



Former journalist Mark Davis, left, and former senator Nick Xenophon, who have launched a new legal partnership.

# Xenophon and Davis inspired by American model for new law firm

Michael Pelly

Nick Xenophon and former journalist Mark Davis say their new law firm won't be operating "in the dark".

The former state and federal politician and the ABC and SBS reporter have set up shop in Sydney and want to exploit the reluctance of Australian lawyers to spruik for their clients.

"It's the American model that appeals to me," Mr Davis said. "In Australia, you are paying someone who won't speak on your behalf generally. Everyone scurries away ...

"There is a role now to advocate on your client's behalf, which American lawyers do very well. If it's anywhere approaching a courtroom, you shut up. But these cases – criminal and civil – can go on for three or four years. What's happening to your client in that time? They're being destroyed."

The pair met when Mr Davis was reporting on the Bali Nine and Mr Xenophon was arguing against the death sentences for ringleaders Andrew Chan and Myuran Sukumaran.

"As I left full-time journalism [in 2015] they were about [to] be killed. I threw myself into trying to save them and Nick was the only politician who understood what was at stake," Mr Davis said.

He then worked as the Nick

Xenophon Team's "media guy" for the 2016 federal election, at which four MPs were elected – three in the Senate and one in the lower house.

When his party crashed at the 2018 state election in South Australia, Mr Xenophon went back to the legal practice he formed in 1984 and put his face on "no-win, no fee" Shop A Dockets.

Mr Xenophon said he and Mr Davis offered a "combination of legal knowledge, media experience and political experience".

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Mark Davis

"But I emphasise, we are not lobbyists," Mr Xenophon said. "We are litigators and advocates, and that's a very clear distinction between what others are doing."

Mr Davis worked as a lawyer in the 1990s before turning to journalism and winning five Walkley awards. When he returned to the law in 2015, he joined the ACT firm of another ex-politician, Bernard Collaery. Collaery has been acting for Witness K, who exposed the

bugging of the Timor Leste cabinet offices during the negotiations for a petroleum and gas treaty in 2004.

"We are an unusual mix," Mr Davis said, "but we strike across law, media and politics quite elegantly and that is where the practice is sitting.

"We are not a general services law firm. I think we'd both drop dead of boredom."

Australian law was "done essentially in the dark," Mr Davis said.

"That's how most people like to operate. But there are some disputes that are by their very nature public.

"It's a space a lot of Australian law firms are uncomfortable with being in – and Nick and I are not. We are more than prepared to defend publicly."

Mr Xenophon said their business was about "communicating your message in a way that people can understand why your client is doing what they're doing, but in a proper way in the context of litigation."

The firm would focus on reputational defence, but also take advantage of Mr Davis's contacts across south-east Asia and work with mining companies and Indigenous landowners.

"In the next few months, we hope to be acting in a number of cases and bring an approach that will be strategically valuable and legally smart," Mr Xenophon said.