got a fantastic CEO and team based predominantly out of Florida in The US with other people around the world. But it no. I still love all that. And the rain making, you know, that that term, it's a it's a classic one, Michael, isn't it? Sort of always makes me bristle a little bit. Yeah. And you know that. But I think it's one of those that I think the thing with when people get called a rainmaker, I don't, you know, it's for others to judge with or decide whether they call me that, but I always worry that that then can lessen perhaps the legal skills you'll bring to a matter if you're only seen as the generator of the matter. And I think that's often I'm sure in some firms there are rainmakers who are really good at winning work, and then they don't do any they don't do the work. I could never do that hand on heart and do that for a client. Certainly, I would do it where the expertise needed doesn't sit with me. So I'm very happy to play the role and get the right person with the right skills in our firm to do it.

Michael Green: [01:04:31] And can I just figure out there? With Terilex, sometimes the right people to do the work for some overseas firm might not be landers.

Derek Humphery-Smith: [01:04:40] That's rare. Like, we're we're pretty, you know, very wide breadth of work now. We've got over 700 people these days. It's a it's a big practice over four offices. But, yeah, there'll be some areas, I mean, where we rely on others. And, you know, it might be immigration work, for example, which we don't have in house but have a have a great relationship with with Hall and Wilcox, actually, another one of the really, you know, strong independent firms. We've always had a good relationship between the two firms. All that work gets funneled to their immigration partner, for example. So I think you you've just gotta discharge that duty you hold to the end client. I think the firms that get themselves into trouble in this space is they say they can do everything. I think this concept of a full service law firm is just a recipe for disaster. I think there will be people on occasions who have better skills. They might sit

in another firm. They might sit at the bar. And, you know, I think our duty is to the end client who's gonna give them the very best service in that particular matter.

Michael Green: [01:05:38] No doubt. The other question obviously raised for me, and chairman Terilex, is how much travel does it involve?

Derek Humphery-Smith: [01:05:45] Yeah. Is my family listening? I'm not sure. I I doubt they will actually, Michael, which I could be relieved by because I'm talking, but there's a bit of travel, Michael. It's a that's a that's a balance, I think. I thought jet lag would get easier as I did more of it. It's probably gone the other way. So I'm I'm a bit more careful with my planning around trips. But, yeah, it's a very that is a hectic part of it. But I but having said that, I've got to say what a privilege it is to go to places you would never go on holidays. Like, you know, going to Rwanda for an African regional meeting at the end of the year, like, I'm never gonna Rwanda. I was in Bogota in Colombia earlier in the year for our LatAm regional meeting. Like, those sorts of places and the the cultural difference in the practice of law is fascinating. Like, the the emotional overlay, if I can use that. Even if the Colombians are listening, I love them dearly. But, like, the the noise at the dinners that we had in Bogota was unbelievable because it's just everybody talks at the same time, and there's so different from a dinner in London perhaps that you have with with other firms. No, it's been a it's it's a really exciting role, and and I'm loving it.

Michael Green: [01:06:49] Derek, I've got about two more questions, I reckon. One, I found really interesting a comment you made when you said that the most fundamental aspect of lawyering is listening. You're the first person I've heard say that. Really? And I wanna know why you say it, and what makes you believe that? I think having

Derek Humphery-Smith: [01:07:08] Yeah. It's very interesting you say that, Michael. I'm surprised that's your reaction. I I'm a bit disappointed there aren't others who hold that view, to be honest. I I

Michael Green: [01:07:16] I agree with the view, but I'm just interested that no one else has said it.

Derek Humphery-Smith: [01:07:20] Well, I think and look. There might be some ego in all of that for others as well. I think people in the law spend a lot of time worrying about

what they're going to say next, and I think miss enormous cues that might exist in that conversation. And that and that will extend it's not that's not just in the negotiation space where a lot of that time has been spent mediation skills and negotiation skills around the importance of listening. So that's been done. But I think the more important place is the client listening piece. Your ability to listen to an instructor and really understand, one, what they're trying to achieve in the matter, but how that plays in a whole range of other there might there may be political issues at play within that client that you need to be alert to. But and I and I think as a result, when we then work with clients, we spend a whole lot more time now, Michael, pairing instructors with the right sort of person who'll work well with that instructor. I think a lot of a lot of clients get jammed in, you know, square pegs in round holes at law firms. Well, you just need to work with this. This is the subject matter expert. You must work with them. Well, that's never gonna work well. So building around that person, perhaps the right team so that but it all comes back to listening. If you don't get the listening right, you can never do the job you should be doing in my view as the as the lawyer in that relationship with your clients. So I just think it's a hugely important skills and, you know, just getting out, particularly our younger lawyers who are starting out in the profession, who are desperate to tell you everything they know and everything that they've learned to say, well, actually, the client is gonna come out of this meeting feeling that was a much better experience with their lawyer if they feel they did most of the speaking. That might vary from client to client, but overall, I reckon that's a really good recipe for a for a client interaction.

Michael Green: [01:09:16] And my final question is that old saying all work and no play makes Jack a dull boy or Derek a dull boy. How do you get balance in your life? Because I to my observation of you, Derek, you are a balanced person, but you can't be balanced just by working twenty four seven as a lawyer.

Derek Humphery-Smith: [01:09:33] No. I agree with that. No. I'm really careful on that, Michael. I have my competitive outlets, and they they are exactly that. And they're probably these days golf and crickets, very keen golfer, and play as much as I possibly can, including with clients and with visiting law firms. When I travel, you know, you talk about my international travel, you know, my golf clubs would be squealing if they weren't included in that travel. So they always come and some people go for a jog when they get to a city. I ring ahead, speak to the firm, I'll be visiting, and they generally have someone who's a member of a very nice golf course and you have a delightful time and

I keep my golf up that way. And cricket, I've gone back to cricket with my dear son James who's now a great cricketer in his own right, and we started a father son I started a father son cricket team for Turakpuran Cricket Club some years ago now because there wasn't a a turf option at that club. We played all the junior cricket at Turakpuran. It was a synthetic club. I thought it was important they have a turf option, so we set up a Sunday team. Andrew Dimitriu and his son, Sasha, joined me for that first season. We called Andrew the statue. He'll like that because

Michael Green: [01:10:42] He'd move in the field.

Derek Humphery-Smith: [01:10:43] Unless it hit him, he was unlikely to catch it. So but he did a very good job when when that came to be, but we had a great time, and it's continuing still and still playing in the so we play Sunday division one in the ECA, and it's great. Cricket's still one of my great loves and can never get enough of it.

Michael Green: [01:11:00] Derek, thank you very much for giving us your time this morning to talk about your life in the law. It's a different life in the law, a very relevant life in the law, and a very interesting life in the law. I'd like a lot of young lawyers to hear what you've had to say because I'm sure it'd be beneficial to them. Thanks very much.

Derek Humphery-Smith: [01:11:15] Thanks, Michael. Great to see you.