

Marina Olsen

Partner at Banki Haddock Fiora

Antonia Rosen, Senior Associate at Banki Haddock Fiora, chats with **Marina Olsen**, partner at Banki Haddock Fiora about Marina's career and her thoughts on International Women's Day.

Marina has extensive experience in litigation relating to both defamation and intellectual property, as well as in general commercial disputes.

ANTONIA ROSEN: Did you always want this job? If so, what did you do to position yourself to get it? If not, how did your career path lead you here?

MARINA OLSEN: I initially wanted to be an investigative journalist, so for my first degree I studied Communications at UTS majoring in Journalism, and gained work experience writing stories for community newspapers and volunteering on community radio. But then I had a Media Law subject and was instantly hooked – I was that annoying student up the front of class who'd done all her reading and had a view on all the discussion topics. So when I finished Communications I studied Graduate Law with a view to becoming a media lawyer. As it turned out, I spent the first ten years of my legal practice focusing on IP and it's only in the past five years that my practice has focused more on defamation. Even though it's a pretty niche, technical area, I've found that defamation litigation has a lot of parallels with IP litigation. Now I would describe myself as a media lawyer with both defamation and IP expertise. It feels like the right fit for me, although I can't say that I planned it that way!

ROSEN: What energises you about work?

OLSEN: There is a lot that energises me about my work, but I do find the people I work with really make it a rich experience. I consider a number of my BHF colleagues, and clients and barristers that I work with, close friends. Litigation can involve late nights and stressful days, so working with a team of people that you trust and enjoy being around, and that make you laugh, is essential.

ROSEN: Are there any law reforms in your sector that you think are desperately needed? If so, what are they?

OLSEN: It's more of a procedural issue, but I think the way the Federal Court deals with determining meaning in defamation cases needs an overhaul. Currently, an applicant defines their case at the outset by pleading the imputations they say arise from a publication, and a respondent has to meet that case, including for imputations that are ambiguous or are ultimately found not to be conveyed. The parties don't generally learn of the meanings conveyed until after the trial is complete and final judgment is handed down. It just doesn't strike me as efficient or fair to spend an entire trial trying to meet imputations that are not conveyed (or that are difficult to understand). The old practice of having section 7A trials meant that questions of meaning were determined early on (by a jury) and so time wasn't wasted considering imputations that didn't need to be defended. I think it would be worth trying to replicate this with a judge deciding the issue as a separate question before a defence is put on.

ROSEN: What advice would you give to your younger self?

OLSEN: When I was a younger solicitor I was so focused on not coming across as pushy or arrogant, and so I avoided asking for things that I wanted. As Sheryl Sandberg said in *Lean In*, many (but not all) women think that if they sit quietly in their office, work hard and are nice to people, they'll progress and succeed. Unfortunately, it doesn't generally work that way. I would tell 25 year old me that, even though it feels



uncomfortable, you have to be willing to ask for what you want and tell people why you deserve it, otherwise you'll get left behind. It's just a matter of finding a way of doing this while staying authentic and dignified.

ROSEN: Who is one woman in the industry whom you really admire, and why??

OLSEN: Leanne Norman, who is one of my partners at BHF. She has immense experience in defamation law - I think there is only a handful of people in Australia who could match her for that level of experience. She has been centrally involved in so many of the seminal cases in the area. She is very wise, always calm, generous with her time and supportive of younger lawyers coming up through the ranks. She doesn't put herself out there in the spotlight but she works so hard behind the scenes and she cares deeply about her cases and her clients.

ROSEN: How do you unplug?

OLSEN: It's a cliché, but exercise – I walk to and from work every day, I run, and I have recently taken up meditation. It's hard to find the extra time to meditate (I have three wonderful "energetic" kids to add to the mix) but I have found it a great tool for managing the stress that inevitably accompanies a busy job and home life.