

SUMMER 2020
#108 THE WORLD CLASS ISSUE

CitySolicitor

THE MAGAZINE OF THE CITY OF LONDON SOLICITORS' COMPANY AND THE CITY OF LONDON LAW SOCIETY



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editor's letter



WHEN WE STARTED WORKING ON THIS SUMMER EDITION OF CITY SOLICITOR, WE COULD NOT HAVE IMAGINED HOW DIFFERENT THE WORLD WOULD BE BY THE TIME IT WAS PUBLISHED. I WOULD LIKE TO BEGIN BY SAYING I HOPE YOU, YOUR FAMILIES AND LOVED ONES, AND YOUR COLLEAGUES ARE ALL SAFE AND HEALTHY.

Whilst remaining positive has been fundamental in getting through this, both as individuals and collectively, that has not been easy for even the most optimistic of us.

We have, therefore, dedicated this issue to the positive theme of *World Class*, a subject that resonates with the city where we work and/or live and with the profession we find ourselves in, as they are both considered precisely that: world class, all over the globe. We examine how changes such as Brexit, and talks about the relationship between Parliament and the Judiciary, could affect the highly respected status of our profession. Obviously, COVID-19 has meant the Brexit negotiations regarding our departure have slowed down. The Chair of our own City of London Law Society, Edward Sparrow, recently emphasised how important it was to achieve a deal which retained civil justice co-operation and permitted the enforcement of the UK court judgements in accordance with the Lugano Treaty. It is also vital that our lawyers continue to be able to advise clients throughout the EU.

"For the sake of the UK economy one hopes that these enabling infrastructure deals will not be forgotten when any headline free trade agreement is concluded and will not fall victim to any disruption caused by the virus crisis."

At a time when there is much talk of making Britain great again, both from our politicians and the media, we ask what it takes for a country to be great and we look at how we are going about achieving that world class reputation.

We also look at the very innovative and creative ways we have all found to conduct our business whilst lockdown was in place trying to ensure that life does go on.

I hope that by the time our next edition hits your desks or inboxes in the Autumn, we will be back living in a safer world where we will have adapted to our new "normal".

Philip Henson

Editor

mail@citysolicitors.org.uk

"Obviously, COVID-19 has meant the Brexit negotiations regarding our departure have slowed down."



A WORLD CLASS LEGAL SYSTEM. BUT FOR HOW LONG?

We used to rule an empire.

*We invented the “beautiful game” and our football teams
were the greatest in the world.*

We manufactured the finest linens and china.

*In the past, we even won the Eurovision Song Contest
once or twice.*

Sadly, none of this is still true today.

*Yet there is one thing about Great Britain that remains the
most respected and revered in the world: our legal system.*

*But a few factors have emerged of late which could
threaten that preeminence.*





The excellence and reputation of the legal profession and sector in our country have made London the choice of seat for arbitration cases and English Law and courts the choice for contract law and jurisdiction.

But with the likelihood of a deal between the UK and the EU becoming increasingly less, could Brexit be a threat to this?

We spoke to The Rt. Hon. Sir Geoffrey Vos, The Chancellor of the High Court, on his views:

"I do not think there is any reason to suppose that the excellent reputation of our legal professions will be affected by the UK leaving the EU. They have acquired this favourable reputation globally for good reason: the quality of the work and the independence, integrity and fair dealing of the different branches of the legal profession. None of this will be affected by political considerations.

We don't yet know what agreements will be put in place as the result of discussions on, for example, the enforcement of judgements. But, personally, I do not think any of this is likely to affect either the reputation or the business of the English legal profession and, I believe, they will continue to provide a service to national and international clients which is second to none.

Obviously, we are keen to keep improving the service that our courts provide as much as possible and technology is playing a big part in this. One opportunity which the UK leaving the EU has provided is for English Law to be the law of choice in matters concerning cryptoassets and smart contracts. In the UK, regulators are providing a sandbox environment for these technologies and trying to understand what needs to be regulated. This is not something that is being done in many places in the world and so it lays the foundations for English law and the UK's jurisdictions to be the leading choice for dispute resolution in these areas. It also makes London an attractive seat for international arbitrations in this area. The UK Jurisdiction Taskforce's legal statement on the status of cryptoassets and smart contracts has provided a firm infrastructure for English law to provide dispute resolution for these borderless technologies. Certainty is an important deciding factor, so this places English law very favourably."

Richard Susskind is the President for the Society for Computers and Law, the Chair of the Advisory Board

"I do not think there is any reason to suppose that the excellent reputation of our legal professions will be affected by the UK leaving the EU."





for the Oxford Internet Institute, IT Advisor to the Lord Chief Justice of England as well as being an author, speaker and adviser. His views echo Sir Geoffrey's in seeing technology as being key in maintaining and enhancing our world class position.

"This country is the global centre for dispute resolution. English law is dominant in international trade. We have great judges and lawyers. If we want to maintain our leadership position, we need to build on this and lead the way with technology. That is the challenge we face. The LawTech Delivery Panel has been set up to make sure we don't rest on our laurels but rather we look at the different opportunities open to us to remain preeminent."

For Susskind, technology is fundamental in ensuring we keep that world class status. He sees the 2020s as a "defining decade" for technology and the law. He believes that there are two forms of technological innovation; one being automation, the other transformation. Susskind says the last 40 or 50 years have been about "systemising old ways" but now it's time for transformation.

"Now is the time to use technology to allow us to do things that were previously not possible. At the moment our system is too expensive and time consuming. It is out of step in a digital society. Online courts are the most promising way to address the problem we have with access to justice.

*"Now is the time to use
technology to allow us to do
things that were previously
not possible"*

We shouldn't simply be computerising but we should be looking to use technology to resolve disputes in ways that were not possible without technology. We could use technology to replace physical hearings. A billion pounds is being put into the largely digital reform of our courts and this will not just improve the court system here but, by being pioneers in this, we can lead the way internationally."

Loukas Mistelis is the Clive Schmitthoff Professor of Transnational Law and Arbitration; Director of the School of International Arbitration at Queen Mary University of London; and founding partner of Mistelis & Haddadin arbitration and commercial law consultancy. He is an acknowledged authority in dispute resolution and a high-profile arbitration academic and practitioner.

"Generally, I don't see the legal sector in London being adversely affected by Brexit at least in relation to



disputes and arbitration. There may be some teething issues if free movement of (legal) services is not agreed between the EU and the UK. Actually, post-Brexit London will be even more attractive. In the last few years there have been several attempts by the EU to regulate arbitration and this has created a level of discomfort in arbitral circles in the UK and elsewhere. Sanctions have meant some are less comfortable about bringing cases to London. Pre-Brexit, some of the legal profession were feeling suffocated by the increasing regulation from the EU and a lot of English lawyers moved to Singapore, for example.

The excellence of the UK legal profession is undisputed. The experience and the commercial approach to justice is there. The global understanding is there. In certain sectors, like shipping insurance

and commodities, we are the undisputed leaders in arbitration and we also are in a unique position when dealing with financial services disputes and gas pricing. Almost everyone else is having to play catch up with us.

The London International Disputes Week, which started in 2019 and will continue next year exists to make sure that we don't become complacent but rather we look at how we can continue to improve as a profession and also to explore doing things in a more forward looking and creative way."

Duncan Bagshaw is a Partner at Howard Kennedy LLP who specialises in international arbitration and litigation, with particular focus on the energy sector and disputes related to Africa and the wider EMEA region. He has acted for clients in arbitration tribunals under many institutional rules, and before all courts of England and Wales, including the Supreme Court.

"Surveys carried out every year consistently show London to be the most popular seat for arbitration and physical place to have hearings.

"The excellence of the UK legal profession is undisputed."





“Because many use London as their choice for banking, it makes it an effective place to enforce financial awards and judgments”

Over the past 15 years there has been an explosion all over the world with places promoting themselves as excellent centres for arbitration. Miami is positioning itself as choice for those using the Spanish language and is seen as a neutral place for South American companies. In Asia, Hong Kong is well established and Korea and Malaysia are growing centres.

Although it's early in development, most countries in Africa have arbitration centres and some even have multiple centres. Whilst these are early in development, some like Rwanda are gaining traction and Johannesburg is pitching to host arbitrations in Chinese/African matters which have arisen out of Chinese investment into Africa.

So, it is important that London doesn't think people will continue to choose to come here simply because they always have in the past. Now, there is much more choice.

The Brexit question obviously causes some uncertainty too but I see it more as an opportunity than a challenge for London-based practitioners.

Whilst it is looking highly likely that we will be leaving on terms that will not keep us within the European system for legal matters, arbitration is a special case because it is largely governed by international treaties that are outside the remit of EU law, so it will be less affected than, say, financial services. I don't foresee any significant change except where the matter is between two non-UK European countries, who may prefer to choose an EU centre in some cases.

Another important factor that will come into play is the ongoing legal development of the question over the mandatory jurisdiction of the EU Court of Justice (ECJ) to supervise the application of EU law, and to intervene to correct issues of EU law decided before tribunals. The case of *Achmea* is an example of this, and caused significant concern amongst arbitration lawyers regarding the willingness of EU law to tolerate parties' autonomy to have issues resolved finally by arbitrators. This issue could actually put people off choosing EU jurisdictions as a seat for arbitration, particularly if one of the parties is not EU based, and could be a factor encouraging people to continue to use London."

Something else which could threaten the reputation of the legal profession is the authority of the judiciary. The independence of our judiciary, as opposed to what we are witnessing in the US for example, is something that has been praised all over the world. However, the

There are a number of reasons for this. English Law is highly regarded when it comes to solving disputes. Many international contracts are governed by English law. London is also an important financial centre. Because many use London as their choice for banking, it makes it an effective place to enforce financial awards and judgments. There is also the dominance of the English language. And it's somewhere people actually have a desire to visit; they may have other business reasons to be here or they may just find it an attractive destination.

There's also the sheer volume of great arbitrators based here. It's a virtuous circle; the more work that London attracts, the more arbitrators want to be based here. The more arbitrators there are here, the more business they attract.

But we cannot afford to be complacent about London's world class position. It's not as safe as it may seem, because other centres are becoming increasingly important.

Look at Singapore. It's a very good place to hold hearings as it has a sound common law system like England, the Judges are of high quality and, obviously, it's convenient for parties and witnesses based in Asia.

Other centres may not be picked through a straight choice but due to practicalities. If both sides are Chinese, Chinese law often dictates that the arbitration must take place in China.



“Restoring sovereignty to Parliament after Brexit is one of the greatest prizes that awaits us.”

new Attorney General, Suella Braverman, has said that she wants to “take back control” from the judiciary and place it in the hands of the government. Could this undermine our world class status?

Braverman explained her objective:

“Restoring sovereignty to Parliament after Brexit is one of the greatest prizes that awaits us. But not just from the EU. As we start this new chapter of our democratic story, our Parliament must retrieve power ceded to another place – the courts. The political has been captured by the legal. Decisions of an executive, legislative and democratic nature have been assumed by our courts. Prorogation and the triggering of Article 50 were merely the latest examples of a chronic and steady encroachment by the judges.

The catalyst for this proliferation [of judicial review challenges] was the Human Rights Act. Parliament’s legitimacy is unrivalled and the reason why we must take back control, not just from the EU, but from the judiciary.”

A controversial constitution, democracy and rights commission is set to examine the relationship between the courts and Parliament and with the Attorney General playing an important role in this, there are concerns that, not only could this mean that instances such as the recent proroguing of Parliament which the judiciary found to be illegal may be allowed in the future, but also there may be reputational damage to our entire profession.

Sir Geoffrey Vos had this to say:

“There is no doubt that there is a lot of political debate over this issue. What is needed, as the

Lord Chief Justice recently said, is a period of calm reflection. I see no reason why there should not be a good outcome.”

Duncan Bagshaw said:

“In some other jurisdictions, like Africa and South America, neither the independence of the judiciary nor the premise that they can hold a government to account, are taken for granted.

In the UK, it is a given that if a private individual takes the government to court, they may win or lose, but the judiciary will always take a balanced view.

Whilst there is nothing wrong with a review if its aim is to improve the status quo, we must ensure that we don’t water down the courts’ ability to intervene in unlawful actions by any government. The reputation we have does not just benefit the legal profession but is important to the whole economy as it makes London a popular place to have financial and administrative bases.”

Interestingly, if there is a threat to the world class status of our profession, it may not be as a result of us leaving the EU but could well be because of a by-product of the whole Brexit saga. The cases on Article 50 and prorogation that were brought against the government seem to have now led to a commission which could alter the relationship between the judiciary and the government. And that could have some very deep repercussions. Whilst we may not be hindered by international politics and whilst technology may help drive us ahead, it is our domestic “politics” that threaten to topple us from our previously undisputed global leadership.



Richard Susskind’s book *“Online Courts and the Future of Justice”* shows how technology is set to transform the legal sector and make a big difference to the current access to justice problem prevailing not just in the UK but globally.



MAKING BRITAIN GREAT.



When Boris Johnson became Prime Minister in July of 2019,
he declared making Britain great to be his mission.
And, not simply great, but “uniting and re-energizing our great
United Kingdom and making this country the greatest place on earth.”



No small task. What will it take to achieve this goal?

The current Lord Mayor of the City of London, William Russell, has chosen **“Global UK: Trade, Innovation and Culture”** as his mayoral programme which will “grow global trade and investment opportunities, champion innovation, and promote a rich and vibrant cultural and creative economy.”

He says:

“Globally the City of London and the UK are renowned for a world class offer in **trade, innovation and culture**. I will focus on championing innovation to scale up our offer in fintech and green finance within a secure, sustainable and green City. Innovation is a driver of global trade and investment and I will champion open and frictionless international trade for the UK working with HM Government to maximise opportunities for the City, London and the UK.”

Brexiters have always argued that being unleashed from the shackles of the EU and allowing us to make our own trade deals is the way forward for the UK to

become great again through free trade and time will prove them right or wrong.

Culturally, London is deemed to be the epicentre of the world. Last year 5.9 million people visited Tate Modern and 5.8 the British Museum. It has larger theatre audiences than any other city in the world and, far from resting on its laurels, six new theatres opened in the capital last year and more are scheduled to open in 2020. Both British music and fashion are held in the highest repute globally and our sports, particularly football, are followed all over the world.

Which leaves us with innovation, which is definitely the buzzword of today.

The mastermind of the “Vote Leave” campaign and Chief Advisor to the Prime Minister, Dominic Cummings, viewed the 2016 Referendum result somewhat differently from the rest of us. For him it wasn’t proof that people wanted the UK to leave the EU but more about proof that “a small group of people can make a huge breakthrough with little money but the right structure, the right ways of thinking, and the right motives”.

The technologies Cummings used to achieve Vote Leave’s victory were firmly based in the work of the Advanced Research Projects Agency (ARPA), an American organisation which was set up by the

“Culturally, London is deemed to be the epicentre of the world.”



President of the United States, Dwight Eisenhower, in 1958. It was, initially, a response to the Soviet Union's launch of the first Sputnik satellite, which had not been expected by the US Government. ARPA's task was to make significant breakthroughs in technologies for the purpose of enhancing national security.

Interestingly, if you look at ARPA's success rate, it's very poor. There are endless failures. And very few successes. But the successes, when they do happen, are monumental. Like computer networks, GPS and self-driving cars. They are not simply life changing but world changing. They have transformed the world out of all recognition. These extraordinary results come from a very high risk strategy; it's about complete focus and dedication, having the nerve to be disruptive, and relying on data and technology rather than operating within a safe and known framework.

To make Britain great again, both Cummings and Russell agree that innovation is the way forward and Cummings sees that innovation coming from a British version of ARPA, aptly named ARPA UK.

According to Cummings, ARPA's contribution to the US economy is "35 trillion dollars of value for society and counting" and he believes ARPA UK can deliver the same sorts of returns by providing an environment where "those who can invent the future are creating whole new industries".

A huge vision. But with it, comes a huge bill.

ARPA has a budget of over \$3 billion annually. ARPA UK is estimated to cost £800 million just to set up. The Prime Minister has already agreed to double state funding of research and development to £18bn, with total R&D spend rising from £34bn a year to more than £50bn (2.4pc of GDP) by 2027 and is committed to "backing a new approach to funding high risk, high payoff research in emerging fields of research and technology".

However, a government discussion paper faulted the scheme in three ways: short-term planning cycles; a failure of approach towards the most complex problems; and risk-aversion.

But Cummings is not phased by these criticisms and has an answer for all three; longer-term funding;

"If high risk projects that lead to high reward are the way forward for Britain to become great, then ARPA UK certainly seems a step in that direction."

"Like computer networks, GPS and self-driving cars. They are not simply life changing but world changing."



supporting a wide-range of brilliant minds in different places coming at the same complex problem from different angles; and a high tolerance for failure. Cummings believes that it is government funded technology that has led to the great success of Silicon Valley, both in terms of the innovations first developed by ARPA that were then taken on by private companies but also in terms of hiring ex ARPA people.

For Cummings, ARPA UK is his priority. On his social media, he proclaimed the anthem of "Get Brexit done, then ARPA." With one done, ARPA remains. It looks set to be up and running before the next General Election and, in keeping with the government's declaration not to ignore the rest of England in favour of London, it is set to be based in the North.

Whilst making it clear that there will be funding for pure research, nonetheless Cummings has identified certain areas of applied research he wants to develop; cheap energy; opening up space for science and commerce; better materials; quantum computation; personalised medicine and synthetic biology; better prediction of complex networks and events, leading to improved defence against catastrophe, whether that be accidental nuclear war or a comet strike.

If high risk projects that lead to high reward are the way forward for Britain to become great, then ARPA UK certainly seems a step in that direction.



Another step is to attract more innovation and technology focussed businesses to centre themselves in the UK and for them to list on the London Stock Exchange in order to raise capital.

Justine Zwerling is Head of Primary Markets, Israel, at London Stock Exchange Group. She believes there are many advantages for businesses choosing to list in London.

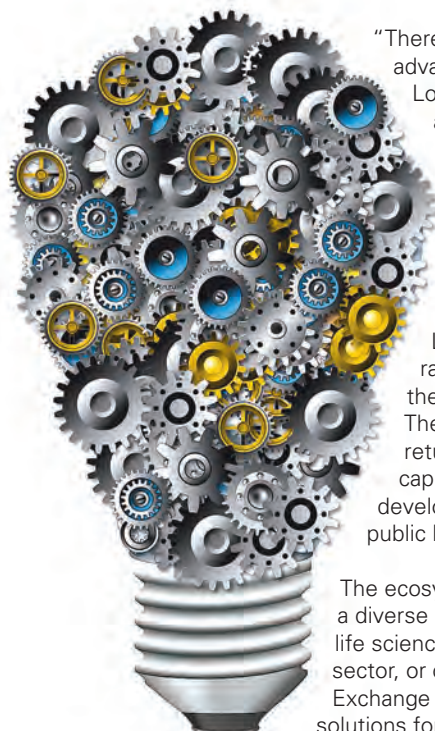
journey. As well as the Main Market venue, London's AIM, which celebrates its 25th anniversary this year, is the world's leading growth market.

The UK listing regulatory and legal frameworks are globally recognised. There is a feeling throughout the world that being listed in London has a certain kudos attached to it; as soon as you enter the market here you have an international profile immediately.

London is also a great place to raise debt, including green bonds. In 2015, London Stock Exchange became the first major global exchange to launch a Green Bond segment. In 2019, we extended this with the launch of the Sustainable Bond Market, which adds social and sustainability segments alongside green bonds."

Tom Jameson is a Partner at Cameron McKenna Nabarro Olswang LLP (CMS), focusing on M&A and investments in technology. He is also an advisor on CMS' legal tech accelerator, equiP. He has established expertise advising businesses at both ends of the tech spectrum (from disruptive start-ups and scale ups, to leading multi-national and global tech companies), as well as venture capital and private equity houses (both US and European). Jameson sees technology as the way forward to making Britain great again and witnesses first hand the positive impact innovation is having on Britain right now.

"Britain's tech scene continues to flourish. It attracts significantly high levels of investment, which in turn creates valuable jobs and infrastructure for the economy, which feeds back into the UK ecosystem.

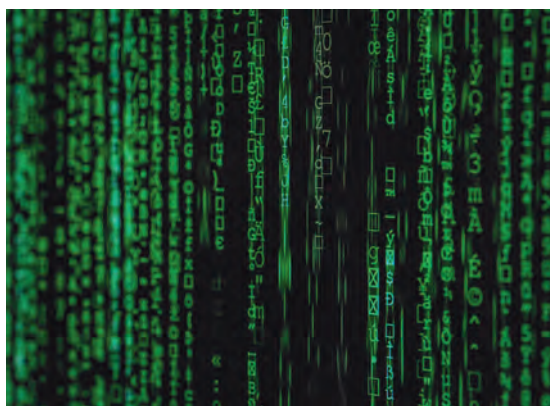


"There are some really important advantages for businesses to list in London. You can wake up with Asia and go to bed with the Americas; these are the perfect timelines within which to trade.

What the UK has to offer globally is the ecosystem for companies to raise long-term, patient capital and engage key international investors. Listing in London is a savvy way to raise capital. London also has one of the largest pools of global liquidity. The ability for a company to be able to return to the market to raise further capital to fund future growth and development is another key benefit of a public listing in London.

The ecosystem also supports companies from a diverse range of sectors, including fintech, life sciences and oil & gas. Whatever the sector, or company size, London Stock Exchange can offer companies a range of solutions for the next stage of their growth

“Our government has fostered an impressive angel and accelerator investment culture.”



That combination positions the UK as a global tech leader, and that reputation helps the cycle repeat. From latest statistics, that cycle does not show any indication of slow down, despite current political and economic uncertainty.

The UK's tech scene, particularly its Fintech and Artificial Intelligence sector, continues to lead Europe in terms of inward investment, and competes well with Silicon Valley for reputation. Moreover, we are, it seems, starting to see the gap closing in terms of preferred hunting grounds, as US investors seek respite from their highly competitive and arguably overpriced US targets, to better valued companies within the UK and Europe. As that attention comes across the pond, Britain sits well placed to capture it.

Our government has fostered an impressive angel and accelerator investment culture (with strategic tax relief schemes such as R&D, EIS and SEIS tax reliefs the main drivers), meaning UK tech companies are better and more easily funded from the outset, helping them scale and globalise quicker. That puts them in a better position to attract the more mature venture capital and private equity money, which feeds the ecosystem and the economy – not just of London, but also cities and regions outside of London.

That impact on areas outside of London should not be overlooked. While London has historically led from the front, distribution of investment in tech is now being better spread across those other cities and regions, as their own tech hubs have developed, each largely with different sector specialisms. This is healthy for the UK as a whole, forcing it to remain internally competitive, which creates a



stronger combined offering to compete with our European and Israeli competitors.”

Katie Nagy de Nagybaczon is also a partner at CMS and co-chair of the Consumer Products sector group. She advises consumer and tech companies on M&A and fundraising. “CMS equiP was specifically designed to support tech startups. We understand how important their contribution is to the UK economy. As a law firm, we advise some of the largest global tech companies. CMS equiP enables us to bring the wealth of knowledge and experience we have gained through working with these global giants to help the exciting startups on our programme who are at the forefront of innovation. Big law firms are expensive, so we are making our services more accessible to them with our three year programme. Our handpicked group of startups have access to special discounted rates which they can use throughout CMS for tech industry-focused legal advice in all areas of law.”

With ARPA UK having the support and financial backing of the government, it seems highly likely we will see its birth in the next few years. What the geniuses there will create will hopefully lead, as it did in the US, to a surge of private companies taking up the baton and expanding and developing the fruits of ARPA UK's labours and turning them into commercial successes. With the UK already being at the forefront of technology businesses and with law firms like CMS and others recognising the importance of helping the sector, this boost could be phenomenal. Add to that the world class nature and status of the London Stock Exchange and it seems we could well be on the right road to making Britain great again.

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LIVING AND WORKING THROUGH LOCKDOWN



Stay home. We knew in order to protect the NHS and to save lives we had to do it. But staying home would also mean drastic and long term consequences for our businesses, finances, health and mental equilibrium. Nearly everybody in the world has somehow been touched by this pandemic. Our resourcefulness in finding innovative and effective ways to cope with and try and minimise the impact on our work and our wellbeing has never been so fully tested.



Unlike a century ago when the enemy was Spanish Flu, this time we had a great ally on our side in the battle against COVID-19: technology. Firstly, this allowed us to communicate – something that was crucial. This not only helped us protect our mental health in times of isolation by having much needed contact, albeit virtual, with family and loved ones, but also allowed us to have accurate, up to date information about what was happening not just in our own country but all over the world. And, where a lot of businesses are concerned, technology has proven to be their lifeline. Many businesses and professions – including our own – transitioned their staff to working from home. Zoom meetings have become the new way to congregate, not just for work but for social gatherings too. Those in the physical training sector used Zoom to move their yoga, dance, aerobic, pilates and general exercise classes from studios and gyms to bedrooms and living rooms. Restaurants changed their delivery method from what had been kitchen to restaurant table to kitchen to customer's front door step taking orders online either directly or through companies like Deliveroo. As high street retailers closed their doors, Amazon became our one stop shop for nearly everything. Schools moved from being physical places to virtual ones. Theatres, opera houses, art galleries all streamed culture to our devices daily, mostly free or if with a charge then the proceeds going to our front line workers in some form.

How did the legal profession fare in lockdown? Vast offices which normally housed hundreds if not thousands of staff were left empty as we moved to working remotely. Work still continued; in some areas being busier than ever to cope with the effects of the lockdown. But for some disciplines, it dried up. Staff had to be furloughed. Our courts fell silent, not just in the UK but globally, an unprecedented occurrence.

The Honourable Madam Justice Katherine McLeod is a Judge at the Ontario Court of Justice in Canada.

Justice McLeod grew up in Surrey, got her Law Degree from the London School of Economics, and was called to the Bar in London: she is a member of Grays Inn. After completing a 6-month pupillage with Sir Christopher Sumner



“The huge edifice that is known as the Brampton courthouse has essentially fallen silent.”

of 12 King's Bench Walk in London (whom Justice McLeod describes as “the most wonderfully patient and incredibly kind pupil master”) she moved to Canada in the early 80's for a two-year break – but is still there today. Prior to being appointed a judge in 1999, she was a defence lawyer. Her level of court hears at least 95% of all Criminal matters from inception to completion.

We asked Justice McLeod to describe her new normal and what justice in a pandemic looks like.

“I work in Peel Region. This Region is known as having the busiest courthouse in Canada. We are situated just outside the Greater Toronto Area and have within our jurisdictional area Canada's busiest airport – Pearson, and two cities: Brampton and Mississauga and one town, Caledon. The population is 1.7 million. We are a hugely multi-cultural jurisdiction. Many of our population speak in their first language only: and that can vary from the most common: Punjabi, to distinct dialects of the African continent, Sri Lankan, Thai, all European, Russian, Chinese, South American and Pilipino languages to name just a few! Obviously, we are a bilingual court and have a number of First Nation defendants.

The huge edifice that is known as the Brampton courthouse has essentially fallen silent: the cells to which the in-custody defendants (often over a hundred in one day) are brought for their appearances – are empty. Judges are working remotely and in hugely reduced numbers. Bail courts presided over, for the most part by Justices of the Peace, are conducted through the magic of Zoom, and telephone conference lines. Guilty pleas for those who are in a “time-served situation” i.e. being held in custody pending trial but who admit their guilt and are getting out of custody are heard with a link from the jail housing the defendant with the Judge is sitting in his or her chambers on the phone, there is a



clerk in the courtroom lining up the remote appearances of Crown Attorneys, Defence Lawyers and Defendants. There is a court reporter recording all of the proceedings.

All trials have been cancelled since the middle of March and all matters are being adjourned ten weeks from the date of trial, when it is hoped that we can get back to some semblance of "normal". We are unable to set dates for trials until we know it is a realistic date.

I am working at home performing a case management task. I "meet" with lawyers on a conference line. I have reviewed the essential allegations of each case the night before and conduct meetings every 20 minutes during the day. Those meetings include matters that have been set for trial, but for which the hearing has been cancelled, for those cases that came into the system shortly before and during COVID-19.

My goal is to initiate a candid discussion between counsel about whether the case is one that the public interest is such that it should be prosecuted to the fullest extent of the law or to try and find an alternative resolution. If a prosecution is inevitable, we talk about pretrial motions and their viability. I spend my days listening to what the evidence might be, were it to be called, and then try to persuade one side or the other to concede or give up on the pretrial motion. Trial time will be at a premium when we return and I entreat both sides to be realistic.

I was asked to spearhead a case management system about 5 years ago in Brampton which was notorious for long trial delays (R. v. Askov [1990] 2 S.C.R. 1199). In the real world and the new world, the meetings are intense. In the real world they were most often in person meetings. This new world has brought home to me the power that body language working in tandem with the spoken word can have, in diffusing a high-conflict situation. With one half of that toolkit in the bin as it were, I find my job much more difficult and sometimes I am so frustrated and exhausted that my head is on my desk and my whacky British humour is ineffective at saving the day!

My work world has also changed in another drastic way: I have, for the best part of my judicial career, been heavily involved in the planning of and teaching judges at education conferences across the country and internationally. Those education conferences have now all been cancelled sadly: this month I was meant to be in Vancouver enjoying the blossoms and running on the glorious Sea Wall, in Montreal (twice) eating amazing French cuisine and at Blue Mountain, a beautiful ski and golf resort.

Those really are First World problems, however. What is more troubling is that there have been significant legislative changes to the Criminal law in the past year, both procedurally and substantively. Some are extremely complicated. While the delivery of the education of substantive law is convertible to electronic delivery; not so with the necessary skills required to preside in a trial where these issues arise. Also, the country has

also had a lot of new judges appointed in the last year; all of their education programmes have been or are likely to be cancelled.

As reopening is being discussed, quite how the justice system is going to make up what it has lost is a thorny issue. However, there is a silver lining: the need for the electronic delivery of justice has become a priority and this rather antiquated system is responding well. We strive for going back to "normal". The truth is I believe we will have a new "normal" which will be much better than the old "normal" in terms of efficiency and receptiveness to new ideas of administering justice.

The UK is still "home" to me – and I love it. Half my family is there – including my 27-year-old son, who is a Financial Analyst in London – although right now he is quarantining in my basement still working on U.K. hours, until work can start again. The superlative legal education and experience that I received in London has stood me in good stead and the principles that were instilled in me remain my guiding light. I am truly honoured to have been asked to contribute to this publication."

For some sectors, the transition to home working or moving the business online was not an obvious move and more creative solutions needed to be found either to continue the business or to transform it into something else.

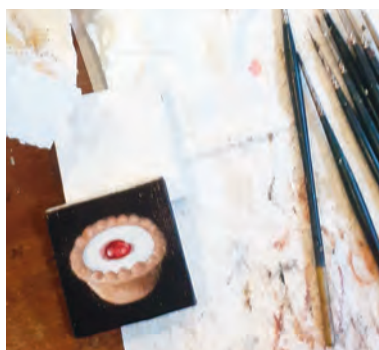
Fashion was one of the first industries to be severely hit by the pandemic. Obviously retailers closed. With everyone stuck at home, wearing high end clothes was no longer on anyone's agenda. And without knowing what season it would be before we were out and about socialising again, there seemed little point in buying online even though for most retailers those channels were already in operation and orders could have been easily fulfilled. They were simply not being placed.

James Eden is the CEO of Private White V.C. a very British company that makes high end fashion gentlemen's outerwear. Their factory is based in Manchester and dates back to the 1880s so this pandemic is not the first disaster it has had to contend with. Indeed, before producing the sort of menswear that graces fashion week catwalks, they were making heavy duty outerwear for the military.

In COVID-19, Private White V.C. transformed their entire business to producing PPE for front line workers. Eden describes this transformation as "stressful, nerve wracking, anxiety inducing but also, in a peculiar way, exciting".

"Fashion was one of the first industries to be severely hit by the pandemic."





Trying to find a spare second for Eden to speak to us proved challenging as he says his days are “inundated with calls for information about what Private White is doing to prepare our front line medical personnel in their valiant and inspiring work”. He says he is “experiencing extremely challenging and volatile days” where as well as “having zoom meetings, emails and phone calls with the Department of Health and Social Care, the Ministry of Defence and the Cabinet Office, we are having to mobilise our own Private White troops to revitalise our factories so that we can produce the much needed equipment our medical staff are in dire need of.”

Eden said “the massive challenge and just how bad the situation is cannot be underestimated or, indeed, how high a mountain there is to climb. When you have a country that chose to no longer make PPE domestically, the hurdle is vast. At Private White V.C., we are personally doing everything we can to contribute to the task. We have invested in 12 overlocking machines that allow us to make non surgical gowns in a faster and more efficient way. The bigger problem we had to face was the fact that no fabric was available for 2 to 4 weeks so we had to use our own network of connections across the world and we managed to source 90,000 metres of the appropriate non woven fabric that conforms to the necessary standards. This will enable us to produce 30–35,000 non surgical gowns. Can we do more? Yes. Will we? Yes. Are we daunted by this incredible task at hand? Most definitely, yes.”

Art is something that, even in the digital age, has always relied on the buyer seeing a piece in the flesh. Art fairs, exhibitions, galleries all give us the opportunity to actually rather than virtually see something that moves us sufficiently to open our wallets and so,

unless we are a collector of a particular artist’s work, we are unlikely to buy art online. Lockdown, therefore, was proving particularly challenging to the many lesser known artists who were dependent on that real life connection in order to make a living.

Matthew Burrows set up Artists Support Pledge on Instagram (#artistsupportpledge) as a response to the hardship many artists were experiencing. It’s a simple concept. Artists post work on Instagram hashtagging the pledge which they agree to sell for under £200 a piece plus postage and packing. Once they receive £1,000 of income in this way, they pledge to spend £200 of that on another artist’s work.

We spoke to Dani Humberstone, one of the participating artists;

“When I first heard about this idea, I thought it was great in principle but not sure exactly how it would work in reality as most of the pieces I normally sell would be so very much more expensive than that. But with time on my side, I decided to create specific pieces just for this initiative. I decided to do “miniatures” which obviously require much less time and less material resources. I wasn’t sure how they would go down but I hoped that my buyers would see this as an opportunity to get more of my work at a greatly reduced price and that those who had previously not been able to afford anything of mine could now buy something within their budget. On the back of each piece I’ve created for this initiative, I’ve written Artist Support Pledge 2020 as well as signing them so hopefully they are also capturing a moment in history. I posted the first four on my feed and in a heartbeat someone bought all 4. And so it continued. Once I reached my £1,000 I was then able to buy a piece by the artist

Rebecca Fontaine-Wolf who is someone I have always really loved but could never have afforded before. This really is a great scheme. It keeps artists working – and gets them to produce work in different ways to make it affordable, it ensures they are getting some sort of income in these difficult times and it enables the public to buy some pretty seriously undervalued art.”

Artists all over the world contributed well over 70,000 posts in the first month of #artistsupportpledge, some sharing anything up to 10 pieces of work and generating around £15m of sales. This proves both the willingness and need of established and lesser known artists to be working and producing more affordable pieces – as well as a demand from the public. Maybe this is an initiative that could continue long after we come out of lockdown.

With pubs, bars and restaurants all closed – and likely to be so longer than anyone else – our alcohol consumption during lockdown is restricted to drinks at home and cocktail Zoom parties. Manufacturers of alcohol are experiencing large percentage rises in sales to supermarkets but these do not compensate the losses they are making by not supplying licensed premises.

Masons Yorkshire Gin (www.masonsyorkshiregin.com) was the first gin distillery in Yorkshire and was set up in Bedale by Cathy and Karl Mason on World Gin Day in 2013 with the ambitious mission of creating the perfect gin. Some would say they succeeded as today it is stocked by some of the finest hotels, restaurants and bars and it has won awards all over the world. The range has been extended to include tea (Yorkshire of course), lavender and peppered pear gin as well as the classic variety.

However, in April 2019 a massive fire on their premises destroyed everything. As Karl Mason puts it “when I say it destroyed everything, I mean precisely that, from the stills that make the gin to the last pencil.” Masons used temporary premises whilst creating a new HQ living and working “like gypsy distillers”.

They managed to keep every member of staff and with grit and determination managed to reopen in their new home on March 6th this year. Then the pandemic hit.

Karl Mason spoke to us about how they are dealing with a second disaster.

“What happened with the fire made us resilient. We survived that. And we will survive this. Not that it's easy, that's for sure. Over a third of our business is from bars and restaurants. That has totally disappeared. As have all the tastings, the food and drink events. Yes, online sales are growing but every distiller is online so it's a very crowded marketplace. Distillers are becoming quite cut-throat in order to shift volume. The sales have grown but the costs have also grown. If we sell 2,000 bottles at one festival, that requires one day of one staff member's time. Selling 2,000 bottles individually online requires a number of people and a high cost of fulfilment once you take into account packaging and delivery. Then there is the additional cost of advertising online.

As well as working to keep our own sales buoyant, we wanted to give something back to the community so we have started making hand sanitiser. The duty on alcohol is around £28 a litre but the British Distillers Association consulted with the Inland Revenue and they agreed that this duty would not be enforced on sanitisers. We made a trial batch of 1,000 litres but after selling some to a local shop to sell on we decided to make it a totally non commercial exercise so we donated the rest to the NHS, to RAF Leeming who are carrying out flights on behalf of the NHS

and to our local care homes. We have enough ingredients to now make another 8,000 litres. We will be donating it all.

This is a time we all need to help each other, not jump on a bandwagon to profit from disaster.”

Resilience and resourcefulness seem to have been key in the fight against coronavirus and as a world we have responded not just to help ourselves and to keep our own businesses going but also to help each other. Perhaps some of the lessons we have learned will continue to be of use after the pandemic is over allowing us to work more efficiently and effectively and even for us to be more caring, compassionate human beings who look out for each other.



LIVERY NEWS

The Master's Word – The Livery in Lockdown.

To mangle a cliché, my time as Master has proved to be a game of two unequal halves. For the first nine months, the stately progress of the Company's year followed the course which is familiar to all of us who have been Liverymen for some time.



John Wotton

Until the middle of March, I was attending large and crowded Livery events almost every day, taking off my suit only to don evening dress. Since then, I have set eyes on other Liverymen only on a computer screen and have not worn a tie, let alone a dinner jacket. While we prepared for our Banquet at the Mansion House, clouds began to gather on the horizon. COVID-19 was spreading around the world, but I certainly didn't anticipate the consequences for all our lives that we have experienced over the past two months. With hindsight, my observation to the Lord Mayor, as we waited to process into the Banqueting Hall, "I hope the pandemic won't prevent events like this", seems absurdly naïve, and his answer, "I'm afraid it will", shows that the City authorities were already fearing the worst at the beginning of March.

The following fortnight saw increasingly alarming developments, in this country and elsewhere in Europe. As our Court meeting on 16th March approached, it became apparent that the Company might well be unable to conduct business as usual, or to hold the events planned for the coming spring and summer. The Court displayed a degree of foresight worthy of City Solicitors, by making all the dispositions that might be needed for the Company to continue to operate for the ensuing months. The Court brought forward to that meeting the appointment of next year's office holders and the election of new Court Assistants, which would normally have happened in May, delegated powers to deal with all matters arising pending the next Court meeting to the General Purposes Committee and the Master and Wardens, and provided for meetings to take place virtually.

The wisdom of those provisions was demonstrated within hours by the closing of London's theatres and cinemas, the first of several steps which led to the lockdown being imposed a week later and they have so far proved to be robust. The Clerk, Wardens and I have met weekly by Zoom, and GPC has worked through a full agenda on the same platform with notable efficiency. The Clerk and all the staff have worked diligently and effectively from home and I pay tribute to them for their commitment and achievements during this difficult period. With their

help, we have made a substantial emergency gift from the Charitable Fund to Haringey Law Centre, towards the costs they are incurring in working from home, supplemented by generous individual donations from members of the Company in response to my appeal. The Company's Essay Prize has been judged, the interviews taking place on Webex, and the winner is announced below. At the Clerk's suggestion, a series of Zoom drinks have been held, for newer Liverymen to meet members of the Court.

We have had to accept, with great regret, that no Company meetings, or social or ceremonial gatherings, can take place physically before the summer break. The Court will meet once, virtually, in June and the AGM will also be a virtual meeting at the time originally fixed, 5.30pm on Monday 15th June. I hope you will be able to take part. In comparison with the loss, suffering and anxiety experienced by so many around the world, these disappointments are trivial and we are confident that we will be able to make up for lost time, once the crisis is over, by offering an enriched programme of Company events this autumn and in 2021. I am grateful for the loyalty and understanding which you have all shown to the Company during this extraordinary period and look forward to seeing you again once a more normal social life becomes possible. I trust that you all are and will remain well during this pandemic.

The City of London Solicitors' Company Prize 2020

We are delighted to announce that the Company Prize for 2020 has been awarded to Jessica Kung, a trainee with Clifford Chance LLP. This award is made each year to a trainee at a City firm who has gained a distinction on the Legal Practice Course and who, based on an essay competition and interview, shows the most promise as a future City Solicitor. Jessica's essay (reprinted below) focusses on how law firms can best develop their junior lawyers to succeed in the next 5–10 years.

Amidst the COVID-19 pandemic, it has often been said that we are living in extraordinary times. Yet the way we, the legal industry, and our clients have reacted in the face of such adversity has demonstrated that there is still a very long way to go before machines will ever take away our jobs as lawyers.

After all, one of the many advantages we have over machines is our ability to think laterally, to adapt and to innovate. Even the most highly trained artificial intelligence will not have the ability to connect the dots beyond what no human has thought of before, as it can only "think" what a human has trained it to "think".

As such, the most successful junior lawyers over the next decade would be those who capitalise upon this advantage. This manifests itself in several respects. First and foremost, junior lawyers (and indeed all lawyers) should always be encouraged to keep learning. Critically, they should be encouraged to learn beyond their specialism and to widen the breadth of their knowledge base

as much as possible. Increasingly, we have seen that our clients expect us to draw upon knowledge and expertise beyond our "usual" areas of practice.

As students, we used to joke that with the increasing sophistication of search engines, there was no longer any need for us to study. After all, why study when you can easily look up what you don't know as and when you need it? However, if we were to limit our knowledge to our areas of expertise, we would miss out on opportunities to develop new techniques and solutions by drawing upon other areas of law in novel ways. At the end of the day, it is impossible to connect two dots if one is not aware the second one existed in the first place.

As an example, I did a lot of work on synthetic securitisations during the second seat of my training contract. The transactions I worked on drew inspiration from traditional "true-sale" securitisations, capital markets transactions and derivatives products such as credit default swaps. Without a rudimentary understanding of securitisation techniques and derivatives products, a "pure" capital markets lawyer

could hardly be expected to realise that combining such three areas of law could help clients resolve a problem they are facing, namely the onerous burden of having to keep regulatory capital on their balance sheets.



Jessica Kung,
Clifford Chance LLP

Additionally, having a broad knowledge base would allow junior lawyers to reinvent themselves and make themselves useful in the event of a market downturn. In times of crisis, there will always be countercyclical areas of law that will flourish. It is the ability and willingness of junior lawyers to quickly switch gears which will ultimately help them succeed. A career in law has always been about longevity and is a marathon, not a sprint.

As such, I am firmly of the view that the best way for law firms to develop junior lawyers is to encourage broad learning, agile thinking and flexible planning.



Our social media presence is expanding, both on Twitter and LinkedIn, with a piece by Tony King, our Junior Warden, on coping with the lockdown and its aftermath as the first dedicated article we have posted on our LinkedIn page: <https://www.linkedin.com/feed/update/urn:li:activity:6663822318328000513>



COVID-19: A NOVEL ROUTE TO CHANGE?

By Joel Leigh

Commending lifesaving initiatives from the automotive industry and discussing some of the unexpected side effects of lockdown.

By the time novel Coronavirus officially hit the UK in early March, new car sales in the UK had fallen to approximately half compared with the previous year. By the end of April, new registrations had decelerated to a virtual halt at just 4,321, equating to a fall of 97% and the lowest monthly level since 1946. In India, no new cars were sold in April, despite a population exceeding 1.3 billion.

Factories around the world have seen production lines halted but no let-up in their fixed costs, and economic uncertainty has damaged both the share prices of automotive companies and consumer demand. Major Motorsport and other events, including the Geneva motor show and then Beijing and New York, have now been cancelled.

Yet amidst all the chaos, some of the big names in the industry have stepped up to the plate magnificently to play their part in supporting the National Health Service.

Formula 1 teams joined forces to create the 'Project Pitlane' initiative, undertaking valuable work on ventilator design and development, and Aston Martin, Bentley, Nissan, Jaguar Land Rover and Roll-Royce all re-purposed factories for the production of significant quantities of PPE.

The PSA group – which owns marques including Citroen, Peugeot and Opel – offered free roadside assistance to any NHS employees who didn't have breakdown cover with them already and Nissan the use of hundreds of vehicles for medical staff in need of mobility.

And these efforts weren't just restricted to the UK; across the channel, Volkswagen released all employees with medical qualifications to work in the German health service on full pay as well as distributing some £35m of medical equipment and Seat reportedly modified parts including windscreen wiper motors for the production of many thousands of ventilators. In the US, Ford and General Motors teamed up with 3M, General Electric and Ventec Life Systems, to develop products that will help save lives.

At time of writing, car manufacturers in the UK and Europe had cautiously begun to reopen factories, albeit with low-volume production due to enhanced social distancing, but regardless a positive sign from an industry responsible for more than 1.5 million jobs across the sector in the UK alone.

Looking to China for reassurance, new car sales rallied strongly only eight weeks after the virus hit its peak, but this appears largely as a result of the swift decisions to divert investment away from car



manufacture and into digital marketing and sales of new cars, a space where Chinese consumers have long felt comfortable. Tesla is said to have taken online orders for 20,000 Model 3's alone throughout the lockdown, although government incentives to purchase electric cars will also have played a part.

Unlike the UK, however, lockdown happened faster in China, was rigidly enforced by the state, and the spread of the virus was not countrywide.

But UK car buyers haven't simply vanished because the showroom doors have closed, and once things are back to 'normal' manufacturers will be hoping for some pent-up demand, albeit in a radically different marketplace post lockdown.

It's at least possible that along with their Chinese counterparts, UK consumers will wish to research, test drive, and buy their new cars from the comfort of their own homes rather than visiting car dealerships, forcing parent companies to subject their showroom floor space to the same economic scrutiny that office space may come under post COVID-19, with the expected shift towards increased homeworking.

Regardless it seems impossible there won't be greater global acceptance for the need to tackle poor air quality, given that air pollution has been a key contributor to deaths from Coronavirus. Recent research correlating nitrogen dioxide levels with virus fatalities across sixty-six administrative regions of Italy, France, Spain, and Germany indicated that 78% of the deaths occurred in the five most polluted regions.

On the positive side, an air quality report published by IQAir in April indicated sharp reductions in the deadliest air pollutant, fine particulate matter PM2.5,



in ten major cities including London, New York, Delhi, Seoul and Wuhan following lockdown.

The main traffic sources of PM2.5 are exhaust emissions from diesel vehicles together with tyre wear, brake wear and road surface abrasion from all vehicles, and it is the size of the particles – 2.5 microns or less in diameter – which enables them to travel deep into the human respiratory tract affecting lung function and worsening other medical conditions. Elevated levels result in a distinctive haze over cities.

Nitrogen dioxide emissions from vehicles were also shown to be dramatically lower at some of London's busiest roads during lockdown, resulting in the cobalt blue skies that were a visible reminder of the negative impact of car culture on the environment.

The government has already announced further initiatives to reduce pollution in towns and cities in England as a direct result of the pandemic, including a £2 billion package for emergency bike lanes, a trial of rental e-scooters in parallel to the more familiar 'Boris Bikes' and measures to reduce crowding on public transport.

Until COVID-19, the accepted view has been that actions to improve poor air quality and mitigate climate change could only be achieved over decades, not years or months. The dramatic reduction of air pollution following lockdown, over a matter of just weeks, will hopefully open the eyes of both politicians and the wider motor industry alike that they must – and can – address the causes more quickly.

Joel Leigh is the motoring correspondent of City Solicitor and a Partner at Howard Kennedy LLP.



ONE LAST WORD

DID YOU KNOW?

When dreams crash down in flames

Imperial Airships would bring the far flung peoples of the British Empire closer together than ever before. Every day, blimps would slip their masts near London carrying passengers and freight bound for Montreal, Cairo, Karachi, Singapore and Sydney.

Journeys that had once been measured in months would breeze past in days. The Imperial Airship Service would bind Canada, Australia, South Africa, Egypt, India and New Zealand into a true global superpower.

Britannia still ruled the waves. But now, with a fleet of world class airships, she would dominate the skies.

Binding a far flung empire

The British Empire reached its territorial zenith in the 1920s. Vast swathes of the globe were shaded pink, from Ellesmere Island in the far north of Canada to the British Antarctic Territories in the furthest south.

Inbetween, a quarter of humanity lived under the Union Flag in places as diverse as India, Australia, Nigeria and Cyprus.

The sheer size and immense distances created some of the biggest challenges for imperial administration. It took up to six weeks to sail to Sydney. Even with the Suez Canal, it still took the fastest liners up to four weeks to reach India.

After the horrors of the First World War, the question of imperial defence was high on the political agenda. But how could you shrink these vast distances?

To give a unity to widely scattered people

In the 1920s, proposals were put forward for Britain to have an airship service that would eclipse the success of the German zeppelins. Each time, the astronomical cost and scale of ambition thwarted the attempts.

It took the passion and vision of the Labour air minister Lord Thomson of Cardington to get the project going. He abandoned previous attempts, and in its place, inaugurated the Imperial Airship Scheme. Two prototypes, R100 and R101 would carry the flag for Britain. He had lofty aims, writing about them in The Observer in 1926 that they were intended:

'To give a unity to widely scattered peoples, unattainable hitherto; to create a new spirit... and to inculcate a conception of the common destiny and the mission of our race.'

In addition, there was a growing recognition of the importance of air power in home defence and throughout the British Empire. There was now a race to get concrete signs of British success for the Imperial Conference in 1930.



That meant completing a return flight to and from India before the end of October. And it meant flying R101 before a comprehensive set of checks had been finished.

Remarkably, the flight would be joined by an array of VIPs. The passenger manifest included Lord Thomson, the Secretary of State for Air, Sir Sefton Brancker, Director of Civil Aviation; Squadron Leader William Palstra of the Royal Australian Air Force; Reginald Comore, the Director of Airship Development; and two of his key engineers, Lt. Col. Richmond and Michael Rope.

The cremated remains of a prehistoric mammoth

Perhaps they were reassured by the airship's sheer size and spaciousness. R101 had significantly more passenger space than the Airbus A380. The airship itself was huge. At 732ft long, it was like an ocean liner floating in the sky. She was also much taller and wider than those ocean going behemoths.

No one who saw R101 gently swaying whilst tethered to her mast would forget the sight. But with the fate of RMS Titanic in living memory, no one should have been taken in by sheer scale or reassurances of man conquering the elements.

R101's Certificate of Airworthiness was hastily issued on 2 October 1930. She was scheduled



to take off two days later. At 18:36 on 4 October 1930, the world's largest airship slipped the mast at Cardington and floated into the sky. Seven and a half hours later, she ploughed into the undulating countryside just south of Beauvais in northern France.

R101 burst into flames and, within minutes, became a blazing wreck. Historian John Swinfield notes that 'there was nothing left at the crash site but a blackened skeleton, a vast tangle of steel, looking like the cremated remains of a prehistoric mammoth.'

Of the 54 people on board, only eight survived the initial impact. Two of those succumbed to their injuries, leaving just six passengers alive to tell their story.

The only witness to the airship's spectacular demise was George Rabouille, a 56 year old factory worker and poacher who was out late setting traps for rabbits. He described how the giant ship slowly sank towards earth before making contact and exploding with such force that it sent him flying backwards.

Britain now joined a group of countries who had shelved experiments with airships following terrible disasters. France had been an early victim, with the destruction of the Dixmunde in 1923. The USA followed in 1933 following the loss of the Akron.

Germany was now the only country left running and developing airships. In the coming years, they would develop a new class of Zeppelins that were even bigger than the R101 had been. They were the Hindenburg class. The flagship would meet its infamous and very public demise in 1937.

Passengers would eventually take to the skies in their millions, but this future belonged to the airplane rather than the airship.

This article was provided courtesy of Ian Chapman-Curry, Principal Associate at Gowing WLG and host of the Almost History podcast.

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