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# Secret seven build Gadens office in Sydney: Hearsay



Gadens chief executive Grant Scott-Hayward is building the Sydney presence, post-Dentons. Pat Scala



by [Katie Walsh](#)

National law firm Gadens has poached six partners from rivals to rebuild its Sydney office, almost a year since its Sydney and Perth arms broke [from the federated model to join global monolith Dentons](#).

They will join employment lawyer **Brett Feltham**, who moved from DLA Piper last month, to form the office's secret(ish) seven.

Gadens CEO **Grant Scott-Hayward** will say only that the "top quality" partners are from a "mix of firms" and include expertise across corporate advisory, property, insolvency, restructuring, employment and commercial litigation. Well, that narrows the pool of candidates.

Identities will be revealed between now and Christmas, as they leave their respective firms.

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"This is a very exciting and significant development for the firm and its future," Scott-Hayward told Hearsay.

He refused to budge on rumours at least one may be coming from Henry Davis York, where the departure tally grows ahead of the firm's merger with global Norton Rose Fulbright (the latest, intellectual property partner **Donna Short**, has joined Addisons Lawyers).

Might Gadens consider joining the next wave of mergers itself? Not likely, says Scott-Hayward, despite admitting they've had "many approaches" and held discussions out of interest.

"We're committed to being the firm that we are. Being part of an international firm doesn't align with our client needs," he says. "We've got a very unique way of going about business, a very corporate-focused model."

The firm wants to keep growing but Scott-Hayward says there is no specific target or timeline.

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We are quietly confident the mosh pit was as active for the global Law Rocks round as it was for the local battle last year. supplied

"Our aim is to bring to the Sydney market the high-quality Gadens brand we have in other markets," he says.

Eagle eyes can look for visitors to the iconic Gateway building, where Gadens officially opened its Sydney office this week. The partners will be integrated with the Melbourne office, not as a separate entity within the federated model like its predecessor (which sources say contributed to the breakdown that saw the [almost 50 partners across Sydney and Perth merge with Dentons](#)).

They are a mere block or two from Norton Rose's home at Grosvenor Place, where a unanimous vote this week approved the merger agreement with HDY from December 1. In another known-unknown, Hearsay understands they will soon welcome a new partner.

## Smitten with the Slatts

The important question is: can the newbie play?

The firm's band, *The Thorns*, made it to the global final of the Law Rocks! charity competition played out at the [International Bar Association's mammoth conference](#) in Sydney recently, but ultimately lost out to Johnson Winter & Slattery's *Jammin' With Slatts*.

For the final battle, the JWS band made the possibly career-limiting move of sidelining [managing partner Peter Slattery on bass](#) for relatively new partner **Ravi de Fonseca**, belting out 1980s classics including an achingly appropriate rendition of Queen's *Under Pressure*.

The panel of judges featured Queensland Supreme Court judge **Martin Daubney**, Victorian Supreme Court judge **Geoffrey John Digby** and Real Housewives of Sydney identity **Lisa Oldfield**.

Apparently nobody has challenged the win, despite sources saying Oldfield was "smitten" with JWS lead singer **Jack Bourke**.

"I would pay \$750 an hour for you, as long as you let me pay in six-minute increments because I'm an older lady now," Hearsay is told Oldfield "really said".

Bourke, as it happens, is an employment lawyer.

Oldfield is married to **David Oldfield**, former deputy leader of senator **Pauline Hanson**'s One Nation party.

## High Court Friday finale

A decade out of politics, and the party is still making headlines. Who could've scripted that?

On Friday, by 2:16pm, one minute after the High Court delivers its landmark decision, the fate of One Nations senator **Malcolm Roberts** and his fellow Citizenship Seven comrades will be known.

Indian-born Roberts, who actually suspected he might have dual citizenship, arguably has the toughest factual matrix of the bunch. Which was why it was so gratifying to watch **Robert Newlinds, SC**, put up a decent fight on his behalf, [arguing it was "unAustralian" to distinguish between Aussies born here or offshore](#). We are a multicultural society, despite being one nation, after all.

At the other end of the spectrum is **Nick Xenophon**, among the four Aussie-born who were foreign citizens by descent — it's just that [Xenophon's British citizenship wasn't really much of a citizenship at all](#). Turns out the Brits could leave him on the doorstep, without so much as a Yorkshire pudding to keep him warm, if they wanted.

But it could go any which way: there are reasonable minds who can see a seven-nil wipe-out and a seven-nil save.

On the final afternoon of the three-day hearing, solicitor-general **Stephen Donaghue, QC**, who would save five of the seven, appeared to paddle backwards at times.

Explaining constructive knowledge was not a part of the Commonwealth's case — it prefers the need for a "voluntary" act — High Court justice **Jamie Edelman** interjected.

"It is hard to think of an example of someone who could not reasonably find out that they were a foreign citizen where the foreign law is not either exorbitant or within the exception," he said.

"How does that situation arise in the real world — you do not have any knowledge of your grandparents but other people do?"

Justice **Patrick Keane** was only too eager to join, leading to this exchange:

Keane J: I think what is being put to you by Justice Edelman is that there is something slightly unrealistic in the real world about the submission that they could not reasonably have known, given that we are here because the facts are knowable and have been established.

Donaghue: Ultimately, with the benefit of hindsight, for these people that is true, your Honour, but - - -

Keane J: But it is not about the benefit of hindsight, is it? It is about whether it is a sound rule, in interpreting the Constitution, to treat section 44(i) as making a peremptory requirement that the person tendering himself or herself for election must qualify and, if that person does not qualify, that is no one else's fault. It is not even that person's fault.

Oh. Oh dear.

Justice **Stephen Gageler** later asked whether the voluntary act the Commonwealth says is required to trigger the section could be "the act of a child".

Look, Donaghue had to say: in the "vast majority of cases" its approach produces a "very bright line" which works.

As one observer noted, you could "see which way the wind was blowing".

Still, the wind was certainly blowing a gale in another direction the day before, when the bench [decimated arguments based on reasonableness and designed to scupper the Greens senators](#), put by their own counsel **Brian Walters, QC**.

There are serious difficulties with the Commonwealth's case, but there is no doubting the pragmatic imperative.

As the [marriage equality postal survey drama showed](#), predictions are fraught with danger. And so we wait.

## Tattoo yourself

Whatever the outcome, given the high stakes drama, could at least one of the winning advocates memorialise their success?

Here is one idea: a tattoo.

**Adam Simpson**, the Simpsons Solicitor director who [represented the publisher and songwriters of Eminem's hit song \*Lose Yourself\* in their \\$700,000 win this week](#), had this tale.

Walking out of the New Zealand High Court in Wellington after songwriter **Jeff Bass** delivered a "passionate testimony" about the music he wrote and the National Party ripping it off for their election campaign, Smith noticed ink on his arm.

"I asked about it. He stopped, rolled up his shirt sleeve and revealed the music for *Lose Yourself* tattooed up his arm."

The [132-page judgment](#) includes links to the original and copycat tracks, which play when clicked. Choice move, Justice **Helen Cull**. Perhaps **Barnaby Joyce** should reconsider ditching that citizenship.

## Daily trauma

Another choice move this week was made by NSW Magistrate **David Heilpern**, in a [bare-all account of the vicarious trauma he experiences in his role](#).

The deeply personal, incredibly raw account was delivered at the Tristan Jepson Memorial Foundation lecture.

He did not want people to think he was "whining about the job itself". But 18 years as a magistrate, confronted by all manner of disturbing crimes including sexual assault, domestic violence and robbery, has taken its toll. Even for someone who is an avowed Buddhist, committed meditator, yoga practitioner and doesn't drink.

His honest account of feeling he was "cured" after an intense period of nightmares and sleeplessness, before coming crashing down and needing leave, resonated with many.

Vicarious trauma and decision fatigue likely "exponentially affect" each other, he said. In the local court, he has four list days a week, most with more than 100 cases.

"Some days I will come home and be asked some innocuous question involving choice — what would you like to eat for example — and I will respond that if I have to make one more decision I will actually just dissolve or burst," he said.

"This pressure, felt at all levels of the judiciary to some extent or other, is I suggest poisonous to maintaining a vicarious trauma shield."

Heilpern wants to see more research into mental health issues and the judiciary, and for all courts to embrace the guidelines set by the Foundation.

Nobody should lose themselves.

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