

The Australian Women's Register

Entry type: Person

Entry ID: AWE5620

Rooney, Kim M.

Occupation Arbitrator, Barrister, Lawyer, Solicitor

Summary

Kim Rooney is an Australian barrister and international arbitrator who has been practicing in Asia, based in Hong Kong, since 1990. She is regularly appointed as an arbitrator in international arbitrations involving banking and finance, commercial, corporate, construction and infrastructure, energy, power and resources, infrastructure, investment, IT and technology licensing and trade disputes, and is on the panel of various arbitral institutions.

Since the 1990s, as counsel, Kim has represented clients in a wide range of international banking and finance, commercial, corporate, construction, energy, infrastructure and investment disputes in Asia, Europe and Latin America under the laws of civil and common law jurisdictions and investment treaties.

Kim is the Chair of the Hong Kong Law Reform Commission's Sub-Committee on Third Party Funding for Arbitration, a member of the Hong Kong Government's Committee on Provision of Space in the Legal Hub and of its Advisory Committee on Promotion of Arbitration. She is also a member of the Hong Kong Bar Association's Council and Chair of its Special Committee on International Practice. She writes and speaks regularly about international dispute resolution.

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

Details

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

In 1976 women students constituted a significant number of the entry class at the Law School of the University of Western Australia (UWA) for the first time, albeit a minority at around 30%. When leaving school in 1974 I had wanted to be an archaeologist, inspired by my mother's study of anthropology as a mature age student at UWA. However my experience during an internship at the WA Museum in 1974/75 of participating in one dig at Devils Lair in the heat of a Western Australian summer, while filling me with admiration for the dedicated archaeologists whom I had accompanied, made me realize that I should reconsider my career. I decided to enroll in law, motivated by a desire to be an advocate and a general desire to "make a difference" (a desire I still hear expressed by many law students and young lawyers).

I had had the good fortune to be born to parents who valued education. We moved from Sydney when I was 3 months old to live in England for 5 years while my father studied for a higher degree in medicine. (My mother had previously lived in England in the 1950s while a nurse and then a BOAC airhostess). After returning to Sydney in 1963 we moved with my younger brother Mark and sister Rosie to Perth in 1968. Having attended 7 primary schools in NSW and WA (3 in grade I), I attended Loreto Claremont for high-school where I received an excellent high school education from teachers who encouraged us to believe we could undertake any career we wished. I topped the state in English in my final exams (with a Loreto friend) and was also awarded a special exhibition.

The 1970s were an exciting time to be studying law; law reforms were being implemented at a federal level in a diverse range of areas, important constitutional cases were being heard, and the student body was composed of a diverse group of students of widely diverging political and social views. There was far less pressure on law students than today. Our university education was free, the cost of living was low and we all thought we would be able to practice as lawyers if we wanted to; every one of my graduating class of 1979 who applied for articles eventually obtained them. Less pressure allowed time for extra-curricular activities. The 47 Fairway Legal Counselling and Advisory Service was set up by a group of academics, students and lawyers in the late 1970's and I served as its convenor for a year. While at law school I mooted -Peter Van Hattem and I were grand finalists in the 1977 National Mooting competition conducted by the Australian and New Zealand Law Students Association. I was also the representative of the Law Student's Blackstone Society on the Faculty of Law in 1979.

From 1980-1981 I served my articles and restricted practice year at Lavan & Walsh (later Philips Fox) where I had the good fortune to be trained by some very able lawyers in civil, commercial and family law litigation including by Kevin Hammond and by Diana Bryant SC (now Chief Justice of the Family Court of Australia). Western Australia is a fused profession and there were many opportunities as a young advocate to appear in chambers and in court, as well as in pretrial conference in various courts and tribunal. As part of the Firm's pro bono services I also did work for a women's refuge.

In January 1982 I moved to the Aboriginal Legal Service (ALS) where about 90% of my practice was as a criminal advocate for adults and children working with many talented and committed advocates and field officers in cases involving clients from around Western Australia. These ranged from wilful murder charges (junioring Lloyd Davies QC) to children's court charges and involved appearing in multiple courts often on the same day.

While I was at the ALS David K Malcolm QC (who later became the Chief Justice of Western Australia) offered me an opportunity to be his pupil. I served my pupillage with him in the second half of 1983. In my early years at the Bar I worked part time as a university tutor, as duty counsel and as the "Moot Master" at the UWA Law School. While at the Bar I met Valerie French who had been the first woman in WA to practice exclusively as a barrister; she generously gave me excellent advice. I admired her professionally and her ability to juggle her practice with family commitments. A number of other colleagues also gave encouragement I had the opportunity to work with various more senior barristers including Eric Heenan QC and Geoffrey Miller QC, as well as with David Malcolm. The focus of my practice shifted from criminal to commercial, administrative and media law.

In 1980 I had been elected as the articulated clerk representative on the Council of the Law Society of Western Australia. I served as an elected member of its council for many years during the 1980's. Among other roles, I was chair of the Law Society's Equal Opportunity Committee and moved the motion passed by the Law Society Council that made it unprofessional conduct to discriminate on the basis of gender or race. I also served for some time on the Council of the Western Australian Bar Association. Both Associations regarded law as a profession. Moira Rayner was among the women who were active in the Law Society and generally in pro bono and public service in Perth in the 1980's -she rejoined the Bar during that time.

In 1982, Vivien Payne, Antoinette (Toni) Kennedy, Diana Bryant, Anne Payne, Christine Wheeler, Rhonda Griffiths, Becky Vidler and I established the Women Lawyers' Association of Western Australia. Vivian Payne was its first president. I later served as its Vice President. In the 1980's my appointments included serving on the Social Securities Appeal Tribunal (as a part time legal member), as a visitor to Heathcote Psychiatric Hospital, and as a member of the WA Standing Committee for Publications (the WA Censorship Board). In the mid 1980's I was among a small group of young lawyers and social workers who wrote and published a guide for victims of domestic violence which we arranged to publish, translate into 10 or so languages and distribute.

In 1987 I married my husband David Parker who had one daughter Kate; our daughter Madeleine was born in 1989. By 1990 David and I had decided to move to Hong Kong. We have lived and worked in Hong Kong since July 1990. My husband has been very supportive of my work as a lawyer, and we shared parenting, with the invaluable assistance of child carers.

Hong Kong is a divided legal profession. In 1990, as I was not permitted to practice as a barrister in Hong Kong until I had lived in Hong Kong for 7 years I decided to qualify and work as a Hong Kong solicitor. From 1990-1992 I worked at Baker & McKenzie in

insolvency litigation on the Carrigan cases. Whilst at Baker & McKenzie I qualified as an English solicitor in late 1991 and as a Hong Kong solicitor in 1992.

In 1993 I joined the newly established Hong Kong office of White & Case LLP an international law firm headquartered in New York. George Crozer was the head of the Hong Kong White & Case office. Originally from the US he is a project finance lawyer with a profound knowledge of Asian legal practice. I became a partner of White & Case LLP and head of its Asian dispute resolution practice. It was during the Asian Financial Crisis of 1997 that I started working in international arbitration; many of the arbitrations involved disputes arising from infrastructure projects around Asia. In the late 1990's I undertook a law reform project funded by the World Bank on the Lao international arbitration law. My other extracurricular activities were focused on arbitration related areas including the ICC Arbitration Commission and the ICC Hong Kong Arbitration Committee and judging mootings.

In 2006 I received my first appointment as an arbitrator. In late 2009 I left White & Case LLP to qualify as a Hong Kong barrister. I now primarily work as an international arbitration with some work as arbitration counsel in international arbitration of disputes involving parties and law from Asia, Europe and the Americas. I am also engaged in law reform in Hong Kong and Indonesia, in Hong Kong chairing the Hong Kong Law Reform Commission's sub-committee on Third Party Funding for Arbitration and in Indonesia working in an EU-funded Alternative Dispute Resolution Project in the public sector. Among other extracurricular activities, I am a member of the Council of the Hong Kong Bar Association and Chair of the Hong Kong Bar Association's Special Committee on International Practice, as well as a member of the Hong Kong Government's Advisory Committee on Promotion of Arbitration in Hong Kong and of its Committee on the Provision of Space in the Legal Hub. I continue to participate in the work of the ICC Arbitration Commission, and am on the editorial committee of the International Bar Association's "International Dispute Resolution" journal among others. I still regularly judge mootings competitions around Asia, and speak and write about international dispute resolution.

My generation of law students were fortunate to study law at a time when the practice of law seemed exciting, fresh and relevant, and to commence practice at a time of great opportunity. Most of us thought we would spend our professional lives working in Perth. In fact a number of us moved to study and work interstate and overseas. We had the chance to practice in different areas of the law before we specialized and to move between different branches of the law. For those of us who wished to be advocates we had the chance to be continually on our feet in various courts and tribunals.

Legal practice has become more specialized in the past few decades. The internet has emerged as a major factor in efficient and effective practice while adding time pressure. The ways that law can be practiced have increased exponentially and international work has greatly expanded.

Yet many of the present generation of law students are anxious about whether they will have an opportunity to practice, even if they have the academic credentials and the personal qualities needed, having found the financial resources to complete a law degree. There are many more law graduates, less funding of the non-profit sectors and bottle-necks to access to opportunities to gain the experience needed to practice. There is also pressure to specialize much earlier.

While it is easy to romanticize the past, my impression is that those of us who starting to practice in the early 1980's generally had much easier access to practicing law, more time and opportunity to find a fulfilling area of practice and to juggle work and extra curricular activities as young lawyers.

Mentoring was important for my career development and for that of a number of my friends. My peers and myself now have the chance to act as mentors. It is important that we do so, whether directly as mentors, including by providing internships, or by participating in legal education, mootings and other student related activities, to ensure that society continues to be served by dedicated, accomplished and principled lawyers.

Published resources

Site Exhibition

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

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