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#97 THE VALUES ISSUE

CitySolicitor

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



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Contact Us

4 College Hill, London EC4R 2RB
Tel: 020 7329 2173
Fax: 020 7329 2190
mail@citysolicitors.org.uk
www.citysolicitors.org.uk
Twitter @TheCLLS and @CLSC2

Editor

Philip Henson (DKLM LLP)

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Journalist

Maroulla Paul

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LANSDOWNE
PUBLISHING PARTNERSHIP LIMITED

Lansdowne Publishing Partnership Ltd
11 School House, 2nd Avenue
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Manchester M17 1DZ.
T: 0161 872 6667
W: www.lansdownepublishing.com
E: info@lansdownepublishing.com

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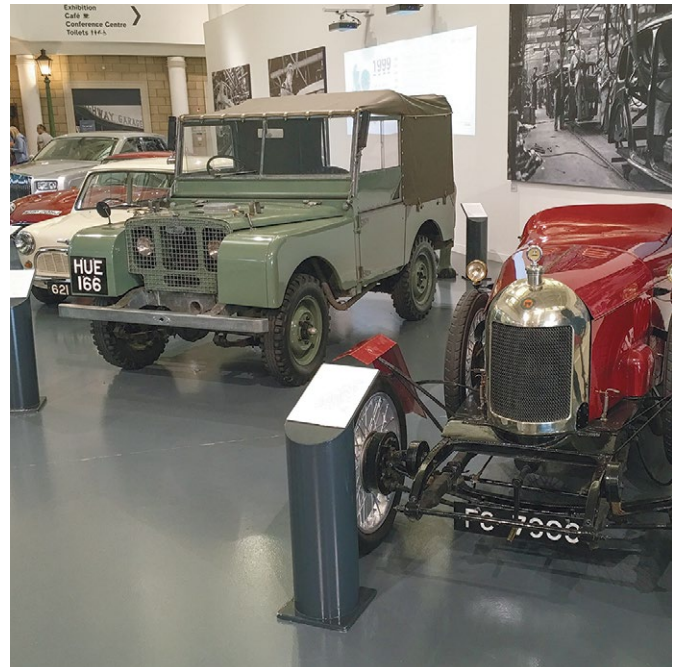
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WELCOME TO THE AUTUMN EDITION OF CITY SOLICITOR MAGAZINE AND TO MY VERY FIRST EDITION AS EDITOR.

The theme for this issue is VALUES and as Roy E. Disney said;

"When your values are clear to you, making decisions becomes easier".

When I was approached to become the Editor of City Solicitor it was a very easy decision to make and I was deeply honoured to be asked to be part of the talented editorial team.

The articles in City Solicitor inspire debate. It has never shied away from discussing controversial topics in an unbiased and open way. The readership of City Solicitor, and the constituency of the membership of the Company and the Society, includes some of the sharpest minds in the City, and I would proffer the country. Let us utilise our collective talents and resources and contribute to national debates and inspire others to do so.

Solicitors in the City – and across this country – are called upon to advise in good times and in bad, and in both scenarios it is our personal and collective values (and those of our clients) that come into focus. Let us not forget that our interpretation of the law, our suggestions on how the law can be changed, and our professional advice, can have a direct impact on society (yes I used the "S" word in my first column), and it can affect the lives of many people.

I am greatly indebted to John Abramson who edited City Solicitor for many years with great passion and skill and also to the dedicated editorial team. City Solicitor makes a valuable contribution to our great City, and I am honoured to have been given the opportunity to continue its proud legacy.

I welcome your comments, feedback and contributions so that we can continue to improve City Solicitor.

Thank you.

I hope that you enjoy this edition.

Philip Henson
Editor
mail@citysolicitors.org.uk



CHANGING VALUES IN THE LEGAL PROFESSION

The Great Pro Bono Push

If we compare the new wave of talented lawyers who are entering the profession and contrast them with those who are retiring, they are, according to endless reports issued by our media, a very different breed of people. Those coming into the Law in the Seventies and Eighties grew up in a world with no internet, no social media, no budget airlines, no mobile phones. The world was a much bigger place to navigate. Their early years in the profession would have been during the Thatcher era, a time which put self before others. Generation X with its yuppies and Sloane Rangers was about making money and spending it.

Generation Y who are also known as the Millennials and were born between 1980 and 2000 are defined by technology. They were born around the same time as Google and for them the world is a much smaller place and much more accessible. When Generation X were at University and Law School, pro bono were words not frequently heard. Today pro bono is an integral part of most courses and most City firms have dedicated pro bono/CSR departments. Those interviewing for training contracts frequently cross examine interview panels about what pro bono/CSR activities the firm carries out. They are keen to make a difference, and to encourage others to do so. Some trainee solicitors make decisions about where they want to work based on the extent of the firm's pro bono contribution. Law firms of all sizes in the City need to be aware of this and not just because if they don't then they may be losing out on a talented pool of employees.



“We, our clients and our regulators should constantly challenge ourselves to work differently whilst maintaining the essence of the profession.”

What has caused this seismic change? Is it a change in values between different generations of solicitors? How much is it linked to the spending and eligibility curbs that were implemented in the Legal Aid, Sentencing and Punishment of Offenders Act 2012. These cuts have effectively denied access to justice to the vulnerable and those who need it the most but cannot afford to pay for it. Pro bono, whilst it does not touch the sides of plugging the hole created at least attempts to help. Is it the legislative changes, or the economic landscape, that has led to the current situation? Or is that the UK has realised it cannot lag behind the rest of the world especially the USA, Canada and Australia who have always been streets ahead of us when it comes to pro bono?

Robert Bourns (Partner at TLT LLP) was, until a few months ago, President of the Law Society of England and Wales. As part of his role he was responsible for calling for a complete overhaul of civil legal aid provision to help address the damage that was caused by the sweeping cutbacks in 2012. Bourns met with both practitioners and educational establishments and concluded that “it is easy to assume that the way we work is entirely a manifestation of our values in practice, but this is not the case. Solicitors have values but these are not to be associated with how we work. That has changed and will continue to change. However underlying values have not and should not change”.

Bourns says when he qualified there was an assumption that solicitors would deal with every aspect of a matter. But today that is neither necessary nor sensible when running a viable business. Bourns believes that

“we, our clients and our regulators should constantly challenge ourselves to work differently whilst maintaining the essence of the profession”.

Part of that essence is that we must not lose sight of independence of interest, which Bourns sees as “the root to our professional values and is most starkly demonstrated through legal professional privilege. A client seeing a solicitor has the expectation that he can share any intimate, personal or commercial information and the solicitor must keep that confidential. However, independence of interest means solicitors may not always be able to fulfil those client expectations as they have a duty beyond their clients to administer justice. That is the essence of the profession. It is the fundamental value that defines being a member of the profession and anyone who does not see that falls way short of what is expected of him”.

Bourns sees the profession as innovative. He says the “younger professionals are altruistic, they genuinely care. They aspire to come into the profession to work to the benefit of society as a whole”. Bourns says the Society had to recently deal with assertions that the profession should be doing more pro bono work to counter the effect of the cuts. But he says “it is a fact that pro bono has grown up entirely at the instigation of professionals and individuals which goes to underline a general altruism to assist”.

An shining example of an altruistic person is Julia Wookey who works in Dispute Resolution at Howard Kennedy LLP.

“I set up and began running the pro bono programme whilst I was a trainee at Howard Kennedy, This was born out of a desire as a junior to do more pro bono work. When I joined here there was nothing formal or inclusive so, together with another trainee we researched, put together a proposal and worked to get it accepted at the highest level. It happened because this is a progressive firm who listen to the values of younger people. We live in scary times: Brexit, the refugee crisis, terrorist attacks and Grenfell fire have placed some of the most marginalised people in society firmly on people’s radars and it’s wonderful to see lawyers wanting to help”.

Wookey believes that whilst pro bono is essential, it is nonetheless “plugging a gap that shouldn’t exist in the first place. Whilst obviously it helps to give legal advice to someone who has been made homeless, the bigger issue is to make sure everyone actually has a home. This is not the fault of lawyers but the responsibility of the Government. Lawyers are desperate to help but they can only be a band aid. The Government have effectively stripped away access to justice. The sad truth is that the people who need it the most are just relying on the kindness on lawyers and it is a lottery as to who will help them, if anyone. People are lucky if they are shielded from what has become a dystopian reality”.

Wookey used to be a high street legal aid prison lawyer who once represented a prisoner in America on death row. After the 2012 cuts she saw half of the work





literally disappear. She believes over time valuable skills could be lost if they are no longer being used.

“We have a two tier justice system. That is not justice”.

Wookey's values of wanting to help those who most need it are not just limited to her work in the office. Through Refugees At Home, she housed a refugee couple in her spare bedroom for over two months. She admits that “welcoming strangers into your home can be uncomfortable. But it was fine. I know it made a huge difference to them and I found that very rewarding”.

Luke Barden de Lacroix is a trainee solicitor who was – with Julia Wookey – responsible for setting up the pro bono programme at Howard Kennedy.

“Values within the legal profession are definitely changing and I have seen that first hand here at Howard Kennedy. These days pro bono is seen as part and parcel of being a lawyer. Aside from the obvious good it does for those who have restricted access to justice, selfishly it feels good to know the legal profession is vocational with the desire to help at its heart”.

Barden de Lacroix believes that “recent events such as the fire at Grenfell Tower and the terrorist attack at London Bridge have made more people question what they can do to help. The need doesn't arise because of events like this, it is already there. But such incidents, with their huge media coverage, make everyone more aware and ask what they can do to help society. I'm not medically trained so I can't help the injured – but I can try to help them with my legal training. In terms of London Bridge, lawyers can help families of the deceased deal with issues such as probate, repatriation and much more. With Grenfell, there are added legal complexities that involve a raft

of different parties, including the council at the top, the management company, and who knows how many sub-contractors. This is a minefield for the displaced victims seeking a roof over their head and some kind of recourse”.

Howard Kennedy LLP are just one of many City firms who now have a serious pro bono presence.

Yasmin Waljee is the International Pro Bono Director at Hogan Lovells LLP. She has held the post for 20 years but was the first pro bono director then. Waljee feels “in the past two decades things have very much strengthened around pro bono”.

“Hogan Lovells has always had a reputation for its strong values and senior management recognised that pro bono is an important function in a lawyer's career. Even if you only put in a small amount of hours you can make an enormous impact. And it's not just individuals who are adding to the contribution. The firms are making a massive financial commitment. But we are only at the start of the journey. We can and should do so much more”.

Becca Naylor is Pro Bono Manager at Reed Smith LLP. She was always passionate about human rights and worked at Reprieve and Liberty before becoming a full time pro bono lawyer.

“Pro bono has been going on for a long time in the UK but it is definitely on the increase. There are many factors why but primarily because lawyers want to do it. They enjoy their day jobs but they want to get more involved with helping society. So they ask for it. The landscape of legal aid may also have contributed to an increase in pro bono but it can't fill the gap that the cuts have caused”.

Staś Kuźmierkiewicz is a pro bono lawyer at DLA Piper LLP managing the UK practice in London.

“There is an upward trajectory in the legal sector of pro bono work as solicitors and firms realise they can help and support both individuals and charities and still run successful businesses which are profitable. Future recruits are demanding pro bono. This generation is more switched on about what is happening than their predecessors because of the internet and social media. They are aware of the crisis of access to justice. They know more about the plight of refugees. And they are determined to do something about it”.

Rebecca Greenhalgh is Pro Bono Manager (US & Asia) at Ashurst LLP.

“Most lawyers will use their legal skills to do good, if they are offered the opportunity. It's not just about ticking a box – and there is a genuine desire from both

“People are lucky if they are shielded from what has become a dystopian reality”.

“The need for a cultural change has been brought home”.

individuals and firms to make sure it endures. Firms have recognised that with training and support, they can achieve a greater impact through pro bono.”

Greenhalgh says most hires these days have already been doing pro bono at Law School and/or University – a big shift from when she studied.

“Young lawyers understand the importance of pro bono. Most of them have already done pro bono at law school and arrive at firms expecting to continue this once employed in a firm. This expectation has been amplified and reached a critical mass of people wanting to help within many firms, so we can now achieve more in the community.”

Most law firms are now not just running pro bono schemes within their own firms but also working collaboratively across the board in order to assist those who have fallen through the cracks caused by legal aid and other funding cuts.

Greenhalgh says; “10 years ago we were seeing lots of one-off advice sessions; now there is an increasing focus on ensuring end to end assistance. The UK Collaborative Plan for Pro Bono initiative is an example of firms collectively wanting to increase our focus on individual needs – together we share expertise and our time to work on shared projects. We are acquiring knowledge on an ongoing basis and understanding the law in a very different way from how we used to”.

One such organisation where lawyers can work collaboratively is Law Works. **James Sandbach is Director of Policy and External Affairs at LawWorks.** Law Works is a charity working to connect volunteer lawyers with people in need of legal advice, who are not eligible for legal aid and cannot afford to pay and with the not-for-profit organisations that support them. Whilst Sandbach agrees values are changing, he feels overall the situation is still a mammoth problem to tackle.



“Values are changing certainly. There is a lot of interest in the profession today in how it can make a wider impact on the world. Partly this is through pro bono but also through a greater participation in public debate. Whilst we are seeing a big increase in pro bono activity there is still the problem of developing models of affordable legal services for ordinary consumers. We need to be looking at more innovative ways of doing the law. Technology has afforded a lot of progress. Firms and agencies are interested in delivering technical solutions; products are unbundled and can be delivered in different ways – a lot can be achieved but that still doesn’t help the people who are digitally excluded. And whilst pro bono is definitely on the increase, it doesn’t even scratch the surface of what has been lost in public funding. There is an enormous gap there. There is also the longer term problem that a lot of expertise is withering away as a result of the cuts to public funding. Social welfare law is one such example. There is such a limited market and funding in this area now that training providers deliver less in educating on these subjects”.

Toynbee Hall is the oldest pro bono organisation in the country. It was set up in 1898 in the East End of London, an area that was the most deprived. Today a huge team provide advice all over London. **Emma Pheby is Centre Manager.**

“Today there is a huge disparity between the rich and the poor. With legal aid cuts and funding being pulled, solicitors who are getting frustrated at clients being turned away are coming to Toynbee Hall because they want to help. Global corporate firms are seeing their



offices in New York or Sydney doing a lot in the pro bono area and realising the same has to be done here. The need for a cultural change has been brought home”.

Pheby says the bigger firms are sending solicitors to clinics in droves. “The solicitors who come are so driven to help. The amount of hours they put in is just amazing”.

It is apparent that young lawyers are starting their pro bono journey in university and law school, something that also never happened a few decades ago.

Barrister Frances Ridout is Deputy Director of Legal Advice Centre at G1 School of Law at Queen Mary, University of London. This was the first legal advice centre to be based in a university and was set up a decade ago.

Ridout says she is “privileged to do such a job. I get to work with lawyers who want to give something back to society and who get a lot out of volunteering. For example, they expand their CSR output, and get face to face client contact in areas of law they don’t usually practice in. Students come out as better graduates with an ability to think practically as well as academically”.

Ridout says “because students are paying a lot for their education, they have a real focus on their learning and achievement. Students want to come out of university as prepared as they can be for the working world. It is wonderful to see how passionate students are about pro bono as a general concept and more specifically about their clients. Students regularly express an interest in continuing to undertake pro bono in their careers and see it as a way that they can really contribute in the world”.

Ridout believes that sending students out into the workplace “with a good pro bono ethic is a responsible thing to be doing in our society. Universities realise they are not in an ivory tower, but are a valuable part of their local community. University Legal Advice Centres cannot fill the desperate gap from legal aid cuts, but they can go some way towards helping a small proportion navigate the law.”

Victoria Speed is Pro Bono & CSR Director at BPP Law School. BPP launched a Pro Bono Centre over a decade ago in a small way but now has a team of 13 staff across the country, all with different specialist skills. The scheme is something students voluntarily choose to do; it’s not compulsory other than for a few students. At last count, over 1500 students have registered to take part in the current academic year. In 2016, 100 clients were seen face to face in clinic, 400 clients received employment law advice by telephone and over 3000 people attended Streetlaw talks delivered by students.

Speed says when she was studying the LPC there was no mention of pro bono in her law school but today most law schools around the country have some pro bono organised activity, either student or staff driven.



“Students understand that they have skills that can make a genuine difference. Some participate to gain valuable experience but many do it because they really want to volunteer and they see pro bono as the best way of using their knowledge and skills. I am consistently impressed with students’ dedication, fitting pro bono in amongst caring commitments, studies and part-time work. Law students understand early on that through being a lawyer, they can make a difference and we encourage them to enjoy that feeling as their career progresses by committing to pro bono as they rise up through the ranks in whatever field they choose”.

It seems the changes in our profession have come about as a result of a number of circumstances. Firstly, cuts in legal aid and funding and a greater awareness through the internet and social media of the plight of individuals caused by terrorism and disasters has made us more knowledgeable and therefore more sympathetic to the world around us. That has led to a desire to help and a realisation that lawyers can actually help in a very impactful way. This has caused universities and law schools to introduce pro bono and once they have the taste, most want to take this into their day job which has caused firms to introduce serious pro bono teams. It’s not necessarily that lawyers are better people than they used to be; it is perhaps that they know more about the world and how bad it has become and they want to do something about it. The next generation of talented lawyers and all of us can do something about it.

“Universities realise they are not in an ivory tower, but are a valuable part of their local community.”



THE LAW AND VALUES



Bedfellows **OR** **OPPONENTS?**

Since Magna Carta, the Rule of Law has, quite rightly, held a sacred place within our society. The imperative nature of the rule of law is codified in the very first mandatory Principle in the SRA rules. Rule one states that you must: “uphold the rule of law and the proper administration of justice”. That is our duty.

The Rule of Law has been defined as “the restriction of the arbitrary exercise of power by subordinating it to well-defined and established laws” but what happens when the law itself starts to arbitrarily exercise power? Can values actually stand in the way of the law? Conversely, can the law stand in the way of values?

As the proverb goes, we live in interesting times and a divide between values and the law is just one phenomenon to interrogate and look out for.

In an attempt to use the law to reinforce values, the French Government recently backed proposals to stop fashion agencies employing size zero models by punishing them with a fine to the equivalent of £54,000 and a possible six month prison term. This was applauded by those who have long denounced the glorification of emaciated, unhealthy and unrealistic body types as being responsible for anorexia, body dysmorphic disorders, bullying, mental issues and much more.

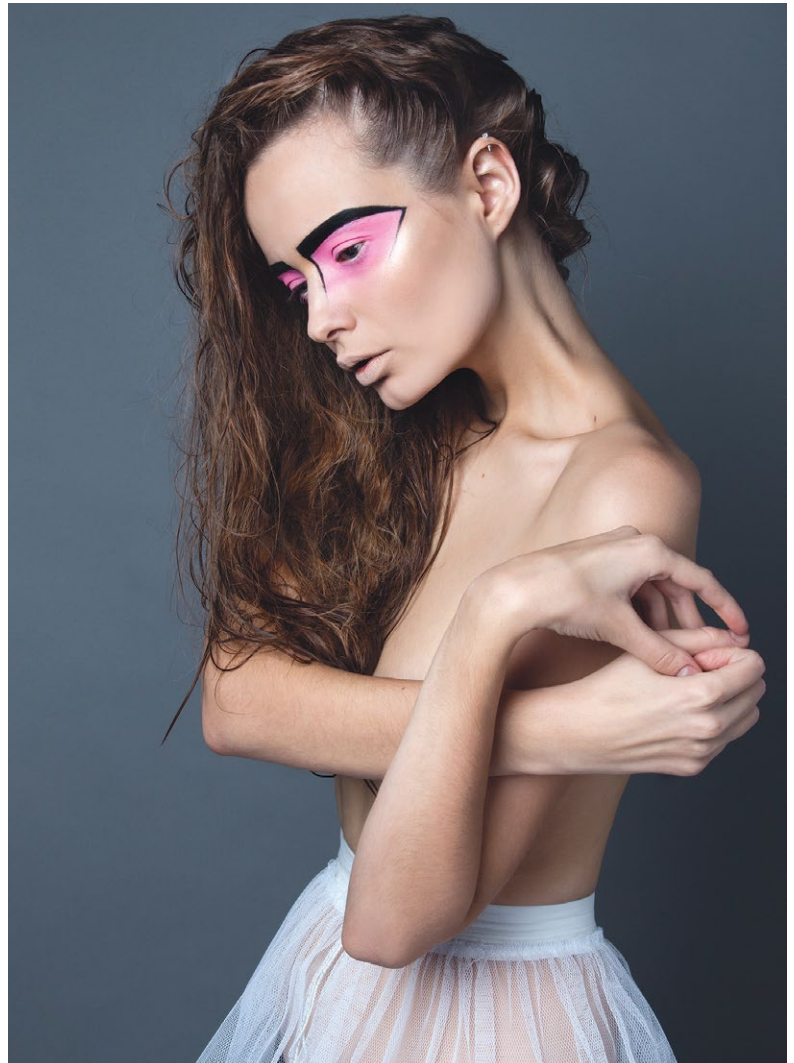
But how effective will this action be? For it to work it has to be a global not a national decision and we live in a world where money seems to trump values all too often. The world's fashion industry is enormous. In Italy it amounts to over 60 billion dollars a year. In New York, fashion accounts for over a third of all manufacturing jobs. So, do we think the Governments of these countries will jeopardise these revenues for the sake of values? Fashion may not have a lot of values worth emulating but whilst it earns big bucks nobody is going to stand in its way. The actions of one Government are meaningless.

As our world shrinks daily so we see the importance of international law and the sometimes impotence of national law. But it can work the other way round too.

John Hendy QC is someone who has always been considered as a champion of the values of working people, and the trade union movement – and for using the law to further those values. Once qualified as a lawyer, Hendy established a law centre, the Newham Rights Centre in East London, and worked there full-time for three years. He then lectured for a year at Middlesex Polytechnic, before returning to the Bar in 1977 and focusing on personal injury and industrial relations cases. In 1992 he represented mining unions at the High Court against attempts to close 31 coal mines. In 1995, he acted for National Union of Journalists member Dave Wilson in the *Wilson and Palmer v United Kingdom* case that ended discrimination against trade unionists. He is well known for representing the relatives of the victims of the Ladbroke Grove and Southall rail accidents. In 2011, The Lawyer called him the “barrister champion of the trade union movement”.

Hendy sees major conflicts between values and the law in many instances.

“There is often conflict between justice and the law and an even bigger conflict between standards of international law and domestic law. All over the world domestic legal systems don't live up to their



international obligations. An example; international law recognises the right to collective bargaining but domestic law in the UK and many other countries restricts or simply does not recognise such rights. And domestic law prevails. International law is a proclamation of the standards of civilised societies yet the United Nations rulings are ignored. It's shocking. But it's a political reality. The issue is the Rule of Law. Legal standards ought to be adhered to, internationally not just domestically. The laws domestically on workers and Trade Union rights ought to comply with international law; after all we voluntarily and consistently accepted and ratified the relevant treaties, yet they are systematically being breached and broken. When it comes to the laws of the European Convention on Human Rights, domestically we have complied so far. But now the Government has indicated that it will pull out of that as well. Other international bodies have very little

“Hendy sees major conflicts between values and the law in many instances.”



“Do we hold the legal profession up to a higher standard than other businesses?”

force. We ignore their findings. And there is no appeal. So there is a major contradiction between values and the law. In terms of ethics in the process of litigation there are high ethical standards and these are now a part of a barrister's training in a way they never used to be. This is very important as ethics should oil the wheels of litigation; everyone should play fair. It is a great shame though that the Bar Standards Board has chosen to undermine the Bar's independence by introducing new business entities which will subvert the cab rank rule, which obliges barristers to take any case which was within their sphere of specialism. This meant the independence of barristers was preserved, they weren't identified with their clients and there was no detriment defending someone with obnoxious views. Such a barrister was simply doing his or her job”.

How much do values influence the choices and decisions of lawyers on a day to day basis? Putting aside arbitrary risk assessments, what checks do we – as a profession – need to put in place to check our own values?

Corporate lawyers have always been considered a pretty ethical bunch; sensible, not doing anything for a fast buck and not collapsing in difficult times. Yet in recent years there has been a spate of law firms whose values have been tested, and perhaps have not acted in the way that one would have expected, or anticipated.

When Halliwells collapsed it left the legal profession in shock. An ambitious Northern powerhouse, Halliwells were one of the country's top 25 law firms. In 2007 they received £20 million for a deal which meant they would be the lead tenant in the Spinningfields development, which was seen as Manchester's equivalent of Canary Wharf. The argument goes that this money should have been invested back into the firm but legend has it that the equity partners personally divided up and kept the money. News reports assert that they received between £250,000 to £1m each. And this distribution was meant to be a secret. Of course there is no such thing as a secret and the allegations became public knowledge. The result was that key partners left the firm and Halliwells entered administration with £18m debts. This was a first for a profession that had always been considered in the same terms as values and ethics.

But it was not a stand-alone situation. Dewey & LeBoeuf LLP was a global law firm, headquartered in New York City, that also ended in bankruptcy. Some partners of the firm were indicted for fraud for their role in allegedly cooking the books to obtain loans while hiding the firm's financial difficulties. At the time of the bankruptcy filing, it employed over 1,000



lawyers in 26 offices around the world. On 6 March 2014, the former Chairman, Chief Financial Officer and the Executive Director of Dewey & LeBoeuf were indicted on charges of grand larceny by the Manhattan District Attorney. It took until May this year that the CFO, Joel Sanders, was found guilty of fraudulently concealing the firm's precarious finances ahead of its collapse. Former Dewey Executive Director Stephen DiCarmine was cleared on the same charges. Former Chairman Steven Davis, Sanders and DiCarmine were accused of inflating income as Dewey's cash flow slowed to a trickle. The trio allegedly used accounting tricks, including mis-characterising expenses and payments to partners, to hide the firm's financial condition.

“These defendants and others were part of a scheme that involved lying to banks and insurance companies to get and keep money for their law firm,” Assistant District Attorney Gregory Weiss told the jury in his opening statements.

There is a similar story for King & Wood Mallesons (KWM) yet it has ended differently. The 'global' incarnation of the firm has established a new business in London and other locations across Europe and the Middle East. But it did not take its old trainees with it.



A report collated by the administrators of now defunct King & Wood Mallesons (KWM) revealed that the firm owed BPP Law School, the University of Bristol and the University of Oxford almost a quarter of a million pounds. Of the three, BPP Law School was hit hardest. The once well-respected City firm owes the university's student finance office £236,000. This is because BPP used to provide Graduate Diplomas in Law (GDL) and Legal Practice Courses (LPC) for future KWM trainees. In addition to the BPP debts, the report reveals KWM owes the University of Bristol Students' Union £1,700 and the Oxford Law Society £1,080. As when any business fails it is often those who are several rungs down the ladder (whose businesses are dependent on those unpaid monies) who bear the brunt of the pain. Whilst law firms do create jobs they can also take them away.

Many partners left KWM in the run up to its shutdown, joining top corporate law firms across the City of London. In 2015, profit per equity partner at KWM was £610,000.

The case of Cobbetts is slightly different. Eight former lawyers were referred to the Solicitors Disciplinary Tribunal (SDT) for their alleged "incompetence"

in the build-up to the collapse of the Manchester-headquartered law firm. Back in 2002 the 175 year old firm was set to become a top 50 UK player through a series of mergers. But its overly ambitious plans ended in disaster.

In December 2012, Cobbetts' managing partner Nick Carr released a confident statement about the firm's financial position, saying; "Our half-year results ensure we remain on target, and new client wins mean that trading predictions for the next six months are strong. We expect to meet our financial targets by year end".

Two months later the Manchester firm collapsed into administration.

How did this happen? It is perhaps too simple to give the answer as greed. It is reported that a decision to take a 104,000 square ft Manchester building at £25 a square foot without a break clause was a key factor. When the bottom fell out of the property market – which, interestingly, was one of the firm's key areas of expertise – they were faced with crippling overheads. It was the beginning of the end.

A former partner who wished to remain anonymous was quoted as saying; "The signing of the Manchester lease was never really discussed beforehand, but was rather presented as 'here's what we've done'. The decision to sign the lease was crazy. What were they thinking? It came with a decent rent-free period and the intention was to let out the empty space, which if the boom had lasted we could have done at decent rates. But the good times were never going to last".

Whilst law firms, like any other business, can fail do we hold the legal profession up to a higher standard than other businesses?

To carry out justice effectively and to work ethically in every situation whilst building a successful and profitable business is not a simple feat. Yet lawyers have big overheads, they have hundreds if not thousands of staff they are responsible for. Surely these factors mean they have to be good at business





“Today’s lawyer is faced with a series of challenges where values sometimes suffer”.

too? If you look around the partnership table at your firm you will have some very gifted lawyers, but how many of them have a background in business (apart from the law)? How many of them have a degree, or training (apart from the mandatory Law Society management courses?). That is not to say that all senior lawyers need to have an MBA to be able to run a business. However, as we spend the majority of our time advising clients about risks to their businesses, and how to mitigate those risks, should we not be more aware of the risks in our own businesses?

We often explain to clients that we cannot advise on particular areas of law which are outside of our defined areas of specialism on the grounds that it is “not my area”. Why do we not defer considerations in our own businesses that might be beyond our expertise (or interest) to others? Could we benefit from delegating certain responsibilities to those with specific skills? For example, would a trainee solicitor be an appropriate person to manage a firm’s social media account; or to seek advice from as to how to engage with a broader audience? We often delegate responsibility for client work to more junior staff.

Could we, perhaps, seek to empower those junior staff by actively seeking their opinions?

Would the partnerships of City firms be stronger if they had similar systems in place to their corporate clients? Could law firm’s benefit from having advisory boards, or equivalent, to act as checks on power and/or to offer a different perspective. Another issue where some law firms need to challenge themselves is diversity – not just of sex (although this is an area where many firms could do more), but also of background and age. Could law firms benefit from having more junior staff involved in decision making and perhaps even contributing to partners meetings, or senior management meetings?

These are controversial areas of discussion – and ones upon which we anticipate receiving shrill feedback – but they are offered with a view to identify how the law firms of the future may avoid failure, be stable, and continue to thrive.

Today’s lawyer is faced with a series of challenges where values sometimes suffer and it is easy to forget that they are, and should be, the bedrock of the legal profession. But challenging and difficult though it is we cannot forget the essence and the foundation of our very existence or not only will our profession suffer but also it will be to the detriment of our country and our world. The law and ethics and values should never be separated. The cost is too high.



WHAT TO DO IN THE CITY THIS AUTUMN

London is indisputably one of the greatest cities in the world when it comes to hosting a vast array of cultural events. The arts play an important part in expressing beliefs and opinions and reinforcing values. And they are an important release for those of us who can spend way too much time in the office. Here is a glimpse into some of the must do things this Autumn.



JASPER JOHNS 'SOMETHING RESEMBLING TRUTH'

ROYAL ACADEMY

Burlington House, Piccadilly
London W1J 0BD

23 September – 10 December 2017

"One hopes for something resembling truth, some sense of life, even of grace, to flicker, at least in the work." Jasper Johns, 2008.

At 86, American artist Jasper Johns is one of the most important artists alive today. His iconic "Flag" bridged Abstract Expressionism with Pop Art and has been acknowledged as moving the goalposts of 20th Century Art.

This new exhibit at the Royal Academy, 'Something Resembling Truth', will be the first comprehensive survey of the artist's work to be held in the UK in 40 years. Comprising over 150 paintings, sculptures, drawings and prints, it will reveal the continuities and changes that have occurred over the past six decades and the curiosity and experimentation that Johns continues to apply to his current practice.



OSLO

HAROLD PINTER THEATRE

Panton St, London SW1Y 4DN

2 October – 30 December 2017

Oslo was premiered on Broadway in 2017 and was the winner of the highly prestigious Tony Award. It transferred to the National Theatre in London where it received huge acclamation from both audiences and critics. Now it is on in the West End for what will undoubtedly be a quickly sold out limited run.

The story is centred around the famous shaking of hands between the leaders of Israel and Palestine in 1993 on the lawns of the White House and reveals the little known negotiations which led up to this that secretly took place in a castle in a forest outside Oslo. We learn about the two Norwegian diplomats who managed to do the seemingly impossible and turn enemies into friends. It was their efforts which led to the Oslo Peace Accords.

WINGS

YOUNG VIC

66 The Cut, Lambeth, London SE1 8LZ
14 September – 28 October 2018

Wings was originally a radio play written by Arthur Kopit about his father's stroke. Now it has been turned into a stage play and is being premiered at the Young Vic this Autumn. It will star Juliet Stevenson and is directed by Natalie Abrahams. It tells the incredibly moving story of a woman who once walked on the wings of an aeroplane who has experienced a severe stroke and how fragments of her memories now replace her old life of certainty and actual relationships.



Neil Cameron has been Clerk of the City Of London Solicitors Livery Company and Secretary of the City Of London Law Society (CLLS) for 16 years but now, at 68, he feels it is time to retire and play a bit more golf and to travel – especially to visit his grandchildren in Australia.



FAREWELLS AND New Beginnings

Cameron joined the Livery after a 28 year career in banking. He was keen to do part time and the Livery afforded a challenging opportunity as it was a world he knew little about and proved to be the start of an exciting and stimulating second career. Cameron has seen many changes in his time and his role has developed as the Company has.

Cameron says the role has provided him with many highlights and talks specifically about having been the “Mother Company to three Lord Mayors; Robert Finch, David Lewis and Fiona Woolf. There is a lot of kudos in having solicitors as the Lord Mayor and it was great fun as well as an honour getting involved in what they were doing”. Another of Cameron’s highlights is the “fun we had every single year in the Lord Mayor’s Show”.

When asked about low points, Cameron says he can honestly admit to there not being any!

“I can’t pretend every day was fun. Having our own little building meant we have to look after it and the jobs involved are not the most exciting! I remember coming in one Monday morning and finding all the walls were brown. There had been a huge storm over the weekend and a plastic bag had got caught in a downpipe and the water just flowed in”.

Cameron sees the Clerk’s role as very important in providing continuity as a new Master is elected every year.

Linzi James is replacing Cameron and recognises they are big shoes to fill.

James previously worked with Sons and Friends of the Clergy, a charity for the benefit of the Anglican Church and dependants. She said she had been looking for a new challenge when this opportunity presented itself and she felt it was the perfect job for her. She has legal links as she married into a legal family, in fact her mother-in-law is the oldest

woman on the solicitors’ roll. James says she is interested in planning events and is highly organised – so it seemed like the perfect match.

James sees the role as helping to “modernise tradition. Tradition is important, but so is keeping up to date. It can be difficult to do both, but I believe solicitors as opposed to many others do that very well. They are modern and active in what they are doing and I want to help them maintain a connection to their original guild and trade”.

James sees her challenge as encouraging Freemen to become more actively involved and to get more people to become Liverymen.

Better and increased communication is another goal.

“There is a lot to do in terms of communications. From both ways. For my part, I need to find out what the members want me to do in terms of events and how they see the future of the Company. We also need to communicate a lot better with the younger members of the legal profession to encourage them to become a part of the Company. The same is true of ethnic minorities. We want to be open to all”.

We would like to wish both Neil and Linzi much success in these exciting new chapters in their lives, to thank Neil for his incredible support and service and to wish Linzi luck in her role.

The City of London Solicitors' Company Prize

The Company Prize for 2017 was awarded to Alexandra Doyle, a trainee with White & Case LLP. This award is made each year to a trainee at a City firm who has gained a distinction on the Legal Practice Course and who, based on an essay competition and interview, shows the most promise as a future City Solicitor. Alexandra's essay (reprinted below) focusses on the opportunities for City law firms in our withdrawal from the European Union. Alexandra is pictured with the Master, Nick Hughes and Caroline Pearce, Chair of the CLLS Training Committee.



Do you see Brexit and our withdrawal from the European Union as offering opportunities or obstacles to the practice of law in City firms?

It is "in the nature of the human being to face challenges...we're required to do these things just as salmon swim upstream". So said Neil Armstrong after walking on the moon. While the UK's Brexit vote of almost a year ago seems more "leap in the dark" than "giant leap for mankind", City law firms can take heart that they will be able to reap some silver from its lining. Indeed, adopting the Churchillian aphorism and motivational mantra that only "a pessimist sees the difficulty in every opportunity", many City firms are already hunting opportunities in the evolving post-Brexit legal landscape.

Rightly so. City firms are global leaders, and it is difficult to see London quickly losing its top-tier legal status, irrespective of the Brexit economic shock. Short term, City lawyers are likely to experience a surge of work as their expertise will prove a major asset in the legal quagmire that is implementing Brexit. Specialists in trade, taxation, regulation and competition will be busy untangling UK businesses' EU/UK responsibilities and renegotiating essential contracts. The Government is also likely to call on City firms to advise on the inappropriately-styled "Great Repeal Bill", due to transpose roughly 19,000 pieces of EU legislation into UK law.

Long term, certain practice areas are also set to thrive. Disputes is one example. The reputation of English contract law and of the English courts for the resolution of international disputes does not owe much to Britain's membership of the EU. While two-thirds of disputes initiated in the Commercial Court involve a non-UK party, the proportion of EU-based international parties has actually decreased over the last five years.

While the nature of the settlement between the UK and the EU-27 remains murky, any assessment of its impact on City firms is speculative. If the UK remains in the single market and retains freedom of movement, the repercussions of Brexit on the UK economy and City firms could be relatively minimal. Dangers would remain, particularly for banking and capital markets practices which could be hit by the relocation of banks and uncertainty over passporting and Euro clearing rights. Yet, broadly, the short term surge in advisory work could be followed by a return to the status quo.

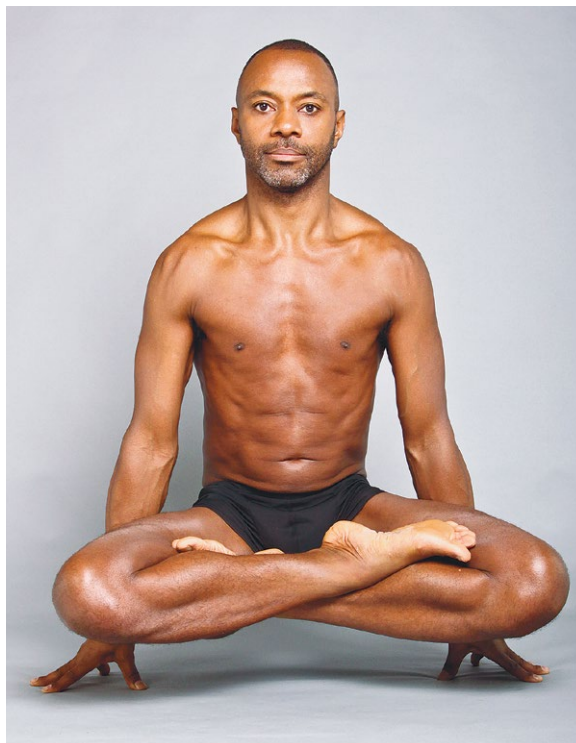
However, it seems more likely (assuming no Prime Ministerial U-turns), that membership of the single market will be sacrificed in favour of limiting immigration. This would require the negotiation of a new free trade agreement with the EU – an incredibly ambitious project within the Article 50 timeframe – and risk a serious economic downturn. A particularly challenging environment would ensue for practice areas focused on the domestic market, including real estate, M&A activity and IPOs.

Whatever form Brexit takes, the most successful upstream swimmers will be those firms able to use their strengths to ballast their weaknesses and build on their links to their international offices. In this sense, City firms could be a standard-bearer for Theresa May's new "global" Britain.

"City firms could be a standard-bearer for Theresa May's new 'global' Britain."

LAWYERS GETTING IN AND OUT OF TRICKY POSITIONS

Can yoga help you relax and climb the corporate ladder?



We all know that life as a City lawyer can be stressful. Long hours, difficult decisions, thinking fast on your feet, complicated dealings; and often balancing the time pressure and stress of the job with family and other responsibilities. Most lawyers are also doubling up as business people, running sometimes global enterprises with responsibility for people's livelihoods, as well as their training and development. So, where does that leave any time, never mind physical or mental energy, to look after ourselves properly? For most of us, our routine involves daily doses of industrial quantities of caffeine, too little sleep and even less exercise either at work or at home. For many, the sedentary "desk life" merges into sedentary sofa slouching at home whilst binge watching Netflix. And as for breathing, well that's just something we don't even consider.

Increasingly there is a recognition that in order to really be good at your day job and give it your best, you need to be in the best possible shape both physically and mentally. Many younger members of the profession are no longer drinking alcohol and are seeking to go to the gym or to take part in competitive sports/runs/triathlons as often as they can. No longer is a work/life balance looked upon as something for the less ambitious but is now considered a healthy approach for those who want to

maintain their peak performance for the long term and not burn out. It is also better both for family life and mental health.

Workaholics are perhaps giving way to a new generation who are keen to strike a more healthy work life balance. Paul Spencer Dobson is a yoga teacher to the stars and, increasingly, to more and more lawyers who consider him as an essential part of the tools they require to be at their best in the office.

Every Friday morning between 8 and 9 am he teaches Vinyasa yoga to an ever growing group of lawyers and support staff at Linklaters. For those of you who have not got a clue what Vinyasa yoga is and who think yoga is just some gentle stretching, this could be a rude awakening. It is every bit as tough as any aerobic workout, tougher if you do it properly and the benefits go way beyond a healthy heart and toned abs. As well as Vinyasa, Dobson also teaches Bikram or hot yoga. Imagine a room of over 40 degrees centigrade and holding poses that involve getting your body into shapes you never thought humanly possible and that sort of sums it up. You sweat. You think you are going to pass out. You are convinced you are going to fall over. Probably true. It hurts. But you come out feeling like you've conquered Everest and are capable of anything.

Dobson started practising hot yoga himself when his mother passed away very suddenly. He says this shook him very badly and he needed to get away so he took himself off to Miami. Dobson had practiced yoga since 1997 when he was at dancing





school and so when in Miami looked for somewhere to continue and that is when he stumbled upon the hot version. He instantly loved it and found himself going twice a day for the whole time he was in the States.

"It made such a difference to me. It made everything clear. Before I was quite confused trying to deal with losing my mother and seeing how those closest to me were reacting to that. Now I teach it myself I see daily the positive impact it has on those who practise it. It seems to be really beneficial for lawyers. It gives them greater clarity, a quality that is essential in their work. In the time they are in a class, they have to focus on listening to me and on doing their practice. They can't think about anything else other than being in the room on the mat. And that means cutting off from their cases and all the decisions they have to make. But they come out strong, refreshed and more capable of clear thinking.

Dobson also runs yoga holidays which he has been doing for 8 years now. Next year there will be 3 including a long standing one in the Algarve in Portugal. This takes place in the last week of June and has a 90 minute Bikram session each morning and a 90 minute Vinyasa session in the afternoon. The food is vegetarian but don't be put off by that. It really is utterly delicious. Brunch and dinner are both enormous feasts, served in the sun, either by the pool or under a canopy of vines. The estate which is near Loule has acres of orchards that provide great snacks of plums, almonds, oranges, figs, grapes, peaches and much more. Guests stay in three villas which house six each and each has its own pool. The clientele are hedge fund managers, bankers, media consultants, accountants as well as lawyers; generally people with highly stressful jobs and lives who just want to find some calm and balance.

Dobson talks about the benefits not just of the yoga but of a week of clean, healthy eating.

"Eating plays a big part in how our bodies react and work. And our minds. Good food can help reduce stress. If you are not eating properly and healthily this will impact badly on your work. If your diet is not balanced you cannot efficiently focus".

On one day there is a walking meditation and deep relaxation. This is like being hypnotised. You feel that you are floating and sleeping and you come out feeling ridiculously energised. The benefits of breathing become apparent.

"Breathing properly is essential in everything we do. Lawyers are always in meetings – big, important meetings. It is so useful to them to literally take 5 minutes out and to go somewhere quiet, even the bathroom will do. Then just to inhale and exhale deeply to the count of four or five. It really will make a difference. It will help to be able to assess a situation better, to go into it with creativity, a clear mind and more astute judgement". One lawyer who participates in Dobson's classes in Balham and also attends the holidays in Portugal is Aysha Fernandes who is a Legal Director for Competition, EU and Trade at Eversheds Sutherland LLP.

Fernandes had always been into fitness, incorporating aerobics, zumba or running into her day wherever she could. At busy times, her exercise routine would drop down to whatever she could fit in at the weekends. Then she tried a hot yoga class. That was over four years ago. Now she practices almost daily; not just Bikram, but Vinyasa and is actually studying to become a yoga teacher herself.

"From day one, I loved it. I came out feeling as though I had had a full workout, like a long run or a tough aerobics class. Hot yoga is great for all-round physical fitness. And to start with, physical fitness was all I was looking for. Yet over time, I found I was getting a lot more. It gave me a different perspective on work/life balance. I found myself working more efficiently in order to get to a class at the end of the day. The classes are an incredible way of destressing. If I am focussing on the postures I just can't think about work and all the millions of things I need to do. It clears my mind and the discipline and destressing have made me better at my job".

When Fernandes decided to learn to teach she asked to work a nine day fortnight and may drop down to a four day week to allow her time to teach. She doesn't believe her career has suffered as a result of this but rather benefited as she now works "smarter, better and more efficiently".

"Having time for myself to practise yoga has made me see things so much more clearly. But I was on a bit of a treadmill before. I have always been and always will be ambitious. From the outset I had a goal in mind, and I felt I needed to get there as quickly as possible. Now I have a different perspective. I know I will get to where I want to, but there is no mad rush, and I also need to regularly reassess my goals. It's important to live as well".

Perhaps the best way that lawyers can help others get out of tricky positions is by getting into a few yoga positions themselves.

Paul Spencer Dobson teaches in Soho, Balham and London Bridge as well as corporately and privately. For full details of classes and also of the yoga holidays go to yogawithpaul.wordpress.com See also Facebook, Instagram and Twitter @yogawithpaul



A GREAT BRITISH INSTITUTION?

BY JOEL LEIGH



Discovering the legacy of the much-maligned British Leyland at one of the largest collections of British vintage cars in the world

The origins and values of the British Motor Industry Heritage Trust, which curates the collection at the British Motor Museum in Gaydon, Warwickshire, can be traced back to the 1970s, when British Leyland formed a new division to preserve and manage its collection of historic vehicles.

By 1979, the division had become British Leyland Heritage Limited, and the growing collection moved to new headquarters in Studley, Warwickshire. The collection remained more or less under the radar until around 1981, when some 100 vehicles were exhibited at Syon Park in London, the former home of the London Transport Museum, gaining charitable status in 1983.

At first blush, the enterprise must have seemed a bit of a joke, since the commonly held view was and remains that the life expectancy of anything emerging in that era from British Leyland's Longbridge plant was comparable (prior to inevitably succumbing to electrical defects, rust or some other catastrophic failure) to that of a mayfly.

Over time though, ties were forged with other British motor manufacturers and the purpose of the Trust became 'to collect, for the benefit of the nation, motor vehicles, artefacts and archive material relating to the British motor industry'. As the collection continued to grow, the site of the former RAF Gaydon airfield in Warwickshire was acquired for construction of the Heritage Motor Centre to rehouse it, later rebranded as the British Motor Museum. Whilst the Trust holds a long-term lease, the site itself has been owned in turn by Rover Group, BMW, Ford and latterly TATA Group, following its purchase of Jaguar Land Rover in 2008.

Perhaps unsurprisingly, the museum is now also home to part of the Jaguar Daimler Heritage Trust, including the 1988 Le Mans winning XJR-9, the only surviving D-type prototype from

1954 and a unique 1966 Jaguar XJ13. The latter was a potential Le Mans contender but found its development playing second fiddle to the production model XJ6. By the time that was brought to market, the XJ13 was obsolete and in a final, bitter twist of fate, was crashed and rolled whilst being filmed for the launch of the E-Type V12. Fortunately, it was later rebuilt and is on show in all its glory.

Behind the scenes, the museum also houses an internationally significant archive comprising business records, sales and technical materials, magazines and books, production records and extensive film and photographic collections.

Sharing the limelight in the entrance hall at the museum are two iconic cars. First up, the original 1948 pre-production model Land Rover Series one, universally known as 'Huey' and still bearing it's original 'HUE 166' number plate. Second, an early Mini Minor, instantly recognisable to any 1990s Mini enthusiast, despite coming off the production line on 8 May 1959.

The dubious colour palette of the 1970's is represented in a series of mint condition examples, including Austin Allegros, Marinas and Princesses, but it is the collection as a whole which tells the uniquely British story of our home-grown motor industry from the late 1890s to the present and offers design, cultural and historical significance in spades.

A newly opened exhibition, funded by Arts Council England, tells the story of Britain's motor industry in fifty eclectic objects, ranging from an 1899 Wolseley Voiturette, through an original 1944 sketch by Alec Issigonis of the 'Mosquito' (later renamed the Morris Minor) to a 1910 publicity booklet issued by the Shell Company, announcing the British Antarctic Expedition to be led by Captain Scott. The booklet sought to extol the virtues of what proved to be a useless

mechanical sled lacking any steering, brakes or reverse gear and benefiting from only two speeds, being a rather sedate 2 mph (described as 'a quiet canter') or a lightning fast 3½ mph. Unsurprisingly, the sled failed on the ice and was eventually abandoned, albeit too late to save Scott's team. A fascinating piece of social history though.

Hands down my favourite exhibit was the Jaguar XK 120 roadster previously driven by racing car driver and owner Leslie Johnson. Having already raced several XK 120s as touring cars at Silverstone, in 1950 he took an XK 120 on a 24-hour run at the Monthléry race track near Paris with Sterling Moss as co-driver. By changing driver every 3 hours, they averaged speeds of 107.46 mph, a new record. Two years later Johnson drove the chief engineer of Jaguar's brand new bronze coloured wire wheeled XK 120 Fixed Head Coupé on the same track for seven days and seven nights using three different co-drivers including Moss. On this run Johnson personally drove for 9 hours in one stretch after the car broke a spring on the tough concrete surface, as stopping for a repair would have invalidated any record. The team averaged 100.31 mph, covered 16,851 miles and established five class and four world records along the way. Brilliant.

My attention was recently drawn to a LinkedIn post about someone looking to rehome their 1953 XK 120 following 30 years of ownership. Assuming you didn't balk at the price tag, the only bar was the stringent interview process devised to ensure a suitable new custodian. It's little surprise to me that the XK 120 inspires such fierce devotion.

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

ONE LAST WORD CANCELLING A CANTERBURY CHRISTMAS



On 21 May 1648, 10,000 royalists gathered on moorland outside Maidstone in Kent. They were just 35 miles or a day's hard march from a largely undefended London. A new phase of the English Civil War was about to begin.

The English Civil War is a misleading term for this turbulent period in the middle of the seventeenth century. With fierce fighting in Scotland, Wales and Ireland, the war was not confined to England. It was neither a civil nor singular conflict. Instead, a series of savage, internecine campaigns marauded across the British Isles for over a decade. Kent had escaped the worst of the slaughter and spoil. So why were its people inviting ruin by sparking a rebellion against Parliament? There were, of course, a whole range of grievances. But the revolt in Kent had started with an attempt by England's Puritan Government to cancel Christmas in Canterbury.

THE PLUM PUDDING RIOTS

In Canterbury, the Mayor tried to force shopkeepers and stallholders to open for business. The people responded by rebelling in what could be the most English way possible – with a game of football followed by a riot. These were the days when football was unconstrained by pitches and rules. A game could wend its riotous way across a whole town. It usually involved most of the population, whether they wanted to take part or not. Crowds charged around Canterbury shouting 'Conquest'. The City's Aldermen were jeered and then, more seriously, chased, beaten and forced back into their houses. The sporting action was interspersed with nods to a traditional Christmas. Holly bushes were set up in doorways and entertainment offered. And that could have been the end of this unruly Canterbury Christmas. The Sheriff, Mayor and Aldermen had been knocked about but suffered no lasting physical

damage. Only their pride had been badly bruised. But that wasn't enough for the county's Puritan and Parliamentary leaders. They were determined to make an example of the ringleaders.

FROM RIOT TO REVOLUTION

The authorities took no chances, carefully selecting what they thought would be a reliable panel of jurors. Even so, the grand jury refused to indict. Once again, there were rowdy celebrations in the streets of Canterbury. This time, however, the protests developed into something far more worrying for Parliament. But, in the end, the angry farmers and tradesmen that made up the Kent rebels were no match for Parliament's professional soldiers. A sharp summer thunderstorm marked the end of the Battle of Maidstone. Rainwater ran down the narrow streets, washing away pools of blood and hopes of a royalist revival.

A year later, Parliament asserted its authority by executing King Charles. There was no repeat of Kentish rebellion. You can kill a King, it seems. Just don't cancel Christmas.

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

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