

‘Perhaps because I have this strong family history in law the mystique was taken away a bit so it was a little easier for me . . . The barriers just didn’t seem as big’ – EMILY MINTER





Minters

... keeping it in the family

Many dream of making a career out of the law. But six generations of Minters have been doing it for more than 160 years, writes **Cameron Cooper**

One could forgive Robert Minter – as one of six generations in his esteemed family to pursue a career in law – if he yearned for the old days.

The lino floors ... the clattering of classic Remington typewriters ... and small firms in which partners and clients often doubled as mates. But Minter, now in his 50s, does not dwell too long on nostalgia. A former partner at Minter Ellison who now runs his own boutique franchising firm, he looks admiringly from a distance at the firm's evolution from a family-based business in Sydney into an international practice with more than 2000 staff across seven countries. And he appreciates that the legal sector has had to adapt and move on.

"You can never say that things have changed for the worse," Minter tells the *Australian Law Management Journal*. "Things have changed because they had to change."

In fact, he believes many firms have often been too slow to embrace change; too slow to adopt new ideas and technology.

Left: Three generations of the Minter legal family – Emily Minter, her uncle Robert Minter and Emily's grandfather Robert Minter, at Point Piper, Sydney

PHOTOGRAPH: ROBERT PEARCE, FAIRFAX PHOTO

SWOTTING UP ON THE DEAL

Robert Minter Jnr reckons commercial law is all about balancing SWOT – strengths, weaknesses, opportunities and threats. Lawyers, he says, are typically “lousy” on strengths and opportunities. When assessing a deal, they instead focus on possible weaknesses and threats that could bring it all undone. Robert believes that must change. “I think a commercial lawyer in the future has got to be able to look at the strengths and the opportunities as well because in negotiating an agreement he’s got to have those in mind because

that’s the end game for the client,” he says.

Robert argues that many Australian lawyers are not making the adjustment because the community is fixated on “suing somebody if the deal doesn’t work”.

“And consequently they are so focused on who they can sue to the point that they often forget about the deal itself and making the deal sound. In the increasingly international marketplace, a modern lawyer must be capable of incorporating sound commercial principles into every agreement he or she negotiates.”

“The person who is going to make money and run an efficient office is the person who is ahead of the game in technology,” he says. “Because if you’re with the game in technology, you’re standing still.”

As careers paths go, perhaps no Australian family better represents the journey that law can offer than the Minters. When Emily Minter gained admission to the Supreme Court as a solicitor recently, she highlighted the indelible mark the family has had on the profession in Australia. The 29-year-old is the sixth generation of the family to practise law, and the first female. Her grandfather, Robert Minter Snr – father of the aforementioned Robert – moved Emily’s admission in the presence of Justice Keith Mason, who was once an articulated clerk under Robert Snr. A lot of cases and clients have come under the guiding hand of the Minters since Robert Brownrigg Minter arrived in Australia from Ceylon (now Sri Lanka) in the 1850s and set up a firm soon after in Windsor. His son, Alexander, became a partner of what became known as Minter Simpson and later Minter Ellison, and the firm remained relatively small until the 1970s when it underwent a growth spurt. In subsequent years, it has become highly specialised, spread internationally and chased mainly corporate clients.

Six degrees of separation

Robert Minter Jnr says he is still “young at heart”. However, time has flown since he practised law as a youngster with both his grandfather (who was admitted in 1910) and father. “That’s three of the six generations,” he notes with pride.

“When I first started law we had lino floors. There was no such thing as any form of memory typewriter at all ... And that was only just the other day.”

He has watched, largely without criticism, as firms have shifted their focus from private to corporate clients.

Robert’s father, 84-year-old Robert Snr, has bridged both worlds. As the family patriarch told the *Sydney Morning Herald* recently, the big law firms may have lost some of their personal touch, saying “When I finished, most of my colleagues didn’t like private people. They liked to act for companies, big organisations. I enjoyed acting for people.”

‘It really makes you think about how things work . . . because to be a lawyer involved in a country that’s got no law is quite an interesting little challenge’ – ROBERT MINTER JNR

Robert Snr was nevertheless instrumental in bringing to the firm bright young lawyers in new fields of law. He admits now that he had no idea where it would all end up, but realised that the direction of the firm depended on keeping a close eye on the future.

Robert Jnr adds: “It just struck me how times do change enormously. And you have to be ahead of the game. People’s impressions of where things are at are probably two years behind where they really are, or more.”

He thinks the future is international. City firms will handle more and more trade-related law, international finance, telecommunications and protection of intellectual property. They will have to provide comprehensive business services because the legal protections that we are used to domestically simply do not exist on the international stage, particularly in Asia.

A new generation

The newest Minter on the block is Emily, a former Greenpeace campaigner who works for the NSW Ombudsman in Sydney, where she oversees investigations into complaints about NSW Police.

Emily enjoys the competitive environment of an independent government body, “which I find very refreshing”. She appreciates the focus on public policy and the opportunity to make recommendations that can have an impact on the operation of other agencies.

“Personally I like working for an organisation that doesn’t have profit as its main focus at this stage of my career,” she says.

Despite her family tree, a career in law was not always a *fait accompli* for Emily. She has a history of community-based work, not only at Greenpeace but through an environment centre she started in Katoomba, in the Blue Mountains west of Sydney, a few years ago. And in 1997 in the same town she coordinated the Sea of Hands reconciliation event.

For such a cause-driven person, Emily dismisses the notion that the law is preoccupied with money.

“I think that’s unfair,” she says. “The law does have quite a reputation for people just trying to make money but at the end of the day it’s easier to make money in other forms of business.”

She believes, too, that the profession is becoming more accessible for all walks of life as universities outside the confines of tradition-bound Sydney institutions offer different opportunities and encourage relatively new streams of law.

Emily, who was awarded her law degree with honours, opted to study law and marketing at Southern Cross University at Lismore in NSW, an institution she describes as “very progressive”. She encourages young people who fear that studying law will be too tough to think again. “I would stress that there are a lot of opportunities out there for people. The barriers are not as great as people might expect.”

Moving with the times

Robert Minter Jnr left Minter Ellison seven years ago, soon after suffering an illness from which he has recovered.

“But I got back to the office and sat there and I thought, ‘Well, where was I?’. And I discovered I was not where I wanted to be.” He has found his niche in a successful boutique firm, the model of which he is confident can fill a gap not covered by the large firms.

THE TOP SIX LAW FIRMS IN AUSTRALIA (BY REVENUE)

Rank	Firm	2002–03 (\$Am)	Partners
1.	Mallesons Stephen Jaques	\$420m	199
2.	Minter Ellison Legal Group	\$402m	281
3.	Freehills	\$392m	216
4.	Allens Arthur Robinson	\$320m	200
5.	Clayton Utz	\$317m	190
6.	Blake Dawson Waldron	\$305m	190

Source: *BRW*, 25 September 2003

Robert Jnr fears the gap between city and suburban practices is widening, with the standard of work from the latter deteriorating because of training shortcuts.

“Now there’s a lot more classroom training and people have to go off and start earning three or four times their salary at a very much earlier age,” he says. “And they go out into the suburbs on their own before they have learned the broad skills of a lawyer.”

He advises young lawyers to get overseas experience, just as he did in his formative years as a lawyer in the US.

“Once you’ve worked overseas you get a perspective; you’re able thereafter through life to be able to look back on your country and see where things ought to be or where they could be.”

For all the changes, however, he says the lessons he learnt from his forefathers still hold true.

“Integrity is incredibly important in the law as well as the concept of service ... Being solid and sound.”

For his part, Robert Snr is clearly daunted by the size of today’s city firms. In his *Sydney Morning Herald* interview, he reflected on the days when the whole firm worked as a single unit.

“Now I doubt if anyone on the top floor knows anyone on the bottom floor,” he said. But he is happy that more women such as Emily are being lured – and accepted – into the legal ranks.

The X factor

Emily Minter is part of the new breed of lawyers: young, articulate, intelligent ... and female. As a government body, the NSW Ombudsman encourages working women, and Emily estimates the male-female split in the organisation is close to 50:50. She is adamant the rising number of women lawyers is a good thing for the profession.

“I think women have brought a lot to the law in that now at least we’ve got the perspective of the other 50 per cent of the population ... And I think the newer types of law that have sprung up may even be a reflection of this.”

Much has been made of the growing influence in workplaces of generation X, those born between the years of 1965 and 1980. While she doesn’t really identify with generation X – “the term mystifies me a little” –

Emily does concede that a younger generation of lawyers will bring changes to the profession.

“We recognise that business and government environments are changing quite rapidly at the moment and for us the positive of that is that we are not so bound by the way that things were done in the past.”

She welcomes the growing importance of relatively new streams of practice such as welfare and family law. And she hopes to continue a career in domestic public policy and perhaps branch into international human rights organisations or environmental NGOs in the future.

“I think they are a response to the changing environment that we have,” Emily says.

For some, living up to the Minter name might have been daunting. However, Emily says a strong understanding of life as a lawyer through her uncle and grandfather has been an advantage.

“It probably made the jump a little easier for me,” she says. “There’s a lot of mystique around law and what it means, especially for young people.

“Perhaps because I have this strong family history in law the mystique was taken away a bit so it was a little easier for me ... The barriers just didn’t seem as big.”

A step ahead

For Robert Minter Jnr, the future for him is in franchising and Asia. He fears for the large firms and their big overheads and wonders whether they can sustain such costs. He stresses the importance of sophisticated – and expensive – technology solutions and wonders if small firms will be able to stay the distance.

It will take ingenuity and a sense of innovation of the type that his namesake displayed when he first arrived from Ceylon.

“Each generation of law that I’ve been able to look back on over six generations is very different to the previous one and the point is that you have to stay ahead of the game because current thinking is years behind what is actually happening,” Robert Jnr says.

A competitive advantage in the marketplace, he believes, is not sustainable based just on a brand or reputation. “You have to stay ahead of the game all the time,” he adds.

Even if you are a Minter. ■

ASIA ... A NEW WAY OF THINKING

Asia, and more particularly China, is uppermost in Robert Minter Jnr’s mind. In almost 30 years at Minter Ellison, he forged strong business links in Hong Kong and China.

“At that stage it was definitely trailblazing but even today people are wondering how they can make a buck in a place like China,” he says. “The answer lies in joint venturing on an international scale.”

He became president of the Australia-China Business Council and later a member of the Australia-China Council. Now in a boutique practice that deals in China and otherwise specialises in legal solutions for the franchising sector, Robert says Australian lawyers who really desire international success must get their heads around places such as China

and even less-regulated nations in Europe.

“It really makes you think about how things work ... because to be a lawyer involved in a country [such as China] that’s got no law is quite an interesting little challenge.”

He believes domestic lawyers have been “coddled” by a business environment that is built around liability insurance first and the deal second. The formula simply won’t work for overseas deals.

In China, he says, the deal is all-important. If it is not sound, there is no-one to fall back on.

“When you are negotiating a contract you actually have to plan; you have to have a strategy; you have to think about the business deal much more so than Australians do, and that is a whole new way of thinking.”