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editor's letter

WELCOME TO THE SUMMER EDITION OF CITY SOLICITOR.

At the time of writing this letter the UK has made significant progress in the vaccination programme rollout, with progress being ahead of our planned timeframe as we now move to vaccinating those individuals under 50 during April. The remarkable progress is a testament to the incredible hard work and dedication of the NHS and volunteers. We should all be grateful and never forget their dedication and commitment to making the City of London and the UK, a safer place. All of us should continue to do all we can to make sure that we stay safe and that our workplaces are COVID secure, and that we look after the well-being of our hard-working staff.

Many of you will have missed the bustle of the chartered streets of the City of London, and will be keen to get back to the office. At the time of writing the Government guidance is that everyone should "continue to work from home where they can". Many are preparing for the final unlocking stage, which is planned for 21st June – subject to the data.

No life has been left untouched by the pandemic. We all know someone who has experienced difficulty whether that is losing a loved one, losing their job or having what may seem like insurmountable challenges. Many of us have focused our personal attention on supporting others and generously donating money to charitable causes, which gives me a great opportunity to thank the Charity Committee for their efforts in identifying the areas where monies can be donated to make the biggest impact.

For many of us there has been the realisation that their lives and personal situations are fortunate beyond their

previous comprehension. For example, in the first lockdown, there was a wave of anxiety. We were all panic stricken – heeding the calls of our politicians and medical experts – and almost barricading ourselves in our homes. Then the seemingly never-ending spiral of video calls drastically exposed the differences and divisions between those living in small urban properties (sometimes shared with others) and those in the suburbs with a garden, or for a minority those with sprawling estates in the countryside. A bit like wearing school uniforms, the office can be a bit of a leveller, in the sense that we have not seen inside the homes of all of our colleagues. We need to be more considerate of the working environment of our colleagues, and the strain that it has had on their mental health, and ensure that they have the support they need.

In a very British way I have felt a strange guilt about the fact that I have actually enjoyed many aspects of lockdown. As the father of two young children, I have enjoyed lunchtime walks across Wimbledon Common, building dens with the kids and having adventures. It has reactivated the creative side of my brain (I even wrote a short film script), and it made me reflect upon what is truly important in life. For that I am grateful. Whilst I will remember some parts of the lockdown with rose tinted glasses, don't get me started on challenges of homeschooling, whilst running a busy practice. I have always respected teachers, but never more so than during lockdown!

Many law firms will be encouraged by their employees to consider how the future law firm office (virtual or physical) should look. Since 12 April – which was



one of the key steps in the Government's reopening roadmap – we have been inundated with requests for employment law advice from our clients about how to deal with a barrage of flexible working requests. This trend has been across all sectors including banking, Fintech and professional services. On the theme of reboot law firms need to be ready for these changes.

This issue looks specifically at areas we are all touched by – the food and drink sector and it explores creative innovations and examines whether the hospitality industry has been transformed.

We have spoken to our friends across the Atlantic, and how they have undergone their own major reboot this year as President Biden has been sworn in as the 46th President of the USA. It appears that many lawyers in America are not mourning the departure of the 45th. We talked to a number of highly prominent lawyers in the USA to listen to their perspectives on how they see the next four years will impact on law reform and policy-making. It is a fascinating read, and I am grateful that they did not hold back with their views.

I hope that you – safely – enjoy your new found freedom and appreciate all the many things we took for granted before. I hope that you enjoy our reboot issue and as ever we look forward to comments and feedback.

Philip Henson
Editor
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LIFE AFTER TRUMP

*Is the damage irrevocable –
or is it possible for America
to reboot?*

A lot of damage was done in America in the past four years; internally, the country became divided, polarised, bitter – is it possible to bring these two warring factions back together? Laws and rules were brought in that may not be so simple to undo. Externally, America's reputation and image was badly tainted – can that be restored?

City Solicitor talked to a wide variety of highly respected lawyers in a number of different fields on the other side of the pond to explore their perspective and views on what Biden's administration will be looking to rectify or achieve in terms of policy making and legislation. From succinct and insightful soundbites to long and considered hypotheses that offered much food for thought, the response was as diverse as the country itself, covering topics such as Immigration, Criminal Justice, Antitrust, Equal Rights and more – all with one constant; that whilst, perhaps, a reboot may not be possible in every area, nonetheless the heart and intentions are now back in the right place.



GLADIATORS – OR MEDIATORS?

Steven Weinberg is an Attorney at Law admitted in California, New York and Arizona and a founding partner of Holmes Weinberg PC, a “power house” boutique law firm which was set up in 2008 and deals with major corporate and consumer brands, celebrities, social media stars and athletes, entrepreneurs, creative professionals, marketers, technology developers, digital media strategists, restaurateurs and growing businesses in a range of industries.

Weinberg is passionate – about America, about the law, about his clients, his work, his practice. He says he no longer works as “endlessly” as he used to, but cannot resist the lure the challenges his clients present him with. His main role these days is acting as Chief Legal Counsel for one of the world’s largest language services companies, and he works with other global businesses in entertainment, technology and pharma, – each of which has an office in London, which means Weinberg liaises with many of our City solicitors, particularly on matters relating to intellectual property, ventures and finance.

Weinberg says there are different ways we can view America and in his opinion, the primary one is like a giant EU but with a lot more diversity and a lot more tribalism.

“We were created essentially as a country whose goal was to give protection, and various freedoms, to those of the monied class. The only people who had the right to vote in the infancy of America were white males who owned property. It hasn’t changed all that much. That white male focus shapes a lot of actions; identifying

enemies both internally and externally – be that communism, which was and remains the focal point of attack for most American internationalism since the 1950’s, or the poor, or people of colour or religious groups that do not fit into the rigid framework of those in power – and then mobilising the media, the military and law enforcement to attack these enemies. On the one hand, we try and present ourselves as something extraordinary – and, indeed, in some ways we are. The idea of a democratic republic as set up by the founders with the notions of equality, life, liberty and the pursuit of happiness are all really quite lovely but as it’s unfolded, we are now in 2021 and we still don’t have an Equal Rights Amendment where women are considered equal and a huge part of America has no interest in supporting anything that is not white Christianity.

We are not yet at a place where we can reboot because half the country believes it is OK to be racist, to be angry, to be greedy and to hold onto whatever power they think they have. The recent impeachment trial reflected this and showed the trouble the country is in. Trump’s actions, in my opinion, certainly bordered on and legally could be judged as treason yet Republican legislators (with a few exceptions) chose to give a green light to his unconstitutional conduct for the sole purpose of getting themselves re-elected rather than holding themselves accountable to the Constitution that our founders idealised.

Right now, even with the dramatic and necessary changes the Biden administration is making, America looks like it is going to be eternally at war. The colonialism we pushed on the rest of the world has now turned inward and is cannibalistic. There is a huge



amount of tribalism, the country is going through enormous upheaval and as a democratic republic we are teetering right now.

While I do believe the Biden administration has the right intentions, as is currently unfolding, it will be difficult for us to get to a place of healing as long as we have two diametrically opposite sides who both fervently believe they are right and the other is wrong. Let me expand on why I believe we are in such a difficult place. I'm a professional certified mediator and I know that for mediation to be successful, the parties in dispute each have to want to achieve a win-win resolution. If the two parties are so grounded in their own belief systems as being the only possible correct one, you cannot achieve a healing.

One thing Trump was most successful at was creating the concept of "alternative real facts". We have Fox News, Sinclair Media and many others who are making huge profits by continuing to feed venom to a particular (and sadly very large) group of people who feel they must believe these lies as truth and if you don't agree with them you are out of the tribe and if you do agree you need to stick to the party line.

America was never the great place projected in films. It's always been a country at war with the world and at war with itself (racism, economic inequality, etc.) but now it is the most serious it has ever been because what Trump did was to open Pandora's Box. The evil and venom and anger have come out supported by endless "alternative facts" and half the nation is willing to accept these lies as their truth and remain steeped in anger – how does one contain that? Or more importantly – change that?

It's true to say that a lot of Republicans (and some conservative Democrats) believe that white men of means should run everything, that women should raise children and be quiet, and that people of colour and the poor should be productive and stop trying to benefit from those who have wealth. It's the old colonial view of the world – but it still prevails. America has the ability to solve its problems – through education, through good healthcare, by providing a liveable wage and creating public works that can employ many – but it has all been privatised, which means that financial profit will always prevail over public benefit. Look at how the biggest corporations in the world like Amazon and the wealthiest individuals pay very little or no taxes even though they have an opportunity to do things in a more democratic way.

Because we are surrounded by two oceans and have a more benign country to the north and a struggling one to the south, many in America act as though we are in isolation and not part of a global community (and Trump's "America First" doctrine fuelled this). We have this constant struggle as to whether we should be a part of the world and play a leadership role, which started back during World War II, or whether we should be isolated and focused on ourselves. Frequently our attempts at playing a role in the world have not been so great – such as the invasion of Iraq and the colonisation of Africa and other countries – but the reality is that we are a global world with a global economy and we cannot shut ourselves off from that. Trump tried. He pulled us away from NATO. From WHO. From the Iran nuclear deal. To change this and become an effective part of the world will be a huge challenge for the Biden administration, considering that within our own country we operate in isolation. Each of the 50 states is a separate individual tribe, with each empowered to do what it needs for its own citizens, even if it negatively impacts the concept of a single democratic republic.

To do what is necessary both internally to get more fairness and equality and externally to contribute to the world and play a bigger



role needs a reboot that seems impossible to achieve right now. Trump hasn't gone away and his followers have shown no movement toward the centre. Similarly, there are extremists on the left who are voicing their own inability to play well with others.

While the focus of this discussion is Trump, the fact of the matter is that our problems did not begin with Trump. We haven't really had a great domestic-focused president since Lyndon Johnson. His administration led to the 400 pieces of legislation which created the primary social services we do have in this country (Social Security, Medicare, etc). What we are seeing now, and what COVID exposed, is the very tangible racism, social and financial inequalities, and other rifts that are dividing us. The new Biden administration relief package hopefully will kickstart a change in the economic inequality, but as long as health, housing and other basic needs are controlled by the private sector, there's no real hope for real change. And with the Supreme Court's decision in Citizens United which essentially puts legislation in the hands of private interests, we will not see the kind of change required to become the healthy society we need to be.

All of this said, America is still a relatively young country. We are in the toddler stage at the moment, trying to figure out how to walk without tripping. Hopefully, as we evolve, we'll see some real maturation.

We lawyers are a strange breed. We like to take on the fight – even if we don't believe in it. The legal profession is as split as the rest of the country at the moment. It is rare these days to find adversaries who are looking to resolve a problem; there's too much emphasis on winning. This sadly is being played out in the rest of America – both sides want to win – seemingly at any cost.

There are lawyers who believe we are required to be gladiators and then there are those, like me, who, even though we are fierce litigators, are not unfair ones, and understand that the court system is not where "justice" necessarily will be found, and need to find a way to achieve a win-win.

Until our country finds its softer side; until its people desire a win-win that allows all of us to achieve life, liberty and happiness, and until we work earnestly and in a truly bipartisan fashion to find common resolutions, I am not hopeful that things will get much better."

A REBOOT FROM SCRUTINY – TO MORE SCRUTINY



Allison A. Davis is a senior Antitrust partner in Davis Wright Tremaine LLP (DWT)'s San Francisco office and former Federal Trade Commission attorney, **Doug Litvack** heads up the Antitrust group at DWT from the Washington D.C. office.

Antitrust is an area that may get rebooted under the new Biden administration. Litvack expects a more vigorous Antitrust enforcement to be put in place as a result of the change in administrations. He says it may take up to six months post Biden becoming President before we start to see any changes come into effect as the area of Antitrust falls within the portfolio of the Department of Justice under the mantle of the Attorney General, Merrick Garland. Now that he is officially confirmed in his position, he will begin to fill the vacancies left by the Trump administration.

"At the moment we can only speculate as to what a reboot in Antitrust may look like under the Biden administration. The Trump administration was actually fairly aggressive with their Antitrust enforcement but their agenda was somewhat unclear. For example, they aggressively pursued media company transactions, while clearing transactions in the financial services industries. Right now, on the Hill, there is a lot of movement, particularly by the Democrats, to change the Antitrust laws due to a view that our country has an Antitrust problem. Now that the Democrats have control of the Congress plus the Executive Branch, it is possible that they will pass legislation to make Antitrust enforcement more active, that could bring the US more closely aligned to how such enforcement works in the EU. In the UK in particular the Competition and Markets

Authority (CMA) has recently taken a more active role in enforcing the Antitrust laws.

Right now, in the EU and US, the focus is on big tech; which seems a bit misplaced because these markets are so dynamic. They change in heartbeats. Innovation happens quickly, entry barriers are low and companies are constantly developing new technologies. Think back a decade; Microsoft was the premier tech company, Google didn't exist, Apple was nothing – look at the market now. So we have no idea what it will look like going forward a decade. But for whatever reason there is a lot of political pressure to use the Antitrust laws to break up large tech companies. I expect similar pressure under the Biden administration."

Davis was in complete agreement with Litvack's predictions adding;

"There is a crossover between the Republicans and the Democrats in that the Republicans do not like some of the power that the tech companies hold and the Democrats are keen on protecting privacy so this gives them sufficient common ground to work together in a bipartisan effort to change the law to make regulatory scrutiny more vigorous."

Davis's other area of expertise is the Committee on Foreign Investment in the United States (CFIUS) and national security and she believes Biden's administration will, similarly to what is happening with Antitrust, reboot with a more aggressive approach. The rationale for the scrutiny is the fear of losing technical innovation, to keep innovation at home and not exporting it – particularly in the tech sphere.

In the previous administration there were a lot of vacancies in CFIUS, which we expect Biden to fill, but I don't expect to see any let up in the scrutiny, particularly with China.

I know that the UK now has passed its own version of our National Security Law and other countries are looking to do the same and to protect things within their borders so the regulatory environment generally is looking inward to keep innovation at home.

The Trump administration was doing this in a sense but I was in the middle of an investigation with CFIUS and it was chaotic between the various agencies where normally they work together; it felt very disjointed without good leadership and part of that was lack of leadership at the top. Trump took people out if they opposed him and then did not necessarily fill the role – so leading to the vacancies which, in turn led to the lack of leadership and cohesion between parties.

Things will run better now and we will see more coordinated and less divisive actions from the agencies but I do not think we will have less scrutiny – especially of tech transactions that involve China as an investor or buyer. Is this good or bad? That depends on your point of view. Some innovators would love to have some of the money that is there. On the other hand, it's good to keep your edge and your innovation at home. If you are competing in the global marketplace, there are not a lot of ways to control competition and security as you can within your own borders, and national security regulations is how countries have been trying to put their thumb on the scale for their own technology."



But if we are to come together as a nation, Republicans need to dump Trump. For their part, Democrats need to start listening to the Red state folks and give them the respect they deserve. Anything less and we are fated to a noxious politics that benefits no one.”

A BEACON OF HOPE



Jessica Jackson's quest for justice began in a Georgia courtroom. The high-school dropout held her two-month-old daughter and watched helplessly as her husband was sentenced to six years in prison. In that moment, she decided to turn her shock into a crusade to change the justice system. As a single mother, she graduated college and law school. Today she is leading the bipartisan movement to end excessive incarceration.

Jessica's specialty is bringing political rivals together to pass bills considered "impossible." As the bill's main advocate, she led the drive to pass 2018's "First Step Act." The New York Times called the law "the most substantial justice reform in a generation;" it has already helped free more than 7,000 people.

While leading her national initiative, #cut50, Jessica helped ban the shackling of jailed pregnant women in 14 states. Her "Dignity for Incarcerated Women" campaign enlisted formerly incarcerated women and dozens of celebrities to deepen the focus on women's issues. At the helm of #cut50, Jessica built the biggest national grassroots network for bipartisan reform, #cut50's Empathy Network. She also produced the first-ever Bipartisan Criminal Justice Summit, attracting leaders as diverse as Newt Gingrich and then Attorney General Eric Holder.

Jessica has led not only on the national level, but was also elected the youngest-ever Mayor of Mill Valley, California. Today, she now helps lead the REFORM Alliance, an organisation where she is continuing her work to end mass incarceration and mass supervision.

Jessica turned her hopelessness into hope for millions.

She believes that the Biden administration has a unique opportunity when it comes to rebooting and reforming the Criminal Justice system.

"There are too many people in American prisons today. We have 5% of the world's population – but 25% of the world's incarcerated population. Right now about 2.2 million Americans are behind bars. Around 120,000 are in Federal prisons and the rest are in state or local ones. We are literally wasting billions of dollars each year – it's not just a justice system anymore; it has become an incarceration industry. There are companies all over the country who are making huge amounts of money from people being locked up and, unfortunately, this is coming at a great cost to the American public because what we have seen is that since these tough on crime laws really started getting enacted in the 70s, 80s and 90s we have seen a decrease in public safety. We are actually

addressing the underlying issues of why people commit crimes, not addressing any of the systemic issues like mental health, drug abuse or poverty. Instead we are simply locking people up and traumatising them even more and then blaming them when they come home and cannot find a job or housing and cannot get back on their feet. 95% of those 2.2 million incarcerated right now will come back home; it is untenable that we simply expect them to somehow pull themselves up by the boots and succeed without any input from us. In some states we are wasting around \$70,000 every year just to incarcerate one person – that's a year of college tuition fees, which would be a much more worthwhile and fruitful use of that expenditure. We know that getting a Bachelor's degree makes it 97% more likely not to have another criminal act or charge; an education gives these people a real chance to succeed.

The good news is that there is a lot Biden can do here; we have a really robust bipartisan coalition of very unlikely allies. Democrats are working hand in hand with Republicans on this – who literally have nothing else in common besides views on this issue. This all began under President Obama when there was a similarly unlikely coalition that came together to address the disparities in crack cocaine sentencing. Back in the 90s, under the



“There are too many people in American prisons today.”

1994 crack cocaine bill, we saw that crack cocaine was suddenly being treated very differently and much more harshly than powder cocaine – in fact, they were weighing a hundred times more harshly the crack cocaine with the powder, which led to huge disparities in our justice system. There are already huge racial disparities with everything from policing of communities all the way through to who gets sentenced what but we saw an increase in disproportionate sentencing when these laws went through. In 2013, President Obama rolled them back – not all the way to 1–1 but 1–18. Although he did not do it retroactively, he did then launch a massive project for lawyers to identify cases of people who deserved clemency and did a record number of clemencies, 1715. His administration then really pushed for The Sentencing Reform and Corrections Act but, unfortunately at that point, Mitch McConnell and the Republicans had control over the Senate and they would not give it the vote. Under President Trump, we, quite frankly, thought all would be lost – after all this is the man who ran on American carnage, who was super tough on crime and in favour of locking people up. He even was pro bringing the death penalty back for people selling drugs so we did not think we had any hope of salvaging the work that had been done on a federal level so we started working more on the state

level. But, very unexpectedly, in January 2018, we got a call from Jared Kushner inviting us to the White House specifically to talk about Criminal Justice Reform. We decided to accept and Jared began the discussion by telling us the impact of his father’s incarceration on him. We were able to pull together the same kind of unlikely coalition. Along the way, we lost a few folks who refused to work with Trump, but we were able to pass the First Step Act which went into effect January 1st 2019 and that was the first Federal bill in decades trying to address sentencing and prison reforms. Some of the things we had to put in that bill are such a sad statement to our system; that women in labour could not be shackled – they were actually being shackled whilst giving birth which is not just traumatic for the woman but extremely dangerous for the unborn baby, that women got free sanitary items for their monthly cycles, that people got identification when they left prison, that they would have a system of “earn time credits” for that those doing rehabilitative classes – and we managed to make Obama’s bill retroactive. We were also able to expand the compassionate release so that where there were extraordinary and compelling circumstances, such as a pandemic, people could be released by a Judge or Warden through a petition process. So far, the First Step Act has led to a release of about 16,000 people. One great outcome of this Act is that it really created a national narrative around Criminal Justice reform and we saw in the wake of the bill being signed on a Federal level, a lot more States following suit – even ones like Mississippi, Tennessee or Georgia where these reforms are much

needed. We even saw change around the clean slate and whether a person should have to face all these collateral changes when they come home or, maybe, once you have served your time, you should be able to come home without the threat of being shut out by society.

Biden is in the fortunate situation that the reboot began a long time ago and now he is in a position to build on the reforms that have been put into place so far. The last two Presidents got things moving in the right direction. Biden can build on this by making sure we have a reboot programme that helps more people to get a second chance, and by continuing to build the rehabilitative portions of our prisons, or even to build the diversion programmes that keep people from going into prisons in the first place and address the underlying reasons why people commit crimes in the first place. We have pilot Courts like drug and mental health Courts that could be expanded all across the nation that would really reduce crime as they are showing an 80% success rate where prisons are showing a 67% fail rate.

It was an incredible moment for us to see every single presidential candidate in the last election campaign talking about reforming the criminal justice system. We have come a long way since Bush ran the Willie Horton ad against Dukakis.”

It seems criminal justice reform is one of the few areas in America where Biden is not having to reboot from Trump’s actions but rather to continue the good work done so far.





MOVING FROM DISREGARD TO RESPECT

Stephen Golub is a lawyer and leading international development expert whose blog, “A Promised Land: America as a Developing Country” (<https://apromisedland.org>), focuses on U.S. politics and policies, as well as lessons America can learn from other countries. He has experience in over 40 countries spanning the globe. His research and consulting have addressed comparative politics, corruption, democracy, foreign affairs, human rights, governance, justice, legal empowerment, refugee protection and violent extremism.

The author of about 50 published policy pieces and editor of numerous volumes, Steve has led major studies and consulting teams for the U.K. Department for International Development, as well as for Amideast; the Asia, Ford and Open Society Foundations; the Asian Development Bank; the Australian, Danish, Dutch, and U.S. development agencies; the Global Network for Public Interest Law; the International Development Law Organization; and the U.N. Development Programme.

He has also worked with Amnesty International, the British Council, the Carnegie Endowment for International Peace, the Danish Institute for Human Rights, the European Union, the Office of the U.N. Secretary-General, the Overseas Development Institute, Oxfam Novib, Transparency International, UNICEF, the U.S. Committee for Refugees, the West Asia-North Africa Institute, the World Bank and dozens of other development, human rights and policy organizations.

A Harvard Law School graduate, Steve has taught at the University of California at Berkeley’s Law School and Master of Development Practice Program, Central European University’s Public Policy School and Legal Department and Tufts University’s International Relations Program.

Golub describes the mood in America as having “a sense of relief since Biden came into office”.

“I’m going to start with the positive news. What is happening right now is not just a reboot, but a relaxed type of phenomenon – people are just breathing easier. I would even extend that to some Trump supporters, even though they’re not at all happy with the election’s outcome. Without Trump in the White House and with him no longer having access to Twitter or Facebook, we are not being barraged by his vitriol on a daily basis. The last four years has featured a constant stream of fear and anger over what Trump said or did, but now there are normal statements and press releases from the White House. The situation is less intense, not so combative and not nearly so dishonest.

So this reboot is a return to normalcy. We’ve always had tense debates between the two sides of the political divide – as, indeed, most countries do, but with Trump it was kicked up another level as he was always on the attack and had no sense of accountability and, frankly, he exhibits – according to many psychiatrists and the like – tendencies of narcissism and excessive self regard.

It is not just the absence of Trump; Biden is a more unifying figure. We have a sense of competence and respect for science and expertise – and not just in relation to COVID.

On the negative side, we have a situation where Trump is still there. He is still the dominating presence in the Republican party. Almost all Republican politicians still live in fear of him supporting another Republican to run against them so they will always support him. This is because he has popular support within the party – he could win against not just the Democrats but against any other Republican candidate.



One major issue that will be of great interest to lawyers in particular, although important to the general public too, is that the Biden administration has brought with it a return to respect for the rule of law. Trump was an incredibly litigious personality who exploited the legal system no end to avoid paying bills and cut back on his debts, especially when he was pretending to be a real estate mogul – I say “pretending” because his greatest skill was self-promotion; he was and is worth far less than he has claimed and he went bankrupt numerous times. He would take a lot of cases to court. And he was sued on numerous occasions himself.

But the bigger issue was how much he disrespected the rule of law – and encouraged others to do the same. There were so many statements he made that showed not just a disregard but also a lack of understanding of the Constitution. In a lawsuit against one of his businesses that was being heard by a Mexican American Judge, Trump said it was not appropriate for this Judge to sit because of what Trump had said about building a wall between America and Mexico to keep Latin American immigrants out. This lack of respect for the Constitution was played out in so many of his actions and statements, not least of which his inflammatory behaviour that led to the actions of January 6th.

His repeated lies – especially the “big lie” as we refer to it here, that the election was stolen from him, even though he knew that was not the case, encouraged and inflamed a disregard to the rule of law within his masses of cult-like supporters. Coming from such an incredibly powerful platform, it was as though the green light had been given to put the law to one side.

Now with the Biden administration showing a real respect for the rule of law, we have the potential to reboot this – but the caveat, as I have mentioned before, is Trump is still present and exercising huge influence.

Another legal matter that the Biden administration will be paying a lot of attention to centres around voting rights – something that is a big issue here. There has been a lot of post-election Republican real advocacy and legislation on a state level to make it a lot tougher for people to vote. This movement within the Republican Party has intensified in recent months, but goes back a couple of decades and predates Trump. For example, some Republican-run states insist on rigid voter identification rules even as they make it more difficult to obtain proper IDs. They are also cutting down the hours that the polling stations are open and cutting back on advance voting and mailing voting – the very reforms that contributed to relatively large and fraud-free turnouts in 2020.

The reason for these facts is it is generally minority groups who have utilised these procedures. Republicans believe that by making them tougher, they may reduce a Democratic turnout – and certainly reduce a minority turnout. Biden’s Justice Department is going after such state-level moves and Biden and the Democrats are backing national legislation against such voter suppression.

But we have to bear in mind that despite all of these legislative changes the Biden administration may get through the Senate, we still do have a super legislator in the United States – the Supreme Court – and right now it has a 6–3 conservative majority of Justices who may overrule or invalidate what Biden signs into law.

Another dominant issue obviously right now is COVID and here, reboot, is a very appropriate descriptor. We have gone from an administration which had no respect at all for science and from a President who said that perhaps using Lysol internally might get

rid of COVID to an administration that is prioritising science and evidence and sending out more appropriate messages – strongly favouring mask wearing, for example.

While the Trump administration did provide funds to accelerate producing a vaccine, the incompetence came through in that it did nothing to help states distribute or administer the vaccine, leaving it to them as their own problem.

Biden is taking steps not just to ramp up production but also to get it to people sooner and more efficiently with a more national direction and policy. In the period between the two administrations – that is, the roughly ten weeks after Biden was elected but before he was inaugurated – Trump’s aides deliberately did not provide information to Biden’s public health team, so as to deliberately slow down and block the transition and make it harder for Biden to hit the ground running regarding COVID and many other matters.

Climate change is another issue that is looming in the foreground. We are especially sensitive to this here in California as our summer into autumn is now called the fireseason. That was not the case 20 years ago, or even five years ago. But now we are threatened by fires at worst and hazardous haze at best. Biden has rejoined the Paris Agreement, pledged to eliminate greenhouse emissions by power stations by 2035 and to take many more steps to move our country into a better place environmentally.



There is a reboot too, in world terms, as we are seeing a much greater willingness on the part of Biden to engage with international institutions – rejoining the World Health Organisation is one example of this. We are looking to work with allies in all sorts of economic and strategic issues and leaving behind Trump’s “America first” attitude. We will be informed much more by rational thinking rather than bluster.

More generally, a real reboot is that we now have a genuine regard for human rights and democracy again as opposed to Trump who was embracing authoritarian rulers. Now we will be tougher on autocrats like Putin and in places like Saudi Arabia.”

It seems, if Golub’s perspective is correct, a genuine reboot is happening with the Biden administration that could see a return to the promised land.

HOW RULES TRUMP LAWS



Emma Heiken, Master of Public Policy 2022, Georgetown University President, Migration and Refugee Policy Initiative (MRPI), says there is both good news and bad news when it comes to what happens after Trump.

"I'll start with the bad news. One thing Trump was extremely good at was the Law – he is great at using the Law for his benefit. Because of the separation of power, no President has that much power. There is not much they can do with executive orders, as they have to go through Congress. But Trump did a very smart thing to get around this in order to achieve what he wanted – and that was to mess up the Courts. He appointed more Judges – more conservative ones – than any other President and implemented a lot of "rules". These circumvented Congress as they were "rules" not legislation and as such did not have to be officially legislated. The Child Separation Rule, for example, was not a Law – but rather internal policy. These rules go across every agency now. The bad news is we are still trying to identify all of these because he was so good at it that he passed so very many – after identifying we have to undo them – and the irony is that even though they were implemented so easily, some of them cannot be so simply undone with a

wave of a wand but require going to Court to do so – and with so many conservative Judges, the chances are that they will remain in existence. It could take ten years of legislation to change this. There are teams of Civil Rights lawyers all over the country who are trying to identify and rectify this vast quantity of these backward "rules" – but this is definitely going to be a slow reboot. Another element of this is that Trump was also very good at layering policies – so, if you peel back one layer, there are so many other barriers. For example, in Asylum Law, he – illegally, contrary to International law, said that asylum seekers have to wait in Mexico for their Court date – we can get rid of this – but, he also put in a rule saying you cannot seek asylum at the border at all – so it continues. He was very effective at achieving what he wanted to do – which is to put barriers in for people wanting asylum. We cannot hope to revoke all of these harmful rules in four years, not even eight years; this is a lifetime's work.

There is good news though in our new reboot – and that is that there is a huge reinvestment in communication of different levels of Government. Trump was obviously not a politician and he did not really understand how local, state and federal Government works together

and that explains our internationally renowned dreadful response to COVID. He basically said "deal with it yourselves." But the states rely on federal funding. Biden understands all this and has invested in really explicit and clear communications with states and localities.

When I worked with the San Francisco Mayor's office at the outset of the pandemic, we had no access to data on COVID. We had no idea how many cases we had in the city. We relied on the State Department of Health and they relied on the Federal Department to give numbers – and no such cooperation was forthcoming. Similarly, with testing – we had a lot of trouble getting the numbers. Now Biden has explicitly funded the states and the localities.

One way to sum up America's political and legislative reboot is that Trump was very focussed on preservation of the past – keeping the army masculine, keeping the country white – and Biden is more focussed on how we do things moving forward – how we can make education better given the inequalities and segregation that exist as one example, This does go back to the policies Trump put in place of "making America great again" being slowly peeled back. But we will get there."

THE FOOD AND DRINK INDUSTRY; WHAT'S NEW ON THE MENU?

The hospitality sector has taken the concept of reboot to a whole different level in the past 18 months; a series of creative innovations have transformed what could have been a financial catastrophe for so very many businesses in this field to reimagined, and highly profitable, offerings that have ensured brands have not just survived but flourished – and will be more intrinsically linked in our lifestyles going forward. The changes – some of which were happening but very slowly before the pandemic, some of which had not even been dreamt of – have had accelerated growth and take up and are not going anywhere once all our restrictions disappear, but rather will remain very much a part of our new normal.

As well as a shift in what we, as consumers, are being offered, there has also been a bigger demand and discernment on our own parts for an elevation of quality. The pause button that was put on our lives afforded us the opportunity to actually think more about what and how we consume, to both have and take the time to really taste what we are eating and drinking – and to want and demand better which has led to a rise in the popularity of small, artisan, ethical producers.

Of course, along the way, there have sadly been many casualties who perhaps simply did not have the resources available to them to put in place the changes needed to keep going. This has resulted in a lot of empty properties whose landlords are desperate to rent so we could see a surge of pop-ups and new businesses post pandemic.

City Solicitor explores various businesses associated with food and drink, examining how they survived the pandemic – and how they sustained us while we were staying at home by offering us everything from Michelin restaurant food, meal kits, delicious coffees and even an education in wine – with some interesting perspectives from a couple of our City solicitors thrown in too.



By the time you are reading this, hopefully restaurants will have reopened and you will be back wining and dining in your favourite haunt. Maybe it is the highly fashionable Lyles in Shoreditch. Perhaps an Indian in Mayfair's Gymkhana is more your taste. Or you may be enjoying a Japanese style hi-ball in Borough Market's Bao.

Sethi talked to City Solicitor about how he rebooted JKS through the various lockdowns:

COVID has transformed the Food and Drink sector. I still fully believe there is a permanent and very prominent place for great restaurants, pubs and bars, if anything I think the pandemic has deepened people's appreciation of the hospitality sector and all we can bring to people's lives outside of just great food and drink – I just no longer expect to see chains of restaurants that have hundreds of places all offering the same thing. I think the brands which will be successful in a post pandemic world will be multi-channel, straddling eat-in dining, retail and delivery. When the sector is thinking about growth from now on, it won't just be thinking bricks and mortar. In the past decade or two, a lot of the sector growth has been driven by private



March 23rd 2020 was one of the worst days of my life – business wise. It highlighted to me how fragile our business was. We had a small delivery service already in place – but it was very much a secondary priority, not something we depended on for our profitability. Like most, we were reliant on people visiting our restaurants. Then lockdown came, and our teams were, quite justifiably, too scared to work. So everything came to an alarming standstill and we had no revenue for 8 weeks. We had to work out how to make our business more resilient, not just in the short term but, if anything like this

were to happen again, that made us stronger in the long term. At a time when nobody could visit our restaurants, we needed to figure out how to get our food and drink into people's homes – and also to replicate as closely as possible the whole experience of actually being in our restaurants. We worked out which of our restaurants' food was best suited for delivery, which cuisines would hold up best. We grew our existing delivery offer and turned on new restaurants – Gymkhana and Brigadiers, for example, that had never done delivery before. As well as using Deliveroo, we also provided a service where customers could also order directly from our websites. We did not fulfil these orders ourselves but partnered with courier companies which allowed us to deliver further afield than the usual Deliveroo catchment area. We invested a lot of time and effort into the packaging and collateral involved with delivery to ensure the food would travel safely but also to try and bring some of our brand feel into people's homes. We also created new delivery brands like Rice Error by Bao, which specialises in rice boxes that we thought worked much better in the delivery context. We already had and have grown our Indian home delivery brand, Motu, which operates out of 7 of Deliveroo's virtual kitchens in and around London. Our mindset was how is it best to address the delivery market? Solving this is not just a short term solution.



The trend and demand for high quality food to be delivered to our homes is only going to grow; it was accelerated with the pandemic but it is here to stay. The barriers to entry are low compared with setting up a new restaurant – there have been a lot of new players in the past year, so it will be interesting to see how the supply v demand dynamic plays out post lockdown. But either way, delivery is now a prime focus for us both in terms of innovation, revenue growth and strategy.

The retail channel has also become equally important; predominantly this has been meal kits, but also marinades, pantry items etc. We took our time to make sure the cooking process worked both practically and in terms of quality for all our menu items. This was a completely new channel for us so we put a lot of R&D into ensuring the end product was a true representation of our restaurant food in terms of its high quality. We had to also put a lot of effort into the hygiene, packaging and health and safety aspects. We had to work out the logistics, partnering up with companies like DPD, DHL – this was not without its challenges as in a restaurant environment we are completely in control as to how the food is delivered to the table and we are in a position to gauge the customer's reaction and act accordingly. With this service, once we had fulfilled our end by



delivering to the courier, it was then out of our hands. By the end of November most of our restaurant brands had a retail channel. We created Ambassador General Store as an umbrella retail platform for our Indian restaurants, Hoppers Cash & Kari, Berenjak Bazaar, Bubbleshop and more. Most of these will stay live in the future, and we have to evolve our offering and become more sophisticated as retailers

as the world opens up and people aren't locked up at home. I don't see this as an alternative to going to restaurants, there's so many other facets to a restaurant experience that it's impossible to replicate; I see it as an alternative – or addition – to an Ocado, Mindful Chef, Hello Fresh etc. It gives home cooks an ability to create an amazing dining experience and offers access to a quality of product that most of our customers cannot normally source themselves.

We have evolved from being simply a restaurant business to a more all encompassing food and drink business – we want our brands to be front of mind whenever customers are thinking of eating and drinking – whatever and wherever the circumstances.

Despite the trauma of the last year, the positive for me is that our business today is a stronger and more resilient one. We have many more strings to our bow and whilst we'll look to grow these new channels, there are also better opportunities for us all to grow our bricks and mortar portfolio too, taking advantage of the 'resetting' of the landlord/tenant dynamic. So opening more sites is still very much a part of our strategy, but now it is in conjunction with other ways to deliver our product."

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SINK OR SWIM – A LEGAL PERSPECTIVE ON THE FUTURE OF THE HOSPITALITY SECTOR

Vernon Dennis is a Partner and Head of Business Recovery and Reconstruction at Howard Kennedy LLP with a real expertise in food and drink – professionally, obviously. As you would expect, Vernon was busier than during the lockdowns providing advice to businesses – but particularly in retail and hospitality.

“Strangely enough, because of all the Government’s assistance, there has not been a big rush of insolvencies; in fact, the reverse has happened and insolvency numbers have gone down. But what that hides is quite a different picture. So much debt has accumulated; even if a restaurant is not able to trade, there are still huge costs involved to keep the business going. A lot have only survived by taking on debt. We expect to see a lot of restructuring in this space. On a positive note, restructuring does mean a rescue of the business. Whilst some

companies may not survive, the businesses may. There are a lot of investors out there, ready to place a lot of money when the time is right. That is business transformation.

The restrictions on trade have had a massive impact on businesses and the advice I have provided has predominantly focussed on business continuity and particularly the Landlord/Tenant issue which has become hugely important. The media has reported £1.9 billion of rent arrears in the hospitality sector. That is not going to be easily paid back. Hopefully with negotiations businesses will be able to reboot and come out the other side. But if they use their money to repay debts, that restricts what they have to invest in their business.

Allied to that are a lot of innovations in changing the model of how the hospitality sector works. There has



“The pandemic has been a period of rapid change – and there has been a lot of change for the good in the food and drinks sector.”

been a huge movement towards delivery and more recently we have seen, particularly, in the more upmarket sector a growing trend for home kits – there has been a deluge of this. This does not make significant money – but it does mean they can keep a small number of their staff employed but, more importantly, they can keep their supply chains open. Businesses who are dependent on their butchers, their grocers have been desperate to support these suppliers – and home kits allow them to do just that. One of our clients is Patty & Bun, they were quick, one of the first, to go out with a kit to make your own burger at home. This was not about the revenue but precisely to keep the lines open with their suppliers.

Another piece of innovation that the pandemic has accelerated is the change of use of premises. This is a problem as well as a solution for landlords. Typically you would have a long lease – these are decreasing. Businesses need to be more fleet of foot, they don't want to be using their funds on leases or making long term commitments they may want to be released from. As a result of this, landlords have had to rethink how they work their premises to get a consistent income from them. We will see a move towards multi-occupancy, towards businesses that only want to commit to a defined, short period – almost as a revenue trial; depending on how good the turnover is will determine how long they stay. The Mercato Metropolitano at Elephant & Castle is a great example of this. It houses over 40 vendors selling food from all over the globe; those that do well stay longer term and those who don't leave and are replaced by others. It is a flexible model that works for both the landlord and the tenants – and is a trend that I believe will continue.”

Also a Partner at Howard Kennedy LLP, Adam Walford advises household name restaurants and retailers on their real estate occupancy needs, growth strategies and asset management needs. He leads the Investment, Landlord and Tenant team and is head of the Retail & Leisure group.

“The pandemic has been a period of rapid change – and there has been a lot of change for the good in the food and drinks sector. What has been really interesting in talking with our clients in the past year is that, yes, they have been exploring new channels in order to deliver revenue but really the main driver was about customer loyalty, staff loyalty and a desire to constantly innovate and not stand still.

Whilst revenue was an outcome, it was not the principal driver. These businesses are all about hospitality. They want to delight people. The challenge was not how to generate revenue but “how do we continue to delight ?” because that is what is embedded in their DNA. All the innovations that have come with lockdown, like delivery and meal kits, have been developed in a way that they can still bring a touch of that hospitality feel into the customers' homes and that are as commensurate as possible with the brand. These innovations are not seen as a threat once the restrictions lift. Our clients truly believe in the lure, attraction and power of restaurants and so these new channels are additional ways of delivering hospitality, not a replacement for the physical entity. It is not food but hospitality that is the leading element of purchase; something not just restaurateurs believe

but that their customers agree with, ensuring they will be more than happy to rush back to restaurants post lockdown.

The concept of customer loyalty has been a constant theme in lockdown. The very best restaurateurs realised a very long time ago that the restaurant experience begins before a customer even arrives and carries on long after they leave. This is why they have a really strong social media presence allowing their customers to relate to and associate with the brand at all times. The importance of this loyalty has been magnified at a time when people can no longer enjoy the live experience a restaurant affords them. Some restaurants have brought in voucher systems, loyalty cards etc to show they care about their customers – and value and need their support in order to be around for them post pandemic. This is all about engendering brand and customer loyalty. Who would have ever thought we would be getting Michelin starred restaurants offering takeaways? But this is precisely how these restaurants are keeping their brands front of mind and perpetuating customer loyalty whilst they are shut.

I think one thing we need to consider is the impact of the pandemic on the future of cities. If our work situation remains flexible then coming into the city will be a more sociable experience than it has previously been – and this could see a boom in the restaurant trade. It will be a different purchase to specifically choose to come into a city to go to a restaurant – and this could influence what sorts of people come into restaurants and at what sorts of times. Restaurateurs are excited by this and keeping a watchful eye on how it develops in order to react and foresee. Some commentators are also talking about a rehabilitation of cities as we see office workers moving out; as business density decreases so residential will increase – and that will bring with it a different demand.

The mood is generally positive. But it is positive because in essence it has no choice but to be so. Having managed to survive – having gone through all the blood, sweat and tears to survive – we now have to ensure that all the hard work to get here is not wasted.”



SUPPER: ELEVATING THE HOME DELIVERY EXPERIENCE



When City Solicitor first wrote about the launch of SUPPER a handful of years ago, it marked the beginning of something very new in our city. SUPPER is an online delivery service that started off life by bringing food from the finest quality Michelin starred restaurants to your home, your office or wherever you happened to be.

It's founder and CEO, Peter Georgiou, has since worked relentlessly, with passion and commitment, to build and develop the business. Georgiou met with a lot of opposition along the way. In a country where delivery had always been associated with Indian takeaways and soggy pizzas, it was sometimes an uphill struggle to convince the most prestigious restaurants in the world that they needed a delivery service at all. They viewed their offering as intrinsically including the ambiance and experience that sitting in a restaurant had to offer, not trusting a bike to transport their food with all the possible mishaps that might bring with it. The more forward thinking restaurateurs, along with the braver ones, did see, however, that this would not only give them an additional revenue stream but

also make their brand a bigger part of their customer's lifestyles. They saw that the money, science and technology that had been invested into SUPPER's custom built bikes with their quite extraordinary temperature controlled transportation chambers would ensure that their food would arrive at its destination in the same immaculate condition as when it left the restaurant's kitchen. Georgiou also had to contend with "competitors" like Deliveroo who had huge funding behind them, who offered a nationwide rather than a London only service – SUPPER originally only delivered within Zone 1 – and who, despite not having the same high levels of transportation quality standards that SUPPER insisted upon, were becoming household names with a lot of clout within the hospitality sector.

But SUPPER's extraordinary service levels to both its partners and customers shone through. Business was building. Slowly. But very surely.

Then the pandemic happened and SUPPER's growth accelerated with a speed Georgiou could previously have only dreamed of. This has enabled

SUPPER to expand its offer beyond restaurants to most types of food retail such as from Harrods Food Hall, Fortnum and Mason, and also places such as Laduree for macaroons, Alain Ducasse for chocolate and Hedonism for wines. In short, it curates London's finest food and drink brands and delivers them to you in less than an hour. Georgiou intends to extend the offering even further and to turn SUPPER into a more all round offering making it the go to delivery service for all the upmarket, world leading quality brands London has to offer saying "if you can rely on SUPPER to safely, promptly and efficiently deliver food from Nobu to your home, it follows that you should be equally confident that we are sufficiently trustworthy to deliver that latest Macbook or the Chanel handbag that you have reserved too."

Georgiou also wants to expand beyond Central London to East and West, North and South, to cities outside of London like Liverpool, Manchester and Edinburgh and even further afield to places like Dubai, New York, Singapore. In London, the way SUPPER are working on their expansion plans is through the development of



“localised” kitchens. Georgiou explains that this is a different concept from the now widely known “dark” kitchens and will bring Central London restaurant food to local communities.

“We don’t currently deliver to places like Hampstead or Highgate – but the demand is very much there so we will collaborate with some of our key partners – some of the best restaurants on the platform – in setting up these kitchens whereby they take care of the food and we take care of the delivery. Our customers will be getting that restaurant’s food, cooked by chefs employed by them as opposed to how “dark” kitchens operate where chefs try and emulate restaurant’s recipes.

In the same way SUPPER elevated delivery from someone on a pushbike to state of the art motorbikes specifically manufactured to keep food in the right conditions, it is now moving off site kitchens from carparks and industrial estates to custom built places staffed by the restaurants themselves and with the highest hygiene standards, totally in keeping with how the restaurants themselves run. The first kitchen will



probably facilitate five or six brands. This model can then be replicated nationwide giving the whole country an opportunity to have this amazing food without the restaurants having to make the costly and risky move of actually opening new branches in these cities.

Such expansion plans require huge investment and SUPPER are currently carrying out a funding round of beauty pageants with potential investors. The big question on everyone’s lips is what will happen after all the lockdowns; will the boom die and will delivery revert to being an occasional indulgence?

Georgiou had this to say;

“Of course, everyone is sick to death of being stuck at home and we all – myself included – cannot wait to experience actually being in a restaurant again. But that is only half the story. The pandemic has changed our habits not just for its duration but in a much more permanent way. Delivery will continue to explode; just getting bigger and bigger. There is a very good reason for this. 18 months ago, pre-COVID, people simply didn’t have the breadth and choice of amazing restaurant food which they could order online and eat at home. SUPPER existed as a service but a lot of restaurants did not want to join the platform because they believed their offering to be all about hospitality, experience and service. When faced with lockdown, they were not able to offer these things anymore and so they had to embrace delivery and have had a phenomenal take up. The surge has not been simply because people cannot go to restaurants but because an offering is available that wasn’t so much before – and it’s an attractive and tempting one for so many. This has not just been a little earner for restaurants; they have made millions, literally. Once restaurants reopen, they still have this other huge revenue stream already in place and, unless they embrace it, they will not move forward as a brand. If COVID has taught us anything, it is that the unimaginable does happen and who knows what will come along next?

Restaurants can’t afford to just go back to their previous ways of operating. When the first lockdown happened, most restaurants were faced with the prospect of possible financial ruin. We became their safety net. Not only did we save them, but we helped them to flourish. We flourished too, fortuitously. Delivery is not going anywhere, it is embedded in our lifestyles now. There is no reason why people should stop ordering food from, say, Zuma, just because the restaurant reopens. What will happen is they will have a cheeky lunch in their sweats whenever they fancy or order in when friends are coming round as well as going to the restaurant when they feel like going out. Now they have a choice. A choice that wasn’t there before. Why would anyone take away that choice?”

Currently, SUPPER has around 80% of London’s top restaurants and 20% of the world’s biggest heavyweights on its platform; names like Cipriani, Hakkasan, Nobu, Zuma, China Tang, Jean-Georges, Mr Chow to name but a few. This repertoire has increased so much during lockdowns. It was only when they were forced to think differently that the floodgates opened. Georgiou says he has at least 60 restaurants a week trying to join SUPPER and the current queue is around 40 restaurants at the moment, but these days he can afford to be fussy and pick only the very best.

It appears that the pandemic has played a big part in rebooting how we will consume food and drink going forward. Yes, we will be rushing back to restaurants just as soon as it is safe and legal to do so, but we will also be enjoying everything they have to offer delivered to us in the comfort of our own homes.

For more information about investing in SUPPER, contact Peter Georgiou peter@supper.london or Tim Marchant tim@moscar.co.uk

To order a Michelin starred meal at home, simply download the SUPPER London app.

@supperlondon



A DOUBLE SHOT WITH A DIFFERENCE

Think of coffee pre pandemic; for most of us it meant grabbing a gallon of double shot skinny cappuccino after getting off the tube and before getting into the office. It served the purpose of attempting to wake us up after our way too early morning falling out of bed and probably substituted for breakfast too. More than anything, it was a habit. We would stand in that queue in Cafe Nero, Starbucks or such like, almost mindlessly waiting for our daily fix – and we would consume it equally mindlessly, our thoughts full of the work ahead, paying little, if any, attention to the taste or flavour of the drink.

COVID has changed many things and, on the positive side, it has allowed the more fortunate ones of us to take a breath; to have the time and space to really consider our lives, our actions, our habits. This more focussed consideration extends to what we consume and has resulted in a massive shift towards a demand for greater quality.

Coffee is certainly one area where more of us now appreciate that to think the choice is as simple as

latte or espresso is on par with thinking the way to choose wine is simply by red or white. Like wine, coffee is a complex, fascinating subject and there are as many varieties to experience and enjoy.

Raja and Jeremiah Wolstenholme are The Coffee Twins – and, yes, they are also real twins. Their complete and almost obsessive passion for coffee led to them running the coffee shop of Clerkenwell's wonderful restaurant, The Modern Pantry, serving a carefully curated selection of blends from all over the world. Their customer base was the very many office workers in the area so once we were all told to work from home, business dropped drastically and the coffee shop was forced to close.

“Like wine, coffee is a complex, fascinating subject and there are as many varieties to experience and enjoy.”



The twins had to rethink. Everything in the food industry was shifting towards home delivery. This extended way beyond restaurant meals to areas which had never delivered before – but were suddenly being forced to in order to survive. For example, luxury hotels in London have been delivering up to a hundred afternoon teas every day during lockdown – so the twins were quick to see the opportunity the pandemic afforded them.

Raja tells us;

“The shift in lockdown has not just been from going into coffee shops and restaurants to home delivery but also there has been a real desire for something special; a move towards a discerning approach to coffee, a desire to learn more about the varieties, the provenance, the methods of production.

For us, we were in a position where we knew our customer base well, and we knew precisely what they liked and wanted, so the logical step was to establish not just an online delivery service of great coffee blends but also to launch our own coffee brand.”

What makes The Coffee Twins different and special as opposed to the mass market coffee shops and brands around is the completely personalised nature of the offer – which originated from how they operated within the Modern Pantry.

“We work hard to try to understand each of our customer’s preferences in order to confidently recommend the right coffee that will really meet their taste requirements so that they do not have to randomly guess which blend is the best for them. Whilst that is not the easiest thing to do online, we achieve it by asking questions about preferences on flavour, strength, caffeine or no caffeine as well as finding out what equipment they will be



“Everything in the food industry was shifting towards home delivery.”

using to make the coffee – and a whole lot more – so we can determine which of our blends they should be ordering. We also have mugs to drink the coffee in as well as some other lovely stuff to make the whole experience as wonderful as possible. In the Pantry we even used to personalise the paper cups with illustrations (we both love to draw) that captured part of our customer’s personality – which evidenced a real relationship between us and them as opposed to just a cold business transaction. We have tried to move that into our new offering. Our packages all contain a few touches and extras beyond what the customer has asked for – and as the relationship develops between us and them, it can become even more and more personal and relevant to them. For example, if a customer loves mocha and orders it frequently, we can presume they are a chocolate lover so as a way to add that personal touch as well as expressing our gratitude, we could throw in, say, some hot chocolate powder.”

The packaging and boxes are exquisite. Gift boxes are individually numbered like a work of art and really give the feeling that what you are receiving is high, high quality. The art on the boxes was actually done by the twins themselves but they commissioned illustrator, Sian Heather, to design the packaging for the blends themselves. All of the packaging gives a clear indication of how special the real hero of the day is, and that is the coffee itself.

Jeremiah says;

“Our own love of coffee began around a decade ago when we were both working in the hospitality sector and we started to discover what a vast and exciting subject coffee is. We learned about the huge process of making it – from the farmer to the cup. We visited many different roasters and once we started to unearth the depth of coffee – not dissimilar to wine – we started to really, really appreciate it. From then our dream was to set up our own coffee shop selling our own carefully selected brands of coffee to help others experience just how special coffee can be.

Our coffees are all ethically sourced, speciality coffees that are made from the highest grade beans. Currently there are eight available (and we will be expanding that offer over time) – from rich dark chocolate flavoured ones to mild nutty ones and even ones with a hint of wine. We did a lot of research to find the very best roasters in the UK to team up with and the ones we finally chose not only met our really high requirements of quality but are also very environmentally friendly, something which is hugely important to us. Our roasters pay higher than average prices to the farmers, their roasting machines use 80% less gas, the bags they use are all sustainable; this all echoes our ethos of sustainability and an ethical approach.”

The Coffee Twins launched in March with a website and a social media presence. So far it has had a great reception from coffee lovers who are ordering the delicious blends in such vast quantities that there is already talk of expansion; from wooden bikes serving freshly made coffee around stations to pop up coffee shops to supermarket distribution of the blends, The Coffee Twins are on course to reboot and elevate the whole coffee drinking experience.

www.thecoffeetwins.com
@thecoffeetwins

REPLACING ALCOHOL BY VOLUME WITH ALCOHOL BY DISCERNMENT



Our journalist takes the first steps in moving away from a lifetime of glugging wine towards a more educated and discerning approach.

March 23rd 2020 did not go exactly as I expected. I was supposed to be having very serious back surgery. Not surprisingly, in the circumstances, it was cancelled and, instead, the whole country went into lockdown. Like everyone else, I was in a state of disbelief, shock; not really having the capacity to fully process what was going on. Our normal timetables were now being replaced with Joe Wicks for breakfast, followed by clearing out cupboards, baking bread, walking, walking and more walking – and eating and drinking indiscriminately. Bearing in mind my bad back prevented workouts and walking, my obsessive house pride ensured my cupboards are always immaculate and I have never had any desire to bake anything in my entire life, that left me with eating and drinking. My brain seemed to think that lockdown gave me the permission to fill my freezer (which for the past seven years of

its life had never contained anything other than champagne glasses, ice cubes and ice cream) with food I would never normally eat – or even want to eat – and the yardarm seemed to be setting earlier each day. By January 4th 2021 when the third lockdown began, things were very different. Back surgery had been successfully completed and I was on a mission to reboot and to get super fit. My timetable included so many things I had not been able to do last year – I was walking a minimum of six miles a day, doing yoga and pilates, 75 minutes of Leslie Sansone's Miracle Miles (sorry, Joe Wicks) and even running. It did not stop there – I decided to stop drinking for the duration of the lockdown. I decided too that it was not just physical exercise I needed but mental stimulation too – this realisation was cemented when I found myself colour coding my spices and putting them into alphabetical order (I kid you not). But what to do? I had already taken on many more work projects than usual to fill the hours that were, in the good old days, taken up with theatre and art and travel; I had written an entire novella in

the first lockdown and even dabbled in understanding neuroscience. I decided to learn something new – and, for the first time since leaving law school more years ago than I would like to disclose – in a formal way with exams at the end.

This is the journey that led to me deciding to turn my lifelong love of drinking wine into something to study in great depth. (Obviously, a logical decision to make when you have decided not to drink.)

After much research, I discovered that the road to becoming a sommelier involves WSET. The Wine & Spirit Education Trust (WSET) “provides globally recognised education and qualifications in wines, spirits and sake, for professionals and enthusiasts”. There are four levels to the programme; from a fun, introductory level 1 to a full on level 4 which has 64 evening classes, 5 days of examinations – only around 10,000 people all over the world have achieved this diploma so far; maybe a step too far to alleviate my lockdown boredom – but who knows?





The next step was deciding which of the myriad of schools which offer the WSET courses I would choose. When you are doing these online, location no longer is at all relevant or restrictive. I chose the West London Wine School. Unlike a lot of the schools, their courses included sending you the wines specified for tasting in little miniature bottles which took away the hassle of tracking down all the wines personally and also ensured (given the self inflicted drinking ban) I would not be wasting entire bottles after a few tastings (and spitting out). West London Wine School is a part of the Local Wine School Network; it has won awards for education, its online presence is a lot more professional than a lot of its competitors – an important factor when you are going to do an online course. West London Wine School was founded and is run by Jimmy Smith who has a list of credentials that are highly impressive including that he won the Drinks Business Man of the Year award in 2019 and has educated over 6000 students for the WSET courses. I felt it safe to assume any school he was running would be pretty good. This school also appealed to me because they seemed to offer more around the course than some of the others – including videos where Jimmy talks about the principal grapes as well as revision cards, mock exams and much more that looked both fascinating and helpful.

I signed up for Level 1 comprising three 90 minute webinars with Zoom tutorials immediately after the sessions and culminating in an online invigilated exam. My course textbook and my box of nine tasting wines arrived a week before my course began. I was so excited. The little bottles tantalised me every time I opened the fridge but I managed to resist, instead devouring the contents of the textbook from cover to cover.

After my first session I was buzzing – and not just from sipping wine for the first time in three months. I loved the whole experience. The teacher was Sam Hill who was knowledgeable and informative – but also fun and friendly. The 90 minutes flew by. The session was delivered by webinar – Sam going through each part with key points being put on screen. It was fascinating which made it so simple for the information to seep in. Tasting the wines was a revelation too. After three months of abstinence my palate was suitably clean and untainted and, guided by Sam as to how to get the very best from each of the wines, every taste was an explosion of flavours which I could readily discern and describe – and truly enjoy.

“After my first session I was buzzing – and not just from sipping wine for the first time in three months.”

The three sessions covered how grapes grow, how wines are made, types and styles of wine, eight principal grape varieties, storage and service of wine and a fascinating session on pairing wine with food which involved tasting wines then trying them again after a lick of lemon, a taste of salt, some chilli and something sweet. The results were extraordinary.

Even before completing Level 1, I signed up for Level 2 – I was well and truly hooked. This time the tasting box contained not just nine wines but 38. The text book is way thicker and there is a study book. Things suddenly got serious. I wondered whether I had done the right thing by continuing and would the fun be replaced by a hard slog? Whereas a lot of what had been covered in Level 1 was not entirely unfamiliar to me, now I was entering a different world. I went into the first session of Level 2 with some trepidation. I need not have worried. I loved it even more than Level 1. I was fortunate enough to have Sam teaching again so that familiarity helped a lot. This time there are seven two hour sessions, again followed by tutorials. Many more grapes are explored and you really learn how to evaluate a wine. My thirst for knowledge – excuse the pun – was definitely being sated.

Sadly, for me there was definitely a downside to this whole experience. And that was the exam at the end of Part 1. The exam consisted of 30 multiple choice questions to be completed in 45 minutes. A couple of weeks before the exam date, a list of requirements for the invigilated exam arrived. I nearly had a nervous breakdown. Suddenly this was not about learning all about wines but about understanding technology. Software had to be installed onto my mobile device. My laptop had to be configured to allow pop ups and permissions for screen sharing. Apps had to be up to date. To take the exam, I had to remove all alcohol from the room I was in – this meant moving around 60 bottles into the terrace shed and resulted in a breakage where glass went everywhere! I had to buy extension cables and something to hold up my phone – honestly, I spent the week before the exam not studying the text but going through the technical requirements. I got stressed about the whole thing – and let me add here that I am really quite good with technology – and had

to keep reminding myself that I was doing this for fun.

The night of the exam finally came. I clicked “start test” and was told to wait three minutes while my virtual exam room was being prepared. Then two minutes. Then one minute. Then..... ooops there has been an error. This happened three times. When I eventually got in – a shrivelling bundle of nerves by then – I had to show my laptop, my keyboard, my entire room, my desk, the space under my desk, my ears (to show I was not wearing an earpiece) and oh so much more besides. The straw that broke the camel’s back for me was setting up my second device, my mobile, to record me taking the exam through an app. I had practised where to set this up to conform to the required 10 metre distance, 90 degree angle etc etc. I performed all this and sat down only to see on my laptop what the phone was recording – the back of the chair it was propped on – not me in the other direction. I realised the phone needed to be turned back to front – not intuitive and not helpful not to know.

All this took me the best part of a half hour. Eventually I got into the exam – and the 45 minute clock started. Bizarrely, this was the easiest part. I got through the questions in around ten minutes. Double checked my answers. Felt confident. And was done!

My fear is that I did not get all the technology bit right and will be disqualified – but if I am, so be it. I did not sign up to learn to be a techie. And my ease at answering the questions proved to me how very much I had learned about wine in such a short time. I am excited to learn more and I am somehow going to master this tech thing so that after Level 2, I can go onto Level 3 – and maybe even Level 4.

It seems my new found passion for wine – somewhat of a reboot from my previous relationship with it – will last way beyond lockdowns. Cheers, Jimmy and Sam for igniting this enthusiasm in me. And note to WSET – please make the tech side easier!

For more information about WSET courses and West London Wine School;
www.wsetglobal.com
www.localwineschool.com/westlondon

LIVERY NEWS

The City of London Solicitors' Company Prize 2021

We are delighted to announce that the Company Prize for 2021 has been awarded to Charlie Wells, a Trainee with Slaughter and May. 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 an interview with the Master and the Chair of the CLLS Training Committee, shows the most promise as a future City Solicitor. Charlie's essay (reprinted below) focusses on how law firms must adapt, including through using the lessons learnt from present challenges, to thrive in the future.

How must City law firms adapt, including through using the lessons learnt from present challenges, to thrive in the future?

Charlie Wells



EXECUTIVE SUMMARY

This essay will argue that unprecedented competition, catalysed by the influx of well-capitalised US law firms, is the key challenge facing City law firms, which must distinguish themselves to clients in order to thrive. The proposals below require firms to learn from present challenges to proactively win business by utilising new specialisms in increasingly vital areas, whilst reforming working practices to bolster human capital.

LEVERAGING SPECIALISMS

Amidst intense competition, City law firms must provide differentiated service offerings that are underpinned by expertise in subjects of growing legal and economic importance. Such areas include climate change and the biomedical science and technology sectors, which have both benefited from the COVID-19 pandemic. Indeed, City law firms are ideally placed to develop this expertise given the UK is committed to net zero carbon emissions by 2050 and has leading biomedical science companies, whilst London is positioning itself as a global technology centre.

To develop these specialisms, firms could establish formal networks with economic consultancies, academics and other relevant organisations to engage on economic, regulatory and industry trends. Firms could then publicly demonstrate this expertise by producing market-leading publications relevant to clients and hosting industry events. In contrast to competitors, a firm would distinguish itself, and attract business, by leading such an active network. An energy company, for instance, is likely to be intrigued by a firm that publishes detailed research on new funding models for green energy, rather than by a more passive competitor.

Furthermore, such expertise and publicity would enable firms to develop close ties with promising, young companies. By providing (potentially discounted) legal services and advice, firms could capture significant high quality work as the companies grow, such as fundraisings, flotations and M&A.

ENHANCING HUMAN CAPITAL

To succeed in the future, City law firms must also adapt their working practices to materially improve their human capital. Such reforms would counter the challenges

posed by the COVID-19 pandemic, which has seen record levels of work and increased client demands for many City law firms.

To stand apart from competitors, firms should reimagine their approach to developing lawyers with a reorientation of resources. To prevent lawyers being held back by low productivity processes, firms should invest in digital solutions that enable lawyers to focus on more enriching work. Firms should rapidly adopt and integrate technology, including cloud software and artificial intelligence, into work processes to reduce time spent on tasks such as due diligence. This should be coupled with outsourcing much more to third party lawyers and reducing costs by cutting superfluous backroom staff, which has been made possible by remote working. Indeed, a firm could retain staff, despite fierce competition for talent, by allowing lawyers to focus on complex legal work rather than mundane processes. Ultimately, this fundamental reallocation of resources would mean lawyers develop much more quickly and provide materially better quality and cost-effective service for clients.

THE RISE OF THE E-ROAMING EMPIRE

Why motor manufacturers have positioned themselves for a dramatic industry reboot following lessons learned in Silicon Valley.

By Joel Leigh



If you type 'Nokia' into your favourite search engine, you'll discover the most commonly posed question by the public is whether the company are even still making mobile phones – little short of astonishing given that at the height of their success, Nokia cornered 30% of the planet's mobile handset market and that the Nokia 1100 and 1110 continue to hold the top two spots for the bestselling mobile phones ever, with combined sales of a whopping 505 million.

To be fair to HMD Global, the Finnish telecommunications behemoth that in 2016 bought back the brand it sold to Microsoft in 2014, it still produces Nokia mobiles, and last year employed some 92,000 people across 100 countries, generating annual revenues of around €23 billion. But the sale of its mobile devices business and subsequent re-focussing on network infrastructure projects was driven by Nokia handset sales falling off the edge of a cliff, due to the company's abject failure to keep technological pace with the ubiquitous iPhone in what could only be seen as a cautionary tale for the automotive industry.

Take Volkswagen for example. In common with the majority of car makers, the company has historically operated on the basis that new models will be introduced on a seven-year rolling cycle, a process led by line and brand managers with powerful unions weighing in on all major decisions.

Whilst this approach worked well for traditional car production across multiple factories, it has been ill suited to the development of electric vehicles (EVs), given the huge quantities of data and code involved in bringing software-dependent EVs to market and the need to incorporate rapidly evolving technology such as the sophisticated 'over-the-air' updates now familiar to Tesla owners. The disconnect has led to significant issues for VW in recent years including delays to the launch of the ID4 crossover and ID3 full-electric vehicles.

On the upside, the company has already committed to resolving these issues, and its latest business strategy includes over €30 billion of investment to boost in-house computer software output in a bid to close the gap with Tesla. The project will span everything from building ground up operating systems and industrial clouds that allow machine learning, through to self-drive technologies.

VW is by no means alone in adopting this approach; BMW, Mercedes and Toyota are all undergoing similar albeit slightly more modest transitions, the process representing a collective response to the existential risk posed not just by the ambitions of Elon Musk but also big tech giants such as Apple who are intent on storming the motoring barricades.



As matters stand, Tesla is considered to hold a five-year head start in respect of both batteries and drive range, so VW's investment may ultimately position it as leader of the 'non-Tesla' sector of the EV market, in much the same way, continuing the mobile phone analogy, that Android leads the non-Apple ecosystem.

At this point an interesting comparison can be drawn between Apple and Tesla, in that Tesla has followed Apple's example of actively seeking to integrate software innovations into its hardware, with examples including Autopilot, TeslaCam and Sentry Mode.

Volvo has adopted a different and arguably more cooperative route regarding the Polestar 2. Produced in China as an EV only sub-brand by its parent company, Geely, the model deploys a native Android Automotive operating system powered by Google Assist to operate the car's key features safely whilst driving, thanks to Google's excellent voice recognition system.

As previous owners of cars with voice command will attest, the historical lack of access to industrial clouds rendered many of these systems unusable, and even those which were functional lacked the familiarity of the voice assistants drivers were accustomed to using at home.

Ultimately, all of this amounts to a battle to control the future of the car. But if a company as efficient and well-funded as Apple has struggled to launch its relatively limited offering – the much heralded but often delayed iCar – one can only conclude that absent strategic alliances with experienced motor manufacturers, Silicon Valley has yet to reach its full potential for building complex EVs.

Tesla continues to style itself as a tech company, but it remains a manufacturer at heart, and marques such as Volvo will similarly maintain the balance of power in joint ventures with big tech for the foreseeable future. Whether VW's decision to go it alone proves the better long-term bet remains to be seen.

What's clear is that the automotive industry is in a period of flux, moving through the decline of the internal combustion engine to the rise of driverless EVs. Happily, major players have recognised that new technologies are the key to achieving their goals, having learnt an important lesson from those hapless diehards at Nokia circa 2014.

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

ONE LAST WORD

DID YOU KNOW?

Rebooting the French royal family

The sun has gone down on a summer day in 1791. A coach clatters through the night, the coachman driving his horses as quickly as the rutted road will allow. On board are an aristocratic family. This is not unusual – the French Revolution has unnerved many in the historic ruling class and many are fleeing Paris. But this is not just any aristocratic family. On board (but in disguise) are King Louis XVI and Queen Marie Antoinette. They too are fleeing their febrile capital city and now they are only miles away from the border and safety.

The French Revolution upended an age old way of life. For generations, France (and much the rest of Europe) had been divided in strictly hierarchical societies. At the top, the King. Beneath him, his nobles took care of earthly problems whilst the clergy dealt with spiritual affairs. Merchants, professionals and tradesmen occupied an uncertain middle rank. The bulk of the population were peasants, rural labourers whose lives were not much different than that of their forefathers.

For three uneasy years, the French royal family lived alongside the revolutionary regime. The question, for both monarchists and revolutionaries, was what to do with such a vivid symbol of the Ancien Régime. Could they be rebooted for a revolutionary age? In 1792, Louis Philippe d'Orléans, the Duke of Orléans and the King's cousin, took this route by adopting the name Philippe Égalité and becoming more revolutionary than the revolutionaries. Moderate voices called for the monarchy to be reinvented as a constitutional monarchy. Radicals favoured a republic.

By mid-1791, Louis XVI and his family had been installed in the Tuileries Palace. Gone was the splendour and isolation of Versailles. The Tuileries was a run down and haphazard collection of buildings with apartments in dangerous proximity to the streets. A series of incidents had made it clear that the royal family were not honoured guests in their Parisian abode. They were prisoners, guarded by the National Guard and in danger from the machinations of the more radical revolutionaries.

So began the plan to escape. Letters had been pressed into the hands of trusted visitors. A plot developed and, by June 1791, it was time to put the plan into motion. In the weeks leading up to the escape, the Chevalier de Coigny had visited and left

the Tuileries palace. He took care to wear the same clothes, to take the same route and to leave at the same time. On 20 June 1791, de Coigny walked past the guards without challenge. By now, they were familiar with the aristocrat's dour brown clothes, dark green overcoat and grey wig. But this time, it was not de Coigny leaving the palace – it was Louis XVI making his bid for freedom.

Louis was met by a cabman who guided him to the hackney carriages that already contained the royal family. The authorities were on alert for a royal escape – one of Louis' brothers had already fled and the other would flee on the same evening. Amazingly, the most difficult legs of the journey were completed without problem – the royal family escaped both the immediate vicinity of the Palace and the revolutionary city of Paris and were on their way to the safety of the Austrian border.

It was at this point that the plan started to falter. The royal family were transferred from inconspicuous two-wheeled hackney carriages to a very much more conspicuous four-wheeled Berlin carriage. Pulled by six horses and painted a jaunty bright yellow and red, the escape vehicle was cumbersome and drew attention.

Still, the plan could have worked. Had there been fewer stops, if Louis had not chatted with peasants while the horses were being changed at Fromentieres or if Marie Antoinette hadn't given silver dishes to a helpful local official at Chaintrix. If the royal family hadn't basked in the applause of the townsfolk of Châlons-en-Champagne and, especially, if the postmaster of Sainte-Menehould had not recognised the King from a payment note in his possession.

It was the latter official, Jean-Baptiste Drouet, who sounded the alarm. He was able to get word to revolutionary sympathisers in Varennes, who held the coach up for long enough for the National Guard to identify and return the royal family to Paris.

The royal family had made it 120 miles across France before they were discovered. They had been just 31 miles short of the intended destination.

So, there would be neither a reboot of the Ancien Régime nor even the circumscribed life



of a constitutional monarch. The future of the monarchy was now questionable and, as revolutionary zeal increased, the royals lived under the shadow of the guillotine.

In the end, the Reign of Terror would see first Louis (in January 1793) and then Marie Antoinette (in October 1793) sentenced to death. Shorn of their finery, they were brought by cart to the Place de la Révolution (today, the Place de la Concorde) and executed by guillotine.

But France could not quite shake its monarchical roots. In 1814, the House of Bourbon returned to the throne, in the person of Louis XVI's brother (who, with originality not being a strong point in the naming of French kings, became Louis XVIII). This was a true reboot of the Ancien Régime. As with many sequels, however, it disappointed. The House of Bourbon was removed from power in France for good in the July Revolution of 1830.

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



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