



City Solicitor

The newsletter of the City of London Solicitors' Company and the City of London Law Society



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Clerk to the Company and Secretary of the City of London Law Society

Neil Cameron

4 College Hill, London, EC4R 2RB

Tel: 020 7329 2173 Fax: 020 7329 2190

Email: mail@citysolicitors.org.uk

Editorial Board

John Abramson

58 Fenchurch Street, London, EC3M 4AB

Tel: 020 7954 8525 Fax: 020 7954 8961

Email: john.abramson@aig.com

Elizabeth Thomas

4 College Hill, London, EC4R 2RB

Tel: 020 7329 2173 Fax: 020 7329 2190

Email: mail@citysolicitors.org.uk

City of London Solicitors' Company

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Dates for 2007

THE CITY OF LONDON SOLICITORS' COMPANY

Mon. 26th Nov. * Court meeting at 11.00 a.m.
followed by luncheon at 1.00 p.m.

Thurs. 29th Nov. Livery Dinner, Clothworkers' Hall,
Dunster Court, Mincing Lane, EC3 at
7.00 p.m. Liverymen and Guests. D.

THE CITY OF LONDON LAW SOCIETY

Wed. 28th Nov. † Committee of the City of London
Law Society at 11.00 a.m.

† Carvery Lunch at 1.00 p.m.

* At Cutlers' Hall, Warwick Lane, EC4.

† At Butchers' Hall, Bartholomew Close, EC1.

For the assistance of members, the dress for evening
functions is indicated in the programme as follows:

D Dinner Jacket (black tie)

Editorial



As the nights draw in, and the leaves change colour, City solicitors may allow themselves some introspection about their role in the wider community. The Company's support for a range of charities is a key component of its regular activities. The Master clearly leads by example in

donating his time and expertise to those who may benefit. His Master's Word in this edition explains his vision of such initiatives. We also showcase the work of the Solicitors Benevolent Association, and publish our annual invitation for members to support the good work of the SBA.

The infectious enthusiasm of the Chairman of the City of London Law Society flavours his report of his energetic advocacy on behalf of the City profession. The reports in this edition of some of the specialist committees of the CLLS reflect the constant hard work that their members put in to ensure that City solicitors are at the forefront of new developments in all branches of law practised by the City profession.

Socially, the Company never seems to lay down. The Company's wine tastings go from strength to strength. In this edition, two perspectives of the recent event give a full bodied flavour of an evening that clearly had some legs.

Finally, but not least, we congratulate our Junior Warden, Alderman David Lewis, on his election as the 680th Lord Mayor of the City of London. More details to follow, of course, but our cover photograph provides the first hint of his year to come.

John Abramson
AIG, Editor

Master's Word

Bill Knight, *Master*



One of the many advantages of being Master of the City Solicitors' Company is the ability to nominate a cause close to your heart to receive a small gift from the Company's charitable fund. The gift has to be connected with, or close to, the City. I have chosen Argyle Primary School at King's Cross.

I have been a governor of Argyle since 1994 and it is a great and continuing source of pleasure to me. It is a state primary school. The vast majority of the children who are educated there are the children of recent immigrants who do not speak English at home. They are bright and able kids and the teachers and staff at Argyle work night and day to make sure that they will take their full place in the world as independent, free-thinking British citizens. The children, like happy children everywhere, are compressed packages of energy who explode into the playground three times a day, but they work hard; they are well-behaved and they learn.

Argyle has opened my eyes, not only to the issues of the inner city but also to the power of our state education system to influence society for good. Camden has an excellent education authority, which even holds parties to thank the governors from time to time. Every three years or so Argyle governors and staff have an awayday. These are truly

memorable occasions. At the first one we did maths tests to relax. One of my fellow governors was a partner at PriceWaterhouse Coopers. Luckily he did well. At the second I did not get out of the way fast enough and found myself trapped into music and movement.

The Company's gift to Argyle will help pay for extra-curricular activities which the children could not otherwise afford. For example the staff organise a yearly trip to Paris for the older children. I imagine that most of the kids who go on that trip do not otherwise move more than a mile from King's Cross.

The wealth and power of the City is on Argyle's doorstep and I hope that many children educated there will come into the City to work, perhaps to qualify as solicitors. Argyle has certainly educated me.



Chairman's Column

David McIntosh, *FOx*,
Chairman of the City of London Law Society



NO EMPTY CHAIRS

City solicitors cannot afford to leave any chairs empty when it comes to influencing the law-makers and regulators and their impact upon our practices and regular clients.

This is why forging front line consultative relationships with government, the European Commission Directorates, the Solicitors Regulation Authority and the Law Commission has been high on the City of London Law Society agenda.

Over many years, our 17 specialist Committees have been regularly consulted by the government and called upon by the national Law Society when City expertise has been required. However, the CLLS and its (now) corporate member firms have not always been in the front line in responding to threatening changes. Sometimes, as with the conflict of interest rules, the CLLS has had to mount a rearguard action when the interests of commercial law firms and their clients have been overlooked by others.

It has not proved sufficient to rely solely upon the national Law Society as a first line consultee and the Council of Bars and Law Societies of Europe (CCBE), (through the UK delegation of the national and the Scottish and Northern Ireland Law Societies) has proved unable fully to look after the interests of the major City and international law firms, given the wideness of its membership.

This is why whilst working with the national Law Society and the CCBE on issues of common interest, the CLLS has spent the last year forging its own direct and first line consultative relationships in order to minimise the risks of its members and their clients' interests being by-passed.

With the considerable help of our corporate members, we have had meetings with the Ministry of Justice (many on the Legal Services Bill), the SRA, the EC and the Law Commission. As a result of these meetings, each has welcomed our inclusion amongst the first-line consultees on City practice issues with the facility of regular meetings.

These re-pointed relationships provide our law-makers and regulators with direct access to leading City practitioners who

invariably form part of our delegations and form the membership of our ad hoc and standing Specialist Committees. They are not consulting second-hand through CLLS office holders.

This "stand up for the City" approach has already served our membership well and has the potential to continue to do so. It has enabled us to assist in co-ordinating the response of the SRA and City firms response to the FSA's thematic review into confidentiality of inside information in public takeovers. We are involved through a working party drawn from our corporate members with the FSA and SRA and are in a position to influence any rule changes.

The SRA and the EC are aware of our call for proportionate and workable regulation and the government knows the importance of City law firms to the international standing of the City of London and to the UK economy.

We have also built upon our relationship with the Corporation of the City of London by visiting their Brussels office, knowing their interests will often coincide with ours, with the potential to lobby together. This and our good relationship with the office of the Lord Mayor of the City of London enables us to join hands when the overall interests of the City are challenged by ill-considered reforms and regulation.

Be assured the chairs
are being filled!



Wine tasting



Seventy people attended the Wine Tasting on 27th September at Tallow Chandler's Hall. Hosted by Master of Wine, Matthew Stubbs, the theme of the evening was Bordeaux versus the Rest of the World and provided a fascinating insight into how wine differs when grown in different parts of the world.

Six wines were tasted, three Clarets from the City of London Solicitors' Company cellar and three wines from other countries and regions. The wines were tasted in pairs to allow comparisons and people were invited to voice their own comments and scores on the individual wines.

Overall the Bordeaux wines came out top with Clos du Marquis, the second wine of Château Léoville Las Cases, the outstanding wine of the evening. The biggest differences of opinion came from the wines outside Bordeaux with some very positive comments and others who were less enthusiastic.

Matthew conducted a very entertaining evening and he was very keen to allow people to express their own impressions of the wines. It finished off with a visual presentation of the winemaking process, which helped to explain the care and decisions that need to be taken to make good quality wine.

Here is a full list of the wines tasted on the evening, together with notes from Matthew:

1. Chateau Grand-Puy-Ducasse , Pauillac, Bordeaux 2003

Despite 4 years of age, still very young with new oak still very much the prevailing impression. Very ripe fruit from this super-hot vintage lurking in the background gives the wine the ability to soften and improve over the next 5 years.

2. Vergelegen Mill Race Merlot/Cabernet Sauvignon, Stellenbosch, South Africa 2004

A blend of 60% Merlot / 40% Cabernet Sauvignon from this stunning property situated 6 km from the ocean. Crimson colour with supple plum and damson aromas. Very accessible fruit on the palate which develops to show some complexity and maturity on the finish.

3. Clos du Marquis , St Julien, Bordeaux 2001

Opaque and still in the first flush of youth. Textbook claret with aromas of cassis, pencil-shavings all surrounded by a solid structure of firm tannin and lively acidity. Starting to open out now but clearly has the potential to last another 10 years.

4. Eral Bravo Malbec, Mendoza, Argentina 2005

The first vintage from this impressive estate in Mendoza. Closed on first taste but after 15 minutes in the glass the wine really began to open out. Very expressive black cherry fruit with white pepper overtones. Lovely weight and depth which lead to a long and impressive finish.

5. Chateau Langoa-Barton, St Julien, Bordeaux 1999

The oldest wine in the tasting and one of the best. Brick red hue gives the first clue to a wine on the road to maturity. The primary fruit has given way to a more savoury style, totally harmonious in structure with layers of flavour and complexity. The mouth puckering tannin on finish shows the wine still has some potential to age but it is perfectly drinkable now.

6. Chateau La Bouscade GSM , Minervois, France 2005

One of the top wines from this new family-owned estate in the South of France. A blend of one third each of Grenache, Syrah and Mourvèdre the wine has more in common with the examples from Chateauneuf du Pape than Bordeaux. A super-ripe aromatic profile is complemented by an explosion of concentrated black fruit. What it lacks in the poise and elegance of the refined clarets is more than made up by a no-nonsense approach to seduce the tastebuds. An estate to watch.

For more information on wine consultancy services and wine courses in France visit www.matthewstubbswine.com

Wine Tasting Review

On 27 September 2007 the City of London Solicitors' Company held a Wine Tasting in the splendid surroundings of the Tallow Chandlers Hall; a place familiar to some members as the venue for the Company's AGM in recent years.

On arrival, the guests were greeted by the unusual sight of a large projector screen and tables laden with large platters of assorted cheeses and a selection of biscuits, grapes, walnuts and celery. If it was not for the assortment of wine and water glasses, one could have been mistaken for thinking that we had missed the earlier courses of a feast.

In addition to the food, each guest's place had a sheet of paper upon which six glasses were placed in a numerical order. The observant noticed that two of the six glasses were different – was this connected with the forthcoming tasting?

After some introductory words by Nicholas Macfarlane, the Chairman of the CLSC's Wine Committee; Matthew Stubbs, Master of Wine, outlined the night's proceedings. It was enticingly entitled "Bordeaux Against the Rest of the World". The international lawyers' palpable disappointment at learning that Bordeaux had not ceded from France was ameliorated by the anticipated wine selection and tasting.

The guests then proceeded to the six selected wines, though before the tasting commenced there was a brief résumé on the method of tasting wine. This arguably could be bottled within the phrase "sniff, swirl and slurp", namely with the wine in the glass consider its colour, then gently swirl it around the glass, whilst contemplating the emanating aromas and then taste the wine, savouring and discerning its characteristics and flavour.

With this information the guests commenced the tasting. It was structured in such a way that the wines were tasted in pairs, namely a Bordeaux followed by a South African, then a Bordeaux with an Argentinean and finally a Bordeaux and Minervois. The guests were encouraged to express their views on the wines and in particular each wine's qualities, its flavour, smell, legs and how long after drinking did it linger on the palette. Each wine was scored out of 20 points and purchase prices estimated.

The Master of Wine accompanied this around the wine world experience with photographs of grape cultivation in the Andes where vineyards are 1,000 metres above sea level whereas the highest European

vineyard is 300 metres above sea level. The high altitude results in temperature extremes which pose their own problems for producers, a difficulty not often shared in Europe where the temperature is relatively constant.

An informative synopsis on the wine making process itself was then provided by the Master of Wine. He accompanied it with photographs of people demonstrating the numerous stages of wine's production. It later emerged that these were of the vineyard and its owner that had produced the final wine.

During the course of the evening's swirling, slurping and consumption of the delicious cheeses, the Clerk kindly recharged the guests' glasses to enable further consideration and appreciation of some of the wines that had previously been tasted. This was welcomed by the guests since the Bordeaux wines, by general consensus, did require a second observation, contemplation and digestion in order to confirm or adjust earlier conclusions. Further cheese added to and eased this difficult process.

The revelation that the wines were from the Company's cellar may have been the cause which led to one guest knocking over a tasting glass, or possibly it was a new expression of appreciation of shrewd past purchases or expectations of accompaniments to forthcoming dinners. This matter was left unresolved.

The conclusion distilled from the evening was that wine is a matter of personal choice. There is no right or wrong, it is a subjective matter and a personal evaluation. The guests appreciated the opportunity to compare the old and new world wines together with the cheeses and the illuminating erudite explanations.

After some concluding comments by the Master, the wine judges departed murmuring amongst themselves about a thoroughly enjoyable evening.



Auld Broad

Is George with you?

George featured in Auld Broad's professional life from an early stage. He was a wartime colleague of one of Auld Broad's principals, both with distinguished WW2 careers in the Royal Navy. He was, in a sense, your archetypal jolly tar - short, stocky, bluff, hale, generally hearty and yes – bearded. Auld Broad was in no doubt that on occasions when “decorations” were de rigeur, George would have had a noticeable list to port on account of the numerous campaign medals and awards for bravery which he had accumulated. But he also had a number of curious – and sometimes maverick – characteristics which distinguished him from other clients with a less turbulent background and contributed to what developed into a somewhat off-beat solicitor/client relationship.

Prominent amongst these characteristics was a marked pre-occupation with his bodily functions and, in particular, an obsession with his bowel movements. Those who have experienced the armed forces will know that this is a not uncommon feature amongst long serving men and women. These movements – his love affair with classical music dictating his choice - he placed in four categories “Adagio, Allegro, Andante and Rondo”. He was prone to announce his current condition to anyone who cared to listen and did not mind who knew about it.

The telephone would ring in Auld Broad's office:-

“George here”.

“George, how nice to hear from you. How are you?”

Auld Broad quickly learnt this was an unwise opening gambit.

“Had an excellent dish of mussels last night. I'm Allegro this morning.”

After a time Auld Broad could anticipate the mood and mindset of his client according to the information provided and could prepare suitably. But, in spite of all his bonhomie and joie de vivre, George had found it difficult to come to terms with “civvy street” and had led a somewhat restless life where, though he was often able to deploy his talents for man-management successfully, he never quite found the square hole into which his square peg would comfortably fit. More significantly he was, in one unfortunate sense, one of life's born losers. He had a unique capacity for attracting Compulsory Purchase Orders. When Auld Broad first met him his house was about to be acquired as part of a motorway. Subsequently he was swallowed up by a new town, and the farm which he later inherited from his father and had hoped to make his life's final work, disappeared into the maws of the third London airport. But more of this phenomenon later.



One of Auld Broad's earlier experiences of the range of George's interests resulted from the fact that George was a stalwart of the RNLI and had committed himself to raising funds for a new lifeboat without – as usual – giving a great deal of thought to where the money would come from. In a moment of inspiration he dreamt up the idea of a national raffle for which the winning prize would be the honour and privilege of launching a ship, without – in characteristic style – having the first idea where he would find one. As was his wont when confronted by such setbacks, he turned to Auld Broad.

“Look here Broad, you have a big maritime practice don'cha, surely you've got a chappy somewhere with a ship ready to go? Dig it out for me, there's a good lad”.

The substantial maritime practice to which George referred was, to Auld Broad, an enigma which Auld Broad had resolved at an early stage to avoid. But such a challenging appeal could not be ignored. At lunch one day at the Baltic Exchange, Auld Broad turned up a client shipowner who did have a launch in prospect. Conveniently he was also an enthusiast for the RNLI and agreed to co-operate. The client had proposed to invite his wife to launch this particular ship, but she graciously agreed to stand aside so that the raffle could proceed. In the event it was won by a surprised lady from Central Manchester who had never been to the seaside, let alone on a boat. She was accorded a modest allowance for a new dress and hat which, Auld Broad recalls, she spent to good effect.

The ship in question - an 8000 ton coaster - was being built on the side of a canal in Holland and the whole party decamped to the location. Those familiar with such events will know that a launch is only marginally about getting the ship into the water safely. More importantly it is an occasion for a breathtaking display of hedonistic competition between ship-builder, shipowner and charterer to lure the launch

party into previously unattained heights of euphoria. This occasion was no different, so Auld Broad must be forgiven if his recollection of events is somewhat hazy. But the fog of hospitality had cleared sufficiently for him to remember the launch itself. The ship had been built sideways on to the canal. If Auld Broad had put money on it he would have wagered it was wider than the canal. He would have lost. The houses on the other side of the canal were boarded up and, as the great moment approached, the whole of the local population gathered at the top of the opposite bank to watch. Auld Broad felt they were somewhat dangerously exposed but was reassured. The real reason for their presence soon emerged. After the charming Mancunian had done her bit the ship slid ponderously sideways into the canal. This caused a mini-tsunami which, as it happened, didn't quite reach the assembled watchers on the other bank. The ship floated and, as the tsunami receded, the entire population swept down the bank to retrieve the mass of fishes and crustacea which had been stranded by the launching – a remarkable sight.

But back to George and Compulsory Purchase. Harried from pillar to post the phone rang again in Auld Broad's office.

“Now look here Broad, does your writ extend to Scotland?”

Auld Broad had had some considerable experience of the Scottish property market but he was not qualified to act in specific transactions.

“Well George, I can give you some general advice, but better that I put you in touch with one of our Scottish Agents. What's the problem?”

“I'm fed up to the back teeth with being hounded round this wretched country of ours”. He might have added “which I have served so well”, but he didn't.

“I am buying an estate in the north-west of Scotland - remotest place I can find.”

It was many years before Auld Broad heard from George again. And when he did he could scarce forbear a wry smile. The phone rang. George was apoplectic. And, as he immediately made known, in category Allegro.

“Broad, have you ever heard of The North-West Scotland Hydroelectric Board?”

They'd hunted him down. In the event the necessary public works could be undertaken without George having to move. He might have been there still for it was many more years before he hove on to Auld Broad's horizon again.

And in order to put the finale in context it is necessary to describe the procedure at Auld Broad's firm at that time for the delivery of mail to individual offices. This was the responsibility of “Big Bertha”, so called in order to distinguish her from “Little Bertha”, one of the partnership Secretaries whose dimensions were uncompetitive. Big Bertha made little effort to subdue her femininity by squeezing into a roll-necked sweater which was at least two sizes too small and, wages being moderate in those days, dousing herself with Boots No.5. You always knew when

Big Bertha was coming and where she had been. She delivered the post with a flamboyance which, Auld Broad must admit, added something to the dull rigours of the daily round. She was a simple, pleasant girl and entirely harmless but, if she thought she was not fully appreciated, she would make a special effort. In practice this was confined to Auld Broad's principal in whom she clearly identified a serious challenge. He was a man of mature years, handsome, with a Victorian reserve, impeccable manners, supremely well dressed and a fine lawyer - but, it would seem, emotionally strangled. It had been over two years before he addressed Auld Broad by his first name.

On the fateful day Big Bertha arrived with the post and, as was her wont, leant dangerously over Auld Broad's principal, so close that even with poor eyesight one could have read the laundering details on the sweater label. Auld Broad's principal shrank, terrified, into the furthest depths his chair would permit. Big Bertha beamed as her comfortable proportions loomed over this cowering figure, put down the post with a flourish and withdrew - triumphant. Once, and only once, a chink in the armour emerged.

“Broad, I find that young lady distinctly disturbing”.

Immediately, and for ever more, the chink closed. But this playlet is not the point of Auld Broad's last experience of George. For amongst his post that morning was a brown paper parcel about the size of a large cigarette box. Auld Broad was curious but had not had time to investigate when the phone rang once more. It was – unusually - Mrs. George, George's most loyal and long-suffering, charming wife of many years who normally kept a very low profile.

“Oh, Mr.Broad. Is George with you?”

Auld Broad hesitated. His admin was pretty good normally. Had he missed a meeting with George? He quickly checked his diary – nothing there.

“No Mrs.George, I wasn't expecting him. Should I have been?”

“Oh, Mr.Broad, I am sorry. I should have explained. George died the other day. I found a note requesting that he should be cremated and his ashes sent to you as you would know what to do with them. Have you received a small brown parcel?”

All became clear. George was with Auld Broad for the last time. Passing on his sincere sympathies for the loss of a remarkable man Auld Broad drew down the Will. The instructions were clear. A day or two later saw Auld Broad – the world's worst sailor – on the Cromer lifeboat three miles out in the North Sea where, with a silent prayer, the ashes were cast upon the waters and George consigned to the only home he knew which had not been compulsorily purchased. The weather that day was appalling – a heavy swell and strong north-easterly breeze. Auld Broad paid heavily for performing his duties for an old and loyal client. For once he could sympathise with George's methodology for self-assessment of his comfort level. It was pure Rondo and Auld Broad didn't mind who knew it.

Auld Broad – 27.07.07

Obituary

Lord Nathan

The 2nd Lord Nathan, who has died aged 84, was a genial City solicitor with a firm belief in the European project and the need to heed environmental concerns.



A crossbencher, he served on the House of Lords select committee on Europe and chaired another which called for the abolition of mandatory life sentences. He also chaired a City arbitration committee on the Securities Commission, was vice-chairman of an investigation into charity law practice and took part in another on efficiency in the voluntary sector.

But it was after succeeding his father in 1963 that he made his mark as a hard-working and far-seeing environmental campaigner.

While chairing a working party in the early 1970s he warned about the dangers of nuclear accidents, called for a permanent energy commission and warned that a crash programme to control developing resources could bring "a trail of disasters in its wake". He himself installed solar panels at his Sussex farm.

He was a member of the Royal Commission on Environmental Pollution for 10 years; president of the UK Environmental Law Association and of the National Society for Clean Air; and chairman of the Sussex Downsmen.

The son of the 1st Lord Nathan, a Liberal and, later, a Labour MP, Roger Carol Michael Nathan was born on December 5 1922.

He was educated at Stowe, and went up to New College, Oxford, where he studied Paradise Lost with Lord David Cecil, who greeted him with a long face shortly before the exam with the news that the text was not on the syllabus; the only solution, he was informed, was for him to take the paper on Politics.

After being called up, Nathan went to Sandhurst and was commissioned into the 17th/21st Lancers and sent to North Africa and Italy. Commanding his troop in the field he liked to take the dawn watch, then cook breakfast, which he served to his men in bed.

One day he escaped unhurt when his tank was disabled by a landmine; he was given another which took a direct hit before nightfall. Later he was hit in the hand, and then broke a leg when his scout car fell 100ft from the road.

After recovering to the sound of opera being performed next door to his hospital in Rome he was posted to Greece, where he supervised the distribution of food parcels from a horse, which happened to tread on a woman. Next day the Greek press described the incident as a cavalry charge against peaceful civilians.

On coming out a captain with a mention in dispatches, Nathan returned to New College, where he read Law, then was articled to his father, who, as minister of civil aviation, was on leave from the firm.

He became involved in adapting the institutions of mandate Palestine to the new state of Israel, and was soon forging personal contacts with European tax lawyers and Jewish law firms in New York.

Part of his work included floating Sainsbury's and Plessey on the Stock Exchange. He helped to prevent the Cavalry club (which his commanding officer had ordered him to join) from being turned into a hotel; and he found himself arguing that a building used in the 18th century by a devil-worshipping club was devoted to a religious activity beyond the scope of tax.

He also acted in a case in which a businessman's trustees were summoned to the man's funeral in Paris, where they were served with proceedings as the coffin was being lowered into the ground.

Nathan was involved with numerous charitable activities connected with his regiment, Jewish causes and cancer research, and was master of the Gardeners' Company.

As a man of progressive leanings who was proud of possessing 19th-century views, he loathed the nanny state, had doubts about the value of mushrooming regulations and was wary of taking non-executive directorships.

He married, in 1950, Philippa Solomon, with whom he had two daughters and a son, Rupert (born in 1957), who succeeds to the peerage.

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Policy & Committees Co-ordinator's Report

Stella Dunn, *CLLS*

The Legal Services Bill received royal assent on 30th October. The CLLS has been active at every stage of the reform process from the earliest consultations to the last stages of the Bill. Thanks to the commitment of CLLS members of the Bill working party, the CLLS achieved improvements to the Bill for the benefit of its broader membership.

At each stage of the Bill, the CLLS working party argued for the retention of a strong, independent legal profession, representation of its corporate client group on the relevant bodies and for a workable regulatory framework for Alternative Business Structures. On each of these points, the CLLS has been successful in ensuring the Government deals with its members concerns.

- On independence, the Government has now confirmed that the Lord Chancellor will consult with the Lord Chief Justice on appointments to and removals from the Legal Services Board.
- The CLLS gained assurances from the Government during debates that the corporate consumer will be represented within the new regime.
- The Government has introduced amendments to the ABS structure to allow LDPs with 25% non-lawyer partners as soon as the SRA produces rules to govern the entities (expected in early 2009).

The CLLS thanks the members of its Bill working party for their considerable work in influencing the reform process, including producing briefings and responses, and meeting with key officials. Members of the group are: Raymond Cohen of Linklaters LLP; Julian Francis of Freshfields

Bruckhaus, Deringer LLP; Sarah de Gay of Slaughter and May; Heather McCallum of Allen and Overy LLP; and Clare Wilson of Herbert Smith LLP.

Looking to the near future, the Government's legislative proposals, announced in the Queen's Speech, include the Planning Reform Bill and the Protection of Consumer Savings and Deposits Bill. The CLLS Planning and Environmental Law Committee is already engaged with the planning proposals, having responded to the White Paper and a Financial Law Committee working party will be reviewing the banking proposals.

Finally, the CLLS will be launching its own pro bono project in schools next year. The CLLS has collaborated with Streetlaw, a public legal education project based at the College of Law in devising "Law and the City". This is a programme of workshops with materials drafted by CLLS members illustrating City legal practice. The workshops will be presented by College of Law City LPC students in schools with links to our corporate members and the City Solicitors' Livery Company. This is an exciting development for the CLLS and proof of the commitment that our members give to the organisation and to promoting their profession.

As before, don't hesitate to contact me if you have feedback or suggestions. I'll be most happy to help.



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CONSTRUCTION

The Committee has been busy over the summer on a variety of initiatives.

A working group responded to a Government consultation paper on the impact of the Melville Dundas case and produced a detailed response to the DEBRR's consultation paper on reform to the payment and adjudication provisions of the Housing Grants Act 1996. The DEBRR's current proposals differ substantially from their previous proposals on which the Committee commented in 2005. Disappointingly the proposal to remove the bureaucratic and pointless requirement for payers under a construction contract to issue Section 110 notices has been dropped. Of even more concern is a new proposal that a payee's application for payment should become binding on a payer in the absence of any payment or withholding notice from the payer to the contrary. The Committee felt that this could unfairly prejudice smaller and less experienced clients of the construction industry. A full copy of the Committee's response can be found on the CLLS website Construction Committee page.

Peter Hall and Rona Westgate of Norton Rose are leading an initiative to establish a training programme covering basic construction law for junior solicitors and trainees. The intention is that such a programme will prevent CLLS member firms having to each separately provide their own basic training. It would also help in establishing common ground between firms and would be of assistance to smaller firms lacking the support of specialist construction departments. The aim is to establish regular bi-annual half day training sessions to be run by volunteers from amongst members of the Committee.

Miranda Ramphul of Denton Wilde Sapte is preparing a paper on the impact of the new CDM 2007 Regulations on clients, particularly in relation to PFI/PPP projects. The Committee is of the view that many clients were unaware of their obligations in relation to the new Regulations and that guidance for them and their advisers would be useful.

Marc Hanson, *Chairman, Ashurst LLP*

INSURANCE

The Insurance Committee has continued to follow closely the work of the Law Commission on insurance contract law.

Following the circulation of three issues papers (on which the Committee commented) on misrepresentation and non-disclosure, breach of warranty and intermediaries, the Commission published in the summer a consultation paper on misrepresentation, non-disclosure and breach of warranty, and have asked for responses to their proposals to be submitted by 16 November. We shall be examining these proposals closely with a view to submitting a response.

In addition, the Committee has reviewed and commented on consultations by HM Treasury on the insurance aspects of the draft EU regulation on the law applicable to contractual obligations ("Rome I") and on their proposals for certain changes in the regime governing transfers of insurance business under Part VII of the Financial Services and Markets Act 2000. We are currently considering their consultation on further changes to the Part VII regime to implement the EU Reinsurance Directive.

The Committee has been monitoring a number of other developments with a possible impact on insurance law, including the EU Commission's work on a common frame of reference for contracts (on which there is expected to be an academic report by the end of the year), and the usual array of judicial decisions.

Ian Mathers, *Chairman, Allen & Overy LLP*

INTELLECTUAL PROPERTY

The Committee has been considering and commenting on three consultations put forward by the Government.

The first of these was the UK IPO's proposals to reform the Copyright Tribunal (which is the body that settles licence terms between users and copyright owners in respect of licensing schemes). The proposed reforms basically bring the procedure more into line with the Civil Procedure Rules and, if implemented, should reduce both the time and cost of taking disputes to the Tribunal. The main recommendations

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were to have a full-time President which should result, again, in more cost-effective case management. The Committee sent a letter in response to the consultation (a copy is available on the CLLS website), broadly supporting it but pointing out certain areas where it was felt to be too prescriptive (e.g. the suggestion of a joint expert is not something the Committee endorsed).

The next was a consultation from, as it then was, the Department of Constitutional Affairs into "Case Track Limits and the Claims Process for Personal Injury Claims". Despite its title, the consultation also raised a number of questions about litigation of IP cases in the UK. In conjunction with the Intellectual Property Lawyers' Association, a detailed paper was prepared and submitted which explained the various procedures already available for streamlining patent and other IP cases. The overall thrust of the paper was that IP litigation was an area where the current procedures were adequate for most cases, but that for smaller disputes other means of dispute resolution should be encouraged. A copy of the response is on the CLLS website.

The Committee has also considered the proposed implementation of the Unfair Commercial Practices Directive into English law. Possibly the most controversial part of the implementation is that no privately enforceable rights are created as the implementation process for enforcement to be undertaken by public bodies (particularly Trading Standards Officers).

The Committee is also continuing to negotiate with the Copyright Licensing Agency over the terms of its proposed new business licence (including digital copying). These negotiations have been protracted and are not expected to end until 2008, at the earliest.

Ian Starr, *Chairman*, Ashurst LLP



LITIGATION

The Committee has been busy responding to a number of papers from the Ministry of Justice.

First the Civil Court fees consultation paper (originally issued by the DCA) put back on the agenda the question of charging

additional hearing fees in longer trials and whether such a system should apply only in specialist jurisdictions dealing with high value commercial cases. In its response the Committee challenged the assumption of the DCA that it had no evidence that hearing fees would diminish the attractiveness of the English Court civil system. The Committee pointed out that it was equally valid to conclude that such fees might well reduce the attractiveness to foreign litigants of the English Courts. The Committee also said that it thought that it was wrong to single out specialist jurisdictions only. If there was a need to introduce hearing fees then they should be applied in all jurisdictions wherever there was a case involving substantial sums.

The Committee also took issue with the general concept in the DCA's paper that the civil justice system should be structured so as to be self-financing; the civil justice system is fundamental to a civil society and the rule of law and should not be treated purely as a commercial commodity.

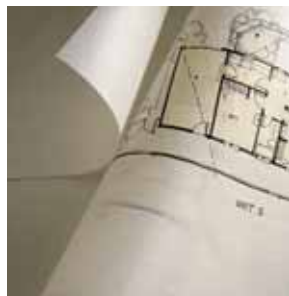
The Committee has also responded to a paper from the Ministry of Justice on review of Part 6 of the CPR relating to service of documents. The Committee was broadly in favour of the proposed changes. One of the recommended changes is that there should be a clearer requirement for the Claimant to apply for alternative service where the Claimant knows that the Defendant no longer resides or carries on business at the last known address. The Committee has expressed concerns in its response, as to a number of changes to detailed service requirements, in particular as to time limits for deemed service of documents.

On other matters, the Committee has been following closely the progress of the Commercial Court Working Party on Long Trials and intends to participate in consultation following the report.

Lastly a point of concern to litigators under the Solicitors' Code of Conduct 2007: Rule 11.01(2)(b) requires litigators to draw the Court's attention to the contents of any document that has been filed in the proceedings where failure to draw this to the Court's attention might result in the Court being misled. This requirement seems to go much wider than the rule in the previous Code of Conduct; this is a matter that the Committee intends to take up with the Solicitors Regulatory Authority.

Tony Marks, *Chairman*, CMS Cameron McKenna LLP

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PLANNING AND ENVIRONMENT

The first nine months of 2007 have proved to be an extremely busy

period for the Committee. Following on from our work last year, we submitted responses on the Barker Review of Land Use Planning, the Environmental Liability Directive and certain of the technical papers relating to the proposals for a new tax on implementation of planning consent, the Planning Gain Supplement.

The early summer saw two significant white papers on energy and planning. We set up six working parties to look at the planning white paper and the four supporting consultation papers, ranging from the more headline grabbing proposals for a new planning system for approving infrastructure projects of national importance (arguably moving from democratic control to state consultation), to the more mundane, but equally important, areas such as changes to permitted development rights for householders and improving the appeal process in the planning system.

I would like to place on record my thanks for the huge amount of work undertaken by members of the Committee during the summer on these papers and the pure professionalism and enthusiasm shown by members of the working parties in the process. Once again, if evidence should ever be required, the responses demonstrated the depth and breadth of experience in planning and environmental issues of City solicitors. We now wait with considerable interest, and some concern, as to how government intends to take forward these proposals with the expected publication of a planning bill in the new parliamentary session.

On the environmental side, we have continued our efforts to widen our activities and influence. Many of the environmental law Committee members are also heavily involved with the United Kingdom Environmental Law Association and it is more difficult, perhaps, than with planning to plough our own furrow but I am quietly confident that our recent initiatives will be successful.

Over the summer two long-serving members of the Committee, Richard Hillebron from Slaughter and May and

Ray Jackson from Linklaters retired from their firms. I would like to thank them both for their commitment to the activities of the Committee over many years and I would particularly like to mention Richard's considerable efforts in participating on working parties looking at consultation papers, proffering hospitality for our meetings but not least his considerable common sense and good humour which he brought to our deliberations.

We have continued our efforts to involve younger members of the Society in our activities not only by encouraging Committee members to send substitutes if they are unable to attend a Committee meeting but also seeking for younger members to become involved with our working parties looking at consultation papers. Although we have a large Committee membership we are always keen to recruit new members, particularly on the environmental law side.

In conclusion, I believe the Committee is in good heart and is well placed to continue to grow its influence and thus effect on not only the development and reform of planning and environmental law in general but also the general reputation of our Society as a whole.

Rupert Jones, *Chairman*, Weil Gotshal & Manges



TRAINING

Over the past few months, the Committee has devoted a considerable amount of effort to the LPC (Legal Practice Course), responding to the SRA's Consultation Paper on its future.

While the SRA's review was perhaps at first sight more relevant to LPC providers than to CLLS members, at the heart of the review was the proposal that it be possible to separate the LPC Electives from the Compulsory courses. One option, therefore, could be to run the Electives during the training period, an approach which could have a significant impact on member firms.

The SRA announced at the beginning of September that this "separation" proposal will take effect with LPC providers being able to move to the new regime from September 2009. However, the "separation" will not be compulsory - the proposals which have been announced give providers flexibility in terms of how they structure their courses.

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Furthermore, the providers will be given a greater degree of freedom in terms of the focus of the content of their courses so facilitating the tailoring of the courses to different markets.

As the new regime has only just been announced, the Committee is now beginning to look at its implications for CLLS members and will give its views in a subsequent edition of "City Solicitor". However, on the basis of the initial announcement, the new LPC regime looks likely to be sufficiently flexible to meet most of the varied needs of member firms.

While the bulk of new solicitors follow the LPC route to qualification, a significant minority (typically approximately 25%) follow the QLTT (Qualified Lawyers Transfer Test) route. There have been discussions over a period of years about bringing the QLTT more into line with the LPC. The SRA have now indicated that a review of the QLTT will begin at some point (probably) during 2008. In anticipation of that, the Law Society has asked for views on how the QLTT should change (if at all) and the Committee is responding to that

request. The Committee would welcome any comments from members on the future of the QLTT.

The Committee is continuing to keep a watchful eye on other training developments - the future of the SRA's "work based learning" review (to determine the future of the existing Training Contract structure), the future of the PSC (the Professional Skills Course which all trainees have to complete and an issue which any review of the Training Contract needs to address) and the possible review of CPD.

Finally, members of the Committee are contributing to the CLLS's cross-Committee project on "What is a solicitor?" which will help the CLLS to identify the skills, knowledge and capabilities needed by solicitors in the coming years. The project is in its very early stages so further information on it will appear in subsequent editions of "City Solicitor".

Tony King, *Chairman*, Clifford Chance LLP

INTER-FIRM CLAY PIGEON SHOOTING COMPETITION

In a thrilling end to the London Inter-Firm Solicitors' Shooting Competition, Taylor Wessing just managed to pip Freshfields to the post. Both top teams were equal after the individual competition but Taylor Wessing managed to hit 91 out of 100 on a two-man flush and Freshfields only 88. The top lady gun was Eleanor Shanks from Gibson, Dunn & Crutcher and the top male gun was Simon Stebbings from Freshfields.

The competition grew in size again this year with 17 teams participating. It would be really nice to break the 20 team barrier next year for what is turning out to be an increasingly popular event and very well liked amongst the participants and a lot of fun for those without much experience and those competing for the prizes.

And the clay preservation title? That went to Gibson, Dunn & Crutcher's team consisting of Wayne McArdle and Cameron McArdle with a score we have been bribed not to reveal!



Ted Mercer, Partner, Taylor Wessing

SOLICITORS BENEVOLENT ASSOCIATION

- 150 Years of Caring (Adrian Rees, Chief Executive)

CHRISTMAS CARDS 2007 (please support your charity)

Before taking up my appointment on 1st December 2005, I had seen from the literature that this was a thriving charity, which assists around 400 solicitors or their dependents each year by way of grants and loans. What I could not see before taking up duty, was the very impressive and caring volunteer network, comprising about 100 serving or retired solicitors who freely give of their time to assist current and potential beneficiaries – mainly through visiting them at home. Even so the Association is always looking for more volunteers to provide as local a service as possible.

Also, whilst I had met the obviously caring and competent office staff, it was only after appointment that I fully appreciated their befriending role, since beneficiaries maintain contact and clearly see the SBA as providing something more than just the financial. The Association is an important source of support to people during difficult times. So what sort of difficult times are there?

Like many, (including the taxi driver who laughed like a drain when I responded to his enquiry about my work, by saying I ran a charity for solicitors) I had naively not thought of people in this profession as needing help. “Poor lawyers? You’re ‘aving me on Guv” was the retort. No doubt collection boxes in the

High Street for the SBA would not be successful, but on reflection, most would realise that there is no reason why solicitors and their dependents should escape the trials and tribulations of life. This is when, through the SBA, those in the profession can help their colleagues.

Just a few of the problems with which the SBA has assisted in recent time include providing financial help for a solicitor during prolonged illness and then in getting back to work, the widows and children of deceased solicitors, the terminally ill and those who suffer from psychological illness as a result of pressure or unexpected changes in their lives.

SBA activities are financed by donations from The Law Society Charity, and local law societies, fund raising events and membership subscriptions paid by firms or individuals. Additionally, the acceptance of unclaimed balances from client accounts is extremely helpful to both the SBA, which holds the funds and receives the investment income, and the donating firms, which can clear their books but have an assurance that the money will be returned if required.

Although a thriving charity, the SBA Board of Directors is currently considering how it might do more for solicitors. It feels especially that it must raise the Association’s profile. It is thought that a heightened awareness of the SBA and what it offers will encourage people to make contact, seeking help for themselves or maybe a colleague. If you want to assist or have any comments about the future development of the SBA, I should be pleased to hear from you.

We hope that there will be something in this year’s Christmas card leaflet that will appeal to you. The leaflet can be viewed and cards ordered on the website: www.cards2print.co.uk/sba All profits made from card sales go directly to SBA beneficiaries.

The Solicitors Benevolent Association, 1 Jaggard Way, London SW12 8SG.
Tel: 020 8675 6440
Fax: 020 8675 6441
Email: sec@sba.org.uk



SBA Christmas Cards The 2007 Collection

The Solicitors Benevolent Association (Registered Charity No. 208878)

- In 2006 the SBA helped over 400 beneficiaries
- During 2006 nearly £2million was awarded to beneficiaries through direct grants and interest-free loans

If you would like to order Christmas cards from the SBA please call 020 8675 6440. Or email sec@sba.org.uk for a leaflet and samples. Full details are available at www.sba.org.uk and www.cards2print.co.uk/sba.



SBA, 1 Jaggard Way, Wandsworth Common, London SW12 8SG
Tel: 020 8675 6440, Fax: 020 8675 6441, Email: sec@sba.org.uk
Website: www.sba.org.uk DX 41808 BALHAM
Registered charity no: 208878

City of London Solicitors’ Company
City of London Law Society
4 College Hill London EC4R 2RB
Tel: 020 7329 2173 Fax: 020 7329 2190