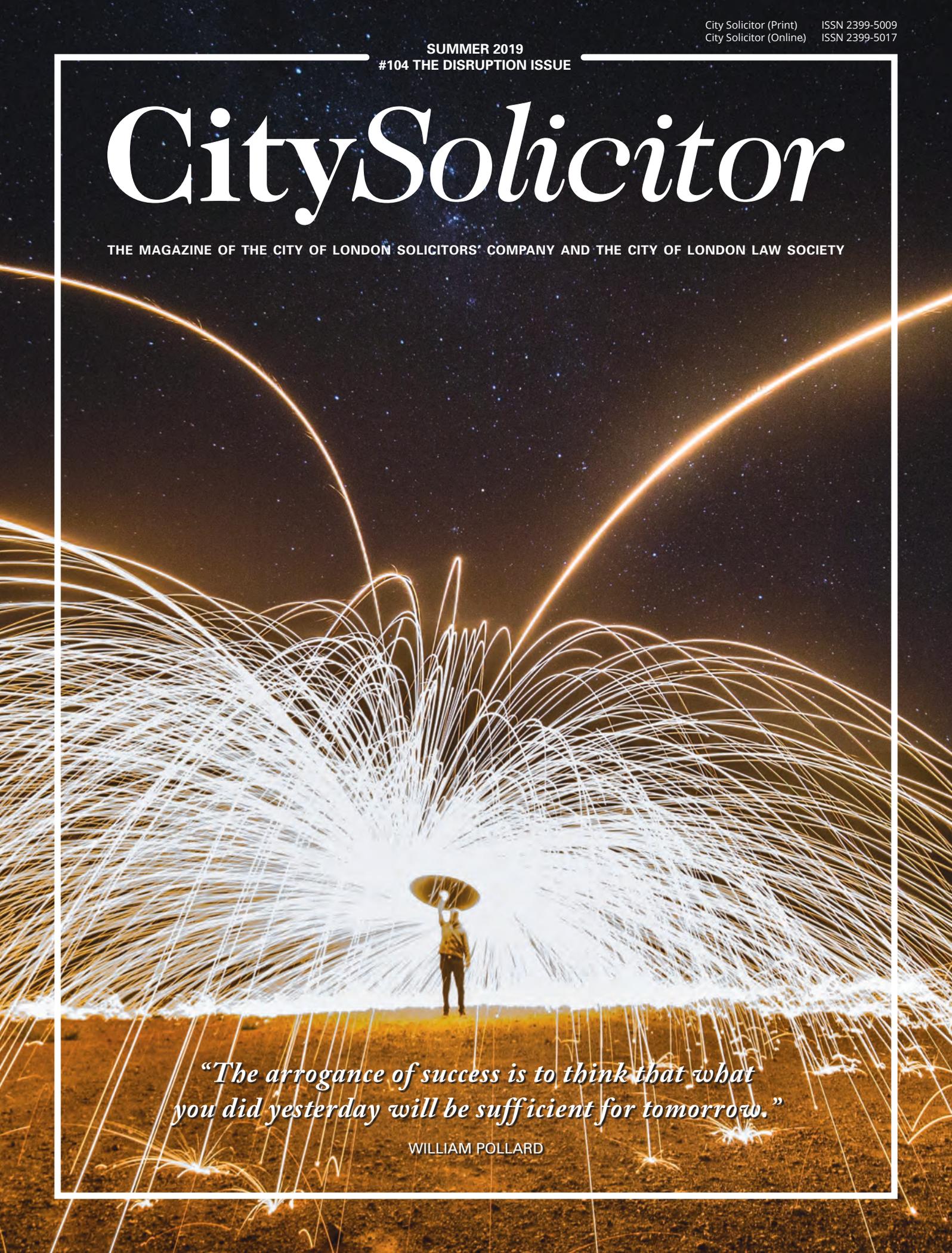


CitySolicitor

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

A person stands in a field, holding an umbrella. The scene is illuminated by a massive, glowing, circular pattern of light trails that radiate from the person, resembling a large, glowing umbrella or a massive firework display. The background is a dark, starry night sky with two prominent, curved, glowing light trails arching over the scene. The overall atmosphere is surreal and futuristic.

“The arrogance of success is to think that what you did yesterday will be sufficient for tomorrow.”

WILLIAM POLLARD

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what's happening in the legal world



7 DISRUPTION IN THE LEGAL SECTOR

Changes in the law – and changes in how the legal profession operates – are becoming more prolific, despite it being a sector that is known not to be at the forefront of transformation. We examine the disruptive forces that are causing these innovative steps forward.



heron

what's happening in the city



21 DISRUPTION IN THE ARTS

Creativity and disruption have always been hand in glove. Add technology into the mix and the boundaries (if, indeed, they ever existed) surrounding the Arts are almost totally removed.

what's happening out of the office



16 DISRUPTION IN THE BANKING SECTOR

How we conduct our financial affairs has changed out of all recognition since the advent of technology. And it is a continuing revolution. We examine what the future of banking will look like.

19 LIVERY NEWS

A look at what has been happening – and what is coming up.



non-sequitur

what happens in the other side of a solicitor's mind



25 BUSINESS AS USUAL AT THE GENEVA MOTOR SHOW

Responding to the naysayers on the future of the international motor show

26 ONE LAST WORD

Did you know?.....

editor's letter



I AM PLEASED TO WELCOME YOU ALL TO OUR HOT SUMMER EDITION OF CITY SOLICITOR WHICH LOOKS TO THE HIGHLY TOPICAL THEME OF **DISRUPTION** FOR ITS INSPIRATION.

“As lawyers, we are notoriously considered to be quite averse to change...”

In the past few years and, more specifically, the last few months we have witnessed uncomfortable disruption in our country, the like of which we have not experienced in most of our lifetimes.

But whilst the word **disruption** tends to have negative associations, it can also be a force for good.

As lawyers, we are notoriously considered to be quite averse to change but our profession is currently seeing major transformations due to developments in technology, to social shifts and other factors – and these are all helping to make us more efficient and more effective whilst, at the same time, improving the quality of our own lives.

It is not just the legal sector that is being disrupted for the better; other professional service industries from banking to the entertainment sector, are also being transformed.

In this issue we look at some of the forces behind these disruptive influences.

We hope you will enjoy the articles and, as ever, we welcome any feedback from you – especially if it is positively disruptive!

Philip Henson
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DISRUPTION...

IN THE LEGAL SECTOR

For a profession generally known to be averse to change, the legal sector has transformed almost beyond recognition in the past decade. Of course, our core values remain – and will always remain – enshrined but we are having to legislate for advances that were not even figments of our imaginations a decade or two ago. How we work, where we work, how we find new clients and so much else have all been hugely disrupted and whilst we may be hesitant in adopting such radical change, for the most part it is greatly improving not just the service we offer our clients but also our own work environment and wellbeing.



CREATING NEW LAWS FOR A NEW WORLD

Technology has caused our world to dramatically change and that momentum is continuing at an ever increasing pace. New legislation is needed to regulate these innovations.

The Law Commission was set up by Parliament in 1965, specifically to keep all the laws of England and Wales under review and also to recommend reform where it is needed. It is an apolitical, independent body which is sponsored by the Ministry of Justice and which provides advice to both the UK Government and the Government in Wales. In August 2018, Sir Nicholas Green was appointed Chair of the Commission. Sir Nicholas was a lecturer at both the University of Southampton and the University of London. He was called to the Bar in 1986 and appointed a Queen's Counsel in 1998. He was appointed a judge of the

High Court (Queen's Bench Division) in 2013 and was promoted to the Court of Appeal in 2018. He is considered a leading expert in European, commercial and constitutional law. He was also Chairman of the Bar Council and the Advocacy Training Council.

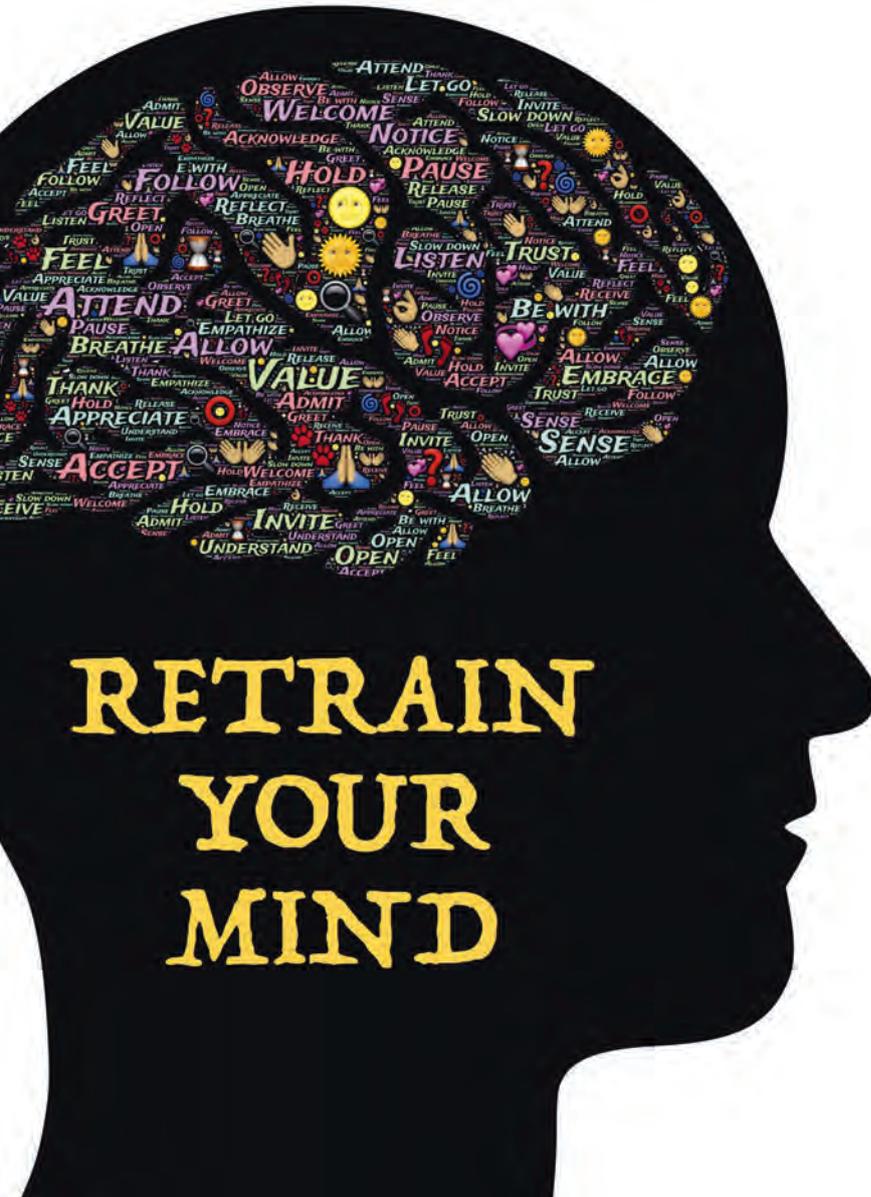
Sir Nicholas is acutely aware that the work facing the Law Commission today is very different from what it was historically.

"Reform is still an important part of our work, of course, but the challenge now is also to think ahead to potential legal challenges, solving problems for technologies which are only just emerging."

We are now more directly involved in cutting edge projects that will have a profound impact on our society. We are having to deal with some very big issues such as Artificial Intelligence, the digitalisation of businesses, public services and the Courts, medical ethics, the clash between privacy, the security of the state and freedom of speech. All of these issues will dominate our agenda in the coming years. Our society is rapidly changing constitutionally, economically, socially and technologically and we have a big part to play in ensuring that they are all sensibly legislated.

Take automated vehicles as one example. There is a prediction that they will be on our roads in the next two to three years and they will surely disrupt economic and societal norms. For example, there is a debate about whether the cars should be allowed to go faster than 70mph, which in turn may have an economic impact relating to efficiency but of course that has to be weighed up against issues such as safety. There are

"We are now more directly involved in cutting edge projects that will have a profound impact on our society."





many other areas where their use will disrupt social norms, including insurance, accidents, and mobility.

We have been tasked with generating the principles for the legislation of all of this. We are trying to find a regulatory framework for something that as yet does not exist so we are having to hypothesise all the issues, although we've drawn from experiences of other reforms in this area and the introduction of automation in sectors such as aviation, rail and maritime.

Our challenge, and it is one I am enthusiastic to take on, is to find solutions for all these problems. We need to unlock the positive effects of disruption and minimise any negatives."

Sir Nicholas continued:

"Another example of our current work is smart contracts. In the next few years this could be the way a great deal of business will be conducted. We are involved in an ongoing project with the UK Task Force on this subject.

There are a lot of risks around the whole area of Bitcoin and cryptocurrency. Nobody really understands the risks fully and regulators such as the

"Technology is moving at such a phenomenal speed that it can disrupt both positively and negatively."

Bank of England have expressed doubts and reservations about them.

For instance, we are looking at the question of digital assets. A Bitcoin on a computer is simply data, it does not have a physical value. So, legally is it property? Is it subject to regimes which use the concept of "property" as a key defining term? Do we need a legal definition of digital assets?

Technology is moving at such a phenomenal speed that it can disrupt both positively and negatively. Our role is to recommend legislation that unblocks its beneficial effects and negates or minimises any adverse ones."



RESTRUCTURING – IN MORE WAYS THAN ONE

Most law firms are limited liability partnerships (LLPs). Unlike traditional partnerships, these LLPs share a fair bit in common with companies in so far as they are a separate legal personality and each partner's liability is limited.

Today, there is a new option available to law firms; they can now become a public company and be listed on the stock market. This is a disruptive factor in how our firms are to be structured in the future. Whilst, unsurprisingly, firms were initially reluctant to change, research, carried out by Thomson Reuters in the summer of 2018, shows that 20% of the top 100 firms are now considering an IPO.

In June 2015, Gateley Plc became the first law firm to float on the London Stock Exchange (LSE), followed by Gordon Dadds Group PLC in August 2017 and then in November 2017 Keystone Law. The latter two both joined the Alternative Investment Market (AIM).

James Knight is the CEO of Keystone Law Plc. Knight believes most law firms float to raise money or to relieve the pressures of debt. He feels that the exit strategy that attracts most companies is not especially relevant to law firms because of their multiple partners.

"We floated for different reasons. We were keen to list because we are ambitious and we believed it would help us to engage with new, bigger, reputable, more sophisticated clients. Because we would be more transparent and our finances would be on public record, we would be considered a less risky proposition and more reliable. This would be both



the perception and the truth, making us far more attractive to blue chip clients.

The same is also true in terms of recruitment. Our transparency, which would show exactly what and who we are, would help us attract the best young lawyers.

A year on, we have seen strong levels of growth – we can't explain for certain how much of this can be put down to the listing, but we are certainly pleased that we did it. It has definitely raised our profile within the profession and also within the commercial world. Our whole business model has always been to be a first mover, to be adventurous. This was a sensible commercial risk for us to take – and it proved to be the right move. At first we thought it might be a good idea so we talked to our advisers who were very much on board. The next stage was to pitch to a pilot small group of potential investors (in the hope they would become real investors) and gauge interest.

"Our whole business model has always been to be a first mover, to be adventurous."



We then instructed a corporate finance house, Panmure Gordon, and once investors showed interest we embarked on a series of road shows, around 50 meetings in different locations over a couple of weeks. It was exhausting but rewarding and ultimately successful.

Keystone have always been a challenger and disruptor to the more conventional law firms. We set up our entrepreneurial exercise in 2002 with no partners in the conventional sense. Our lawyers are all consultants operating from wherever they choose. We let clever technology compensate for long corridors. Our lawyers can do as much or as little as they like. They cross refer rather than compete with each other. Remuneration is performance based not billings based. Everyone has the same deal and the same title. It's a flat structure which has resulted in a happy place to work. It was designed to accommodate lawyers as well as clients and to address the frustrations that lawyers in more conventional law firms encounter. We faced the conflict of what is good for the client may not be good for the lawyer head on and came up with a way of working that was beneficial for both. Lawyers were clamouring for something new. They wanted freedom and flexibility. Technology has made these desires possible. Just look at any library in a conventional law firm – these days they are empty because everything can be so easily accessed online.



We do have an office on Chancery Lane that provides meeting rooms and houses 50 administrators, 10 junior lawyers and about 20 consultants who wish to work at our central location.

Keystone have always been known as a disruptor in our profession but it is positive disruption where everyone benefits.”

FINDING NEW CLIENTS

It was 1986 when the Law Society allowed lawyers to advertise themselves to the outside world in order to attract new clients.

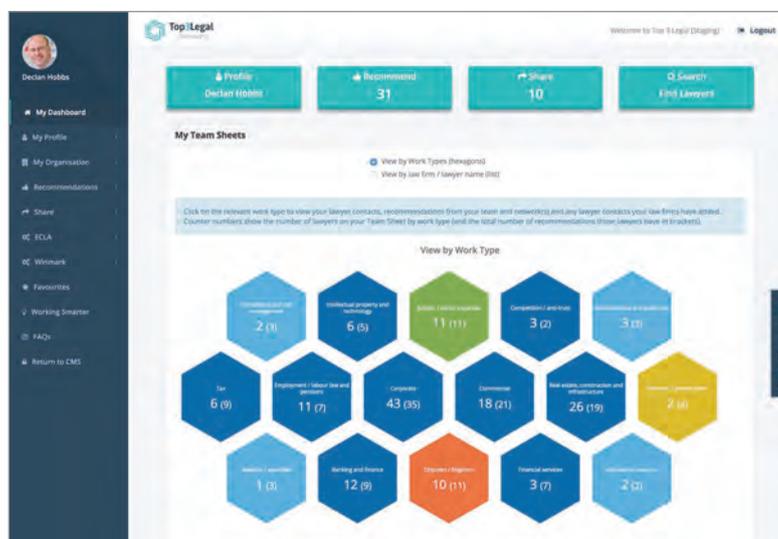
At about the same time, two directories were set up which have since dominated the listings arena. These are Chambers and Legal 500. Both privately owned, these two directories have had the monopoly as a reference tool not just for clients, but for law students, young lawyers and journalists.

Three decades later, law firms were feeling that the amount of expense – not just financial but also time and resource – spent on these listings did not warrant the rewards they were bringing in – but there was no alternative.

Recently, a new entrant has completely disrupted this arena. Top 3 Legal was set up by 3 lawyers who were well aware of the limitations of what had previously been available to them.

Gareth Stephenson is a former corporate partner at Freshfields Bruckhaus Deringer LLP.

“During my twenty years as a corporate partner, I was responsible for running some key global client relationships. This required me to deliver Freshfields’ global offering to the client’s team around the world.



“Top 3 Legal was set up by 3 lawyers who were well aware of the limitations of what had previously been available.”

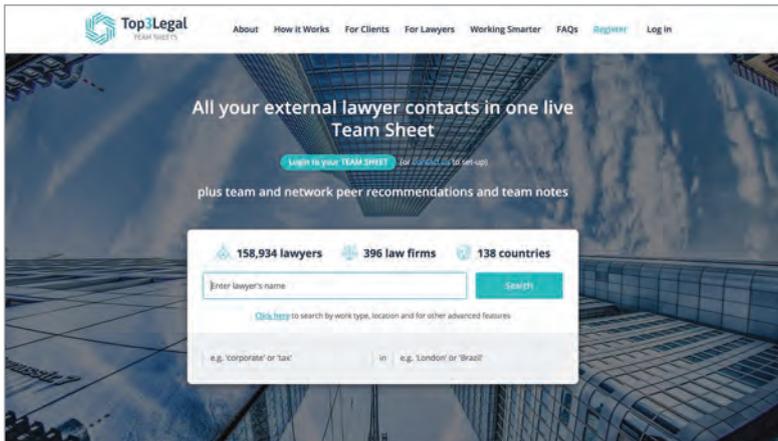


One of the main challenges I faced was ensuring the client’s team knew who the right Freshfields person was to contact around the world. So, if a client in Singapore needed a finance lawyer, how could I make sure the client knew which Freshfields’ lawyer to contact?

We’d often be part of a client’s panel and we’d be looking to cross sell and maximise our share of client spend with a full service offering across different locations and with a number of different client contacts.

It was hard to get our key people in front of the right person in the client team at the right time. We’d typically have some strong contacts, e.g. corporate in London, but would struggle to widen out the relationship to other key areas such as finance, tax, antitrust, employment and real estate etc.

CVs in a pitch document or laminated Team Sheet (post appointment) didn’t really achieve much – the client’s team would rarely access them and they’d quickly be out of date.



Providing clients with online private “Team Sheets” for all their key relationships around the globe was borne out of this experience. It enables clients to have all their external lawyers from their relationship law firms up to date and in one place, and to overlay and share their notes and experiences/ recommendations. So, the next time the client is looking for a finance lawyer in Singapore, they can immediately see which lawyers they’ve worked with there, what their views are on those lawyers and also whether they have any other appropriate contacts at their relationship firms.

When we did our market research into Top 3 Legal, it was clear that both law firms and corporates had become increasingly frustrated.

For law firms, the legal directories take up huge amounts of lawyer time and business development team time with submissions and client references with obvious cost implications but with a questionable return on investment.

Businesses no longer consider the directories to be independent and objective and have considerable concerns about the processes employed by the directories. They know that many of the researchers

“It enables clients to have all their external lawyers from their relationship law firms up to date and in one place.”

are very inexperienced and that law firms themselves have far too much control over which lawyers are actually put forward for consideration. They also told us that they are 8 times more likely to ask a colleague or friend at another corporate for a lawyer recommendation if they need to find a new lawyer to instruct.

The directories also only actually cover a small proportion of law firm partners and hardly any associates and also with limited coverage of alternative legal services providers. Again, businesses are now more sophisticated and want to know about the associates who will be doing the actual work.

We wanted to create a platform that is “free to play” for every lawyer in the world to allow them to build their personal brands and benefit from client recommendations.

Co-founder, Richard Fleetwood, a former corporate partner at Addleshaw Goddard, shares similar frustrations with the status quo.

“As a law firm partner I found the annual legal directories process energy sapping and never thought that the end product was very useful. Heading up some key client relationships, and knowing that client word of mouth recommendations are key to how they work, I was much more concerned about how to get all of our lawyers in front of the client team and to build strong day-to-day relationships.”

The third founder, Richard Shoykov, former Group General Counsel at Ferguson plc, believes the disruption Top 3 Legal has caused offers benefits not just to law firms but to in house lawyers too. Again, he speaks from experience.

“As an in-house lawyer, I need to keep track of who in the organisation has used which external adviser, on what, where and when – and how my colleagues rated the service. The Top 3 Legal Team Sheet can do this. It is simple to use and maintain. It is confidential and secure: anything shared on it remains internal – the client manages the content.”

As with so many things that have changed how we live our lives today – think Uber and Amazon to name but two of so many – Top3 Legal could not have been born without the technology that was not available in the 80’s when lawyers first started selling their wares.

For more information see www.top3legal.com

REBUILDING OUR APPROACH TO OFFICE SPACE

When we think of a City law firm, we think of big, impressive offices, meeting rooms with stunning views, opulent reception areas and expensive art lining the walls.

But with flexible working as a result of technology, so the traditional office space is becoming increasingly redundant. Companies are rejecting the burden of long leases in favour of short term contracts for spaces where everything is provided as standard.

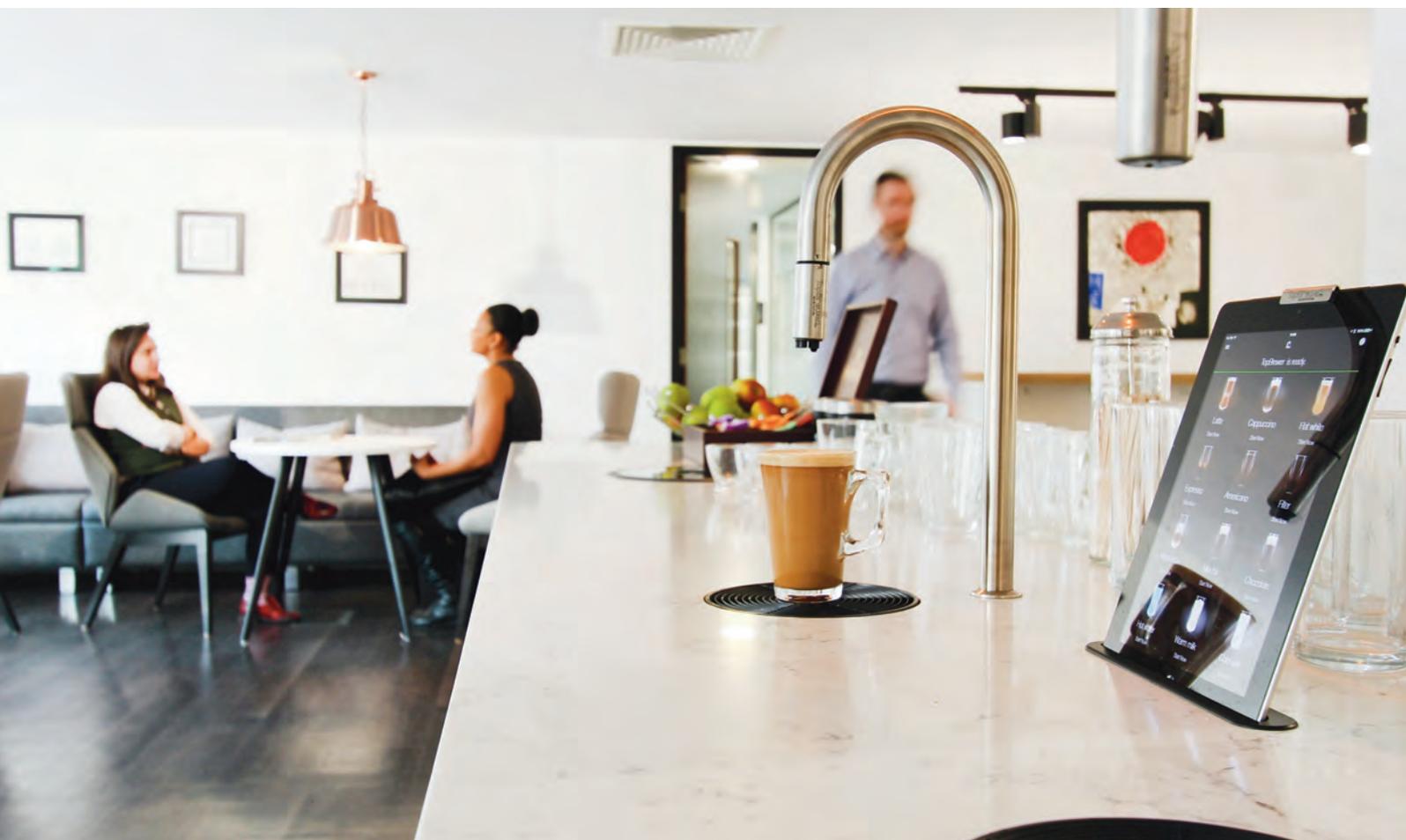
Jonathan Weinbrenn is Managing Director of BEspoke which “provides customers with wider choice across flexible workspace options”.

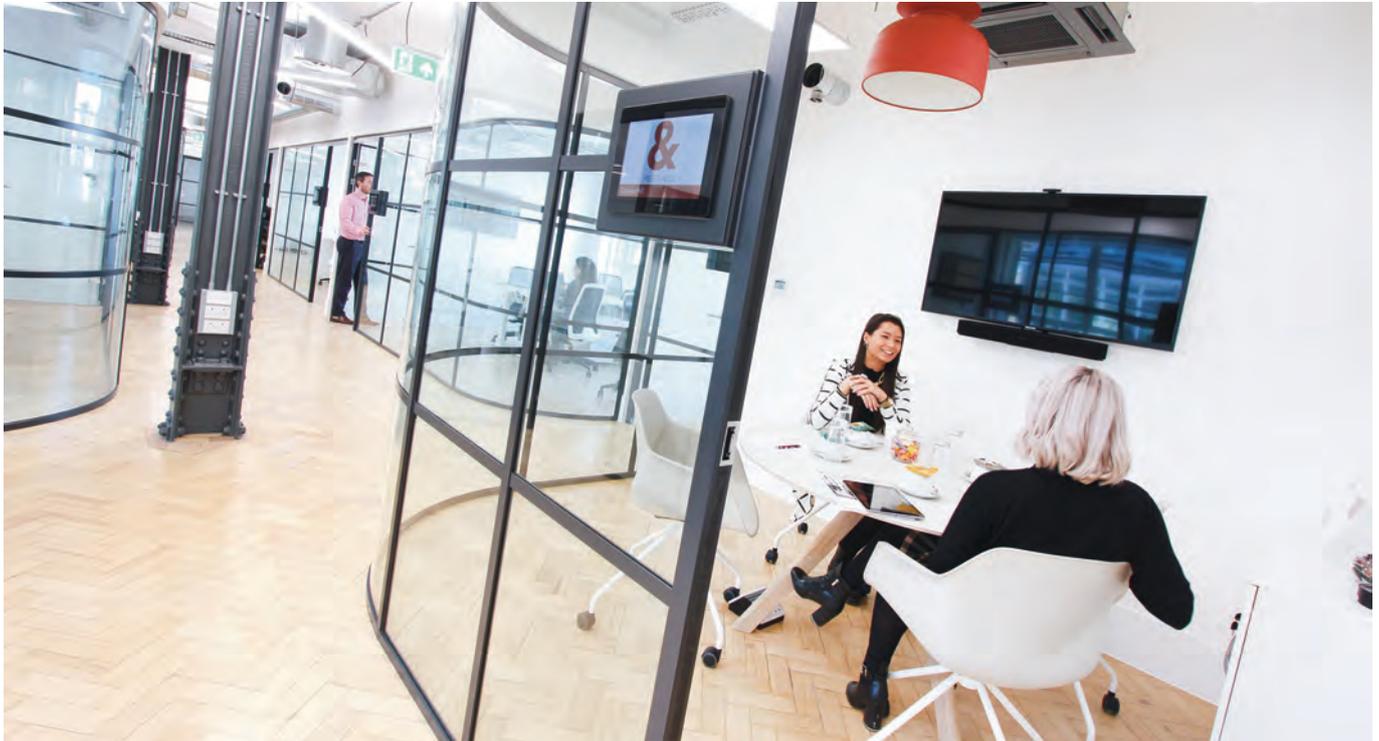
“There’s been a high level of structural change in how people are accessing commercial real estate in the past 10 years, but this has become even more significant in the last 3–5 years. The shift began with the Lehman collapse and has been exacerbated by further geographical, political and social changes such as the Arab Spring, the near collapse of the Eurozone, and most recently Brexit. All of these events, and significant technological advancements, have resulted in cataclysmal changes in how commercial space is accessed.

Regus was one of the first to offer a real alternative to the traditional model. They provided easy access to space with no capital fit out, fixtures or furniture and had the benefit of offering short contracts.

Inevitably, more players entered the market place and it has become more diverse, compelling, and appealing. WeWork added a further dimension by providing cool and sexy spaces. With open plan offices, beer on tap and pool tables, this provided the perfect home for the more creative industries. Ultimately the flexible platform evolved to service specific market segments and niches and provides space delivered as a service for the first time.

“Ultimately the flexible platform evolved to service specific market segments and niches.”





“BEOffices offer a mix of open plan and collaborative workspaces.”

Those with a conventional approach to commercial real estate were starting to think maybe they should reassess the efficiency and economic sense of their offices – and the impact on wellbeing, engagement and collaboration. Would traditional spaces help attract and retain key talent in the same way flexible workspaces seemed to be doing? And it’s not just millennials who are demanding change.

Whilst the traditional model still dominates the market with only 4–5% of all Central London working space being flexible, nonetheless there is rapid growth with companies like JLL and CBRE predicting that by 2030 30% of the market will be flexible.

In an age of permanent disruption, digitised talent and the rise of the sharing economy, the traditional model looks increasingly antiquated because (ironically) it relies so heavily on a complex legal process, a range of consultants and a more opaque platform of marketing and data. We are living in a world of instant gratification which contradicts the onerous process of procuring through conventional channels.

If you think about how we consume goods and services, often this is transacted over an app. Look at fintech, ride-sharing and online retail. Yet real estate,



for the most part is carrying on as it has done for the past hundred years.

BEspoke are part of the largest independent serviced office space provider in the UK. 25 years old, BEOffices offer a mix of open plan and collaborative workspaces. We allow larger firms like law firms to define how they would like us to customise space to meet their brand and cultural requirements, within a secure branded demise. We don’t charge for fit outs nor do we charge for dilapidations on exit. Our solutions are designed to offer agility and mitigate IFRS 16 liabilities where possible.”

For more information see www.beoffices.com and bespokespace.com

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DISRUPTION...

in the BANKING SECTOR



It doesn't seem that long ago when we used to queue in a bank to pay a cheque in and we used to go and plead with our bank manager to allow us to have a bigger overdraft.

The advent of the internet disrupted all that and online banking eroded the need for buildings and even humans. Today, an app on our phone allows us to pay a bill, transfer money and check all of our balances without so much as having to get out of bed.

But technology does not stop – and so more disruption is coming to shake things up even further – and to make our banking requirements even more easy to satisfy.

Starling Bank is one of a new generation of banks that is revolutionising the industry.

We spoke to Jason Maude, Starling's Head of Technology Advocacy.

"Until recently, most banks offered more or less the same services, competing only in a few ways mostly relating to costs, benefits, interest rates, overdraft fees and customer service. A customer would only switch if one bank offered a better interest rate or if their existing bank had terrible customer service.

What Starling has done is opened up a whole new line of competition, specifically features offering customers different ways they can interact and manage their financial lives. Our customers have, as one example, the ability to manage their card security settings to a very detailed level. They can have their card active or freeze it. They can switch it off for withdrawing cash but keep the contactless function active. In short, they can manage their card to work in the best way possible for them.

Another benefit available to Starling customers is we provide them with aggregated spending data. This gives them a monthly view of all of their transactions and classifies them into categories. This means customer can quickly and easily see how much they spent, say, on groceries, how much on entertainment, how much on clothes and so on.

If our customers don't want to spend money on gambling, we offer them a gambling block which they can switch on and off to suit their requirements.

These are all features that the traditional banks could have introduced themselves a long time ago. But they simply didn't think of them, or they didn't want to spend the additional monies to implement them. They didn't think these innovations were necessary as whilst everyone was offering more or less the same thing there was no real need to change.

Disruption was necessary for the sector to be significantly improved for its customers.

The big high street banks are obviously our main competitors and we are in a good position to attract their customers over to us as they are being underserved and are not being provided with great features.

Whilst these mainstream banks are being forced to copy our lead in the innovations offered, it has been harder for them to do this than they initially expected as their tech systems are older and somewhat antiquated and designed in such a way that makes it difficult to connect all the data up. So, whilst they can emulate our features, it costs them a lot to do this and so they can't replicate our cost base. A lot of their procedures and work are done manually which means they have to employ a lot of people. They need four times as many employees to support each customer as we do.

The downside to our offering could be seen as us having no branches and no physical presence but we have overcome this by partnering with the Post Office. If our customers need to have face to face contact or deposit cash it is easy for them to do so. Cash remains a hurdle for technological innovations. Small businesses rely on cash so they need somewhere to deposit that. The Post Office has 11,000 branches which is way more than any high street bank – and with high street banks increasingly closing their branches, again we are offering our customers an advantage.

I believe the future of banking will see the idea of a bank being a one stop shop ceasing to exist. General banking will increasingly be done online on a browser or app but financial decisions like mortgages, pensions, life insurance, which people want to do face to face, will be done with independent brokers and experts and not through a bank."



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LIVERY NEWS

A look at what has been happening – and what is coming up.

The Annual Banquet at Mansion House

The highlight of the Company's calendar, the Annual Banquet, took place on 5th March 2019 in the spectacular surroundings of the Mansion House. We were hosted by Alderman Sir Alan Yarrow who represented the Lord Mayor for the evening as well as Rupert Jones, Master of the City of London Solicitors' Company. Our Guest Speaker was The Rt. Hon. Lady Arden, DBE, Justice of the Supreme Court who spoke about women in the law.



The Master, Wardens and the Civic Party



Musicians on the balcony performing the Post Horn Gallop



Guard of Honour by Cadets from the Company's affiliated Unit, the 71st London Irish Rifles



Guests in the magnificent Egyptian Hall

Photos by lacdao.com

Wig & Pen Prize 2019



July sees the launch of the 2019 Wig & Pen Prize for pro bono work. This year's Prize will be awarded jointly by City of London Law Society and the City of London Solicitors' Company and for the

first time will be open to individuals at all levels within the legal profession, from trainees up to senior partners. The Prize criteria has also been extended and now includes recognition of outstanding leadership or management of a pro bono initiative as well as pro bono service to a specific project or charity.

The Wig & Pen Prize provides an opportunity to publicly recognise the invaluable and often unseen pro bono work undertaken across all levels within the legal profession and nominations are sought for those individuals who have made a contribution to broadening access to justice in their communities or have demonstrated outstanding

leadership in ensuring that the legal system is open to all.

Nominations can be made by you, your employer or the project you support. Please nominate anyone who you think has been involved in a great pro bono project – whether large or small. The winner will receive a monetary award for the pro bono project they support as well as the prestigious Wig & Pen Trophy to keep for one year.

Look out for details at
www.citysolicitors.org.uk
and on Twitter at @TheCLLS
and @CLSC2.



THE NEED FOR MORE CITY SOLICITORS on the High Court Bench

Edward Sparrow,
Chair, City of London Law Society

The judiciary play vital roles in making London an attractive jurisdiction for international disputes and upholding the Rule of Law in this country, but a crisis is developing as a result of the difficulties being encountered in recruiting sufficient judges of quality to the High Court Bench and to lower Courts. There are a significant number of unfilled vacancies. The reasons are many and City solicitors cannot replace the Courts' more traditional recruiting grounds. However, greater recognition and use of the skills that City solicitors can bring to the judiciary, especially of partners in their 50s and 60s looking for a second, possibly part time, fee-paid career, could help and would result in a more diverse judiciary. There have been a small number of recent appointments of City solicitors to the High Court. Those appointments are to be welcomed and the individuals congratulated but many more are needed.

“There have been a small number of recent appointments of City solicitors to the High Court.”

The Government and the senior judiciary are also keen to encourage interested solicitors to join the High Court Bench and the City of London Law Society is currently in discussion with the Lord Chancellor, the Lord Chief Justice, other senior judges, the Judicial Appointments Commission and the Law Society to:

- understand why so few City solicitor applicants are successful and why the overwhelming experience of the application process is negative;
- review the application process to ensure that it gives appropriate weight to the valuable skills of City solicitors; and
- encourage more City solicitors to apply for appointment to the High Court Bench and other Courts.

As the Lord Chief Justice has recently said, appointment to the High Court Bench (and to other benches) is the start of a second job for all of those appointed, barristers or solicitors. For senior City solicitors thinking of a second career, a judicial appointment is a stimulating way of keeping in contact with the law. For more junior City solicitors looking to do something different, there are many judicial jobs, some part time.

If you are interested in finding out more, please contact the City of London Law Society.

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WHAT'S COMING UP:	
23rd–29th September	Goldsmiths' Fair, Goldsmiths' Hall
29th September	Sheep Drive over London Bridge
2nd October	Election of the Lord Mayor at Guildhall followed by lunch
9th November	Lord Mayor's Show
21st November	Livery Dinner at Fishmongers' Hall
26th–27th November	Red Cross Christmas Market at Guildhall

DISRUPTION...

in the Arts

Any creative field is, by nature, synonymous with disruption; that is the very essence of creativity. In every branch of the Arts there are constantly new movements that use their particular media in ways that have never been expressed before. This has been the nature of creativity for centuries. But, today, artists have another disruptive force to add to their tools, that of technology. Technology allows artists to express their craft with a whole new array of methods.



Anyone who loves Impressionism will, undoubtedly, have visited the National Gallery recently to see Sorolla: **Spanish Master Of Light** (if you haven't seen it yet, it runs in the Sainsbury Wing until 7th July.) Its expression of both colour and light is utterly beautiful. Sorolla was one of a whole group of artists such as Monet, Pissarro, Degas and Renoir, to name but a few, who, quite disruptively in the 19th Century when the movement began, chose to use bright, pure colours and to apply them with rapid, visible brush strokes. Their subject matter of modern urban and suburban life was more often than not captured outdoors in the midst of the subject itself rather than in the studio which had until then been the norm. When we look at the work today, it feels comfortable and familiar; there is nothing challenging for us within this movement so it is easy for us to forget how radical and disruptive it was considered in its time.

That disruption continued immediately as Sorolla was replaced as Spain's national hero by Picasso who, whilst some of his work formed a part of the Impressionist library, was also responsible for co-founding Cubism and Collage and for inventing Constructed Sculpture. Even today, almost a half century after his death, Picasso's work is still viewed by many as highly challenging.

So the journey continued; each new movement totally surprising and shocking its audiences with its radicalism and departure from what it was replacing.

Over two decades ago now, the Royal Academy showed the Sensation exhibition which literally shocked the world. The quite traditional stalwart gallery allowed a private collector, Charles Saatchi, to fill its halls with art that was described as "debased,

debauched and seriously upsetting". Damien Hirst's shark in formaldehyde, Marc Quinn's Self – a frozen perspex cast of his head filled with his own blood – and Tracey Emin's Tent were just some of the "shocking" works that not only disrupted the artworld but also caused people to throw bricks through windows and ink and eggs at the works themselves. Three Academicians – Michael Sandle, Craigie Aitchison and Gillian Ayres – resigned in protest.

Today, art has taken another turn into the previously unknown and unconsidered. Bill Viola is an artist who uses electronic sound, and image technology to explore the ideas behind fundamental human



“Picasso’s work is still viewed by many as highly challenging.”

experiences such as birth, death and aspects of consciousness. One piece shows video footage of his mother dying and his wife giving birth simultaneously. Technology has enabled him to radically move art from images on canvas to a much more three dimensional immersive, realistic experience. Viola's work has not only disrupted art, but religious places of worship too. Historically and traditionally, churches have always housed art but there is a real disconnect when you enter St Paul's Cathedral and are faced with giant video screens.

Martyrs shows four individuals, across four colour vertical plasma screens, being martyred by the four classical elements. The work has no sound. It lasts for seven minutes. **Martyrs** was joined in 2016 by a second piece entitled **Mary**. The installations have been gifted to Tate, and are on long-term loan to St Paul's Cathedral.

The result of this commission sees St Paul's Cathedral, which has always spearheaded the engagement of great artists, house a resonant work of art for our times. **Martyrs** (and later **Mary**), will play an important role in connecting contemporary issues with the timeless themes embodied in the cathedral.

The latest technology that is shaking up the art world is Mixed Reality which has been described as "the most exciting medium to launch in our lifetimes, and possibly the last new medium because it encompasses everything".



Marina Abramović's **The Life** was shown at the Serpentine Gallery this spring. The press release from the Gallery says;

"Visitors simultaneously experienced an intimate, digital encounter with the artist in this first, large-scale performance exhibited using Mixed Reality anywhere in the world.

The Life is a performance piece, lasting 19 minutes, that builds on the artist's long-standing fascination with the notion of material absence. The use of Mixed Reality allows Abramović to further explore how to use her own body as subject and object, mapping new territory at the intersection of technology and performance."

Abramović says:

"The fact that the project can be repeated anywhere in the world while I am not there is mind-blowing. I can be present in any spot on the planet."

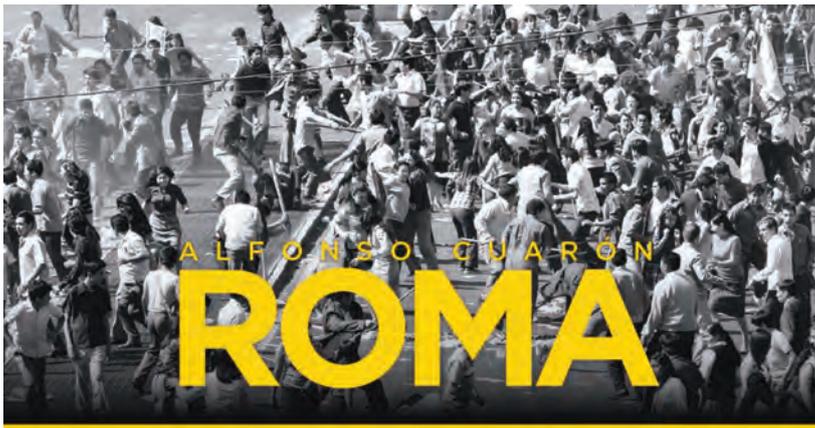
Technology is also important for disrupting the Arts in another very exciting way too; it has totally transformed how consumers are able to access and experience new works.

The advent of media services providers such as Netflix have completely disrupted how we watch television and film. Gone are the days when we had



to stay in at, say, 9 pm every Wednesday to watch our favourite drama series. Now we can watch an entire series in one go whenever and wherever we choose. And, with these providers increasingly making and producing their own content, including feature films, we can watch films in our own homes without having to venture into a cinema.

Roma, a Netflix original, controversially was nominated (but did not win) for the Best Picture Award at the Oscars this year. It did, however, win three Oscars for Best Cinematography, Best Foreign Language Film and Best Director.



Whilst this was subsequently shown at a few select cinemas, it was originally released for home viewing. A complete turnaround from the previous norm. Not everyone approves of films made in this way being included in the Oscars. Steven Spielberg has openly stated that he believes that films debuting on the streaming service concurrent with a very limited theatrical release shouldn't be eligible for Oscars.

How we attain and listen to music has also been thoroughly and, again, controversially, disrupted by technology. Today, with apps like Spotify, we can stream any piece of music, instantly.

John Enser is a Partner at CMS Cameron McKenna Nabarro Olswang LLP. He provides commercial, regulatory and copyright law advice to clients across the Technology, Media and Communications sector, in particular, those offering music and audio-visual content via digital platforms. He has been at the forefront of digital media developments for nearly 30 years, assisting clients to launch new and innovative services across a range of technologies; from the dawn of satellite television, through the birth of the worldwide web to today's multi-channel synchronised offerings across broadcast TV, tablets, smartphones and all other forms of connected device.

"The way consumers access media has always been subject to technological revolution. This is not a new phenomenon. The head of the Hollywood studios' trade association once likened home video cassettes to the Boston Strangler. What has changed is the pace of change and the massive disruption that is happening so quickly. The more traditional suppliers are having

"That someone would come along and fund these films was inevitable."

to innovate to deal with the new technologies and change their business models to accommodate them.

Not so long ago we thought buying music downloads from Apple was hugely innovative and revolutionary – then Spotify came along and everything changed again.

In many instances, illegal businesses can move faster than legitimate ones. Napster allowed people to download music for free – which was something that they could not do legally. The record companies understood the dynamics of what was happening and changed their business model to accommodate the changes but artists who had got fat on CD sales couldn't be persuaded to change their contracts quickly enough. Napster and its successors had entered the arena and were eating the music industry's lunch.

A similar thing was happening in the television arena. About a decade ago, the predecessor of the Competition and Markets Authority blocked Kangaroo, a joint venture between BBC, ITV and Channel 4 from setting up a new video-on-demand service. Its absence gave a leg up to Netflix who didn't have to worry about such controls.

It is not really a surprise that the likes of Netflix are making their own films as the traditional movie industry has polarised between high budget and micro budget with films that need between 10 and 40 million dollars to produce, finding it hard to get funding. That someone would come along and fund these films was inevitable.

One of the tensions that has facilitated this disruption is that the people who run the cinema exhibition businesses are keen that movies are available in cinemas first and impose a holdback period of around 17 weeks within which distributors agree not to make a movie available in other forms – even if they are only in the theatres for around six to eight weeks. Netflix can operate on its own terms; if it's a problem, they will simply choose not to put their films in cinemas. Curzon too with their Home Cinema service choose to release films for home viewing simultaneously with their cinema showings, or after a very limited run. But for mainstream movies, the cinema chains will still refuse to show a movie when the distributor does not agree to the 17 week window, as happened, for example, with Tim Burton's **Alice in Wonderland**."

Whilst creativity has always been disruptive through its content and the means by which that content is expressed, it is now also causing waves through the methods that are increasingly becoming more available to enable us to consume the Arts.



Business as usual at the Geneva Motor Show

By Joel Leigh

Responding to the naysayers on the future of the international motor show

First held in 1905, with the 89th show taking place in March this year, the Geneva Motor Show has long been something of an institution for motoring fans.

Following press coverage suggesting this jewel in the global motoring crown might prove a bit of a damp squib this year, however, my interest was sufficiently piqued to go along and find out whether this was really the case.

The general consensus was that the motor industry has entered an era of profound change, largely driven by the rise of the internet, online shopping and social media, which has caused a major shift in focus from the expensive adverts, glossy pamphlets and exotic stands found at shows in years gone by, towards targeted digital marketing and one-to-one experiences.

Add to this that it's mainly 'tyre-kickers' who turn up at motor shows in droves but who rarely buy, and it becomes clear why manufacturers are reluctant to spend millions in an ever-escalating road race with competitors when they can lay on a series of smaller, more cost effective and targeted lifestyle events.

In a move away from the more traditional product centric marketing strategy, Tesla and the like are riding the wave of the digital revolution in a move towards customer centricity, utilising data to 'know' their customers digitally to ensure they are firmly at the centre of their business. Trendy motor boutiques, seen in shopping malls such as Westfield and Brent Cross in north-west London, also play their role in challenging the relevance of the more traditional, tent pole events.

BMW, on the other hand, have taken up sponsorship of the annual PGA golf championship at Wentworth, thus negating the need to fend off competition, in the form of Audi, Mercedes or VW. Their head of digital marketing is on the record as saying that the marque now sees itself as a 'premium mobility provider'. They're talking about autonomous, electrified and connected driving, not just engine sizes.

Witness also the increasing popularity of more exclusive events such as the Goodwood Festival of Speed, the Blenheim Salon Privé or the various Concours, including the London outpost taking place at the Honourable Artillery Company as



this article goes to print. I've attended all the above and have seen many a luxury car sold on the spot.

Back at the motor show, there was no need for alarm. Of the major manufacturers, only Ford, Jaguar Land Rover ('JLR') and Volvo stayed away but the energy and ambition of some of the smaller exhibitors eclipsed any potentially embarrassing space created. JLR's absence was somewhat ironic however, given the I-Pace was announced 'European Car of the Year'.

It's true there was a great deal of hype around a surge of increasingly futuristic electric vehicles, but I also got to see a wide range of electric concepts, clearly aimed at conventional car users.

Examples included Kia's rather attractive 'Imagine', a coupe inspired crossover which will soon be translated into a range topping EV. Both Skoda's Vision iV and the Polestar 2 (an offshoot of no-show Volvo) also looked great. Also showcased were various new production cars, including the world premiere of the long overdue Renault Clio.

Historically the show has presented an opportunity for the 'old school' supercar manufacturers to re-establish their relevance and there was also evidence of this.

After a hard time following its flotation last year, including a £68m loss and £billions wiped off its value, Aston Martin fought back with no less than three concept vehicles; the Lagonda All-Terrain (designed to rival Rolls-Royce's Cullinan and Bentley's Bentayga), the £250k Vanquish Vision (intended to take on the next generation of Ferrari) and last but not least, the £1m AM-RB 003 'Hypercar', demand for which has already exceeded the planned supply of 500 cars following its unveiling at the show.



My personal favourite on the day was the Pal-V Liberty Pioneer, the world's first production flying car, complete with a dual cockpit and electronic flight instrument panel. Priced at \$600,000 it promises to bring a whole new meaning to 'off-road' ability and could conceivably provide a viable alternative to short hop air travel for the super-rich.

Overall Bugatti stole the show with their £14m 'Voiture Noir', the most expensive car of all time, modelled on the mid-'30s Type 57 Atlantic. Initially rumoured to have been commissioned by VW magnate, Ferdinand Piech, more recently it was suggested that Cristiano Ronaldo was the true buyer, although this has also since been denied. My money would be an oligarch or a member of one of the middle eastern dynasties.

New entrants to the people transportation sector such as Uber or Zipcar may rightly preach to urban millennials about fuel efficiency and value over status symbols such as high-spec cars, but whilst international motor shows continue to provide a wide-ranging and comprehensive showcase for the innovative and the new it seems unlikely they'll lose their place at the table, for now at least.

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



ONE LAST WORD

DID YOU KNOW?

Dismembering the Third Reich

Once upon a time, German-speaking people were divided amongst a dizzying patchwork of duchies, free cities and bishoprics. This fabulous confection was nominally ruled by an Emperor elected by the Prince-electors.

This isn't a Disney reimagining of history. This was the Holy Roman Empire, which Voltaire famously dismissed as being an 'agglomeration which was... neither holy, nor Roman, nor an empire.'

It was also not a threat to the bigger European powers, who used German lands as the battleground in bloody wars for continental supremacy.

In the 1860s, a new Prussian Chancellor, Otto von Bismarck, smashed the equilibrium with blood and iron. A unified German Empire was proclaimed in 1871 at Versailles following stunning Prussian-led military victories against Denmark, Austria and France.

This disrupted everything.

Suddenly, France and Russia were bordered by a large, powerful and unified state. And, as the years passed, Germany became even more powerful. It became an industrial powerhouse, a pioneer in science and had a fearsomely effective army.

Fast forward to 1945 and Germany, along with much of Europe, lay in ruins. The Allies were determined to eliminate Germany's ability to wage war forever. And what better way to eliminate Germany's ability to wage war than to eliminate Germany?

Winston Churchill favoured the creation of three German states. Showing that even Nobel Prize-winning authors can have lapses in imagination, he suggested calling them North Germany, South Germany and West Germany. This was a development of his earlier idea, in which

Bavaria, Austria and Hungary were to be encouraged to form the more grandly titled Danubian Confederation.

Roosevelt was more historically minded, saying that 'Germany had been safer when she was divided into 107 small principalities'. Maintaining his sphinx-like reputation for cryptic comments, he said that dismemberment 'could be done in three or 15 ways'. The idea he brought to the table was to divide Germany into eight countries. Prussia, Hannover, Hesse, Saxony, Bavaria and Austria would be reborn, together with two international zones in the west.

If you compare a map of today's Germany with the boundaries of the Nazi's Greater German Empire, you'll see how Hitler's Großdeutschland was almost halved in size after the war.

First, Austria was de-Anschlussed, split from Germany and reconstituted as a sovereign state.

Alsace and Lorraine changed hands for the fifth time in 75 years, returning to France.

The biggest change was in the east, where Poland received Silesia, Pomerania and a big chunk of East Prussia.

Finally, Königsberg, the heart of historic Prussia and the home of Immanuel Kant,



was absorbed by the Soviet Union to become an ice-free home to their Baltic Fleet. And there it remains as a stubborn Russian exclave, rechristened Kaliningrad and wedged between Poland and Lithuania.

But, in the end, what remained of Germany would emerge intact as a sovereign state at the heart of Europe. The biggest disruption to decades of militarism and war came not from splitting Germany into separate countries but from binding it into the European Union.

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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