



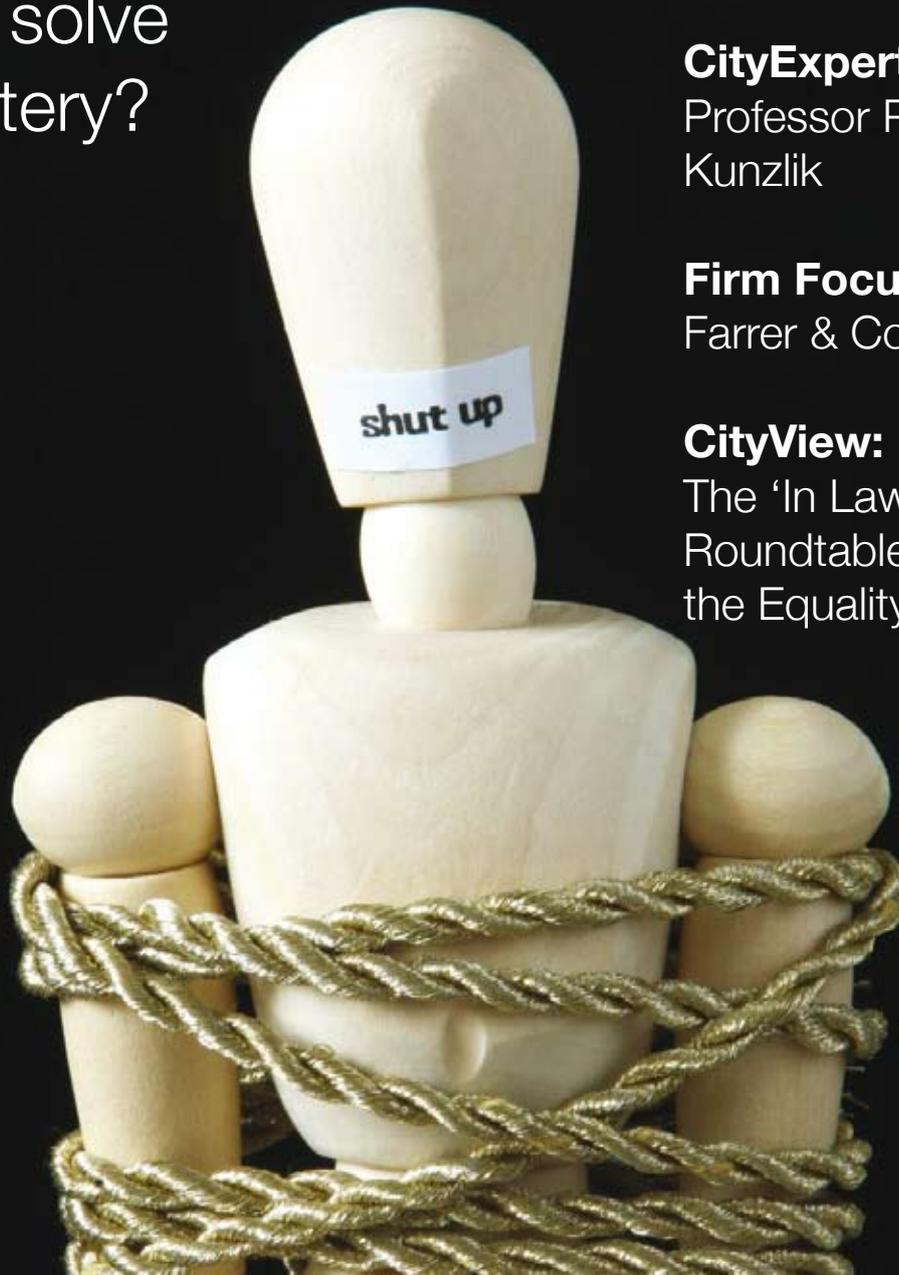
The City Law School
CITY UNIVERSITY LONDON

in law

Summer 2011

Absent Witnesses

Can we solve the mystery?



CourseFocus:

Benefits of the LLB? No longer a moot point

CityExpert:

Professor Peter Kunzlik

Firm Focus:

Farrer & Co

CityView:

The 'In Law' Roundtable on the Equality Act



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IN LAW MAGAZINE

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PUBLISHED: JULY 2011

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Letter from the Dean



The School continues to lead the field in its pursuit of innovative and up-to-the-minute teaching tools.

Welcome to the fifth edition of **In Law**, the magazine that gives us the opportunity to tell our students, alumni and our many friends in the City and the wider legal profession about the latest goings-on here at The City Law School.

We are currently entering a period of consolidation in higher education as we continue to digest the changes that have already taken effect and those that will shape the future of the sector for institutions and students alike.

The City Law School, however, remains in a reassuringly strong position, not least by virtue of our mixed diet of academic and professional programmes and our international profile, which is growing stronger all the time.

Indeed, in recent months the School has underlined its global credentials by hosting two high-ranking international legal delegations in the space of a fortnight. Russian Minister of Justice Aleksandr Kononov and his diplomatic detail visited the School as part of an ongoing research project into professional legal training in the country. Just a few days later, Japanese judges Masataka Nakagawa, of the General Secretariat of the Supreme Court, Tokyo, and Kyoto's Judge Satoshi Watahiki also paid a visit as part of a DNA and rules of evidence fact-finding mission to London.

Closer to home, we continue to expand our enviable portfolio of pro bono programmes with more opportunities than ever available to

students across all our courses.

Our pro bono team has already joined forces this year with Liberty to set up an inaugural Letter Writing Clinic, which will enable our LPC and BPTC students to provide advice to members of the public in live human rights cases.

The School also continues to lead the field in its pursuit of innovative and up-to-the-minute teaching tools. Our Moodle learning environment, for instance, will be available to students across all our academic and professional programmes from September.

Feedback from our student representatives on the overall transition from Cityspace thusfar has been uniformly positive and the overall consensus is that students and staff alike are very pleased with Moodle in terms of navigation, accessing content and assessment.

Our progress in this area is evident with the well-publicised success of Marcus Soanes and James Toner, who recently won a brace of internal awards for their work on the development of innovative new online organisational tools for students.

Further afield, our programme of Continuing Professional Development (CPD) also continues to lead the pack under the direction of Professor Penny Cooper. The School runs an amazingly diverse range of legal skills courses for solicitors, accountants, healthcare practitioners and other professionals, drawing on the collective knowledge and expertise of our staff.

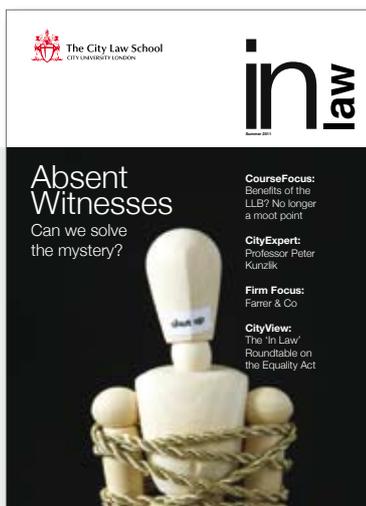
Our previous clients have included the likes of the Ministry of Justice, Allen & Overy and the Crown Prosecution Service and now we can add the ESCP European Business School in Paris to that illustrious roster. Earlier this year, 39 of its own postgraduate law students successfully completed a company law and litigation course here at the School. The students also enjoyed trips to the Inns and the courts and a series of talks from senior practitioners during their stay, lavishing high praise on our course and staff upon their return to France.

Our strength in a wide range of areas from academic study to professional development combined with our commitment to long-term development serve us well in a climate that will continue to present significant obstacles. It is an exciting time for The City Law School and I look forward to seeing us meet the challenge.

A handwritten signature in black ink that reads "Susan Nash".

**Professor Susan Nash,
Dean, The City Law School**

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Editorial Coverage

We have a bumper collection of articles in this edition of IN LAW covering the full gamut of legal activity from pro bono work and campaigning for equality through to European competition law and 'absent witnesses'.

As ever, most of the expertise featured in the articles comes from within The City Law School itself. One of the benefits of having a fully-formed institution - strong on research as well as academic

and vocational teaching - is that members of the faculty can have their feet in a number of camps.

With that in mind, we feature Professor Peter Kunzlik and examine his role in shaping key pieces of environmental legislation; Philippa Watson, Visiting Professor in European Law, discusses her career in the fields of regulatory, agriculture, economic and social issues; and Robert McPeake highlights the tangled web that has emerged between UK law and European human rights legislation over what happens when witnesses are too scared to come to court.

Meanwhile, our 'roundtable' on the new equality legislation drew on the expert knowledge of Senior Lecturer Snigdha Nag and Visiting Professor Dominic Regan as well as an excellent external contribution from Sailesh Mehta, a campaigning barrister of 18 Red Lion Court. It certainly produced a sparky debate!

On our own account

We also have plenty of interest about what is happening here within the school.

The good news is that the student numbers are moving in the right direction and the scores on the A-level tariff among new undergraduates is higher than ever before.

One of the benefits they enjoy is that the School has made a major commitment to *pro bono* activity, both because it is extremely worthwhile (and much needed) in itself and also because it can offer tremendous scope for law students to observe and take part in the real world of law in action. Our article on the work of Sarwan Singh, the School's Director of Pro Bono, shows just how wide ranging this activity has now become.

Further highlighting how law students develop the skills they need in their future careers is our piece on the way that mooting has become a centre stage activity for many of our undergraduates. With the support of LLB Course Director Margaret Carran, the skill of advocacy features prominently and everyone gains at least a taste of it. Many, of course, become addicted to it for life.

Finally, we continue to look beyond the School and towards City law firms with which it has links of one kind or another. We focus this time on Farrer & Co, one of the most remarkable and distinguished firms in London, whose client list - if only we could quote it - is consistently dazzling in its membership.

Taken together, these articles highlight the multi-faceted spread of The City Law School's interests and the variety of angles from which it approaches the law. That universality is a quality that deserves to be valued.

Edward Fennell
Contributing Editor

GET INVOLVED

If you have a suggestion for what you would like to see in the next issue of **In Law**, or if you would like to write something for us, please email inlaw@city.ac.uk or call us on +44 (0)20 7040 4206.

CityView:

The 'In Law' Roundtable on the Equality Act

The Equality Act, whose provisions largely took effect back in October 2010, represents a major consolidation and harmonisation of various strands of anti-discrimination legislation. But its significance has been a matter of debate and the gaps in the adoption of some of the draft provisions means there is still some unfinished business. IN LAW brought together three distinguished lawyers - Sailesh Mehta (Barrister at 18 Red Lion Court), Snigdha Nag (Barrister and Senior Lecturer, The City Law School) and Dominic Regan (Visiting Professor, The City Law School) - to review the Act and examine what difference it would make.



IN LAW: Just remind us of the background to the Act? Why was it necessary?

Snigdha: A range of equality legislation had been introduced over the years since the 1970's based on gender and race and then on religion, age and sexual orientation. Some of it was homegrown, others inspired by the European Union. And so the various laws were in a variety of forms with different levels of protection and burden of proof. What's more, they were a mix of primary and secondary legislation so the time had come to bring them all into the same clear framework and, ideally, to strengthen them.

IN LAW: But, given the fragmented nature of the legislation, was it difficult to harmonise them?

Snigdha: Actually, despite the problems, I think that the legislation has succeeded in bringing together the various types of protection very well. The starting point was that there were various and different standards of protection available and, in effect, different sets of jurisprudence at work. So in order to harmonise them and make them coherent, what they've tried to do is adopt the most liberal and forgiving wording they could find.

IN LAW: What does that mean in practice?

Snigdha: Well, for example, in relation to race it has always been the case that if you were not from a minority group yourself but were married to a member of an ethnic minority then you would be protected 'on grounds of race'. By contrast, under the sex discrimination legislation you could only complain if you were the person directly affected, i.e that your own sex is the issue that had led to discrimination. What we now have is a common wording so that if you are discriminated against because of a certain characteristic, your carers, partners or friends will also be covered. Moreover, someone who is perceived to have a certain characteristic will also have the same protection. For example, if you are perceived to be homosexual and were bullied for that reason at work, you will be protected by the Act even if, in fact, you are not. Exactly the same wording and burden of proof applies across the board - and that also includes, of course, indirect discrimination on grounds of disability, which had been an odd lacuna under the old legislation.

Sailesh Mehta: Yes, I agree that the main aim has been to harmonise the previous laws and in that sense it's worked quite well. Issues like the burden of proof and definitions of harassment are now consistent across all characteristics

and that has to be a good thing. However, there remain a number of areas in the law, especially in relation to perception, that remain to be developed by the courts. I think we will see some big developments in that area.

IN LAW: As a result, does this make Britain a fairer society?

Snigdha: I think that attitudes toward equality have changed very significantly since the 1970's. There is a wider acceptance of the need for people to be treated equally. And I think that the new provisions in the Act such as, for example, putting an end to gagging clauses over contracts of employment should go some way towards achieving greater fairness over controversial areas like bonuses.

Sailesh: The important thing is that fairness is now supposed to apply across the board. And the impact of that may be significant. If employers don't respond to this, then they will have to face the consequences in terms of the probability of being confronted by a number of lawsuits.

Dominic: I take a rather different view. I think the Act is a shambles. It's awkward and badly drafted. What the Equality Act has done is consolidate previous legislation which has not been effective.

This applies particularly in the area of equal pay where we are actually in a worse position now than when the legislation was first introduced in the 1970's. If the aim was to improve legislation, why re-enact a shoddy piece of legislation?

Snigdha: Dominic has a very good point that equal pay legislation has failed to achieve its aim. The resulting litigation ends up being terribly complicated and expensive, which is a barrier to ordinary people enforcing their rights.

IN LAW: Obviously, you've got strong views on it! But there is also the issue of the draft clauses in the Act, which now look unlikely to be implemented. How do you feel about those?

Snigdha: Well, the Coalition Government has expressed reservations about introducing the dual discrimination provisions and at the time of writing it's not clear what's going to happen.

IN LAW: Why is this important?

Snigdha: Because it addresses some of the more complex aspects of discrimination where a person is discriminated against not because they are, for example, older or have a disability but because they are both old *and* have a disability.

IN LAW: Ok - give an example.

Snigdha: You could have a situation where an employer refuses to spend money on improving access for a disabled worker because, say, they are in their 50s and the employer is thinking that, as the employee may be retiring shortly, why bother with the investment? The employer might have been ready to make the investment if the individual had been in their 20s, but it's a combination of the two characteristics that has led to the discrimination. You have a similar situation in some black groups where there is prejudice against homosexuals. So that in the workplace, a black homosexual might face bullying from other black workers whereas a white homosexual is left alone.

Dominic: I'm not sure I agree with that. If an individual is facing discrimination because of two characteristics – say race and sexual orientation – then action can be taken on those two strands independently. They don't have to be woven together in order to show discrimination. Not implementing the dual discrimination part of the draft Act

will not be a serious loss.

IN LAW: What about any other gaps?

Snigdha: The socio-economic duty of public authorities will be watered down. The coalition doesn't like this provision. It was due to come into force in 2011 but is now subject to consultation. I think that what the Conservatives would prefer instead is something to the effect that public authorities are 'mindful of the need not to discriminate.' The way that Theresa May put it was that the public judges Government performance by "results", not by its "ability to follow complex bureaucratic procedures".

Dominic: Another missing piece is the issue of gender pay gap reporting. This could have been a very effective way of measuring an organisation's performance on equality. If published figures would help to bring problems out into the open then that is a way of pressuring organisations into doing the right thing.

Sailesh: As a campaigner, I agree. The way to achieve change would have been if public sector organisations and other responsible businesses were able to look at a company's performance on equality issues such as the gender pay gap and if there was a problem then that would mean they would not get on to tender lists. Mind you, even under the original proposals this would only apply to organisations employing 250 people and above. That leaves a very large number of organisations out of its scope and many of whom are actually quite big.

Dominic: Yes, in fact, the problems are probably concentrated primarily in those smaller organisations – a situation that is rather worrying.

IN LAW: Moving on, how easy is it going to be for employers to comply with this legislation?

“Fairness is now supposed to apply across the board. And the impact of that may be significant.”





“Employers often worry about legislation and workers’ rights. But equality in the workplace is important because that’s the way to ensure you have a workforce that is happy and productive.”

Snigdha: Employers often worry about legislation and workers’ rights. But equality in the workplace is important because that’s the way to ensure you have a workforce that is happy and productive. For example, it is statistically capable of proof that disabled workers will stay with you longer and are more loyal than the average. So by investing in them you enhance the contribution that they can make to your company.

IN LAW: What about organisations who complain that it’s too time-consuming or expensive?

Sailesh: There is never a defence in saying that we can’t afford to do something that is fair. Doing the right thing is at the heart of this legislation. It’s helping to create a more vibrant, diverse working environment. So there really is no excuse for not complying with this legislation.

IN LAW: But what about all the detail and the paperwork?

Snigdha: There is a lot of free guidance available from the Advisory, Conciliation and Arbitration Service, or ACAS. For example, on their website you can find a guide for employers and a “model workplace” – a set of policies and procedures including precedent letters – which employers can use.

IN LAW: What about the long-term penalties for those organisations found to be still operating discriminatory systems?

Sailesh: The problem is that in some respects the Tribunals are toothless. There are really no direct repercussions for the employer because there is no way of effectively holding them to account for the way they operate. Sure, they may have to pay our compensation, but they are not obliged to change their methods. Of course, if another case is brought against them then in terms of proof the bar is lower next time, but that’s not enough. That’s why the most effective action can be taken by ethical organisations that decide they don’t want to work with other organisations with a poor record on equality. And so it will be important that there is a lot of publicity and media coverage around those cases to ensure that the organisations involved attract a lot of adverse publicity.

IN LAW: Without being too cynical, is this a good opportunity for employment lawyers?

Snigdha: Employment lawyers are always busy! In the good times, they are dealing with cases of people who’ve been discriminated against because they haven’t got the bonus or promotion they wanted while in a recession they are dealing with redundancies and cutbacks. What might happen though is that this legislation will change our approach. If we have an economic crisis looming then the new Equality legislation may challenge our conventional concepts of who is employable.

IN LAW: So in the light of this what

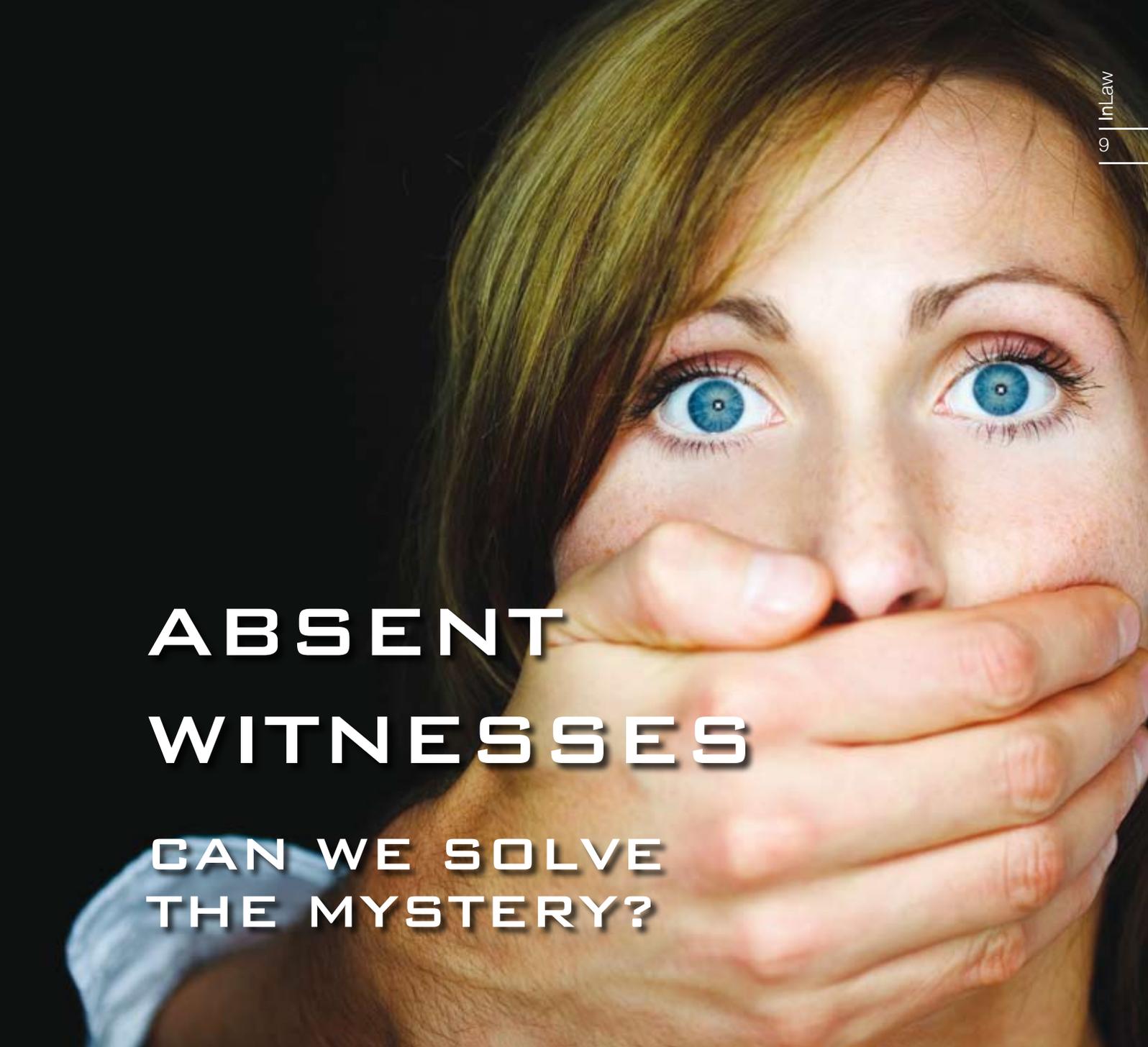
advice would you give to employers?

Snigdha: The simple rule of thumb is that when an employee complains about discrimination or harassment or when someone is behaving badly then the employer should deal with it immediately. Don’t just ignore it or pretend it’s not happening. It’s much better to go through the normal disciplinary steps and processes. It shows strength of management. And what’s more it avoids the problems of people feeling that so-and-so is ‘getting away with it’. While the Act might be painted by some people as being burdensome, the reality is that it’s not. It is actually simply a matter of following good management practice.

GET INVOLVED

Do you have an opinion about the issues discussed here? Would you like to comment or respond to this piece?

Please email us at inlaw@city.ac.uk or call us on +44 (0)20 7040 4206 and we may include your views in our next issue!



ABSENT WITNESSES

CAN WE SOLVE THE MYSTERY?

THE UK AND THE EUROPEAN COURT OF HUMAN RIGHTS ARE ON A COLLISION COURSE OVER THE MATTER OF ABSENT WITNESSES. WILL JUSTICE BE CRUSHED IN THE PROCESS?

Absent Witnesses' sounds like the subject of a thriller film. Why have they disappeared? Are they still alive? Or, in strictly legal terms, are they as dead as a parrot?

For the last few months, this subject has been at the heart of a growing row between London and the European Court of Human Rights in Strasbourg. The outcome will reshape, for good or ill, this country's relationship with the rest of the European legal community.

At its heart is a clash of cultures between the UK - whose relatively peaceful, democratic history gives it confidence in

“A defendant’s right to a fair trial guaranteed by article 6 of the European Convention on Human Rights would not be violated where his conviction was based solely or to a decisive extent on the statement of an absent witness, provided that the provisions of the Criminal Justice Act 2003 were observed. His Lordship said that normally that requirement [to take account

of the European Court’s ruling] would result in the domestic court applying principles that were clearly established by the Strasbourg court. But on rare occasions the domestic court had concerns as to whether the Strasbourg court’s decision sufficiently appreciated or accommodated particular aspects of the domestic process.”

its traditional approach to fair trials - and the score or so of nations who have been subject to Nazi or Soviet tyranny and whose criminal justice systems need to be secured by an assiduous adherence to transparency.

“We’ve entered Big Bang territory,” says Robert McPeake, Principal Lecturer in Law at The City Law School. “It could lead to a real crisis between the UK and the rest of Europe. The UK feels that it has a long and established record and knows how to operate fair trials so it does not take kindly to being treated by the European Court as if it were some kind of rogue state.”

TOO FEARFUL TO ATTEND COURT?

The story goes back, explains McPeake, to the 2003 Criminal Justice Act, which, following historical precedent, allowed evidence to be given by ‘absent witnesses’ in very specific circumstances. “These would be, typically, if the witness was too fearful to attend court, absent from the country and unable to return, too unwell to attend or, in some cases, even dead,” he explains.

The evidence in these situations would have been derived, for example, from earlier statements to the police, which would then be read out in court or from witness evidence in a previous trial. Or it might even come in the form of video recordings from a bed-ridden and severely incapacitated witness.

The principle behind this was that it better served the cause of justice, in these unusual cases, to have the evidence even in this non-standard form. However, in order to ensure that this evidence did not have a disproportionate impact on the case, a so-called ‘safety valve’ clause was introduced. This meant that disputed evidence would only be admitted provided that it was, in the view of the judge, ‘in the interest of justice’.

“Of course, the problem with this evidence,” comments McPeake, “is that it could not be tested out by cross-questioning its source, the absent witness, in court. Could justice in these

circumstances really be seen to be done?”

UNANIMOUS VIEW

Well, the Fourth Chamber of the European Court of Human Rights thought not - as was made clear by the case of *Al-Khawaja and Tahery v United Kingdom* in which the Court ruled the defendant’s right to a fair trial under article 6.1 and 6.3(d) of the European Convention on Human Rights had been violated through the admission of evidence derived in this way.

So how was this to be resolved? In short, it hasn’t been. Indeed, as the *Regina v Horncastle and Another* case at the end of 2009 demonstrated, the battle lines have hardened significantly between London and Strasbourg. In an unanimous judgment by the Supreme Court, delivered by Lord Phillips, it was made clear that the UK Supreme Court did not accept the Strasbourg view. It had taken account of what the European Court had said, which, of course, it was obliged to do, but it clearly did not agree with it.

This was how *The Times* newspaper reported it on December 10, 2009:

“A defendant’s right to a fair trial guaranteed by article 6 of the European Convention on Human Rights would not be violated where his conviction was based solely or to a decisive extent on the statement of an absent witness, provided that the provisions of the Criminal Justice Act 2003 were observed.

His Lordship said that normally that requirement [to take account of the European Court’s ruling] would result in the domestic court applying principles that were clearly established by the Strasbourg court. But on rare occasions the domestic court had concerns as to whether the Strasbourg court’s decision sufficiently appreciated or accommodated particular aspects of the domestic process.”

That was a pretty comprehensive rebuff, says McPeake - made more acute, it



might be added, by the way the UK had compounded its position in a separate but very high-profile case by allowing witnesses to appear anonymously. Neither absent nor anonymous witnesses could be effectively cross-questioned, claimed the critics. The Supreme Court argued this did not matter - well, not very much anyway.

So had UK put itself entirely outside the pale of decent, law-abiding states?

BAD EUROPEANS?

Actually, the answer varies according to where you look. In fact, even the Strasbourg court in the so-called ‘*Luca vs Italy*’ case had endorsed the use of evidence from absent witnesses but only where this is not the ‘sole and decisive’ evidence in a case.

But the UK goes far beyond that by allowing absent witness evidence even



“WE’VE ENTERED BIG BANG TERRITORY. IT COULD LEAD TO A REAL CRISIS BETWEEN THE UK AND THE REST OF EUROPE. THE UK FEELS THAT IT HAS A LONG AND ESTABLISHED RECORD AND KNOWS HOW TO OPERATE FAIR TRIALS SO IT DOES NOT TAKE KINDLY TO BEING TREATED BY THE EUROPEAN COURT AS IF IT WERE SOME KIND OF ROGUE STATE.”

if it is crucial, provided that it is in the interest of justice.

Yet we are not alone in adopting this position, points out McPeake. If you look at Australia, Canada or New Zealand then similar principles apply. Unfortunately, of course, none of these countries is actually within the purview of the European Court of Human Rights! So the question to be asked is whether the UK is serious about complying with European norms – or whether it wants to float off into a post-colonial club of legally like-minded countries.

The latter view was given some strength when the Supreme Court asked Lord Mance to provide an analysis of the jurisprudence within the European Court and whether it stood up. The Mance report, given as an Appendix to the judgment given by Lord Phillips in the *Horncastle* case, was devastating in its attack on Europe and powerful in its defence of the UK system. “In effect, Lord Mance was saying these European judges don’t understand our system, that there is no precedent to stand against us and, indeed, that their own jurisprudence is contradictory,” explains McPeake.

SO, WHERE ARE WE NOW?

All eyes are on Strasbourg to see which way it will jump next. The UK Government’s requested reference of the *al-Khawaja* case to the Grand Chamber was accepted and the various arguments were heard in May 2010. So, at the time of writing, what we are waiting for is the judgment itself. It is all pretty nail-biting stuff.

The way out of outright conflicts, suggests McPeake, would be for the UK simply to amend its existing legislation by adopting the ‘sole and decisive’ test (i.e. to admit absent witness testimony evidence so long as it was not sole and decisive) and then we could turn ourselves into good Europeans.

The question is whether, at root, we really want to?

The Supreme Court’s stated view is that it would seem irrational and perverse to exclude some evidence because it was very important while admitting other evidence because it was inconsequential. Where was the sense in that?

The City Law School’s McPeake, however, remains unconvinced. “There is a danger,” he says, “that the UK position implies that judges know best and can proceed purely based on their own assessment of likely guilt or innocence. I find that quite scary!”

Should we all?

CourseFocus:

Benefits of the LLB? No longer a moot point



Undergraduate students on the City LLB get a chance to stand up and spread their wings

Law remains one of the most popular degree choices across the UK. But what exactly is it for?

With law graduates going off in a variety of career directions – both within the legal profession and outside it – it is increasingly important for students to develop a range of skills and spread their wings beyond the purely academic.

That is why the City LLB course provides a range of extra-curricula opportunities both in its extensive pro bono activity and in a strong commitment to mooting.

“We get people involved in mooting as soon as they arrive at the University and they must have taken part successfully in a moot by the end of the first term,” explains Claire de Than, a member of faculty who has strongly encouraged mooting opportunities.

The early introduction of mooting may sound rather like throwing the students in at the deep end but, as de Than points out, it is an important acid test for those who fancy themselves as advocates.

“Most people who start the LLB initially want to become lawyers and probably see themselves as barristers,” she says, Claire. “So it’s important to test out that ambition and establish whether they really enjoy advocacy or not. The mooting

exercise enables us to do that. And for those who find that they don’t enjoy it there is the advantage that they can then begin to think about other careers in the law – and indeed outside it.”

TERRIFIED AND ELATED!

Although the mooting in the first term is mandatory, de Than stresses that it is not designed as an examination of the students’ dramatic ability or even a major test of their presentational skills. Instead, the emphasis is on their ability to think through the issues and be able to present a reasoned argument in a coherent way. “If they put in the work then they will pass,” she explains. “It is mostly a matter of careful and thorough preparation rather than confidence in public speaking.”

While most students admit to being terrified initially, they are also elated once they have completed it successfully. “If they really don’t enjoy it then they never have to moot again,” she continues. “In reality, however, many of them quickly acquire a taste for the moot and go on to do a lot more.”

Indeed, the power of the mooting skills of City students has become one of the outstanding features of the LLB programme. It is now undertaken on a regular basis by a large number of students and to a very high standard.

“In the increasingly competitive environment students face today, they realise that they can gain an edge through mooting. As a result, we are seeing a noticeable rise in the number coming forward to take part. As well as a way of building their confidence and presentational skills it is also a means to start networking and make contacts – not least because many of the judges in the moots are well-established figures in the legal world.”

MOOTING SCHEDULE

In addition to the first year mandatory moot, there are regular practice moots throughout the year plus optional internal mooting competitions in both the second and third years (with the finals being judged by a real working judge, straight off the bench). In March 2011, Lord Mance, Justice of the UK Supreme Court, judged the School’s in-house moot for GDL students.

There is also growing involvement in external moots including the Crown Office Chambers competition which, as it happens, Claire de Than was responsible for initiating and which is now sponsored by Chambers.

Other high-profile national moots in which City takes part – often with great success – include the Weekly Law Reports, English Speaking Union/Essex Court and Oxford University Press competitions. And, in a recent departure, two of the School’s third year LLB students – Lea Christiaansen and Michael Polak – represented City in the finals of the National Client Interviewing Competition last year, where they beat a number of teams from Legal Practice Courses along the way.

But the mooting is not restricted solely to Britain. The City Law School takes part in the International Arbitration Moot in Vienna and the Price International Media Law Moot. Yet the greatest successes of all came in having represented the UK in the Commonwealth Moot where the School was the runner-up to Canada (a particularly significant achievement given that the moot was on Canadian law!) and in winning the World Trade International mooting competition in Geneva.

Getting a law degree will give you a smart start to your career. But increasingly you need the right accessories to accompany it to cut a dash in the graduate stakes. Fortunately, at City, they are there for the taking.

CityExpert:

Professor Peter Kunzlik

Assemble an academic, a barrister, a solicitor, an expert on government commerce – especially green procurement issues – and an environmental campaigner ‘for the legitimate classes’ and what have you got?

Answer: Professor Peter Kunzlik, The City Law School’s own unique man of many parts. No wonder he is known as a trusted sage in many government departments...



For four years from Spring 2005, Professor Peter Kunzlik was a big presence around The City Law School and, indeed, City University London in general. As Dean of the Law School and Pro Vice-Chancellor of the University, he played a central role in the key decisions that affected the School’s development. Inevitably, it was management and organisational issues that invariably took up most of his time. But, as with most academic managers, there was a conflict with his first love - his research and teaching – and, in particular, with his interests in government commerce, competition and environmental law.

So when he ceased to be Dean and went off on a well-earned sabbatical, it gave him the opportunity to extend his already formidable publication list with

work on a new book on competition law and its place within the World Trade Organisation’s framework.

‘Antitrust in the Global Era’ will be a 120,000-word monograph to be published by Oxford University Press this year. It may not quite challenge John Grisham in the legal thriller stakes but it will certainly make a key contribution to the serious analysis of one of the most contentious issues in world trade.

Varied Career

For Peter the legal philosopher, as opposed to the academic manager, this fascination with issues of economic law goes back a very long way. What’s more, he has made the connection between it and one of the other

great iconic issues of our day – the environment and how to protect it. As a radical thinker about the law, Kunzlik has been directly involved in a number of the defining issues in the environmental field. This stems from the enormous variety of his career. Starting out as an academic at Cambridge University, he qualified and practised as a barrister in the chambers of Sir David Calcutt QC before switching to the role of solicitor in Brussels, where he was to become the senior partner in legacy firm Hammond Suddards’ office. And it was there that he became critically involved in the famous – some might say notorious – Twyford Down campaign to thwart the extension of the M3 motorway by building a cutting – or “tearing a ghastly scar”, as Peter puts it – through some of central Hampshire’s most beautiful countryside.

Making Legal History

In 1990, the anti-motorway campaigners had their backs to the wall. Mr Justice McCullough had just ruled there had been no misapplication of the European Environmental Directive in the way the Government had pushed through the decision to drive the M3 across a site of special scientific interest just outside of Winchester.

It was at this, rather desperate, point in

“Twenty years on, the full story has yet to emerge but it has all the makings of a legal thriller that Kunzlik is still to write – top-level political machinations, espionage, national security intervention and abuse of police power.”

the story that Kunzlik became involved. Seasoned campaigner Barbara Bryant explains in 'Twyford Down – Roads, Campaigning and Environmental law', her detailed account of the long-running saga: "Our solicitors, Hammond Suddards, had opened an office in Brussels in the skilled hands of Peter Kunzlik. Peter held the view that there were issues at stake in M3 which would be of interest to the European Commission (EC) and that a complaint to the EEC would be a thoroughly worthwhile exercise." Quickly realising they were embarking upon what would be a protracted and complex exercise, the campaigners decided to leave "the final production of the complaint to the Commission in Kunzlik's capable hands."

The case became a cause of enormous and prolonged political controversy and tension on both sides of the Channel. But what Peter Kunzlik had done – in his characteristic way – was to have the courage to ask a fundamental question about a legal principle that had previously been overlooked or ignored. He believed that a complaint to the EC (on the grounds that the UK Government had failed to implement the European Directive on Environmental Impact Assessment) had genuine merit and was an issue that needed to be resolved. He also realised, as did his clients, that the legal aspect would be a keystone in a broader, and often risky, political campaign to save Twyford Down.

In the end, though, the Government got its own way and the motorway cutting went ahead, irreparably damaging what had been one of the most protected environmental and historic sites in the country. Twenty years on, the full story has yet to emerge but it has all the makings of a legal thriller that Kunzlik is still to write – top-level political machinations, espionage, national security intervention and abuse of police power – as well as the more prosaic but equally interesting impact of the Twyford Down affair on the drafting of an important part of the Maastricht Treaty.

Nonetheless, the whole sequence of events had been given prominence through the European Complaint and the EC's consequent threat to intervene had certainly got people thinking. Although the legal campaign

– running separately from, but parallel to a 'direct action' protest by other campaigners - could not save Twyford Down itself, it did have the effect of changing the UK's approach to the environmental impacts of infrastructure projects in a way that would last for twenty years. The result was that other environmentally-damaging road schemes (with which it was associated in 'Peter's complaint' to the EC) were, in fact, quietly dropped.

The Government, meanwhile, undertook a major rethink about its whole approach to the issue. And, as a postscript to the case, when Peter was visiting the Department of Transport some years later to discuss the environmental aspects of Government procurement, he was paid an unexpected compliment by a senior official: "Oh, yes, Twyford Down," said the civil servant. "Of course, we wouldn't do it like that nowadays."

Putting the environment on the map

Following Twyford Down, Peter was in big demand as regards the environmental aspects of major projects and was something of a legal guru to many of those involved in what became known as 'The second battle of Newbury', another controversial road project. By then, he had returned to full-time academia and was looking at the thorny issue of 'green procurement'. Until that point, received opinion dictated that European procurement law did not permit significant account to be taken of all of the environmental impacts of Government purchasing. Peter thought otherwise but, as he puts it, "I was a heretic at this point".

His argument was simple. European legislation already allowed significant scope for government purchasers to favour environmental factors in the procurement process. But internal market officials at the Commission disagreed. The problem, he said, was that European trade officials had "ideological blinkers on". These were not shared by many of the Commission's own environmental officials so there was deep division within the EC itself about the issue – indeed, there was, as Peter puts it, "institutional schizophrenia" in Brussels.

In 1998, he was asked to contribute an article on green procurement to the inaugural 'Procurement – Global Revolution' conference of that year – the first in a series of symposiums that were soon to become recognised as globally important in this field. Thus began nearly a decade for Peter of writing on green procurement, advocating a liberal approach to green purchasing and critiquing the Commission's more restrictive guidelines. He was vindicated when, in a number of important cases, the European Court itself rejected the Commission's key arguments. Even more so when, in 2004, the European Procurement Directives were amended explicitly to acknowledge what had been the case all along. The law did, in fact, permit a wide range of green procurement approaches.

Peter's role in the debate had, in the meantime, been recognised by his appointment as an expert consultant on the subject by the OECD, which published – and re-published - some of his ongoing work. Ten years on, for Peter the argument is now closed. His self-proclaimed heresy of a decade ago is today's orthodoxy. The problem now is not whether Government can pursue environmental objectives in procurement, but rather the development and adoption of the necessary techniques.

Nonetheless, his work continues to be influential in unexpected ways. In the summer of 2010, whilst chairing the 'sustainability' element of the Sixth 'Global Revolution Conference' (hosted by the Universities of Nottingham and Copenhagen), he was button-holed by a distinguished Swiss judge. The judge – who had been tasked with drafting Switzerland's own procurement legislation - told him when officials had objected that green procurement was not allowed under international regimes, he had simply shown them Peter's original OECD Report. 'Green purchasing' is now widely permitted under the new Swiss law.

Officially Speaking

It is no wonder, then, that Peter has been described as a trusted sage in some corridors of power. His experience has, however, produced some characteristically forthright views on the way big pan-governmental bodies operate, including that officials -

especially trade officials - too often get stuck in their own professional silo and allow their thinking to be limited by its associated dogma – sometimes to the extent of advocating policies and legal interpretations that are wholly out of balance with the spirit of the age.

Hence, when Peter was told by officials that various forms of green purchasing were not permitted by the European Directives, he always used to demand: “Show me where in the legislation it says that” and, of course, they never could. And there was a further question that tended to make them even more uncomfortable: “Do you really think that Europe can tell Scandinavian electorates - well-known for their environmental values - that their Governments cannot choose to purchase sustainably harvested timber over tropical hardwoods torn from the Amazon?” An answer seldom came!

What direction will Peter’s work take now? He says that the best thing about being freed up from management is that he has been able to get back to teaching the subjects he loves to the wonderful students on the School’s LLM in International Commercial Law. Given his enthusiasm and expertise, it is not surprising that when he pitched his subjects – the Law of Government Commerce, World Trade Law and Antitrust in a Global Context - during the LLM introductory sessions at the start of the year, students chose all three.

Meanwhile, his research interests are becoming, if anything, ever more important to the policy-maker. As he puts it: “Energy procurement is fundamental to some of the most important challenges that Europe faces in this generation, namely climate change and energy security.”

But there are other issues, too, which fire up his combative spirit. The demand for ‘British Jobs for British Workers’, the Government’s desire to save money by more effective procurement and the implications of section 155 of the Equality Act 2010 (which empowers Government to require purchasers to use procurement decisions to promote a wide range of equalities) all give rise to important legal questions. To each of these he will, no doubt, turn his considerable mind in the years ahead.



NEWS



City Law School students triumph over rivals in national business competition

A team of undergraduate students from The City Law School have won top prize in a major business competition staged by one of the world's largest law firms.

The six-strong group of second-year LLB students saw off stiff competition from the likes of Imperial College, Exeter University, second-placed LSE and Durham University to secure Allen & Overy's Think! Business Challenge in the Grand Final earlier this year.

The City team – which comprised James Batten, Verity Coutts, Piers Henderson, Nikki Nenadich, Clare Norrish and Kate Nutter – were required to step squarely into the shoes of a commercial lawyer by scrutinising and amending a contract against the clock for a hypothetical company takeover.

The group then presented their work to a senior Allen & Overy partner before claiming victory and its prize, an open day visit in any of the City firm's various departments.

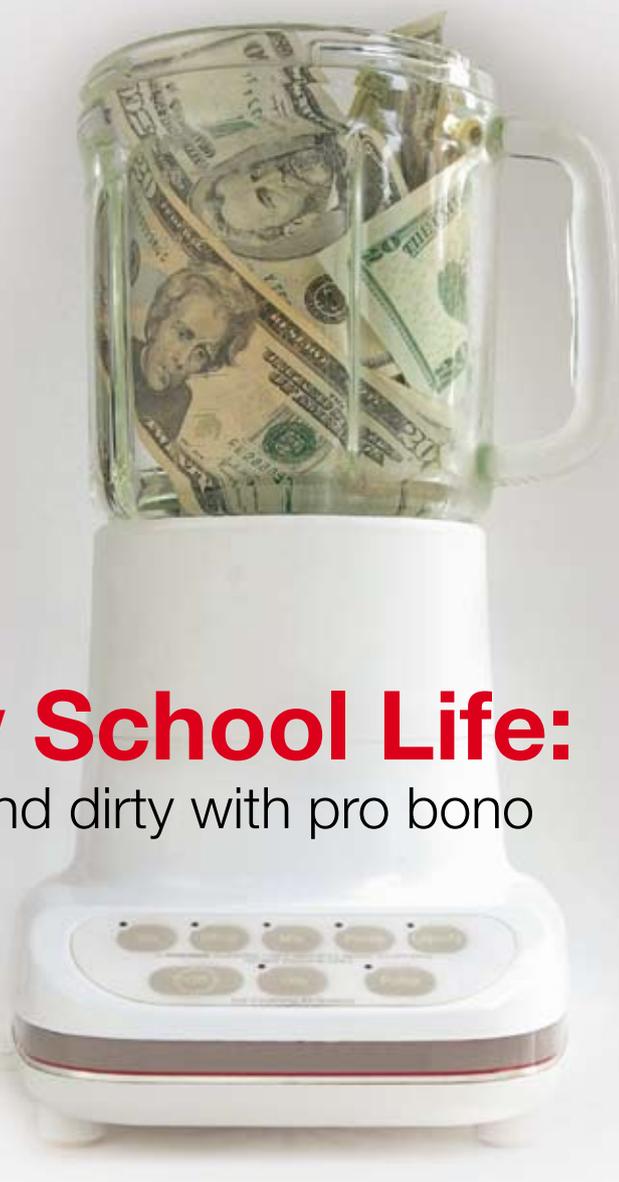
The Think! Challenge is aimed at undergraduates from any year group and any discipline and is designed to help students to develop their skills in a range of vital areas including teamwork, communication and commercial awareness.

Other teams taking part in this year's contest included UCL, King's College London and the Universities of Edinburgh, York, Southampton, Manchester, Birmingham and Nottingham, which finished third.

Commenting on the success, Senior Lecturer Claire de Than said: "We are all delighted with the team's victory and are sure it will lead to further success for all the participants."

She added: "Their achievement further underlines the calibre and ability of undergraduate students on the LLB course and is testament to the quality and depth of teaching they receive here at The City Law School."





City Law School Life:

Getting down and dirty with pro bono

The opportunity for all students, including undergraduates, to undertake pro bono work is one of the perks of studying at The City Law School.

In recent times, pro bono work has become a major badge of honour in many of the world's largest law firms. The Law Society and the Bar Council both give it hearty encouragement and its profile is likely to become even higher as state support for legal advice is increasingly withdrawn.

But you don't have to wait until you are in a training contract to start seeing life on the other side of the tracks. The fight for justice can start for student lawyers while they are on either the academic or professional courses at

The City Law School. And, for many, it opens the doors to a lifetime's commitment to working on behalf of those who cannot act or speak effectively for themselves.

Evidence of the importance of pro bono work at City comes in the shape of Sarwan Singh, who divides his time between teaching and his role as Director of Pro Bono activity. As a former practising barrister, Sarwan has wide experience of working pro bono in the Southall and Greenwich Law Centres and he now brings a passionate campaigning approach to

this aspect of City Law School life. But he is also very clear about the benefits for students.

"First, I think pro bono work illustrates that lawyers can actually do some good in society and that they are not just this group of money-grabbing fixers," he says. "But, in addition, pro bono work introduces students, probably for the first time, to real cases and real people with real problems. While most formal legal education consists of teaching and mock trials, you tend not to see the human face of what the law is about. Pro bono

enables you to do that by dealing directly with real clients with genuine issues who need practical solutions.”

He adds: “Moreover, put bluntly, this has to be advantageous for students in terms of building a CV at a time when competition for jobs both inside and outside the legal profession has never been greater.”

A Range of Opportunities

For many years now, The City Law School has run several advice clinics. The first operates onsite during the day and is supervised by City staff. Meanwhile, two evening clinics, which are supervised by lawyers from City firms Lewis Silkin and Travers Smith, focus on employment law and general advice respectively. In addition, the Blackfriars Advice Clinic is also serviced by City students throughout the year while undergraduates on the LL.B programme have the opportunity to work in the Golden Lane Legal Advice Clinic.

Because pro bono work deals with serious matters, all students participating in the programme are trained by qualified lawyers and their work is then supervised in detail by experienced professionals.

“From my perspective, this experience is an integral part of the study of law,” says Sarwan. “It’s not mandatory – it is all voluntary activity – but, in the same way that you cannot become a medical doctor by simply studying Gray’s Anatomy, I think that you cannot have a rounded legal education without this kind of experience.”

The importance attached to pro bono work within the School is reflected in the way that it is given credit through the Bar Professional Training Course (BPTC) assessment process. Both the Free Representation Unit (FRU) and the National Centre for Domestic Violence (NCDV) work can be taken by students as an option subject on the BPTC in the third term. Last year, over 100 students trained as NCDV volunteers here - a record number at any law school in the UK.

“What this illustrates is that you can do very effective pro bono work at very low cost,” says Sarwan. “We have a real partnership with the NCDV, which itself has Home Office funding, meaning that this can all be done without very much expenditure.”





Partnership Approach

Looking ahead, Sarwan says that forming partnerships is now a key part of the way forward for pro bono at City.

Two initiatives stand out. The first is the London Innocence Project (LIP), which emerged from a set of criminal chambers that undertook a substantial amount of pro bono work on the side. City students were involved in this but it grew to the point where the project needed more space than the chambers could provide - so City stepped in with an offer of accommodation.

There is now an exclusivity agreement with LIP so that only City students can work there. However, as well as law students, there are also student journalists from the University involved - "Journalists are very good at interviewing," points out Sarwan - and it does produce results. "If it turns out there has been a miscarriage of justice then they can approach the Criminal Case Review Commission and draft grounds of appeal," explains Sarwan.

The second major partnership is with the Environmental Law Foundation (ELF), a very well-established voluntary organisation that is active across a range of issues from climate change to planning appeals and whose Advisory Board reads like a roll-call of the good and great - Michael Beloff QC, Lord Brennan, George Monbiot to name but a few.

"We had been working with them for a number of years and, again, the opportunity arose for us to offer them accommodation within the University," explains Sarwan. "In some ways, it was a matter of optimising our office space."

The ELF operates through a mix of full-time lawyers and pro bono workers and The City Law School has an exclusive relationship. This gives students here a chance to work on the ELF's advice line and become directly involved in specific cases. "It's rather like doing pro bono in a law centre but working exclusively on environmental issues. Last year, ELF took six City students for a three-month summer internship with students working two days a week in the organisation's central London offices."

Although the links with both organisations are warm, Sarwan stresses that the two bodies remain entirely independent of the University

and there is no attempt whatsoever to influence their policies or strategic aims. "The limit of our involvement is a close pro bono relationship with them through our students and their activities," he explains.

The same might be said of the final major strand of pro bono work, which takes the form of providing support for the Student Union Support Services within the University itself. "We advise students on their rights in disciplinary hearings and in cases where they have complaints against lecturers," explains Sarwan. About ten students are now involved in this each term, giving up four hours a week to advise their fellow students. Interestingly, both journalism and psychology students are also involved in providing this valuable service."

International Horizons

Given the strength of the pro bono commitment at City, it is no surprise that they are now looking beyond the confines of the City of London and its environs. In fact, the horizons now stretch across continents.

"For the past two years, we have had a couple of students going down to South Africa to work in an advice clinic in Cape Town," explains Sarwan. "They educate themselves in basic civil rights in South Africa and work there in a street law context for a month in the summer."

Following a visit by Sarwan to South Africa last year, however, the scope for activity is about to expand with placements now found for as many as four students in Cape Town. There is also the opportunity to work with well-known campaigning lawyer Richard Spoor who takes cases against mining companies - particularly concerning personal injury - to courts around the world, especially New York. And finally, a women's legal centre in the country has agreed to take one undergraduate for a summer placement in educational work.

But does all the pro bono activity offered by City students go far towards the unmet need in society for legal advice? The hard truth is, says Sarwan, that no matter how hard he and his students may work it remains just a drop in the ocean. There is no question about its value - but that merely goes to highlight how much greater is the need.

NEWS



The City Law School expands pro bono opportunities for students with Liberty and the Supreme Court

The City Law School has teamed up with leading human rights organisation Liberty to launch an inaugural clinic for students to hone their skills on real-life cases.

The new service, which went live this year, will enable aspiring solicitors and barristers on City's Legal Practice Course (LPC) and Bar Professional Training Course (BPTC) to provide advice to members of the public on a wide range of human rights queries.

The scheme has been organised by the School's Pro Bono Director, Sarwan Singh, in conjunction with Liberty and one of the School's own BPTC students and will enable students to receive comprehensive legal training on this crucial area of law.

Commenting on the new clinic, Sarwan Singh said: "We are delighted to have joined forces with such a high-profile organisation as Liberty, which can undoubtedly offer invaluable experience to our students."

He added: "This new arrangement underlines the calibre and depth of our pro bono programme and the esteem in which it is held. It will also give our

students even greater opportunities to hone the skills they learn here at The City Law School in important real-life situations and train them in the area of human rights law."

Meanwhile, students from The City Law School have teamed up with the Supreme Court to launch a volunteering project designed to encourage disadvantaged young Londoners to engage with the UK legal system.

The project, named 'Big Voice 2011', was launched at the Supreme Court and focuses on issues of legal identity and access to justice.

Over the course of this year, volunteers from City will deliver a series of interactive workshops and sessions to pupils drawn from a variety of schools in under-resourced areas of the capital. The youngsters will work with their peers, conduct research and meet well-known public figures from the legal profession and beyond.

At the end of the project, the participants will assist in the drafting of a formal paper for publication comparing the legal systems in the UK and in post-apartheid South Africa.





FIRM FOCUS: FARRER & CO

IF YOU ARE VERY BRIGHT, HIGHLY PERSONABLE AND QUICK ON THE UPTAKE WITH LITERARY REFERENCES THEN YOU MIGHT JUST QUALIFY TO TAKE A PEEK BEHIND THE DOOR OF LONDON'S MOST CIVILISED LAW FIRM

Lincoln's Inn Fields is one of central London's largest and supremely elegant public spaces. Adjacent to the great barristers' enclave of Lincoln's Inn, it is bordered by a raft of institutional buildings including the fabulous Sir John Soane's Museum. And standing tall, proud and with sublime grandeur in the northwest corner is a building with Sir Christopher Wren's signature all over it and fronted by a double staircase. It has no external brass plaque, or, at least, not one that is vulgar or obvious, but simply the number 66 inscribed above the portal. The occupants are not minded to give much away to the idle curiosity

of casual passers-by.

In fact, 66 Lincolns Inn Fields is home to Farrer & Co, whose history stretches back over three hundred years. It is a pillar – albeit famously discreet – of the legal establishment (not least because it was where the charter of the Bank of England was sealed in 1694).

But pillars these days cannot afford, so to speak, to stand still. The London legal world is extraordinarily dynamic, responding relentlessly to the helter-skelter of both threats and opportunities. No serious law firm, however unique and distinguished its clients, can afford to rest on its laurels.

DYNAMIC

And so, although Farrers operates according to its own traditions and time-honoured values, it is, nonetheless, urgently focused on the need to be dynamic and forward-thinking. It has

no international offices but assiduously cultivates relationships with some of the best like-minded firms across the globe. Its objective is clear - to attract the very best legal talent and to be in the top tier across a range of areas and sectors, including, for example, private client, landed estates, charities and commercial property as well as the cultural, media and sporting arenas (see box). But this is a firm that will always do things in its own way and with its own inimitable style.

As a result, unlike the larger firms based in the City, Farrers' profile is based on high-profile and often quite unusual cases and transactions. Its client list is packed full of the great and the good of both individuals and organisations. As James Furber, the jovial and highly individualistic senior partner, points out, the firm has no interest in doing repetitive volume work. Commoditisation is not a term ever used by Farrers' partners other, perhaps, than with distaste.

Instead, every case and every client - whether private, institutional or commercial - is regarded as an individual. With no 'off-the-shelf' solutions, when a legal challenge comes through the door, it is given the full application of Farrers' intellectual fire power. Indeed, many of the firm's commercial clients are highly-successful entrepreneurs who value the sense of being treated, says Farrers', as 'a name and not a number'. The emphasis is on acting as the trusted adviser, implying a close and enduring relationship, rather than a one-off transactional approach.

According to Furber: "We punch well above our weight in terms of our size." This firm does not rely on scale but on individual talent and personal relationships to make its impact.

CIVILISED

The consequence of this, however, is that the firm does not have the gigantic cash-cow profits gurgling into partners' bank accounts as do some of its nearest rivals. In fact, Farrers is not even near breaking into the UK's top ten law firms in terms of financial scope.

By contrast, however, the atmosphere in the firm is very civilised with genuinely

friendly working relationships. There is none of the obsessive workaholism that characterises - sometimes lethally - the monolithic law factories of the City. Instead, the notion of 'quality of life' runs alongside 'quality of work'. "I know that a lot of firms claim to be collegiate but I really think this is both true and of enormous importance for us here," explains Furber.

Evidence for this is apparent in a variety of ways. Most important, perhaps, very few people who join Farrers' leave it to pursue a better offer elsewhere. As a result, most of the firm's partners have risen through the ranks, having started there as trainees. This creates a high level of mutual loyalty and, during the financial turbulence of the past couple of years, James Furber has resolutely fought against letting anyone go.

"The strategy was to make no redundancies, keep on all our trainees to ensure that training contracts proceeded on time and take any opportunities to hire," says Furber in his recent annual report. "I am proud of the firm whose partners are simply intent on ensuring that the firm is together as a cohesive operating unit in readiness for the upturn."

That sense of a positive future emerging from a proud past is central to an understanding of Farrers. As James Furber puts it, quoting T.S.Eliot in *Burnt Norton*, "Time present and Time past/ Are both perhaps present in time future/ And time future contained in time past." There aren't too many Senior Partners who routinely drop poetry quotations into interviews in order to illustrate their business models - but in doing so Furber sends out a strong signal about the character of his firm.

RECRUITING TRAINEES

When it comes to recruiting trainees, Farrers is currently basking in the glory of its award for "Best Recruiter" in the Medium City Firm category in the LawCareers.net Training and Recruitment Awards (otherwise known as the 'TARAs') for 2010.

As a medium-sized City firm, trainee numbers are, as you might expect, relatively small with a target of just ten a year and typically up to 900 applicants chasing after those coveted spots.

Just to get to the threshold of being considered you will need to have a near-perfect academic record with a

“THE LONDON LEGAL WORLD IS EXTRAORDINARILY DYNAMIC, RESPONDING RELENTLESSLY TO THE HELTER-SKELTER OF BOTH THREATS AND OPPORTUNITIES. NO SERIOUS LAW FIRM, HOWEVER UNIQUE AND DISTINGUISHED ITS CLIENTS, CAN AFFORD TO REST ON ITS LAURELS.”



string of A's from school or college and be heading for a First or Upper Second-class degree at University.

But, of course, there are large numbers of candidates who meet those criteria so what the firm also seeks is breadth of character and a high level of personal skills, a range of achievements beyond the classroom and strong business awareness. As Furber points out: "We are recruiting people who we hope will be with the firm for the rest of their working lives. They are the future of the firm. So we need to get rounded characters who we can put in front of clients and who will also be good at working as part of a team within the firm."

TWO ROUTES

There are two routes by which candidates can be weighed against these criteria.

The first is via one of the three vacation courses held each year (two in the Summer and one at Easter). Selection for a vacation course follows attendance at an open day in early March. Only 100 places are available so securing an invitation to attend represents the first hurdle. The open day includes what is described as a 'light-hearted

group exercise to assess teamwork and communication skills' and a short written exercise.

Those who make a good impression during the open day are then invited to take part in a vacation course for which there are 30 places available each year. An allowance of £275 per week is also paid.

These schemes last for two weeks and include doing real legal work under close supervision. In effect, this amounts to an extended interview. Those who do well are fast-tracked through to the final selection stage.

The second route is directly from an online application process, which opens each November. Every form is personally reviewed and scored against established criteria so, as the firm advises, it is important to "complete the sections with sufficient detail for us to appreciate fully the nature and significance of your interests, accomplishments and work experience."

The final selection stage commences with first interviews, conducted in late August and early September by a member of the trainee recruitment team. Successful interviewees are then invited to a second, more detailed interview held with two partners. This interview aims to test out the applicant's level of commercial awareness, their ability to hold an argument and their general knowledge of current affairs. There is also a written exercise to examine the ability to absorb and analyse information and express an opinion in a coherent way.

But the firm never forgets that it has thrived on close working relationships between its lawyers and its clients. "Our goal is to find a group of people who will be able to work together," explains Furber. Unsurprisingly, perhaps, 90% of those offered traineeships with the firm accept them – a very high hit rate.

CAREER DEVELOPMENT

On arrival at the firm, each trainee is allocated to a 'Principal' whose role is, in effect, to keep an eye on them and provide some pastoral care, although they may not necessarily work for their Principal at any stage.

The benefit of this system is that as the trainees progress they have an anchor relationship with one specific partner tasked to look after them. In fact, Farrer's emphasises that throughout the traineeship there are plenty of opportunities for coaching and

mentoring, feedback and discussion – much of it in complete confidence.

The training process itself is based around the firm's somewhat unusual 'six seat' programme with each lasting four months and including a review session halfway through. In addition to broadening trainees' understanding and building their skills, the aim of this six seat approach is to ensure the right choice of specialisation is made. In particular,

FARRER'S AREAS OF EXPERTISE

- > Art & Heritage
- > Banking
- > Brand Management
- > Charity & Community
- > Commercial Property
- > Corporate
- > Disputes & Media
- > Employment
- > Entrepreneurs and Families in Business
- > Estates & Private Property
- > Family
- > Film finance
- > Financial Services
- > Higher Education
- > Intellectual Property
- > International Private Wealth
- > Landed Estates
- > Media & Entertainment
- > Museums & Galleries
- > Private Banking
- > Private Client
- > Private Equity
- > Professional Practices
- > Schools
- > Sports
- > Tax





one of the fundamental issues that the traineeship must address is whether the individual is better suited to contentious or non-contentious work. "Sometimes people need a bit of extra guidance over this," points out Furber. "Contentious work requires certain kinds of characteristics and it does not suit everyone."

Retention levels post-training are very high and the final seat is normally in the department in which the newly qualified solicitor will specialise. Once that transition

is made then the relationship changes and the individual becomes part of the team and embarks on the climb up the firm's career development framework. This is built squarely on a competency model and aims to steer the young solicitor to a partnership some eight or so years down the track.

This 'Stairway to Heaven' is highly structured and the firm has a very sophisticated way of checking progress against criteria such as leadership and

people management, risk management and personal qualities. It is all very transparent and the aim is that people should succeed rather than fail.

Of course, the ultimate accolade – being Senior Partner at Farrer & Co - gives access to a most amazing array of people on the global stage as well as a host of cases and causes that regularly make major headlines. As James Furber knows from personal experience, it makes even the Magic Circle twitch with envy.

WHAT THE FIRM SAYS ABOUT ITSELF

"Farrer & Co is a leading law firm with a distinguished reputation built up over many years, based on the good will of numerous close client relationships, outstanding expertise in specialist sectors and a careful attention to personal service and quality."

A pretty clear statement of intent!

For more go to www.farrer.co.uk



FARRER & CO KEY FACTS IN NUMBERS FOR TRAINEES

- > Normally 10 trainees are recruited each year.
- > Among most recent applicants, 47% have law degrees and 53% non-law.
- > The gender balance varies but is normally around 50:50 male/female.
- > In the most recent recruitment round, one of the ten trainees was from an ethnic minority.
- > Roughly speaking, half the successful applicants come via the vacation course programme.
- > The total number of lawyers in the firm is 78 partners and 139 other fee earners (including the 20 trainees).

CityPeople: Professor Philippa Watson, Visiting Professor in European Law



Profile

Professor Philippa Watson is the very model of a modern international lawyer. Qualified as an advocate in both London and Dublin, she divides her time between home in Brussels and work with Essex Court Chambers in Lincoln's Inn. And, of course, she is also a professor with The City Law School.

How does she cram it all in?

"Well, it is not as bad as it sounds now that the high-speed rail link has been extended to London St. Pancras. I can actually get from Brussels to London in an hour and fifty minutes. It's the easiest commute in the world."

Add to that Professor Watson's enviable ability to work efficiently on the train plus the full panoply of email and internet access and you start to understand why she can be so effective on the hoof with her impressive portfolio of clients and academic commitments.

Yet, as she herself admits, the odd thing is that despite the impact of technology you cannot wipe out the enormous power of direct human contact and having one's finger on the pulse of policy makers' thinking.

"That is why if you are involved in European law it is still critically important to see people informally on the Brussels circuit," she says. "Because I'm based in Brussels, it gives me a familiarity and contact with the European Union that I wouldn't have if I was in London all the time. It's a process of osmosis - you just absorb the environment and the information.

It's very helpful because it enables you to advise your clients with the latest insights."

Fully-fledged faculty

The City Law School is now a major beneficiary from being able to tap into Professor Watson's exceptional expertise and range of experience. She has been involved with the School since 2006, initially as a Visiting Professor and now since July as a part-time Professor, which enables her to give more dedicated time in an integrated way to the School. As well as teaching on the LLM programme, she also supervises Ph.D candidates and enjoys contributing to the overall intellectual life of the Faculty.

"What I find particularly useful is a specialist group within the Faculty which focuses on developments in EU

law," she explains. "They organise staff seminars that I enjoy very much and I find it very stimulating being able to discuss ongoing EU issues within that forum."

One of the features that Professor Watson particularly values about her work with the School is that it is part of a broad-based institution offering both academic and professional programmes.

"It's important and valuable that City is a fully-fledged law faculty," she says. "The mix of the teaching staff, both academic and vocational, along with undergraduates, Masters and research students breeds a very fertile environment. But I would stress, in particular, the benefits of having the Ph.Ds involved. Thinking and ideas are the lifeblood of a higher education institution and it is very important that we should be supporting that process at both a national and an international level."

"The mix of the teaching staff along with undergrads, Masters and research students breeds a very fertile environment."

International perspective

Philippa Watson grew up in Dublin. She was deeply interested in law from an early age and was convinced that she wanted to become an academic.

Her parents, however, wisely insisted that she also qualify as a barrister - a useful status to have as it would be recognised on both sides of the Irish Sea. So in addition to a law degree from Trinity College, Dublin, Philippa also gained her Bar qualifications before crossing over to Cambridge to do an LLM and latterly her Ph.D.

As matters turned out, she soon met her future husband whom she married and, before she knew it, found herself en route to Brussels where he had gained a job in the European Commission.

At that point, the thought occurred of qualifying as a Belgian advocate but the prospect of starting all over again and doing undergraduate work confounded even Professor Watson. So instead she undertook a wide range of work including being a Visiting Professor at the highly-regarded and historic University of Leuven and also working, as a referendaire, for the European Court of Justice in Luxembourg before being appointed to a post in the Competition Directorate of the European Commission.

"My years spent working within the Community Institutions I found extremely valuable," she explains. "However, I decided I didn't want to spend the rest of my life entirely within the Community Institutions and, having small children, I also wanted some degree of flexibility in the organisation of my professional life so I went into private practice, initially in Brussels, as a barrister."

Thereafter, Professor Watson developed her career within the fields of European law and competition practice. Her range today is wide, covering regulatory



work, agriculture, economic and social issues and her clients are drawn primarily from governments, NGOs, large multinationals and even some individuals who need to set up structures and processes in line with European law. She has also acted as an expert witness for the EC Commission on a number of occasions.

"For example, I advise regularly on international social security issues, primarily for organisations and businesses that have staff who may be based in more than one country. A special regime has been set up for those who are likely to move around Europe with their jobs. They, their employers and governments need answers on where these people should be insured and from which system benefits can be claimed. It can become very complicated especially with increasingly innovative ways of working and constant changes in welfare systems. If you are not careful, people can be penalised for exercising their rights to the free movement of labour and cross border services."

Tomorrow?

Much of Professor Watson's work now consists of written advice and advocacy although she does appear regularly before the European Court of Justice, the General Court and special tribunals as well as the Irish courts and in London.

"Each court has its own protocols and ways of proceeding," she explains. "Luxembourg, in particular, is very different from the way you would act in London. It is primarily written advocacy and there is only a short

oral hearing in which you have the opportunity to answer questions from the court and respond to what your opponent has said. And when I say short, I really mean short - it's thirty minutes or sometimes even shorter, just fifteen minutes. That's why your written advocacy has to be very skilled. Moreover, anything you are asked in the court you have to answer straightaway. It's not like being in London where you can say that you'll go away, find the answer and get back to them tomorrow. In Luxembourg, there is no tomorrow."

Fortunately, though, there is a 'tomorrow' at The City Law School, which will now happily benefit from the fruits of those experiences.

What does Professor Philippa Watson bring to The City Law School?

- > An enormous range of experience and practice in European law including regular appearances before the European Court of Justice as well as in the courts of London and Dublin.
- > Deep insights into the practical working of European Union institutions with which she has had long and intense contact.
- > The benefits of many years of research and writing on leading legal issues both from a professional and academic perspective.



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