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Trends affecting the legal profession

Covid-19 and the legal profession

For the legal profession or otherwise, the Covid-19 crisis has redrawn the way we work. And if it's taught businesses one thing, it's that they need to be nimble. In an industry better known for honouring traditional working practices, relocating inner-City offices into the homes of tens or hundreds of employees was previously unthinkable for many law firms, and even more so for the Bar. Now, home working and virtual meetings characterise the contemporary legal landscape. Perks abound from the new normal, from greater autonomy and flexibility around hours, to saving on the daily commute and sandwiches in Pret.

But for lawyers in the infancy of their practice, there are also challenges. Working from home simply doesn't replicate office life. It's more difficult to observe senior colleagues, for example, or to quickly run a question by a supervisor. To straddle this gulf post-pandemic, most firms are likely to introduce hybrid systems whereby employees split their working week between home and the office.

The virtual shift has had additional impacts at the Bar. 85% of cases heard in business courts have gone ahead virtually, according to statistics from the Law Society, and the Supreme Court heard its first ever virtual hearing in March 2020. But while virtual hearings have coloured the quotidian, a report by the Bar Council notes that 80% of barristers do not feel that people are currently able to access an acceptable level of justice. The report also shows just how hard publicly funded barristers have been hit by court closures: 38% of criminal barristers say they are uncertain whether they will still be practicing law in 2021.

Some experts warn the current backlog of cases will take at least a decade to clear. As of September 2020, over half a million cases were outstanding in the Magistrates' Court, and almost 50,000 in the Crown Court. Several proposals to ease the problem have been made, such as the widely condemned suggestion to remove juries; the extension of court opening hours; and the wider adoption of remote hearings. So far, ten 'Nightingale Courts' have been established in England and Wales to alleviate social distancing fears.

2020 has been the toughest financial year since the 2008 crash. Belt-tightening at law firms has resulted in delaying partner promotions, lower NQ retention figures, and amendments to trainee intake processes. But lawyers will have an essential part to play as we navigate the crisis.

Unsurprisingly, insolvency and restructuring enquiries have been a major focus area for law firms over the last few months, as have questions from clients regarding furlough and employment. Companies are also turning to law firms for advice on their obligations regarding contingency plans and disclosures to shareholders. Disputes over the invocation of 'force majeure' clauses – whereby contractual obligations remain unfulfilled due to unforeseen circumstances – are also expected to mar the road ahead. Similarly, insurance claims will continue keeping firms busy; a recent High Court ruling found that around 370,000 small companies will receive pay-outs after being forced to close during the pandemic.

Savvy students should be keeping a close eye on these trends as they develop, because trainees in the coming years will have to be on hand helping with these kinds of matters. Amid all the turbulence and uncertainty, it's impossible to know for sure what the legal world will look like a year from now. But whether we're back in the offices, still working from home, or somewhere between the two, what we do know is that lawyers will continue to play a fundamental role as we slowly emerge into a post-pandemic age. Online we explore the brand new line of legal work in furlough fraud.

Get the latest info online: we track how law firms are changing their vac schemes and recruitment processes daily. Visit our homepage to learn more.

Brexit

At the time of writing, the deadline for the agreement of a future relationship between the UK and EU is looming. For business, the uncertainty surrounding Brexit remains a barrier to investment and stability, though many are now operating on the premise that a no-deal scenario is the most likely. For sectors dealing with physical assets such as automotive production, this could spell disaster, as concerns over the impact of tariffs and supply chains raise alarm bells about the future of industry.

The potential impact of a no deal Brexit on the legal industry is difficult to measure.

The potential impact of a no deal Brexit on the legal industry is more difficult to measure. US firms appear to be faring particularly well, perhaps because their practice is less dependent on EU-UK relations. Latham & Watkins, White & Case and Kirkland & Ellis, the three biggest US presences in the City, all reported double-digit

growth in London in 2019 and many more players from across the Atlantic have set their eyes on Britain's capital as a market for future growth. That said, UK-born giants like Ashurst, Linklaters and Freshfields also posted healthy returns for the most recent financial year despite the covid-19 crisis denting revenue streams in early 2020. Many firms have benefitted from increased demand for advisory work as clients seek to anticipate the implications of no deal, a trend that's likely to continue as the results of Brexit reveal themselves.

New technologies

Artificial intelligence is no longer a science fiction pipe dream – the SRA suggests that AI has the potential to increase business efficiency for both law firms and their clients. Reports estimate that it could create 14.9 million new jobs in the UK by 2027 and add £630 billion to the economy by 2035. Clearly, now is as good a time as any to jump on board the tech bandwagon. Top firms are definitely feeling the pressure to invest in AI. There appears to be a race on among the bigger firms to build home-grown AI capability, and they're not just competing with other law firms, but against new emerging Alternative Legal Services Providers (ALSPs) and against their own big clients, for whom the cost saving potential with AI could be massive.

We asked a City firm partner for the tech tea: *"AI will help lawyers perform their tasks, but it won't be replacing them. If a client comes to us and needs work on a restructuring matter or a corporate transaction, the human part of our service is still critical in finding solutions that work for that particular client in that instance. Firms need to look at the individual project and implement AI on a case-by-case basis."* One of the biggest potential advantages of AI is its ability to quickly and efficiently complete the menial tasks which many trainees grow to loathe, potentially freeing them up to get more useful experience during their training contract.

Climate and sustainability

Perhaps the single largest threat hovering over the legal industry – and the Earth generally – is the burgeoning climate crisis. Failure to tackle global warming will reshape the nature of work in various practice areas within the law. Climate change litigation will increasingly affect both public and private law; traditional oil and gas work will shift in importance as more sustainable energy resources are sought out, a trend that's already underway now; ecocide is discussed as a means to legally render companies culpable for damages done to ecosystems; and new structures emerge – such as the Nansen Initiative – which seek to provide legal protection for refugees fleeing inhospitable conditions and disasters caused by the changing climate.

As the law becomes increasingly globalised, so the legal industry must become more conscious of the potential effects of climate change on a planet-wide scale. Law firms are also having to adapt on a more basic level, moving towards paperless offices and thinking of new ways to make their everyday practice more sustainable. The biggest changes will of course take place on a society-challenging scale as governments adapt to the impending disaster through legislation. Lawyers will queue up to tell you that change means more work for them, and a changing climate is no exception.

The SQE

Here's another topic with major consequences that's unquestionably a result of human activity. The impending introduction of the Solicitor's Qualifying Exam – currently set for autumn 2021, though the implementation date's been pushed back previously – is one of the biggest shakeups to the legal profession in recent history. No longer will aspiring lawyers need to claw through the LPC (and GDL if they're a non-law grad) before tackling a two-year training contract. In future, any Tom, Dick or Harriet can pass two tests and do 24 months of legal work experience, potentially with multiple different employers, and then qualify as a solicitor.

Sounds peachy – what's the catch? While the SRA argues that the plans will help speed up the diversification of the legal progression, firms have argued that candidates may be able to slip through the process without the skills necessary for actually doing the job of a solicitor. There have also been concerns that proposed plans to reduce costs for prospective solicitors may come to naught, as they'll almost certainly have to complete an SQE prep course if they have any hopes of passing the exam; and that unprepared applicants may show up to the tests having already forked out a wad of cash, with no real prospect of securing a qualification.

Lawyers' educational backgrounds

Calculators at the ready, it's stats time. In 2019 we conducted a study of 2,500 trainees from across the country; looking back over the past nine years we examined the trends of where trainees at top firms did their undergraduate degrees. We found that law firms' appetite for Oxbridge and Russell Group students has remained pretty much constant – those universities supplied 76.5% of trainees in 2016-2018. Sounds like a big share of the pie, and it is, but it's actually down 5% from our survey of the years 2013-2015. Over nine years we've witnessed a 3% overall drop in the Russell Group's dominance.

What if we look further down the educational timeline? In summer 2020 we conducted a survey of more than 2,600 trainees at the top law firms across the

UK. Just 44% of our respondents attended a state school in the UK for secondary education; across England as a whole, 85.5% of pupils attended a state-funded secondary school in 2019-20. This points to a continued overall bias towards the privately educated in the junior ranks of the legal industry. Law firms are taking steps to address this – particularly through partnerships with RARE Recruitment – but it's clear there's a long way to go.

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Diversity and inclusion

While we're on the subject of diversity, it's worth celebrating recent success while also focusing on the continued challenges faced by diverse lawyers. Our early 2020 review of diversity in the law found that the market-wide percentages of female trainees, associates and partners have all increased (albeit by a little) in the past five years; that regional and niche firms are surprisingly leading the charge on recruiting ethnic minority trainees; and that among the top-performing firms on LGBTQ+ diversity, numbers were heading on the right direction at every career level. That doesn't mean job-done by any stretch of the imagination, and law firms continue to be more white, male and cis/het and less likely to have a disability than the UK population at large (especially at the most senior and partner levels).

Later in the year, we surveyed trainees on how they felt their own firms were doing on diversity and inclusion. On average, respondents at City firms rated their employers better at recruiting diverse candidates and providing inclusivity training, compared to those trainees at firms based outside London. There was less divergence on trainee ratings of diverse staffing on teams and efforts to promote and retain a diverse group of lawyers. Most damningly, only around one-third of all trainees gave their firm a perfect score for being 'proactive at addressing mental health'. City-based firms (both UK and US) were most likely to score low here.

Legal aid

Over the last decade, annual legal aid expenditure in the UK has fallen by £950 million, or 38%, in real terms. The result is that half of all not-for-profit legal advice services and law centres in Wales and England have closed since 2013. Good news is at hand, though – as the funding in the public sector has collapsed, the private sector (i.e. law firms) has stepped up its pro bono offering to fill the gap. However, this goes nowhere near far enough in addressing the crisis.

“There's a huge focus on pro bono work here.”

Whether this is a response to government cuts; or due to the greater importance placed on pro bono work by the many US law firms entering the UK market; or simply an increasing level of corporate social responsibility among millennials, is hard to tell. Whatever the reason, pro bono is gaining traction and many firms have forged relationships with organisations such as community legal advice centres. A trainee at one firm noted that *“there's a huge focus on pro bono work here. We're really encouraged to be involved, from the top down.”* One US firm requires all its lawyers, including in the UK, to complete a certain number of pro bono hours a year in order to be eligible for their bonus. Kingsley Napley mandates its trainees do some pro bono in order to fulfil contentious training requirements for the SRA.

Salary wars

In recent years, the Transatlantic titans have had a major disruptive effect on salaries in the London legal universe, setting the market standard for associates closer to mind-boggling levels that are par the course in New York. In response to the vanguard action by US firms, the magic circle all joined the six-figure club over the course of the spring of 2019; NQs at other big City players like Herbert Smith Freehills can now also expect a six-figure compensation package. There's some smoke and mirrors going on here, as the 'total compensation' offered by some firms may include a discretionary bonus. US firms are still undeniably leading the charge regardless. Akin Gump and Kirkland & Ellis NQs top the tree as the highest-paid in the city – salaries at these firms are pegged to the dollar and start at \$190,000. Such figures send a message about the sorts of hours associates are expected to work (spoiler alert: they're long).

White flags began to rise among the salary warriors in the wake of covid-19. Big names including most of the magic circle, Hogan Lovells, Norton Rose Fulbright, Macfarlanes, Jones Day and others cut NQ pay as a precautionary measure, predicting a work downturn in the near future. This wasn't a universal trend – Dechert made a big statement by boosting NQ salaries to £120,000 in summer 2020. Expect pay rates to resume their upward trend once the global crisis has settled and markets pick up again.

The Big Four

A new challenge to the legal elite's supremacy has emerged over the last few years. PwC employs 3,600 lawyers worldwide – that's more than Allen & Overy, Kirkland or Skadden. Deloitte employs 2,400 lawyers; EY and KPMG both hire lawyers in over 70 jurisdictions. These

are not law firms, but the 'Big Four': professional services bruisers best known for accounting, referred to as 'bean counters' by Private Eye in its investigations of them. Ever since the 2007 Legal Services Act liberalised the market, these four have lingered as a considerable threat to the current status quo (alongside the charge of so-called Alternative Legal Services Providers like Axiom).

These four have lingered as a considerable threat to the current status quo.

Think about it: if a huge company can use a one-stop-shop to get its accounts sorted, deals closed, cases settled and generally receive slick multi-disciplinary business advice, that has to be an attractive proposition. The Big Four have other things going for them too: their global footprint leaves most law firms eating dust. It's the same with tech: many lawyers still contend with outdated IT systems, and their firms' use of AI only scratches the surface of what's available. It's different for the Big Four, who are already putting legal tech at the forefront of their offering. But there is one huge factor standing in their way: the specialist expertise of law firms. Alternative Legal Service Providers gain much of their work by being more cost efficient on the more pedestrian legal tasks and for the most high-stakes matters, the best law firms still have a clear edge.

Freelance lawyers

Some lawyers may not need to join a firm at all, following what's been described as the potential 'uberisation' of legal services. No, lawyers aren't going to start driving drunken partygoers around – the SRA has confirmed that as of November 2019, solicitors are able to give legal advice on a freelance basis. They won't have to register as a sole practitioner, won't have to practise as part of a wider firm and won't have to work as in-house counsel. Instead, they will be allowed to generate their own work and be subject to less rigorous regulation than 'normal' solicitors.

The plan has been met with dismay by many who've cited potential problems with regulation – the Law Society described the idea of freelance solicitors as a 'Wild West' model. Although anyone working 'freelance' will have to buy professional indemnity insurance, it's true that they will not need the same level of cover that is required by lawyers practicing in a firm or in-house. They will have to explain the limits of their insurance to clients, but critics believe that most won't fully understand the differences. Over to the case for the defence – one of the cited benefits of the change is the potential to broaden diversity in the legal profession by allowing prospective lawyers from non-traditional backgrounds to carve their own path.

Treat this info as a starting point for further research on the Chambers Student website and beyond. Take what you learn and use it when making applications – some of these topics might well come up at interview.

What senior partners are saying about Covid-19

Senior figures at top law firms describe the challenges the industry has faced this year, and look to what the future holds for those embarking on their careers.

Not your typical office move

“Like all other firms, we flicked the switch in March 2020 and had 600 people working from home overnight,” notes Simon Hart, training principal at RPC. *“It’s been a huge learning experience and inevitably we’ve had to adapt how we work.”* Unthinkable in years gone by, ‘virtual law firms’ now characterise the contemporary landscape. Top technology has been key for law firms making the transition to remote working, and for many this involved a rapid acceleration to roll out the tech lawyers need to do their jobs from home. *“We were lucky that pre-Covid, we had devoted time, energy, and money to expanding our IT presence and ability,”* reflects Andrew Bessemer Clark, trainee recruitment partner at Fladgate. *“When Covid hit, it meant we were already comfortable with remote working.”*

“Our approach to agile working has changed forever. In the future, we suspect lawyers will work from home for a number of days each week.”

Many of the lessons learned this year won’t be quickly forgotten. Allen & Overy’s graduate recruitment partner, James Partridge, speaks to this: *“We’ve seen a huge acceleration in the use of technology and as an organisation, we are aware of the long-term benefits of greater flexibility on working hours and efficiency.”* Paul Osborne, senior partner at Fox Williams, similarly points to this evolution. *“Our approach to agile working has changed forever,”* he says. *“In the future, we suspect lawyers will work from home for a number of days each week.”*

While remote working has naturally proved popular among employees, saying goodbye to the office completely is unlikely to happen long-term. Osborne suggests that with remote working, *“the real challenge is not to lose the true culture of the firm; we do not wish to turn into a virtual law firm.”* Moreover, the professional development of lawyers is hard to monitor and supervise remotely, as are the less tangible benefits that occur from spending time with colleagues in an office environment. Managing partner of Burges Salmon, Robert Bull, describes a setup which may harmonise the best of both worlds: *“We are embracing this hybrid model, which will provide our people with greater choice between home working and office*

working. The offices will remain important hubs for collaborative activities, which will include trainee supervision.”

While much of the road ahead is uncertain, it’s likely that law firms will adopt a combination of both home and remote working going forward. Irrespective of the long-term solutions, Simon Hart of RPC characterises this year as a learning experience. *“I’ve found out a huge amount about my colleagues which I might not have gleaned in the office,”* he says. *“It has been a very personal experience for everyone and you get to realise how complex life is. No one colleague and the demands they face are the same as another.”*

The financial implications

Beyond the way business is conducted, the pandemic has naturally affected the type of legal work firms are actually doing. *“Certain parts of the business are busier than others,”* says James Partridge, singling out the insolvency team at Allen & Overy in particular. An influx of furlough and longer-term restructuring enquiries from clients kept Travers Smith busy in the early months of the pandemic according to Danny Peel, a partner in the finance group. You can read more about how the pandemic has affected different practice areas at www.chambersstudent.co.uk.

“We can definitely see green shoots coming out of the position we were in previously.”

Even so, the shockwaves of the pandemic have reverberated in many industries, which in turn has impacted law firms. Fladgate’s Andrew Bessemer Clark notes: *“Our clients have been less busy and I think it’s fair to say our revenue is slightly down this year, as expected.”* It’s a similar story for many firms, as it was in the wake of the 2008 financial crash. Bessemer Clark continues: *“We can definitely see green shoots coming out of the position we were in previously. It’s looking much more positive compared to the minute lockdown hit.”* Danny Peel of Travers Smith also recalls the shaky start of 2020: *“Transactional activity in general did initially slow down when the pandemic took hold,”* he says, but thankfully it’s *“increasing again [...] with a number of teams’ work remaining at pre-Covid levels.”*

With a recession looming, Robert Bull of Burges Salmon points out that having a broad offering is key to the survival of law firms. *“We have a broad group of practices, sectors and specialisms and our client base is therefore very resilient,”* he says, before adding that the firm’s *“prudent financial approach”* has also been crucial to navigating the choppy waters. Danny Peel echoes this: *“Despite our hedging, we aren’t naive enough to think we won’t be affected, and we have to take sensible decisions to protect the business longer term. So we’ve deferred partner distributions and reduced partner drawings for the time being.”*

Couched in this kind of prudence is the ability to respond with agility. Take Fried Frank, for example. *“Our associates and trainees are trained to be fairly agile when it comes to working in the groups and we try to encourage them to think outside the box,”* says corporate partner and training principal Jons Lehmann, noting that, *“on the capital markets side, we have used resources in the finance practice for the capital markets teams and both associates and trainees have worked hand-in-hand with the teams on those transactions.”*

Trainee life in a pandemic

The consequences of the pandemic have had a particularly profound effect on the trainees embarking on their training contracts – a process that’s difficult to emulate when cohorts are bunkered down in their homes. *“We definitely want to focus on how we can maintain training, development, and networking with less time currently being spent in the office,”* says James Partridge of Allen & Overy. *“We’ve been encouraging trainers to involve trainees on calls even if they aren’t needed in order to create learning opportunities remotely.”*

With a ubiquity of video calls and Zoom quizzes, the emphasis on communication has been crucial for firms seeking to replicate the experience of in-person training and development. Bird & Bird’s tech transactions partner and

training principal, Ian Edwards, points to this necessity while trainees and junior lawyers are working remotely. *“We are aware that they need more support and supervision during this time,”* he notes. *“I check in with supervisors to ensure they are regularly in touch with trainees [...] If anyone is having any kind of issue – whether it’s work related or on a personal level – we make sure they have the support they need.”* Robert Bull of Burges Salmon also notes the inclusion of *“comprehensive firm-wide and team communications, as well as virtual meetings between trainees and their contact partners and supervisors.”*

“We try to stay connected with our teams, and people have been very creative in doing this, but at times it can be a lonely experience.”

The landscape for incoming trainees looks radically different to that of previous years, with many law firms making amendments to their onboarding processes. At Burges Salmon for example, the 2020 trainee intake will be split, with twelve trainees starting in September followed by another twelve in January 2021 (hopefully in the office). Robert Bull says this *“provides a choice for those who are uncomfortable starting remotely and will ensure that we deliver a comprehensive virtual induction with one-to-one support.”* You can find a full breakdown of changes to vacation schemes, training contracts, work experience programmes, and more on www.chambersstudent.co.uk.

Amidst the change and upheaval, Danny Peel of Travers Smith touches on the collective ennui that has typified so much of life in lockdown. *“Sitting in a room on my own at work is something I’ve never done,”* he says. *“We try to stay connected with our teams, and people have been very creative in doing this, but at times it can be a lonely experience. So one of the things we’re looking forward to is getting back to the office to rediscover the easy interaction with the team that we all really miss.”* We’re with you there, Danny.

Covid-19 and legal practice areas

To be commercially aware in 2020, you have to know how coronavirus has affected the work done by lawyers.

Remember the time before Covid-19? When banana bread was a rare treat, nobody had heard of Zoom and our washing baskets weren't only full of loungewear? It's been a year of defying convention and upending much of what we took for granted. We could spend the rest of our lives analysing the effects of the pandemic at large, but its impact on law firms and legal practice has been both profound and easily visible.

Here's an overview of some of the issues affecting key areas of legal practice in 2020 and beyond. Firms want training contract applicants to understand the world they're stepping into, and any of these topics may come up in an interview conversation.

Banking and finance

The simple story in a recession is that with greater default risk comes higher cost finance. While the financial implications of the pandemic have not yet been fully felt, 2020 has been the toughest year for financial sectors since the 2008 financial crash. As of early August, businesses across the entire UK have received 871,000 government-backed loans during the outbreak, with billions awarded to businesses in England, Scotland, Wales and Northern Ireland. Despite the support, credit losses are thought to be of pressing concern for the world's leading banks, with all the major players siphoning off vast sums to mitigate the economic fallout. According to an August report from the *Financial Times*, the combined total of \$139 billion in loan-loss provisions is the highest since the \$186 billion reached in the second half of 2009. With markets spooked, investors wary, and the pandemic's course continually unpredictable, the long-term impact for the financial markets is yet to be written in stone.

Capital markets

Global stock markets tumbled as the pandemic initially took hold; but when a veneer of stability emerged, with infection rates stabilising and restrictions gradually lifted, things began to recover. The pandemic and resulting government policies led to never before seen levels of capital reallocation, and commentators argue that bank lending and capital markets will be crucial for recovery from the crisis. New net bank lending is nearly ten times higher in the UK than the period between March and June of 2019 – £45 billion and £5.2 billion respectively – with

capital markets providing £370 billion in funding for 800 companies across Europe. For investors, uncertainty has characterised much of 2020; in the UK, this has been doubled by the threat of a no-deal Brexit. Investment confidence in Britain plummeted in 2019: according to figures from the Investment Association, £1.2 billion was pulled from UK-focused investment funds in July 2019, with a further £700 million withdrawn in August.

Corporate/M&A

No prizes for guessing that global M&A activity ground to a halt early in 2020, with the start of the year seeing the slowest rate of deal making in seven years. When cashflow slows and recession hits, companies' appetite for risk and aggressive moves give way to conservatism. Many mergers and acquisitions were initially postponed rather than cancelled, with a slow emergence of activity occurring towards the end of the summer. Private equity-backed transactions are expected to lead the charge to recovery: 2019 marked the strongest annual period for private equity deals in the last decade, with 27.5% of all global transactions having private equity firms on either side of the deal. Many expect the latter stages of 2020 and early 2021 to see a continuation of this trend. With foreign investment reviews increasing, domestic governments adopting greater protectionist strategies, and global economies faced with recession and potential future lockdowns, significant M&A activity is likely to return only in spluttering starts.

Competition/antitrust

National governments have been required to adopt greater degrees of agility in the face of an all-consuming crisis. Domestic levers were used to allow for a relaxation of certain competition laws surrounding essential products and services. In March 2020, the laws concerning the sharing of stock level data, distribution depots, delivery vans, and staff pooling between supermarkets were relaxed to aid retailers in their collaborative Covid-19 response. The British government also suspended competition laws to support Isle of Wight ferry routes and allow operators to coordinate their efforts to keep routes and goods moving. The Competition and Markets Authority also established a dedicated Covid-19 taskforce to address and monitor the potential for abuse and anti-competitive behaviours that may emerge during the crisis. In

turn, the European Commission made changes by adopting a temporary framework that enabled member states to utilise flexibility under state aid rules to best mitigate the economic fallout from the pandemic.

Employment

The Coronavirus Job Retention Scheme (CJRS) rolled out in March 2020. The scheme saw the government support both employers and employees by offering to provide 'furloughed' staff with financial support of up to 80% of a worker's salary. As of August 9.6 million employees had been furloughed, with the total claims valued at £35.4 billion. While the scheme provided necessary protection, furlough fraud has emerged, with HMRC now investigating a number of companies for fraudulent claims. Almost 8,000 reports of furlough fraud had been reported (also as of August 2020). The CJRS is due to come to an end in October, but the government announced its Job Retention Bonus scheme which would allow a one-off payment of £1,000 to UK employers for every furloughed employee who remains continuously employed through to the end of January 2021. March also saw the Coronavirus Act 2020 enshrined in law: alongside powers for the government to respond to the pandemic, the Act included extensive health protection provisions for the nation's workforce. Visit our website for more on furlough and employment law from Ruth Harris and Kiran Mehta of Hodge Jones & Allen.

Insurance

As the world locked down and 2020 became synonymous with cancellations, the insurance industry was left scrambling. Travel insurance has been fraught with trouble as countries oscillate on and off the UK's quarantine list, with insurers and consumers finding claims increasingly difficult to reconcile. Excess deaths rose: data from the Association of British Insurers shows that 7,000 life insurance claims were made between the start of March and end of May, with £90 million being paid to families of people dying from Covid-19. Following a High Court judgment in September, around 370,000 small companies will receive insurance payouts, having been forced to close during the pandemic. Insurance companies had previously declined to pay claims, but companies then became eligible for close to a total of £1.2 billion in payouts.

Litigation

Cancellations have also coloured life for litigators this year. With companies renegotiating contracts due to

the disruptions of normal business practice, many 'force majeure' clauses have also been invoked. These are triggered when unforeseen circumstances prevent contractual obligations being fulfilled, with many claims of this type likely to flare up into 2021. Looking ahead, many also anticipate a steep rise in the number of class action filings in the form of consumer claims; securities litigation; mass employment claims; and insurance claims. Alongside changes to the types of litigation being brought, the virtual sharing of court documents, hearings, remote mediations and more has meant traditional litigation in the courts has been irrevocably changed. Only time will tell whether these temporary shifts become permanent changes and alleviate the burden on a clogged-up court system. Litigation is a growth headcount area across UK and US law firms this year.

Real estate

Broader financial downturns inevitably coincide with dips in the property market, and the Covid-19 pandemic effectively brought things to a standstill at its height. Perhaps surprisingly, the summer of 2020 represented a boom period in house sales with values at an all-time high. The market was initially lubricated by mortgage payment and stamp duty holidays, and this purple patch is unlikely to last much longer without additional government assistance. Renters also received protection with a freeze on evictions. Looking geographically, the rise of remote working and lack of need to commute has seen renters and buyers alike shun London in favour of the surrounding area, with buying trending away from the City centre.

Restructuring and insolvency

In June 2020, the UK government passed the Corporate Insolvency and Governance Act. Considered to be one of the most far-reaching and fundamental changes in UK insolvency law for generations, the Act has introduced a number of measures allowing companies in financial turmoil much-needed flexibility. Across the reforms, the Act has introduced a new moratorium allowing companies further options when faced with financial difficulty; a new restructuring plan, akin to a scheme of arrangements; amendments to certain statutory demands; changes to wrongful trading; and new provisions protecting the supply of certain goods and services. The government has also introduced new restructuring regimes in the education sector to support higher education providers at risk of insolvency. Go online for a more in-depth review of the Act from Allen & Overy partner Jennifer Marshall.

Read our practice area guides for more information on how the pandemic has affected different sectors and go online for the latest updates.

The impact of Covid-19 on the Bar

Will sets do away with physical chambers? Are virtual hearings working effectively? How will the publicly-funded Bar cope? We examine these questions and more in light of Covid-19 and the Bar Council's concerning survey findings in 2020.

How are sets considering their use of office space?

If you want a measure of how Covid-19 has changed life as we know it, consider that much of the London Bar has inhabited its chambers for centuries, but now they join the swathes of other businesses reconsidering their use of office space. Income at the Bar has been hit like the rest of our economy, and sets are looking to cut their wood-panelled overheads. Inner Temple has faced a backlash from sets of chambers for continuing with its annual rent increase of 1.3% in 2020 during the pandemic. A total of 29 sets addressed their concerns to the Inn, which agreed to waive, reduce or defer payment if the set could prove significant interruption or reduction in income.

Even before the outbreak, concerns around office space were already forming. Some sets had introduced cost-saving measures by leaving their associated Inn altogether, decreasing their space, or converting rooms occupied by members into hot-desking spaces. As several chambers are listed buildings, significant building works or adjustments to the space – like the installation of lifts – are not possible. And social distancing measures have caused some barristers to question whether listed buildings are actually fit for purpose.

However, working in a set with other members has been a crucial part of the social dynamic at the Bar, especially in London where chambers are clustered in associated Inns. The Bar being a 'lonely profession' had become a trope of the profession, but working in a set with other members provides the social outlet and a source of career development for junior barristers. If the Bar does imitate other inner-city businesses and scale back office space, what will substitute this centuries-long structure for social and career support?

How disruptive have court closures been and have virtual hearings kept cases moving?

As courtrooms across the nation closed, we witnessed the rise of virtual hearings in the business and property courts. According to the latest statistics from the Law Society, 85% of cases heard in these courts went ahead virtually after the lockdown measures were introduced. Figures reported in the legal press from the Rolls Building showed that 50% of cases in the Chancery Division

lasted less than an hour, while 70% clocked in at under two. The speedy resolution of these cases led to praise being bestowed on virtual hearings as a way to increase efficiency and set up the commercial courts for the future. The Law Society subsequently reported that the commercial courts had almost no backlog of cases and that levels of activity were comparable to previous years. While it looks unlikely that virtual hearings will have the same dominance once the pandemic is over, you can confidently expect the business and property courts to make more use of them and incorporate them in a hybrid approach to processing cases in the future.

“With the second wave of Covid-19 breaking through, it looks like disruption to court proceedings will remain a fixture of barrister’s lives for the foreseeable future.”

This level of efficiency and optimism has not been replicated across the Bar, however. The impact of court closures was captured in the Bar Council's recent survey findings, with 64% of all barristers surveyed highlighting disruption of court proceedings as their biggest problem with practising. Publicly-funded barristers have been hit the hardest (see below), but even those in the commercial and chancery areas were questioning whether they would be renewing their practising certificate in 2021 (9% and 10% respectively). Court closures and the resulting interruption to workflow led 80% of the barristers surveyed to state that they did not feel that people had been able to access justice at an acceptable level during Covid-19.

While the Bar Council's findings show that barristers want to get back to court, how this will happen in a safe way is still a key concern. With the second wave of Covid-19 breaking through, it looks like disruption to court proceedings will remain a fixture of barristers' lives for the foreseeable future.

What is the impact on the publicly-funded areas of the Bar?

The Bar Council's survey showed how publicly-funded barristers had been hit particularly hard during the pandemic so far, with these barristers seeing a 69% reduction

in fee income. In addition, 29% of publicly-funded barristers recorded that they were uncertain whether they'd renew their practising certificate next year. However, criminal barristers have fared the worst according to the survey, with a 75% reduction in fee income recorded and 38% of criminal barristers questioning whether they will still be practising in 2021. As part of its commentary on these findings, the Bar Council issued a statement saying that the criminal Bar "needs urgent and immediate support if it is not to collapse entirely." The Criminal Bar Association (CBA) has also stated that they've received little to no financial help from the government, contributing to the feeling among criminal barristers that their future in the profession is limited.

"A report from the Crown Prosecution Service Inspectorate suggests it will take up to ten years to clear the backlog of criminal cases."

The criminal Bar was already embattled by a crippling shortage of defence lawyers and years of cuts to legal aid, but with the furlough scheme due to end and the postponement of the majority of trials causing an immense backlog of cases, the sense of urgency to take action to save this part of the Bar has only increased. A report from the Crown Prosecution Service Inspectorate suggests it will take up to ten years to clear the backlog of criminal cases. The report estimates that the backlog in magistrates' courts had increased by 41% between early March and the end of May, alongside a 53% estimated increase in Crown Court cases waiting to be heard. Data released from HM Courts and Tribunal Service in September 2020 showed that over 500,000 cases were outstanding in the magistrates' court, with 46,467 in the Crown Court.

The proposal from Justice Secretary Robert Buckland to temporarily do away with juries to allow for social distancing measures and ease the excesses of unheard cases was met with staunch opposition. Accordingly, the Criminal Bar Association found that more than 90% of practising criminal barristers opposed the scrapping of juries for middle-ranking offences.

However, the introduction of 'Nightingale Courts' across the country was met more favourably. The ten sites were set up to alleviate the backlog burden built up over the summer. Yet by September 2020, one court in Hertfordshire had been closed by the Ministry of Justice just one month after its opening. According to justice minister Chris Philp, it was only "hired for a specific period to meet a targeted operational need." Among other steps, remote hearings and the extension of opening hours continue to be trialled as means of easing the backlog.

With the pandemic exacerbating existing problems at the publicly-funded Bar, the words spoken by incoming Bar Council chair Peter Lodder QC at his inaugural 2010 speech resonate even louder a decade later: "*The message is not that barristers must leave publicly-funded work, but that in order to sustain that type of practice, they will almost certainly need to develop a mixed practice, incorporating privately as well as publicly-funded work.*"

Will diversity at the Bar suffer as a result of the pandemic?

The publicly-funded areas of the Bar have a higher proportion of diverse barristers compared to the privately-funded sections. Without the size, scope and financial resources of private-focused sets at their disposal, these diverse publicly-funded barristers may opt to stop practising altogether – their departures will be of little benefit to a profession historically known for its underrepresentation. The Bar Council also highlighted the increased likelihood of diverse barristers being primary caregivers for young children and facing greater financial pressures as reasons for the Bar being at risk of seeing a drop in diversity and social mobility.

"...the way in which virtual mentoring, mini-pupillages and pupillage interviews could promote social mobility by increasing access."

Elsewhere, the Open University recently hosted a panel event with barristers who discussed the impact Covid-19 on diversity and inclusion at the Bar. The full rundown can be found here, but some of the most pertinent points included the way in which virtual mentoring, mini-pupillages and pupillage interviews could promote social mobility by increasing access. In addition, the need to cultivate and protect the junior end of the Bar (as it accounts for the biggest representation of gender and ethnic diversity) was deemed vital. The junior end of the Bar is the most vulnerable to the impact of the pandemic, with the Bar Council's survey showing that the earlier barristers are in their career, the higher their drop in fee income is due to the effects of Covid-19 – at the worst end, 46% of those who have less than two years' experience in practice have suffered a 70% drop in earnings.

What work streams are appearing due to Covid-19?

While financial hardship is expected to hit the majority of barristers (the Bar Council survey recorded that 74% were already suffering or expecting to suffer financial hardship), there are some areas that will see new avenues of work appear.

On the employment side, 'furlough fraud' has emerged as an issue for lawyers to deal with. HMRC is currently investigating a significant number of companies for fraudulent

furlough claims following tip-offs that certain businesses were claiming government support while illegally asking staff to work. As of August 2020, almost 8,000 reports of furlough fraud had been recorded. Going forward, the courts will play a pivotal role in deciding whether fraudulent claims warrant criminal proceedings.

The commercial courts recorded a drop in cases being heard in 2019 compared to 2018, but with the perceived success of virtual hearings in this arena and the expected surge in insolvency matters as companies suffer the economic fallout, barristers in this section of the Bar are looking at potentially higher numbers of cases going through the courts in 2020, which is a trend we're already seeing in law firms in their commercial litigation departments.

HS2 and the law

It's become one of the most controversial infrastructure projects in the UK's history... and if you're interested in this area of law, HS2 is a compelling case study.

Transport revolution or white elephant?

Since the dawn of the industrial age, Britain has had a romantic relationship with its railways, so when some bright spark proposed linking London to Birmingham, Manchester and Leeds with a state-of-the-art new rail network, the idea was initially met with enthusiasm. *"We in Britain are the heirs of the Victorian inventors and innovators who gave the world railways and transformed this country's fortunes,"* then transport secretary Justine Greening declared in a report on High Speed 2 (now better known as HS2) back in 2012. *"They had the vision to seize the moment and the ambition to meet the challenge. Our generation must follow their example by putting Britain on the high-speed track to a better future."*

Rousing stuff at the time – but following a decade that's seen three very different Conservative governments, Brexit and the Covid-19 pandemic, HS2 has become a polarising issue. In July 2020 a senior Tory party member with close ties to the project submitted to a webinar that *"it's certainly fair to say there are mixed opinions on HS2. Many private and public opinion polls have shown there is widespread scepticism around the project."* A survey conducted by YouGov earlier that year found 39% of respondents opposed the project, compared to 34% in support and 27% undecided – hardly a ringing endorsement. The first phase of the project (linking London to the Midlands) was due to open in 2026 but Phase 1 is now expected to be up and running between 2028 and 2031, while the second phase extending to Manchester and Leeds could be operational as late as 2040! For a full run-down of exactly what HS2 is and when it will be ready, check out the various reports and updates on the government website.

"Many private and public opinion polls have shown there is widespread scepticism around the project."

Opposition to the project cites its cost (some estimates put the total at over £100 billion, significantly more than the original budget of between £30 and £36 billion), potential environmental impact and the question of just how useful it will actually be. *"HS2 will be used by the wealthiest travellers, intensify the North/South investment divide and is a standalone project that simply does not integrate*

well enough into the existing network," the New Economics Foundation thinktank declared. In the wake of Covid-19, critics have also questioned the necessity for more extensive physical transport links when 'telecommuting' is becoming more popular.

The project does still command parliamentary support from the UK's major parties: *"It will be controversial and there will be an impact on communities, but HS2 remains central to the levelling-up agenda of this country,"* a senior Tory minister recently declared. *"We've awarded over 2,000 contracts, 98% of which have been awarded to UK firms."* They went on to predict the project would contribute to *"the doubling in size of Leeds city centre and create 180,000 jobs in Manchester over the next decade."* Labour has also been generally supportive of the project to this point.

A project of HS2's scale requires enormous amount of work by lawyers – whether it's dealing with the construction, planning and procurement phases or countering litigation brought against the endeavour. One firm at the centre of the project's legal team is Ashurst, an international outfit widely recognised as leaders in the transport, infrastructure and rail sectors. We spoke to Mark Elsey, a senior partner in the firm's projects practice, to gain more insight into the projects law space and the now epic saga surrounding HS2.

What is projects law?

You can find a **full guide to projects law in our Practice Area guides**, but simply put it's all about helping plans for infrastructure works become reality. One of the great appeals of working as a projects lawyer is the *"tangibility of the work,"* Mark Elsey tells us, as you're helping create something physical that can help thousands of people – but a lengthy approval process has to take place before that. For large national infrastructure projects, this is typically done via development consent orders (typically promoted by private interests), or Hybrid Bills which incorporate aspects of both public and private bill procedures. HS1 (better known as the Channel Tunnel), Crossrail and HS2 are all products of Hybrid Bills. *"There's a very lengthy process behind parliamentary bills which re-*

quires the input of specialist lawyers who focus predominantly on that area," Elsey explains.

A handful of firms specialise in this area including Sharpe Pritchard, Winckworth Sherwood and Eversheds; the last two advised the Department for Transport on all elements of HS2's first Hybrid Bill as it progressed through Parliament. Lawyers contribute to drafting the bill, guidance on environmental law and advice on hundreds of days of committee hearings. Project location and routing, any existing properties affected, the environmental impact, cost and logistics of construction and operation all need to be considered. "You also need to consider whether you are going to use a large single-turnkey construction contract or divide it into lots of smaller packages," Elsey adds. "For example, on Crossrail there were more than 50 separate packages of work and on HS2 there are separate civil works, station and individual system contracts. Each of those have their own tender, contractual and award processes – it all requires significant legal input."

"Most people see infrastructure projects as a good thing, as long as they don't go through their own back garden."

"One of the central questions is always how you are going to fund a new project," Elsey says of large infrastructure projects. "Will you use solely public funding or are you looking to raise private finance? In part, the available financing solutions will be dictated by the regulatory structure and whether there are end users that will be required to pay for the asset, for example a tolled estuarial crossing. The financing structure will influence where risks sit in the various contracts and will also often dictate the operation and maintenance solutions." Phase 1 of HS2 gained royal assent in 2017 and Phase 2 is expected to secure approval before the end of 2020, but the project almost immediately ran into problems during the procurement stage. In 2018, Spanish manufacturing company Talgo launched a legal challenge against HS2 over what it perceived to be a 'botched' rolling stock procurement process, after a rival Spanish bidder was added to the shortlist at a late stage. American engineering giant Bechtel later initiated legal action in the High Court after losing out on a £1.3 billion contract to build the Old Oak Common Station. Although the company has since withdrawn its legal bid, which has allowed work to finally begin, it still plans to pursue legal action against HS2 over handling of the procurement process.

Compulsory land purchases – a legal function allowing repossession of land without the owner's consent if it's considered to be in the public interest – have become an especially contentious area of projects law. Many have criticised what they see as deliberate undervaluing and delaying of compensation payments on properties bought to make way for HS2. Elsey points out that

"most people see infrastructure projects as a good thing, as long as they don't go through their own back garden."

A senior source at the heart of HS2 noted that criticism on these grounds has come from various parties including from within the government's own ranks: "The route cuts through many Conservative-held constituencies in the South and Midlands, which are represented by MPs who have been very vocal against the project and sincerely hold those views," they said. "However, as a government we have to take decisions that are in the national interest."

"HS2 will inevitably be controversial, and there will be some significant impact on communities around the country," the source conceded. "I appreciate we haven't got things right in the past. Going forward, we need to ensure land and property claims are concluded swiftly." One of the recommendations of the independent Oakervee Review of HS2 was a rethink on the relationships with affected communities and the speed at which they are compensated. There are concerns that those who are successful in proving their property was undervalued could potentially open the floodgates to further claims, costing many millions of pounds.

Is it all worth it?

HS2 is a prime example of how the initial budgets for projects can balloon far beyond anybody's initial expectations. The new railway's cost is still up in the air, with the most worrying evaluation coming from Lord Berkeley, former Oakervee Review deputy chair. Controversially demanding his name be removed from the report when an early draft leaked, he proceeded to publish his own unofficial evaluation in which he estimated the base cost of HS2's completion at £107 billion and claimed Parliament was 'misled' over the figures. Berkeley noted the cost of Phase 1 has risen from £15.1 billion in 2016 to £54.5 billion at 2019 prices, an increase of 361%. Among other things, the report attributes the escalating costs to 'poor supply chain management, leading to escalating prices and the need for repeated bidding of sections of the works,' as well as a 'failure to define the scope of the project.' Similarly, a report by the National Audit Office in 24 January 2020 found the Department for Transport and HS2 underestimated the complexity of the programme and 'did not account for the level of uncertainty and risk in the programme when previously estimating the costs of Phase 1.'

Ashurst's Mark Elsey explains how project costs can rise dramatically: "A lot of projects are built on the premise of a base cost at a baseline date linked to the initial project approvals – but five, ten or 20 years on from the project's inception, the actual cost figure can often increase significantly simply as a product of inflation." He suggests "the most important question to ask is what the outturn cost of a project is likely to be, and what confidence is there in these

projections. This process normally involves a combination of risk and optimism bias adjustments which can dramatically increase projected cost figures.” Eley concludes that presenting the cost of a large infrastructure project like HS2 “is not straightforward” and that “caution needs to be applied to any figure both in terms of understanding its make-up but also in recognising that initial figures are often based on very outline designs and that the true costs often only become clear at a much later stage in the project development process.”

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The multibillion-dollar question – will HS2 be worth it? It’s the issue that the backers of every big project need to consider, and the answer isn’t always a straightforward one. Berkeley’s report claims the taxpayer would receive only 60p of return for every pound that is spent on the HS2 project – ‘clearly a poor investment return.’ A more optimistic view comes from the Oakervee Review, which estimates the high-speed line will generate £1.30 to £1.50 for every £1 spent on it. While more optimistic, it remains significantly less than the original benefit/cost ratio published in 2017, estimating that for every £1 of cost to the taxpayer, £2.30 would be returned in benefits. This kind of decline in value isn’t unique to HS2: defending the project’s record, an insider source pointed out that “when you look at most major infrastructure projects, the vast majority end up overspending and delivering less in benefits than was outlined in their initial business case.” Their statement is supported by the Institution of Civil Engineers, whose own research found that worldwide, nine out of ten projects valued at more than \$1 billion go over budget or over deadline.

So when does it all stop being worth it? If a massive project’s suddenly looking like bad value for money, there comes an obvious temptation to cancel the whole thing, but that means many millions (in HS2’s case, many billions) of taxpayer pounds down the drain with no end product to show for it. There’s been no shortage of calls on the government to scrap HS2, but the Oakervee Review found it would incur a cost of approximately £9 billion. Such a dramatic turnaround would also be catastrophic for the UK’s construction industry, which has already suffered from the twin blows of Brexit and Covid-19.

We shouldn’t only measure the financial cost of an infrastructure project, but its potential environmental cost as well. In the wake of global climate strikes and a commitment by the British government to cut greenhouse gas emissions to net zero by 2050, pressure for HS2 to demonstrate its green credentials has never been higher. Though rail has traditionally been seen as a relatively green form of travel, Mark Eley reminds us that “when

looking at the broader suitability of transport, everything has a trade-off – there are no absolutes. Electric cars are naturally part of the future but will do little to alleviate congestion.” On the other hand, he notes that “while rail is more efficient at moving large groups of people, building the infrastructure involves a huge level of manufacturing and moving raw materials.”

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Environmental challenges have been brought against HS2 since 2014 and in July 2020, naturalist and television presenter Chris Packham enlisted the help of lawyers from Leigh Day to launch an appeal against the project. Among various points, the complainants argued the government had failed to thoroughly consider the extent of the project’s environmental impact and was failing in its obligations under the Paris Agreement and Climate Change Act. The appeal failed, after which Packham said: “Covid-19 has turned the state of the UK finances and the public’s attitudes towards climate change upside down. People now see that a scheme for a railway which will tear up the countryside so that we can shave a few minutes off a journey time makes no sense in the contemporary workplace.” The appetite for significant change to the way we live our lives after Covid-19 will only increase pressure on projects to meet our needs and demonstrate their value for money.

Objectively measuring a project’s green credentials is difficult and, like costs, are potentially subject to manipulation. HS2 chief executive Mark Thurston attracted criticism recently when he advocated the rail line to be a very green project “if you take a 100-year view on it.” Climate change litigation won’t be going away any time soon and will be a growing concern for projects lawyers and litigators alike in the next few decades.

Becoming a projects lawyer

HS2 has been a magnet for controversies, and there will be many more legal battles on the horizon as the railway takes physical form. Though all the reviews, hurdles and court clashes may seem excessive, they demonstrate the importance of public money being spent correctly and efficiently. The level of scrutiny also reflects well on the relative health of democracy in the UK – concerns surrounding large infrastructure projects overseas can be very different for politicians and lawyers.

“When you’re working on projects in developing economies the nature of risk is very different,” Mark Eley explains. “For example, in developing economies you have to pay attention to currency risks; the risk of not being paid; whether laws are stable and enforceable; and whether you will have

access to fair hearings. Those are very real issues which often take more time to address than the underlying technical risks." He adds that "in more developed economies such as the UK, investors and contractors generally don't perceive the same level of 'political' risk, so you are able to focus on more granular and day-to-day issues in structuring and negotiating projects in these countries."

Though regulations and risks may differ between countries, Elsey confirms that the skill set of a projects lawyer is very transferable internationally. "Essentially you are just running through a big shopping list of things you need to deal with," he says. "Of course the risks, structures and

financial packages differ between building a railway and a nuclear power station, for example, but once you're familiar with the underlying risks and structures in each area it's relatively easy (with the support of lawyers familiar with local laws) to deploy these skills in any country in the world." This may tempt budding lawyers to commit to mastering a single area of projects law, but Elsey advises juniors to "not specialise too soon. Clients pay you to think outside the box, draw on comparisons of different models and industries, and present them with bespoke solutions. You can never know too much, and the more you can benchmark, the easier it is to identify the right solution for your clients."

Follow HS2 closely and you'll be sure to pick up on a long list of lessons that all budding projects lawyers can learn from!

The law firm of the future

AI will transform the law, and we're only beginning to grasp its full potential. Womble Bond Dickinson is one firm on the case – we spoke to a few of their experts about its impact on the whole profession.

The rise of artificial intelligence is a hotly debated topic in the legal world. What is its potential? What are its limits? How will the law itself need to adapt if more work is done by computers? One law firm that's harnessing AI and other technological innovation is transatlantic firm Womble Bond Dickinson. We chatted to partners and trainees about the firm's innovation programme to reveal what other law firms could learn.

"One of the first things we realised when Bond Dickinson and Womble Carlyle combined was that we are very similar in our approach to embedding innovation in our practice," explains Newcastle-based partner Nigel Emmerson. Nigel joined forces with Liz Riley, who is based in Raleigh in the US to head up innovation groups on both sides of the Atlantic. The firm has held two 'Innovation Weeks' so far, the objectives of which are *"to embed the culture of innovation, encourage people to come forward with innovative ideas, have some fun and increase and improve the integration of the two firms."* Liz Riley tells us: *"Some of the most helpful things to come out of innovation sessions are the energy and ideas young lawyers bring that are specific to their generation. That's the purest form of innovation and we need that inspiration to change the way we work."*

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"We're already using AI in document assembly," WBD trainees told us, *"particularly in our insolvency practice. One of the managing associates has been at the forefront of developing a suite of software that uses a decision making tree that answers 20 questions and produces a full set of papers for putting a company into administration."*

To get you up to speed on what the firm's software can currently do day-to-day: there are three main programs being used by WBD for legal tasks. The first is called Exari: a document assembly platform which is particularly handy in banking and regulatory departments. The second is a program called Kira, which essentially performs due diligence tasks at a fraction of the time. Last is High Q, a cloud-based data room facility that enables col-

laboration between multiple offices and clients. Trainees explained: *"We use High Q for data rooms but we've also programmed it so that the client can interact with it and produce reports that are easy for them to interpret."* Partner Liz Riley also notes: *"On the litigation side the power of AI is in the data yield and the trends they reveal. It's a whole new way of creating arguments and even finding new evidence."* Sammie Bryant, trainee organiser of WBD's Innovation Week tells us: *"The emphasis here is on reducing waste, increasing value and managing risk. Clients' needs are always adapting and we're offering solutions to those demands."*

"The emphasis here is on reducing waste, increasing value and managing risk."

Many of our readers will know that tasks like due diligence and managing data rooms are an inevitable part of a typical training contract, so what will it mean for trainees if computers are doing this type of work? Nigel Emmerson predicts that new AI programs will *"take out the drudgery and tedious elements"* of the average lawyer's workload. He adds: *"People will get more enjoyment out of the job rather than having to read through thousands of papers. If you can get a computer to do the reading and then apply your own experience to look at reports and produce further information it makes it much more interesting."* Associate Lee Davis reckons: *"These technologies speed up processes and make life easier rather than removing the need for junior input. In a few years' time I think it'll mean there'll be more scope for niche, interesting work for trainees instead of standard document review."*

"These technologies speed up processes and make life easier rather than removing the need for junior input."

It looks like trainees and junior lawyers won't be being replaced by machines any time soon (phew!), but that doesn't mean roles won't have to adapt. Nigel Emmerson explains: *"The lawyer of the future will need supplementary skills if black letter law is being done by IT."* These include *"coding skills to manipulate the technology to do what we want, project management and being able to interpret the information to make it accessible to clients."* Sammie Bryant agrees: *"There has been discussion about trainees be-*

ing able to code and an increased emphasis on having good grades in IT when it comes to recruitment.” WBD is already thinking about ways to incorporate these skills into its training contract, as Nigel Emmerson explains: “In the UK a number of trainees suggested that they’d like one of their non-obligatory seats to be replaced with a technology seat or a project management seat. That’s something we’re considering and the trainees I’ve spoken to are really excited about that idea.”

“Even if you’re not actively billing hours it’s beneficial mentally to maintain some continuity with your colleagues and it really helps you transition back into working.”

WBD recently launched ‘WBD Advance’, bringing together a team of over 100 lawyers, project managers and data analysts who come up with solutions to clients’ problems by “providing the technology and business services clients are demanding, as well as legal services,” Lee Davis reveals. These services include support for the type of high-volume projects mentioned earlier: things like document review, data analysis and management and process design. This means more opportunities for secondments for trainees and junior associates, Sammie Bryant tells us: “The firm sends seconded lawyers to clients’ offices to cover gaps and offer scalable, affordable services.” Supporting all of the WBD Advance services is the Legal Solutions Centre formed of around 70 paralegals, legal executives, lawyers, project managers, technologists and client coordinators who provide flexible resourcing and a more cost-effective solution for everyday work like due diligence. “By using flexible resourcing and a multi-disciplinary team we’re able to meet the diverse needs that clients have, and to do so cost-effectively,” Sammie Bryant explains.

Paperless technology increases the scope for flexible working. Lee Davis tells us: “A lot of my peers say there’s no scope for flexibility at other firms and that it’s very focused on seniority, but that’s not the case here.” Bryant agrees: “In a lot of teams all you need is a laptop so you can plug in from home in the evening or have a more flexible schedule, which can only be a good thing.” Nigel Emmerson says: “You can’t leave your work at the office in the same way you used to be able to do, so your work and home life can become less separated.” However, Liz Riley explains: “Anybody who needs flexible work arrangements can benefit from the ability to stay connected outside of the office. Even if you’re not actively billing hours it’s beneficial mentally to maintain some continuity with your colleagues and it really helps you transition back into working. I’ve known a number of young men and women who have leveraged their ability to be mobile lawyers and people are growing to expect that. We like to ensure people have the arrangements they need to be excellent attorneys.” Despite this, Nigel Emmerson adds: “It’s still important to make sure that people get to know each other in person too, and we recognise we need to facilitate that.”

New technologies have also enabled WBD to enjoy the benefits of its new global network. Nigel Emmerson explains: “We’re less tied to geography now. Our residential team has members across all regions and works seamlessly on transactions, even when we’re working on joint clients with the US. AI will only help that because everything will be much quicker.” Liz Riley adds: “The hardest thing about it is remembering what time it is when I’m speaking to people in other countries!” Then-trainee Sammie Davis reckoned “these technologies will lead to productivity increases and increases in value – not just financial but in the scale of the work you’re doing, even at a junior level.”

Inclusivity in the City

Travers Smith shows us how a City firm can break the mould and become a model for diversity – but “diversity is the easy bit!” lawyers tell us...

Diversity might seem like a hot topic right now, but even in our first ever edition of Chambers Student in 1998, we were talking about diversity and how well firms were tackling the diversity deficit.

This was what tax partner Emily Clark observed on joining Travers Smith in 1998: “*There was a real wave of optimism – the intakes were finally 50% women, and we were thinking ‘in 20 years this will have changed and my generation will be up there as partners.’*” Fast forward to 2020, and despite Travers’ putting forward an all-female partner promotion round back in 2017, only 23% of Travers’ partners are women – which is fairly typical for a City firm, and 2% higher than two years prior. Emily reflects “*we thought we had an effective meritocracy when I joined, but it became clear that what we thought was fair was not getting us where we wanted and needed to be.*”

“The objective is very simple – to make Travers a leading firm for diversity and inclusion.”

So it was time for a serious rethink. The number of women in partnership reflects the wider diversity and inclusion problem that City firms face together, and Travers chose to attack the problem from all angles. Its approach has been getting results, says partner and Head of Incentives and Remuneration Mahesh Varia: “*When I started here, I knew the reputation, so I spent a lot of my time fitting in as opposed to standing out. Now people want me to stand out! From a BAME perspective, people are saying, ‘It’s great that you’re up there, but do something with it.’*”

Partner Daniel Gerring, Head of Pensions, tells us that “*the objective is very simple – to make Travers a leading firm for diversity and inclusion.*” The firm has a board that creates “*a safe space for working on inclusion. We have members of our networking groups come into meetings to get their perspectives directly as well. We bring everyone together to ensure we’re promoting intersectionality and not working on anything in isolation.*” (Intersectionality, by the way, is a term that you’ll probably be hearing more of as it gains currency; the concept focuses on how various forms of social categorisation – like race, gender and sexual orientation – combine to amplify the effects of any single form of discrimination.)

Diversity: Everyone’s Business

Before we go into detail about how exactly Travers Smith is becoming a model for diversity and inclusion, let’s examine why all law firms should be paying attention to this topic and taking the necessary action.

A person coming into the law who is not white, straight, cisgender, non-disabled, privately educated, male or otherwise privileged (who we’ll refer to with the imperfect umbrella term ‘diverse person/people’) is more likely to have a “*confidence barrier before you even get to the firm,*” Emily explains. “*I thought the law and the City would never be for me. The barrier was there before I even got to Travers Smith.*” The causes of this are so deeply embedded in society that any firm alone would have a tough time tackling it – getting diverse people through the door is hurdle number one. It’s therefore vital that firms promote a convincing message of inclusivity to the broadest possible pool of people it’s aiming to recruit. Once at a firm, it’s then essential that diverse people feel able to confidently be themselves and strive for the same opportunities as their ‘non-diverse’ colleagues.

“The end goal [for the firm] is to create and maintain a supportive environment for everyone.”

Failing to make diverse people feel comfortable and confident will have negative effects – both for those individuals and the firm more broadly. Each employee at a law firm (or indeed at any workplace) has “*a pot of energy they can bring to work with them,*” tax associate Angela Tang explains. “*If you’re a minority, you can spend that energy trying to fit in as someone you’re not. In a work environment which is not inclusive, your emotional energy can be wasted.*” Everyone wants to get the most out of their employees, but staff who are “*expending all of their energy pretending or worrying aren’t going to be performing at their best.*” Associate Michelle Anderson elaborates that “*there’s a tangible business impact: people who don’t feel comfortable might be reluctant to voice any game-changing, out-of-the-box ideas, out of fear of adding to the list of things against them.*”

The business impact goes beyond not receiving great ideas from diverse people though: it can affect a firm’s ability to win and retain clients, as finance associate Nihal Khanna explains: “*When pitching for new work, cli-*

ents are interested in knowing more about our diversity initiatives, and this is an increasingly important element of the decision-making process for clients in selecting which law firms to partner with.”

This reveals the shift in thinking about diversity in recent years. It’s fair to say that in the past many firms concentrated on just trying to boost diversity numbers – especially at the junior levels – and letting the rest take care of itself, without giving too much thought to retention and ongoing career support. As Chris Edwards, CSR and Diversity Manager candidly explains, *“diversity is the easy bit; anybody can go and hire ten people of colour and then say, ‘There we go, we’ve ticked the race box.’ That’s not our approach.”* While we don’t want to underestimate the role that improving diversity statistics has to play (and Travers’ figures have improved through various active recruitment strategies), we do want to draw attention to the point that numbers shouldn’t be the sole objective. Travers has broadened its efforts in this respect, and, as Angela makes clear, *“the end goal [for the firm] is to create and maintain a supportive environment for everyone.”*

“Diversity is the easy bit; anybody can go and hire ten people of colour and then say, ‘There we go, we’ve ticked the race box.’ That’s not our approach.”

And this is where the word ‘inclusion’ gains significance. It sums up the direction and form that diversity efforts are taking today – it means making widespread changes to law firms’ cultures and practices so that everyone in them can be themselves and be invested in. This more attentive approach fosters diversity at all levels, bringing benefits for the individuals and the firm. Michelle describes it as *“more of a feeling”* that permeates every aspect of life at the firm, from office layout to overarching policies to the firm’s smaller office details: *“I was in a meeting in a room with a piece of art about natural hair,”* recalls NQ associate Nneka Cummins. *“I was sat there with my dreadlocks and an image of a black person with natural hair on the wall and I was thinking ‘wow, this is great!’”*

Creating a diverse culture

Establishing policies to shape this environment is *“fundamental,”* says Daniel, as *“they underpin the way you’ve got to behave.”* Emily agrees that policies *“send out an important signal: we’ve thought about this, we take this seriously.”* For example, Travers has formalised non-binary and trans policies to improve LGBTQ inclusion; alongside introducing gender-neutral toilets for staff, clients and visiting Chambers Student researchers, the firm also formulated a universal dress code. These policies weren’t *“put in place in response to anyone specifically,”* says Chris. *“We’re being smarter and having them in place beforehand,*

so we’re not putting the onus on any diverse person to have to say what they need.”

But policies *“can seem like a dry thing,”* Emily comments, while Daniel agrees that *“a good policy on its own can only take you so far – the proof is in the pudding.”* To be successful they need to be embraced by people within the organisation – at which point they become culture.

“A good policy on its own can only take you so far – the proof is in the pudding.”

Travers’ flexible working policy has been a success. It was introduced in 2015, expanded upon in 2017 with the introduction of agile working, and applies to all employees (although trainees do have to meet certain supervision requirements that can limit flexibility). While flexible and agile working are nothing revolutionary – and becoming increasingly the norm due to Covid-19 – they can be key factors in fostering an inclusive atmosphere if implemented in the right way. Allowing true flexibility is essential here, and at Travers no official ‘sign-off’ is required for employees who need to structure their schedules differently to accommodate their needs. This can have benefits for many people, including those with mental and/or physical health issues; parents who have young children; and those who follow a faith and participate in religious festivals and observances. Khanna tells us that *“even during peak periods, the team makes a conscious effort to balance the workload and ensure we attend the events and fulfil the holidays in our religious calendars, such as Diwali.”* Others making use of the flexible schedule including employment partner Tim Gilbert – who works a nine-day fortnight in order to spend more time with his family – and Michelle, who started her training contract as a mother with two young children at home.

The firm wanted to create platforms for those like Khanna, Gilbert and Michelle to talk about their experiences, so Travers’ intranet became home to ‘Spotlight profiles’ – blog posts written by various people across the firm, including partners, trainees and business services teams. *“There are Spotlight profiles written by people in senior positions who are talking about the human aspects of their lives – about things like mental health and what it’s like to be unwell. These posts are massively powerful,”* says Chris, adding: *“They make us understand that we have more in common than we think.”*

Michelle wrote a profile on her experience of raising children while completing a training contract: *“I’ve found it difficult at times balancing that side of my life with the expectations of being a trainee in a City law firm, but flexible working turned out to be a completely positive aspect of my interaction with the firm, so I wrote the Spotlight profile to share that.”* After the profile was published, she was *“amazed by the support – I received lovely responses, even*

from people I'd never interacted with, including partners. I was touched that people went out of their way to send a nice email after reading it!" Though some of the content of Spotlight profiles can be difficult to read, "they're certainly a popular read on the intranet," Nihaal informs us. "Chris[Edwards] asked me early on when I joined the firm if I'd be interested in writing one," and, as a lateral to the firm, Nihaal was "pleasantly surprised by the number of colleagues who read it! I received a number of emails saying it was an interesting read and showing a genuine interest in my background. It also proved to be a fantastic way to introduce myself to the wider firm."

It's good to talk

Good communication is fundamental to inclusion, and Travers' Spotlight profiles are just one example of the firm's bid to "keep the conversation going," as Michelle points out. "There's a lot of focus on it now, especially among partners." A culture of openness has also helped challenge colleagues' behaviour when it falls short of the mark, such as "that bit of banter that one person thinks is funny, but someone else might be upset by," Daniel explains.

"You're aware of making sure everyone can join in the conversation; you're asking yourself things like, 'have we been talking about football too much?'"

As those at Travers have discovered, even office layout can have a real impact on inclusion. The firm places four or five people of varying seniorities in each room, which "helps to break down barriers," Mahesh tells us. "It lets juniors see that the partner is a human being just like them." It also gives partners the responsibility of balancing the room and involving everyone. As a partner, Emily tells us that "you're aware of making sure everyone can join in the conversation; you're asking yourself things like, 'have we been talking about football too much?'" That level of attentiveness hasn't gone unnoticed by Travers' associates, as Angela tells us: "The partners are listening to people and figuring out what they can do to get the best out of people as individuals. They have an open, communicative relationship with us, and that approach filters down."

Another positive step for any City firm: people in each room are encouraged to keep an eye on each other for problems like signs of overworking or changes in behaviour. One of the firm's goals is to "create a culture of mentoring, for both professional coaching and therapeutic support," says Chris. Nneka tells us that "recently in my room I opened up about being non-binary. It's a conversation I felt able to have and it has been welcomed. People have been

receptive to hearing, understanding and learning about my experience." Travers wants to ensure that people know the various channels of support available to them. This gives those who need support the choice of how they receive it – whether that's through informal 'room mentoring' structures or more official pastoral setups like mental health 'first aiders' and external counsellors.

Choose a law firm for its culture

Reporting on the Travers diversity model is all well and good, but what should you, the student, do to make sure that you're joining a workplace that values inclusivity? Well, Emily underlines the importance of actually visiting the firms: "Dip your toe in! Unless you go there, it's hard to know. You could even read a piece like this and cynically think, 'of course they're going to say that, aren't they!' So it's key to do day placements, vac schemes, and otherwise get insight by talking to the people already there – are they living and breathing inclusion? Does the marketing material ring true?"

"Recently in my room I opened up about being non-binary. It's a conversation I felt able to have and it has been welcomed."

Whether you class yourself as a diverse person or not, the benefits of seeking out a firm that takes inclusion seriously is likely to boost your chances of future success. Mahesh tells us that an emphasis on inclusion in the workplace leads to "happiness and longevity, which in turn causes teams to win more and better business: if you have a genuinely happy team that communicates well then that tends to feed into good retention rates; that then produces a team that's in place for longer, so it delivers better client service and work can be done at a more cost-efficient level." Simply by virtue of being trained and mentored in the right environment, you'll pick up skills that will be of huge value as you build a network of colleagues and clients.

"Most importantly," Daniel states, "we're not going to be complacent and allow things to slip backwards. Reinforcement is really important in order to maintain momentum. We've had hundreds of years of things being one way, so if anyone's thinking that just a good stride in the right direction is going to stick on its own... well, it doesn't work like that!" And if you are a diverse person reading this with reservations about pursuing a legal career, then the resounding message we want to send to you is summed up perfectly in Mahesh's words here: "The advice I'd give to myself 20 years ago is that you actually do belong here and it's OK to be yourself."

Globalisation and the law

Through the lens of global firm Norton Rose Fulbright we learn how to cut it as a lawyer in the globalised economy.

The term has only been in use since the 1970s, but you can't go five minutes these days without hearing 'globalisation' rebound around your echo chamber. If you were hoping to avoid it, law was the wrong career choice: it's our epoch-defining trend, and lawyers have been there shaping it from the start.

Now, those of you with your political ear to the ground will know globalisation has its winners and losers. However, the process has without doubt served to supercharge global economic growth, raising the populations of developing countries out of poverty and significantly realigning the axis of global power. What we are now left with is a globalised economy – a modern, interconnected marketplace which has relied upon lawyers at every stage of its development.

On chambersstudent.co.uk...

This feature is based on an extensive three-part series on becoming a lawyer in a globalised market. Visit our website for the updated long read.

Norton Rose Fulbright

Law firms have grown to keep up with, or even pushed forward, global developments. One firm that embodies this is Norton Rose Fulbright. It has grown fast by merging strategically (most recently with Australian firm Henry Davis York and US firm Chadbourne & Parke in 2017) and has swept the globe, tapping into new markets in Australia, Africa, Asia and South America, and becoming one of the world's largest firms, with over 50 offices on six continents and more than 4,000 lawyers worldwide. Though the firm is currently looking to consolidate this growth, should India open its doors to international firms, NRF won't be far away. *Chambers Student* interviewed a selection of NRF partners and associates practising in areas that are critical to global development, picking their brains to find out exactly how the firm and its lawyers have capitalised on a world of opportunity.

How to build an economy

The concept of lending and borrowing money has ancient origins. Scroll forward a few thousand years and – from agriculture to AI – it still serves an undiluted purpose: injecting money to mobilise economic growth through

speculation and accumulation. The wildest of lawyers are needed to oversee these border-spanning relationships between borrowers and lenders.

Finance sits at the core of NRF's business. We spoke to James Dunnett, an acquisition finance partner at NRF with a particular focus on emerging markets. "I've worked all my career at Norton Rose," he said. "In the 1990s Poland, the Czech Republic and the Baltic states were very high-growth environments, and we had to familiarise ourselves with the legal processes there." His work included "financing a Hungarian commercial radio station, a Hungarian chemicals company and a radar technology company." There's been a huge amount of change since then of course. "The region is more familiar and accessible now – 20 years ago operating there was more novel."

"It's fantastic to go abroad as a trainee: you learn about how the business operates there and how to make connections beyond London."

At the moment all roads lead to Africa, and NRF is targeting expansion of its platform there. The continent has long been a hub for resource extraction – think oil, copper, diamonds – which went hand in hand with infrastructure projects like mines, oil pipelines and railways. "But now we're seeing financing in Africa moving away from infrastructure and into the consumer side of things – Ethiopian breweries and Nigerian insurance companies, for instance." Being a patchwork of jurisdictions, the continent poses a legal head-scratcher for lawyers. "It's a little like foreign languages," says Dunnett. "Once you've learnt one, it's easier to learn another. You see the typical issues, pitfalls and problems and it gets easier. You get better at forming relationships."

"It's fantastic to go abroad as a trainee," said one associate in banking. "You learn about how the business operates there and how to make connections beyond London." Our source recalls getting "client exposure from day one. Being in a smaller office you get more responsibility at an earlier stage in your career."

However, "you have to be very aware of time zones. When scheduling a conference call you have to allow for the fact the time difference can be 14 hours," explained an associ-

ate. At the international firms we review, time zone differences can mean some unusual hours. There may be a language barrier too – *“the documentation is complex and you’re dealing with people whose English may be excellent, but it’s still not their first language. Given this you have to be able to clearly explain how documents relate to each other.”*

What could you be doing now to kick-start your career in global banking law? Among the recent trainee intakes at NRF are people who took part in international mooted programmes, interned with a law firm in Germany, spent time at an investment management firm in Hong Kong or worked as an English teacher in the Caribbean before joining the firm. Quite a few NRF trainees were educated abroad or studied a foreign language, which goes down well when operating in such a globalised law firm.

Infrastructure

A power grid, roads, railways, docks, telecoms networks: all of these get economies whirring, allowing countries to make the most of what they’ve got – be it manpower or natural resources. Take China: it embarked on a monumental scheme of infrastructure improvement to provide jobs, increase production, increase exports and raise the standard of living. It’s now a major global power, and an outspoken advocate of globalisation. Infrastructure projects can be worth billions, so where developing countries don’t have the capital, the resources or the local expertise, they frequently open themselves up to foreign investment. These investments involve complex structures, and it’s up to lawyers to devise them.

Dan Metcalfe is a partner in NRF’s infrastructure, mining and commodities department. Today his work focuses heavily on Africa. *“I started off doing UK and European infrastructure PFI/PPP work,”* but he seized an opportunity to go on secondment to Standard Bank, which has significant operations in Africa. *“I got a taste for African markets. I enjoyed the work on the development side and the fact that it crossed jurisdictions: each has its own nuances and subtleties. I enjoy taking new financial products to the continent and working on matters which require creative and inventive thinking.”*

“The extraction of resources in Africa brings employment to people, which brings social mobility and the funds to enhance lives.”

Being so rich in natural resources, Africa has provided a lot of financing and development work for NRF and other firms. *“Although mining has some negative connotations, the extraction of resources in Africa brings employment to people, which brings social mobility and the funds to en-*

hance lives.” This work goes way beyond abstract project financing negotiations: Metcalfe recalled one project related to Bugala Island in Lake Victoria in Uganda. *“It’s an isolated island in a remote location, and a group of international development institutions provided finance for four different projects on the island.”* That included two ferries (*“where they had been dependent on small rowing boats previously”*), a connecting road between the port and the main community, a solar-powered plant and a water desalination plant. Because of the *“transformational effect on a very small community,”* Metcalfe feels *“it stands out as a game changer.”*

The firm offers infrastructural work across the world. An associate in the same department as Metcalfe told us: *“I don’t see myself focusing on a particular area or region – I think it will just depend on how the market shifts,”* and added: *“In project finance especially, if you’re prepared to work hard and you’re motivated, the world is your oyster. Where you go is entirely up to you as the firm’s very good at global mobility.”*

Metcalfe says students can’t go wrong *“picking up a newspaper or reading the news online – there are so many infrastructure projects going on around the world! If you have an interest in a sector or a region, read into it and follow the news.”* It’s important to *“not just see that as part of your job or job hunt, but as a vocation.”* In other words: you need to be genuinely interested to succeed.

Transport

Globalisation is *“underpinned by the growing transport market,”* says Duncan Batchelor, NRF’s head of aviation. The aviation industry has been quite a success story in recent years: between 2004 and 2014 the sector doubled in size, and it contributes \$2.7 trillion (3.5%) to world GDP. Batchelor says: *“There have been dips and troughs – during the oil crises in the 1970s and after 9/11 – but the overall picture has been one of growth.”* The grounding of Boeing’s 737 MAX was a more recent glitch, but nevertheless aviation is now an industry responsible for the transporting of four billion passengers and more than 50 million tonnes of freight every year.

The lawyer’s role “is like a spider in the middle of its web.”

Asset finance lawyers like Batchelor are a crucial cog in this machine, advising on the purchase of planes (a commercial aircraft from Boeing or Airbus will cost you between £50 million and £450 million) and handling financing for leases – a popular choice given the outlay. To raise these kinds of sums, *“it’s common to include banks or equity investors from different countries, and to use financial structures involving even more countries for tax, regulatory or securities reasons.”* The lawyer’s role *“is like*

a spider in the middle of its web.” And because English law is a certified favourite for deal-making, “English lawyers often coordinate the whole thing – project management as well as commercial negotiation. We’re either coordinating foreign lawyers around the world or we’re in touch with NRF lawyers in our own offices abroad.”

Batchelor’s early career saw him spend several years working in Russia, but after a colleague suggested a move, Germany provided his big break. “I’d been intending to go to Paris, but the idea of going to Germany germinated in the back of my mind and I spoke to my wife about it. The two of us hatched a plan about how I could break into the market and I took that to management – they said it made sense, and it worked out very well indeed.” The firm’s German aviation practice is now top-ranked in *Chambers Europe*. Batchelor believes his German venture shows “you can move into new markets and deliver know-how to provide new services around the world.” Opportunities to make your mark are likely to lie beyond the Square Mile.

While the banking sector can sometimes feel abstruse, asset finance helps newbies build commercial understanding through its more tangible subject matter. “In aircraft finance you know that there’ll be a shiny new plane on a runway somewhere – and that, in a geeky way, is exciting.” Your contribution to international connectivity doesn’t get much more obvious than a jumbo jet.

Lawyers of the future: international trade

Some countries make great cheese, others bathe in crude oil, and some make inconceivably small semiconductors – the ability to buy and sell goods across the world makes these idiosyncrasies a massive advantage. International trade also increases competition. Look at the Tata steelworks in South Wales. The mass production of steel by more industrial countries (primarily China and Russia) and the resultant lower cost meant there was reduced economic benefit to maintaining a small-scale UK steelworks (the social, cultural and national security benefits are another matter). Nevertheless, a commitment to free(ish) trade has emerged as the dominant paradigm in the last half-century, and as a result various free trade areas now dot the planet, backed up by a web of bilateral and multilateral Free Trade Agreements (FTAs). It’s these multifarious trading relationships and regulations which international trade lawyers grapple with on clients’ behalf.

However, the current political wind seems to be blowing in the direction of protectionism, courtesy partly of wall-builder-in-chief President Trump. With Britain also removing itself from Europe, the march towards global free trade looks like it’s taken a step back. Mark Simpson, an NRF competition partner, believes that “for people based in London, trade law is going to be much more interesting

than it used to be.” One predicted eventuality was “possible new trade treaties in Africa and East Asia.”

Trade lawyers often have unusual career routes. Mark Simpson initially qualified in New Zealand, then spent five years working for the country’s business ministry before going into private practice. On making a move to the UK, he worked for a trade association, and then in-house at a telecoms company, before settling at NRF. Seeing matters from so many angles was invaluable, he believes: “You come to understand better why certain laws exist and what they are supposed to achieve, which means you can apply a common-sense approach.” His current job has him “travelling to Brussels a lot, and sometimes I’ll go out and see clients in Asia and the Middle East.” The most rewarding part of the job, he says, “is being involved in high-profile, public issues that have real importance to the economy.”

He advises students to “keep up to speed with current issues, read the broadsheets and specialist publications, and follow blogs and read opinion pieces by trade law experts.” Why? “It’s not just about expanding your knowledge, but about being able to have interesting conversations on the topic with lawyers, businesspeople or your peers at networking events.”

Energy and climate change

The problems of free trade seem small fry compared to those posed by climate change. Globalisation has, in varying degrees, accelerated the problem, the debate, and the ongoing solution. As businesses and governments aim to replace the old, coal-blackened provision of energy with a new sun-kissed, wind-in-your-sails reality, there’s plenty of work for lawyers along the way.

NRF is ranked by *Chambers Global* as one of the top five law firms in the world for climate change work. Rob Marsh, co-chair of NRF’s renewable energy practice, explains how lawyers in this field are expected to be as commercially aware as any other: “Wherever we advise clients, they expect products and services at international standards. When doing a deal – say a solar project in Rwanda – whatever jurisdiction’s laws the contracts are drawn up under, the sponsor will want to see that the project is structured based on international best practices, so that risks are mitigated and investors can be attracted.”

“There is increased pressure on large corporations and energy companies to behave in a sustainable manner.”

“The renewable energy sector is global and clients operate globally,” says Rob Marsh. “So a law firm that wants to offer a good service to clients in the sector needs global coverage.” Marsh’s practice involves overseeing work on

sustainable energy provision and storage, from wind and solar to biomass and tidal. He's been working on renewables since the late 1990s and has been at NRF since 2010. The firm also has a Chambers-ranked global oil and gas practice, and this work meshes with the climate change practice. Marsh explains why: *"There's increased pressure on large corporations and energy companies to behave in a sustainable manner. Our oil company clients tell us that they need to be relevant to their consumer base, and that their consumer base is demanding a sustainable approach. We've seen a paradigm shift: renewable energy is becoming viable to produce because of falling costs and is now part of the corporate world's agenda."* A case in point: four major global oil companies urged President Trump to remain part of the 2016 Paris Climate Agreement before he eventually decided to pull out.

"The energy sector as a whole is driven by population growth, economic growth and the problem of climate change," says Marsh. *"These are the most important global trends, and they transcend jurisdictional politics."* That's important at a time of political upheaval and creeping isolationism. *"This sector is, by definition, international. If you take Brexit as an example, the UK is connected to mainland Europe by all sorts of pipelines and electrical cables. Those physical connections will only increase in the future."*

Just as energy lawyers have had to adapt their practices towards the rise of renewables, lawyers in all fields are perpetually engaged in a cat-and-mouse game: as client priorities and worldwide market forces shift, the legal profession responds. In the future, Dan Metcalfe predicts, *"the profession will become more focused and streamlined."* That means various things: a move away from standard hourly rates; increasing use of outsourcing and artificial intelligence; and, says Mark Simpson, *"an evolution of the lawyer's role so that we become more of a trusted adviser closely involved with the business than a practitioner drafted in to carry out triage in emergencies."*

"You can't un-invent!"

None of these changes diminish the need for lawyers to work internationally. While 2016's events and the debate it sparked prompted nervous chat about 'the death of globalisation' – or at least some form of deglobalisation – NRF's lawyers don't see things going in this direction. Duncan Batchelor reminds us: *"You can't un-invent or un-connect!"*

Lawyers will be at the centre of the action as we respond to the huge challenges our world faces. The future will need bright lawyers who are ready to embrace change and share ideas across borders. To succeed in this world, you'd be wise to equip yourself with varied experience, and train at a firm with an eye on the future.

Legal blogs and podcasts to follow

Our curated list of recommended legal and commercial blogs to follow to help you with your commercial awareness.

It's important to stay up to speed with the latest developments in the areas of business or law that you're interested in. Following the news and social media are both good ways of doing this. Another key way to stay commercially aware is by exploring the legal blogosphere.

Did you know the Article 50 Brexit case brought by Gina Miller in 2016/17 was prompted by a blog post? Well, it was. We're not suggesting that reading blogs is likely to lead you to become part of the most important constitutional law case of our generation, but it will benefit you in other ways.

Commercial awareness is a key requirement if you want a job in law; it's important that you can speak confidently about the commercial and legal trends affecting law firms, their clients and the legal and business world in general. And blogs are a great way of staying informed about these trends.

Below we've curated a list of recommended legal blogs to help boost your commercial awareness. They are listed by broad subject/field, so you can narrow things down. The blogs are written by a mix of barristers, solicitors and law firms.

Brexit

- **Kingsley Napley Brexit Blog** This blog from Kingsley Napley looks at commercial, public law and private client issues.
- **Matrix Brexit Hub** A weekly roundup of legislative and other developments from Matrix Chambers.
- **Inside Brexit** Lawyers from Norton Rose Fulbright look at the effects of Brexit on areas including finance, life sciences and regulation.
- **Brexit:** Navigating the Unknown Clyde & Co on what Brexit means for energy, employment, competition, tax, contracts, insurance, etc.
- **Brexit Hub** Ashurst's lawyers on the effects of Brexit on financial services, real estate, energy and other sectors.
- **Waiting for Godot** Blog by tax barrister Jolyon Maugham, mostly about Brexit these days.
- **Brexit Blog** Insight and analysis from barristers at Monckton Chambers on subjects including trade, EU law and Article 50.

Corporate and transactional

- **Global Business and Human Rights Blog** Blog from Freshfields on human rights, business and regulation in the UK, EU and around the world.
- **Global M&A Hub** Cross-border M&A news from Ashurst.
- **Commercial Dispute Resolution and Life at the Bar** Podcast by 4 New Square.
- **Talking Business** Commercial law updates from Gateley.
- **Global Energy Blog** The latest developments in global energy law and policy from Dentons.
- **BBC Business** News blog on business and the financial markets by BBC Business editor Simon Jack.
- **SDLT Questions and Answers** Ex-City solicitor and tax lawyer Ann L Humphrey answers questions about Stamp Duty Land Tax.

Creative industries

- **Lawfully Chic** Fabulously named fashion blog written mostly by lawyers at Mishcon de Reya.
- **Art Law and More** Microsite from Boodle Hatfield about the fascinating and mysterious world of art law.
- **Bristows Cookie Jar** A sweet resource from Bristows' tech, media and telecoms team looking at legal opportunities and challenges in the tech sector.
- **Freshfields Digital** Insights on the legal implications of the digital revolution.
- **The IPK** at Intellectual property news from academics and lawyers, headed up by Eleonora Rosati of Bird & Bird and Annsley Merelle Ward of Bristows.
- **Global Media and Communications Watch** Blog from Hogan Lovells on tech, media and telecoms issues from around the world.

Litigation and crime

- **The Secret Barrister** Blog by an anonymous criminal barrister covering all kinds.
- **Civil Litigation Brief** Updates and commentary on civil procedure, costs and more from barrister Gordon Exall.
- **The Cycling Lawyer** Blog by keen cyclist Martin Porter QC of 2 Temple Gardens looking at personal injury cases and legal protections for cyclists.
- **Insurance Hub** Cases, reports and commentary on the insurance industry from Clyde & Co.

- **Costs Barrister** Blog on legal costs from Nottingham barrister Andrew Hogan.
- **Current Awareness** Case law, changes in legislation, and legal news from the Inner Temple Library.
- **Legal Insights & Resources** Articles covering the basic facts of different areas of criminal law from Chambers-ranked crime firm Lawtons.

Family and private client

- **Pink Tape** A blog about family law from barrister Lucy Reed.
- **Family Law Blog** A consumer-focused blog from regional firm Woolley & Co.
- **The Transparency Project** Blog from a charity aimed at improving understanding of family law and the family courts.
- **The Small Places** Blog on health and social care law by Dr Lucy Series of Cardiff Law School.
- **The Wealth Lawyer UK** Blog on private client law from Helena Luckhurst, a partner at Fladgate.

Property and construction

- **Nearly Legal** Blog and resources on housing, leasehold and landlord/tenant law from a partner at Anthony Gold.
- **Talking Property Law** All things leasing, licensing and commercial property from Gateley.
- **Housing Blog** News, comments and insights on housing law from Addleshaw Goddard.
- **Infrastructure Hub** Projects and construction law updates from Clyde & Co.
- **Practical Completion** Commentary on construction and engineering matters from Mills & Reeve.

Employment

- **Be Aware UK** News and views from DLA Piper's employment law team.
- **Kingsley Napley Employment Law Blog** Insight from Kingsley Napley's lawyers.
- **Employment Law Blog** Blog by Birmingham-based barrister Charles Price.

Public law

- **UK Constitutional Law Association** Constitutional law blog; a June 2016 blogpost here was the impetus for the Article 50 Miller case.
- **UK Human Rights Blog** Insightful blog on UK human rights written by barristers from 1 Crown Office Row.
- **RightsInfo** Devoted to spreading knowledge about the advances in human rights protections brought about by the UK Human Rights Act. Founded by barrister Adam Wagner, this blog has developed into a news website

- and campaign organisation with nine staff led by journalists Alex Feis-Bryce, Sarah Wishart and Jem Collins.
- **Barrister Blogger** London barrister blogging on crime, public law and the courts.
- **UKSC Blog** Blog about cases appearing before the UK Supreme Court started in 2009, written by barristers from Matrix Chambers and solicitors from CMS.
- **ECHR Blog** A look at cases and other matters related to the ECHR written by a Dutch legal academic.
- **Comp Law Blog** Commentary on competition law from various industry experts.
- **Privacy Matters** European and global privacy and data protection blog from DLA Piper.
- **Inside Privacy** Blog about privacy law in the US from Covington & Burling.
- **Free Movement** Blog on all things immigration from Garden Court Chambers barrister Colin Yeo.
- **IntLawGrrls** International human rights blog written by women and started by Diane Marie Amann of the University of Georgia.
- **Public Law for Everyone** Blog on administrative, constitutional and human rights law from Cambridge law professor Mark Elliott.

Legal technology

- **Future of Law** Blog from publishers LexisNexis on legal technology, training and diversity.
- **Artificial Lawyer** News and views on artificial intelligence and legal automation.
- **3 Geeks and a Law Blog** Blog by three US lawyers on law firm marketing, resources and knowledge management.
- **Law, Technology and Access to Justice** Blog on the use of technology to advance access to justice around the world.
- **eDisclosure Information Project** Blog about the rules, the technology and the practice of e-discovery.
- **Lawyer Watch** Personal blog of UCL law professor Richard Moorhead. Recent posts cover barrister earnings, legal aid, compliance, recruitment and diversity.
- **Legal Solutions UK & Ireland Blog** Blog from publishers Thomson Reuters about legal technology; it has a careers section too.

Listening and viewing

Tired of reading? Here are some podcasts, films and documentaries that can help boost your understanding of business and law.

Podcasts

Law in Action Joshua Rozenberg's excellent Radio 4 show about law; it tends to focus on public law, crime, policy, the courts and family law.

The Pupillage Podcast This charming and well-made podcast from 5 Essex Court barristers Georgina Wolfe and Beatrice Collier gives fantastic insight and advice on how to gain pupillage, covering everything from the Inns of Court and pro bono to applications and interviews.

The Hearing Freeths employment partner Kevin Poulter interviews interesting characters from the world of law.

Northpod Law Amateur podcast from three Manchester barristers looking at criminal law issues such as sentencing, murder, drug dealing and sexual abuse.

11KBW Knowledge & Events Podcasts Podcast from barristers' chambers 11KBW on employment, education, local authority and data protection law and other public law topics.

The Economist podcasts Podcast on global economics from the world's leading publication on the subject.

Best of Today Daily business updates from Radio 4's *Today* programme presented as podcasts online.

Business Daily The BBC World Service's daily business and money podcast.

The Bottom Line Evan Davis's business programme on BBC Radio 4.

Freakonomics Radio Quirky podcast from one of the co-authors of *Freakonomics*. Not all the episodes are relevant, but some focus on interesting global economic issues.

Planet Money Podcast from NPR (the US equivalent of Radio 4) about economics and business. Mostly focused on the US, but still insightful.

Film and TV

Denial This 2016 film stars Rachel Weisz, Tom Wilkinson, Timothy Spall and Andrew Scott. It focuses on the 2000 libel case in which Holocaust denier David Irving sued academic Deborah Lipstadt. Andrew Scott plays solicitor Anthony Julius, who we recently interviewed.

The Good Fight Spin-off of *The Good Wife* covering the life and legal exploits of Diana Lockhart (played by Christine Baranski) and young lawyer Maia Rindell (Rose Leslie).

A Very English Scandal 2018 BBC drama starring Hugh Grant and Ben Wishaw about liberal leader Jeremy Thorpe's relationship with Norman Scott. The final episode covers Thorpe's infamous trial for conspiracy to murder, in which his lawyers managed to get him acquitted despite the evidence against him.

The People v OJ Simpson: American Crime Story Gripping 2016 drama series about OJ Simpson's 1994 murder trial. It has an impressive cast including Sarah Paulson, John Travolta, Cuba Gooding Jr and David Schwimmer. It's all about the American courts and legal system, but still fascinating.

The Big Short 2015 Hollywood movie starring Christian Bale, Steve Carell, Ryan Gosling and Brad Pitt giving the inside story of the trading and financial wizardry that led to the massive balls-up that was the 2007/08 financial crisis.

Too Big to Fail HBO TV film showing the political machinations behind the failed efforts by the US government to save Lehman Brothers from bankruptcy. Contains some insightful and startling explanations of how certain financial instruments and systems work.

The Ascent of Money 2009 documentary by historian Niall Ferguson about the history of the global financial system made in the wake of the 2007/08 financial crisis. There's a book with the same name too.

Bear in mind you can't achieve everything sitting behind a laptop, clicking from site to site. A great way to improve your commercial awareness is getting work experience, networking and talking to people in law.

Preparing students for the legal-tech revolution

Is legal education preparing students adequately for a fast-changing profession? We interviewed Dr. Anna Elmirzayeva, who runs the MSc Legal Technology course at the University of Law.

If there's one thing we know for certain, it's that nothing stays the same – one must only look to the seismic changes seen this year as evidence. Yet, away from the pandemic, the march of technology has trundled on, bringing with it new legal systems shaping and redefining processes as old as the profession itself. And crucial to practising law in the future will be practitioners' ability to get a handle on these new technologies and harness their capabilities as a means to streamline and modernise a profession traditionally hesitant to change. We recently caught up with Dr Anna Elmirzayeva to talk all things technology, the way practice is changing, and what the future might look like for any would-be trainee. Dr Anna Elmirzayeva runs the MSc Legal Technology course at the University of Law.

Chambers Student: In what ways is practising law different now from generations previous?

Dr Anna Elmirzayeva: Automation is changing the industries dramatically, and to be frank, the legal profession has been somewhat late to this party. We see automation in lots of different industries. These industries are clients to law firms. Therefore, having used AI-augmented systems themselves, offering quicker and cheaper processes of delivery, they are pushing the legal profession and expecting the same efficient delivery from law.

“...analytical skills, strategy, ability to problem-solve are coming to the forefront and of course ability to interact with technology is becoming critical.”

Law, which has traditionally been a knowledge and reputation-based industry, is experiencing high levels of automation mainly because of the functionalities offered by legal technology. For instance, an automated system can take large volumes of data and analyse it in a matter of days or hours, which using traditional methods takes weeks and teams of lawyers to do. One of the essential skills of the legal profession is experience, memorising case details, and experience based on how many cases or matters you've personally contributed to. Today knowledge recall systems are being automated by tools easily accessible on the market. Given the level of automation

we are experiencing, efficiency dictates that repetitive routine tasks are going to go; analytical skills, strategy, ability to problem-solve are coming to the forefront and of course ability to interact with technology is becoming critical. Therefore, there are definitely changes to legal services and how students will deliver these services.

CS: How is the law school curriculum changing in response to this?

AE: ULaw were probably one of the first law schools on the market in introducing legal technology training programmes. Universities across the country are drawing on computer science resources, with their technology labs joining forces. ULaw is in a perfect position. We have the advantage of maintaining a strong link with some of the strongest computer science departments on the one hand and equally strong connections with the largest law firms on the market, giving us feedback on exactly what types of skills are required of the new generation of legal practitioners.

Building a perfect legal technology course is about a creating the right balance. Courses that are too technical are not well received by lawyers and are frankly unnecessary, unless you are planning to architect these tools in the future. There's a fear of having to learn a whole new trade, as well as legal trade. In ULaw courses we focus on conceptual understandings and give students the essential skills for how they're going to engage with these tools, with hands-on, practical experiences.

CS: Do students need more than a traditional legal skill base to navigate the new terrain?

AE: I would probably say yes. It's not a daunting task understanding some of these questions. Just a new set of skills that can come from training. I'm always asked, “do we need to learn how to code etc.?” and my response would always be that while it's not essential – unless you're a coding enthusiast, for which of course it would be beneficial – it's about how you're going to engage with these new systems.

CS: Succinctly, then, are students across the board underprepared for 21st century legal practice?

AE: Yes, if they choose to ignore the new technical aspects of legal services delivery. There's some level of awareness of automation coming to the legal industry, but there needs to be more awareness of what types of tools are coming into practice and their capabilities. Understanding the functionalities of the new legal technology is essential for a contemporary lawyer. I always start my sessions with a strategy question: what types of skills are likely to be susceptible to automation and what will require innately human traits? Once you can answer that, you can start mapping the tasks to technologies that are offered on the market.

CS: So will the role of a trainee fundamentally change in light of new technological advancements?

AE: There's a professional development need. I'm talking to lots of law firms and delivering sessions around the UK and it seems that the majority of them want their trainees to be aware of technology; firms are now seeing legal tech training as a must. There's lots of expectation when it comes to trainees joining practice; firms will welcome those with pre-existing knowledge but will do their best to get others up to speed.

“The most advanced legal tech tools are being invested in by the biggest and wealthiest firms.”

CS: Do most firms seem to be on board then? Or do some remain resistant?

AE: There's a general acceptance by firms of the idea that technology is here to stay. I wouldn't say that firms are digging their heels in. They all accept that this is where the market is going and if they don't get involved now, they will lose a competitive edge.

The most advanced legal tech tools are being invested in by the biggest and wealthiest firms. Smaller firms may not necessarily be on board or investing in the most sophisticated tech, instead looking at more straightforward types of automation. It's also industry-dependent for certain legal tech tools: some industries are more sophisticated compared to other areas of practice.

CS: You mention the difference between smaller and larger firms. Do you feel the advent of these technologies may exacerbate the gap between those at the top and the smaller, mid-market competition?

AE: I see the market as quite dynamic. It might widen the gap to a certain extent, but I see small, agile firms emerging as well. These smaller firms have secured a budget to buy legal tech, so they can create competition for the larger players as they may not need the number of lawyers, the same pool of expertise, that give advantage to

larger firms. Tech could substitute the human capital in that light. On the one hand, smaller firms may lose out, but on the other the smaller, agile players will have an advantage too.

CS: More generally then, what technologies are we talking about that are shifting legal practice operations?

AE: Document automation is well known by now. AI machine learning would probably be the first to mention, mainly because of its ability to digest large volumes of data so quickly. Another technology that attracts interest is blockchain and particularly smart contract applications. With blockchain overall, law firms are seeing lots of clients that are adopting blockchain technology as part of their business models. These clients will need advice on emerging legal frameworks and the legal implications of using these systems. Therefore, technology does not only enter the legal profession in the form of facilitating of internal processes; the client perspective is also very important, and understanding the functionalities of tech to be able to advise these clients is becoming critical.

CS: Drawing back to a trainees' role, will those traditionally more basic tasks no longer be the domain of early practitioners?

AE: A lot of traditional training with still happen. Trainees will still be doing lots of traditional tasks, like document review, but we'll see a steady trickle of technology into their lives. Traditional roles will not be replaced instantaneously; rather, new trainees will have the benefit of being trained and growing with tech advances. A lot of technology is still maturing and in some cases we're not dealing with the final products yet.

CS: What solutions are law firms and law schools looking at to perform better in an increasingly digitised age?

AE: When we started building our courses, the tools that we encountered focused on discrete tasks: engaging with systems looking at contract automation, document review, machine learning looking at data sets... they were all very separate from one another. What we can see now is providers joining forces with one another and offering end-to-end solutions. Platforms that focus on client matter management: from onboarding, through negotiations, signing, billing, to final stages of the matter, etc., and all happening on one single platform. The tools are maturing and we're starting to see higher-level automation with end-to-end functions. Depending on budgets, firms can choose the piecemeal approach or go with platforms that join tools in more streamlined ways.

“The dreaded hours of juniors reviewing numerous contracts are going to go and allow them to focus on the exciting parts of the work.”

CS: Specifically in the intersection of technology and law, what excites you about the future?

AE: I would probably not be original in saying this but I'm the type of person who likes efficiency. The types of automation we are experiencing today are taking away the hard grind and pain points of the legal profession. Some legal professionals see automation as a threat, being cannibalised by robots etc. But overall, I'm very much pro-automation. The dreaded hours of juniors reviewing numerous contracts are going to go and allow them to focus on the exciting parts of the work. There's no need to fear automation: it promises a more exciting legal profession in the future, where you can apply yourself and engage with clients differently.

CS: You mention fear or aversion, could you expand on that?

AE: I can understand those who see automation as a threat, especially if you've practised for a number of years and used to certain ways, where your reputation is based on the number of matters you've personally looked into. You may feel cheated if these years of experience are simply programmed into a clever system for someone else to use. To an extent, it could feel it invalidates what you've done throughout your career, so I can understand where this disappointment might come from.

Aversion may also come from the need to learn an extra skill. We all know the amount of work lawyers are engaging in, so I can understand why extra training might feel burdensome. But it's not an overnight update to the system; although there is training done on all levels, firms are heavily invested in the grassroots approach, with trainee development that includes an understanding of legal technology. It's a very gradual process that will produce a new generation of legal professionals native to these tools.

CS: Drawing back to your mentioning of different uptake in different industries, could you explain what practice areas might be more affected than others?

AE: Contract law is undergoing a lot of change through automation, with tools like Thompson Reuters Practical Law and Contract Express doing an excellent job automating and standardising contractual provisions. Contract review tools are enhanced through machine learning AI; consider tools by Luminance and Ayyfie.

There's a lot of update in the real estate and insurance sectors, with clients coming to law firms using blockchain and smart contract technologies. This even resulted in coining a new term – 'ledger lawyer'. Blockchain is a disrupted ledger technology; the term 'ledger lawyer' refers to lawyers dealing with clients with blockchain as part of their business model. So they'll need to speak the same language as their clients.

“There's little legalisation governing how disruptive technologies are used.”

There are two streams of tech awareness materialising. First, legal technology used in the process of legal service delivery, with systems used internally to analyse data, build contracts or interact with clients. And the other is to work with tech-savvy clients who use these tools as part of their business model.

CS: Can you explain technoethics and the use of disruptive technologies in corporate governance?**AE:** There's little legalisation governing how disruptive technologies are used. One reason is that any regulation or framework might stifle the development of very rapidly changing tech needing to mature. The speed of these tools' development, and appreciation that they need space to mature, means that there are hardly any legal provisions regulating AI-augmented tools, for instance. Most countries are approaching AI through ethical frameworks, rather than legal ones.

There's definitely a concern as to how these tools perform, explainability of their decisions, and biases they might pick up on. As an individual, if you're subject to automated decision-making, what are the ethical limits to how much data the system should use? Therefore, the ethical implications of these developments are important. While lots of questions are future-based, we need to start thinking about these implications now. Technoethics are important when considering the legislative framework around AI.

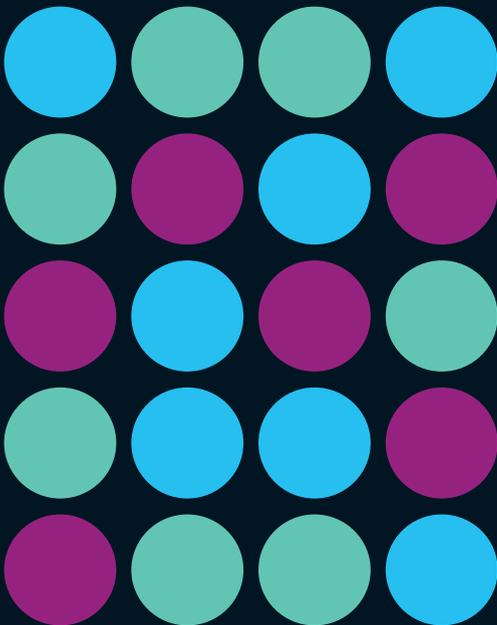
One can also consider how interactions built using new technologies might affect traditional corporate governance structures. This could be a topic for a whole new discussion and a very interesting one in the post-pandemic environment.

CS: For our readers specifically, what advice would you offer to them as they embark on their legal careers?

AE: While learning about legal tech feels like a very daunting task and completely alien territory, my advice would be to get any sources you can: start reading and start learning. It's not as difficult as it seems. The information is everywhere, and the tech providers and community are open about the tech they're using, and are will-

ing to send demos and offer short training sessions for those interested. The community is very active. For those wanting to learn, the information is everywhere. You don't have to know the ins and outs of computer science, which was a comforting piece of news when I embarked on this journey; just learn how it works. It's very much like using email. You don't need to know the code that goes into making the email application work; you just need to know how to send your message.

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