

History of the English legal profession in Paris - 1850-2000

The Law List for England and Wales, to be found in the library of the Law Society for England and Wales at its offices at 113, Chancery Lane, London WC2A IPL, was first published in 1779 and contained the names of all lawyers; solicitors (then known as bachelors of law) and barristers, practising in England and Wales but not those practising abroad and out of the jurisdiction. However, in its edition of 1863 reference is first made to "foreign lawyers" meaning, in fact, English and Welsh practitioners with offices abroad such as in Paris and not foreign lawyers practising in England and Wales.

For Paris, some barristers were listed but only one solicitor, Charles Kennerley Hall, who was the representative of a London firm by the name of Denton & Hall of which one Samuel Denton was the principal. Over the years this firm was to continue its presence in Paris with slight changes of name and with short periods of absence until now when it has become merged with Wilde Sapte whose offices are to be found in the Rue du Faubourg St. Honore. It can therefore make some claim to be the oldest English firm of solicitors operating in Paris.

However, to say this is probably an injustice to a certain solicitor, Robert Ormonde Maugham, who was invited to Paris in 1825 to become the Honorary Legal Adviser to the British Ambassador shortly after the re-promulgated "Code Civil" then governing the 'Restauration' of France with offices in the Faubourg St. Honoré. His firm has carried on through successors up to now but has become in the process a firm of barristers since shortly after the 1939/45 War and is now practicing under the name of the Cabinet Mitchell-Heggs as successors to Bodington & Yturbe and Sewell and Maugham. As such it must earn the accolade of the firm of solicitors and barristers with the longest continued presence in Paris.

Unfortunately, it is not possible to be sure that there were not any other English lawyers operating in Paris between 1779 and 1863. Whilst it is unlikely that anybody had any kind of permanent office there, there must surely have been one or two more hardy and arduous lawyers who crossed the Channel to come over and earn an honest penny! However, if such was the case, the Law List has no record of their identity.

Some 17 years later in 1880 the picture had changed quite considerably by which time as a result of the Judicature Act 1873 all attorneys at law and solicitors had been merged into one single profession of "solicitor" and those practising abroad were listed under the somewhat charming section entitled "Solicitors practising in foreign parts". Why say considerably changed? The reason is quite simple because by 1880 some 27 solicitors and 7 barristers had become listed for Paris with some of them having branch offices elsewhere throughout France in such places as Bordeaux, Boulogne-sur-Mer, Lyons and Marseilles.

However, it must be said that some of the solicitors were either the representatives of London firms or their agents whilst others would have been practising on their own account in Paris or, later on, in partnership with like minded members of the profession in Paris in which case they would have needed a London agent as was the case for solicitors practising in the jurisdiction but outside London. The reason for this being that only solicitors practising in

London had the right to handle litigation before the Royal Courts of Justice through instructions given to barristers who had the sole right of audience before such courts of law.

It is also more than likely that some of the London firms had very little physical presence in Paris but would have had the use of an office whenever they were obliged to come over to meet and take instructions from their clients.

Going back to 1880, the firm of Lumley and Lumley with three partners in London; Louis Lumley, the father who qualified in 1854 and his two sons, Theodore and Walter who qualified in 1869, are recorded as having offices in Paris, Brussels and Boulogne-sur-Mer as well. The Law List will show that by 1915 Louis Lumley was no longer listed but his grandson Claude had come into the partnership having qualified in 1889. This firm was probably the one with the greatest representation in France for many years between 1880 and 1920 but by 1930 it had ceased to practice, certainly in France.

Also by 1880 Denton & Hall had changed its name to Denton, Hall & Burgin having been joined by Charles and Edward Burgin who qualified respectively in 1881 and 1885 but all the partners of the firm were mainly active in London with Charles Kennerley Hall looking after the Paris Office.

Also listed for that year were the firms of Michael Abrahams and his two sons, Arthur and Harry, and that of John Monilyan who supposedly had offices in Paris, Lyon and Marseilles as well as in Bruges and Brussels in Belgium.

As an aside it is difficult to imagine how these solicitors in Paris with branch offices all over France and, sometimes, in Belgium as well were able to manage their practices. Travel then was restricted to the horse and the sailing boat and communications to letter carried by horse post. They must all have been excellent and courageous horsemen. Not for them the E-Mail and the Web! More likely parchment, quill pen, pink string and sealing wax!

Finally, no reference to 1880 would be complete without the mention of Oliver Eaton Bodington who was not a solicitor but a barrister and a *licencié en droit*. Olivier was to start a firm which through his son, George, was to continue for many years after the death of Oliver when the firm became known as Bodington & Yturbe, his son's partner being of Mexican nationality but an English qualified barrister.

1880 could be regarded as the base year for this History which will endeavour to cover the next 120 years up to the turn of the century. Whilst it might have been possible to mention the names of all the solicitors and barristers who have practised in Paris over that period it would not be very interesting as the History would then become more statistical than anything else. Instead, it will trace the period from 1880 up to 1940 by making halts every ten years, or so, concentrating on the more interesting individual solicitors and partnerships, and then dealing with the post-war period up to this present time.

The number of English lawyers remained somewhat static between 1880 and 1890 but by 1900 had increased to some 34 solicitors and 7 barristers listed in the Law List as having offices in France. Whilst the barristers were concentrated in Paris, some of the solicitors there were also operating in Boulogne-sur-Mer, Dieppe and Cannes as well as in Brussels

Maugham being prominent. Robert Ormonde Maugham had been succeeded by his son, Henry, and John Sewell who played an important role in the British Community, in its churches and charities and with the other firms contributing to the *Entente Cordiale* of the early 1900s. John Sewell was also to become the honorary legal adviser to the British Ambassador. His partner was to have four sons who all went to primary school in St. Cloud two of whom become famous in their respective fields - Somerset who was to become a literary giant with a world famous reputation and who was to live his last years in the South of France and Frederic Herbert who was to become Lord Chancellor of Great Britain for 18 months up to the outbreak of war in 1939.

It would seem from records of the British Chamber of Commerce, created in 1872 to serve the interests of trade between Britain and France and vice-versa, that in 1892 the then President, Sir Edward Blount KCB paid tribute to Thomas Barclay, a barrister, from whose advice the Chamber had benefited from the time he arrived in Paris in 1888 to join John Sewell, another solicitor, John Mourilyan, and another barrister, Oliver Bodington who was also a *licencid en droit*. Both Sewell and Bodington had joined the Chamber respectively in 1886 and 1888 and Thomas Barclay was to become its President in 1899 and 1900.

He was to start an association between the British legal profession in Paris and the Chamber which was to continue until the present day. Barclay was followed as President by Oliver Bodington in 1903 who was received at the Embassy by King Edward VII "*en visite officielle pour reviver et solidifier l'Entente Cordiale*". Oliver was to become President in 1912, 1915 and 1916 and the Honorary President in 1917.

This association was to be revived when David Goodchild and Brian Cordery were appointed respectively President in 1970 and 1990 and today David is its Honorary President.

Numbers in 1910 remained much the same - 30 solicitors and 4 barristers being listed - with branch offices in Boulogne-sur-Mer, Calais, Marseilles and Pau and in Cannes and Nice with the arrival of the firm of Browne and Batchelor on the C6te d'Azur.

Pau, it must be remembered, had become in the 1880s the favourite place in France for the British of rank, fame and fortune to pass the hot summer months in an agreeable way fitting to their station. No doubt the English solicitor who is recorded as having an office in Pau was an amateur golfer as well as the Pau Golf Club is considered to be the oldest golf club in France and no doubt founded by some of the more ardent and athletic colonisers. However, not only the British but also many other Europeans were to favour the C6te d'Azur in ever increasing numbers, which was obviously an attraction to the lawyers. The 5 kilometre long Promenade des Anglais in Nice was created thanks to funds raised by its British colony and not to be outdone by Pau a Russian Grand Duke and a very close relative of the Tsar of Russia was responsible for the creation of the Golf Club in Mandelieu just outside of Cannes.

And then came the 1914-18 War but according to the Law List published in 1915 this terrible event seemed, if anything, to increase the English legal professions' presence in Paris and in the provinces, 41 solicitors being listed but just one barrister, Oliver Bodington. That particular year saw the arrival of the Bartlett firm of John, John and Kenneth who qualified respectively in 1874, 1903 and 1906. In addition two further Burgins, Edward Leslie and

Harold who qualified respectively in 1909 and 1913 appeared as partners in the firm of Denton, Hall & Burgin but operating no doubt more in London than in Paris.

A large number of British people were living in the Paris area at the beginning of the War and it was decided that some of those of military age should take their part by joining the armed forces. A number of senior citizens were therefore chosen in 1916 to form a selection panel, known as the Ambassador's Advisory Committee on Exemptions, to choose which men should be exempted from call up. They used to meet for lunch when they made their selections and after the War carried on lunching from time to time and eventually decided to name their group the A.C. (Advisory Committee) Lunch. This name was later changed to the British Luncheon (1916) in 1935. The Club still exists some 84 years later with some 45 members of British nationality mainly from the world of business and the liberal professionals, both active and retired.

There were originally eleven founder members with the then Consul-General, Sir Walter Hearn, as Chairman and they included Oliver Bodington who with his legal practice and position as President of the British Chamber of Commerce had obviously become a pillar of the then thriving British Community. Oliver Bodington was to become President of the Club in 1927 and 1928 to be followed by his son and partner, George, some thirty years later in 1957 who had by then become the Honorary Legal Adviser to the British Ambassador. Unfortunately, George Bodington died most tragically and dramatically whilst making the President's speech at the Christmas Lunch that year.

Presidents are elected just for one year and the Bodinotons have been followed as presidents by three solicitors: David Goodchild in 1975, Gerald Pointon in 1983 and Brian Cordery in 1989.

The number of lawyers remained steady between 30 and 40 in the years between 1920 and 1930 by which time Sewell & Maugham had moved their offices to the Rue d'Anjou having taken in Denzil Branch, another solicitor. The number had reduced down to about 7 solicitors and 7 barristers by May 1940 by when they had all returned to the UK following the breakthrough of the German Army in Sedan and other frontier towns culminating in the occupation of Paris and the signature of the armistice in June 1940. A list of British Legal Practitioners in Paris in 1937 as published by the Royal Blue Book appears in Annexe 1 to this Review but it is probably not complete as not all of them would have wished their names to be included.

This might be a convenient time (1940) to refer to four different law firms: -

- Bodington & Bodington as Oliver had been joined about 1930 by his son, George to form a partnership of barristers and *licencids en droit* as successors to Sewell & Maugham. Oliver quite apart from his previously mentioned activities had become in 1926 the President of the Association of Foreign Jurists, a position he held for many years and which later on was to be filled by Manuel de Yturbe, a Mexican national but a barrister of the Inner Temple who was to join George Bodington after the War.
- Denton Hall & Burgin as a London partnership of solicitors with a Paris Office operating under the name of Kennerley Hall & Co but centred in London where the

partners were reduced down to Edward Lambert Burgin and his brother, the Right Honourable Edward Leslie Burgin who was to become the Minister for Transport in Sir Winston Churchill's war-time Cabinet. His son, Patrick, was to become later on the Senior Partner of the firm then known as Denton Hall and his daughter, Jennifer, also qualified as a solicitor. She later married Sir Max Williams who was to become the President of The Law Society in 1982 and the Senior Partner of Clifford-Turner in 1984 and in 1988 of the merged firm of Clifford Chance. A fine example of a romantic merger which tragically came to an end last year when Jennifer was struck down by a stroke when they were visiting France.

John Sheridan Hickey, a solicitor who practised for 38 years mainly on his own account and under his own name. He qualified a year or so before he came to practice in Paris in July 1924 some years after leaving the Royal Navy Volunteer Reserve and who later on was to rejoin the Navy in 1940. For a time he practised with F. A. Rolt as the representatives of the London firm of Morris Ward-Jones & Co, Rolt having qualified in 1899, but from 1937 he practised in his own name until 1958 when he took into partnership David Goodchild who on John's retirement in 1962 set up the Paris Office of Clifford Turner. On the death of George Bodington in 1955 John Hickey had become the honorary legal adviser to the British Ambassador.

Lastly, a partnership of English solicitors, Batchelor & Co, operating not in Paris but on the South Coast of France in Nice and Cannes but also in Monaco. This firm had started certainly by 1910 under the name of Browne and Batchelor but by 1940 had become known as Batchelor, Woolrych & Williams. By 1950 the firm name had changed to Batchelor & Co with two partners, Robin Ward and Gordon Blair with Ward looking after the offices in Nice and Cannes whilst Blair concentrated on the office in Monaco. However, in 1961, they were to split up and in 1978 Robin Ward had retired with his practice being taken over by Robert Floyd who had previously been with Gordon Blair who himself retired in 1995 with his practice being taken over by the legal department of Ernst & Young, the international firm of accountants.

What is perhaps interesting is that these four firms illustrate at least four different ways in which English lawyers were operating in France, both in Paris and on the South Coast. Through their successors so to speak all four of them are still present although practising under different names.

Before dealing with the post-war period and the last 50 years of the century, it is interesting to dwell on why France and, in particular, Paris should have had such an attraction for so many legal practitioners many of whom were to spend the greater part of their professional lives there and then remain for their retirement. This would be the case not only for those practising on their own account but also for those representing London firms or partners in them. At the end of this century the story remains very much the same when as was the case then there are more English solicitors operating in Paris than in any other centre in the world. It would be too simple and possibly erroneous to state their choice was made for them quite simply by their wives, many of whom were and are of French nationality. However, it is more than likely that personal reasons of one kind or another were the greatest motivation for their expatriation coupled with a desire to practice their profession abroad in a country where

Civil Law as opposed to Common Law was in force and where they could have a rather more interesting and stimulating professional career advising the British on French Law, many of them having acquired French law degrees, and the French on English Law.

One motivation that can be easily discarded certainly in respect of the period from 1850 to 1940 was the chance of making a financial fortune as it is most unlikely any of them ever achieved that objective. That is not to suggest they did not live comfortably in a country where they could enjoy a pleasant enough life style.

The question may well be raised as to in what kind of work they indulged. Whilst there is little evidence on which to make any accurate assessment, it is most probable they engaged primarily in private client activities such as the acquisition and sale of town and country properties both in Paris and elsewhere, particularly in the South of France, matrimonial affairs including the preparation of marriage contracts and no doubt divorce as well as succession and probate, the making of wills, and other general private matters. Fortunately, in those days income tax hardly existed so little tax work or estate planning would have been required.

Their work would have also included a certain amount of litigation both before the English and the French Courts. There has always existed a lot of bilateral trade between the two countries concentrated possibly on industrial and woollen products from the U.K. to France and on textiles, food, drink and fashion from France to the U.K. It must be remembered that the industrial revolution took place in the U.K. in the 19th century well before it happened in France. At the same time those living in the U.K. were most partial to French wines, particularly from the areas of Bordeaux, Burgundy and Champagne and such delicacies as foie gras and truffles.

Commercial and shipping laws would therefore have played quite a part in the activities of the lawyers involving the preparation of commercial contracts and sales and distributorship agreements. Lawyers tend to keep themselves well acquainted with what is going on in the world and particularly in countries which are geographically close to their normal place of practice. They are not exactly like the sniffer dogs for narcotics but have a reasonably good instinct for where to find business.

This would explain the reasons why some of the practitioners had branch offices in many of the French ports serving not only passenger ferries but also cargo steamers such as Dieppe, Calais and Boulogne-sur-Mer. In this connection it should be mentioned that those who opened branch offices in Marseilles would have been encouraged to do so originally as a result of the opening of the Suez Canal in 1869.

As for those who ventured down to first Pau and then the South of France at the end of the 19th and beginning of the 20th centuries, it was merely to follow the fashion of the British nobility and those of fame and fortune who were to colonise such attractive parts of France. It was more than likely that many of them would have need of legal services from the local English lawyer.

The expatriate lawyers did not exactly flock back to Paris after the War as they had done before in 1920 but certainly by 1947 George Bodington had returned as a full-blown colonel

in the British Army as had John Hickey from the Navy as a Lieutenant Commander. For the anecdote the Bodington office, no doubt like all the others, had been closed and locked up during the War, but George's brother, Nicholas, the Number 2 of the S.O.E. (Special Operations Executive), spent much of the War in France. Rather amazingly he was able to organise the funeral of his Father, Oliver, in Paris in September 1942 as well as creating the *Comitd National de la Rdsistance* in October 1942. Oliver's grave is to be found in the British Cemetery in Levallois-Perret, home of the Hertford British Hospital since the late 1890's.

During the Fifties however the numbers of lawyers remained relatively static with Robin Ward and Gordon Blair in the South of France and with John Hickey, Thomas Bell, Eric Cawdran, and George Bodington being prominent in Paris.

1951 saw the arrival in Paris of Derek Wise as the representative of Theodore Goddard & Co., a well-known firm of solicitors from Lincoln's Inn close by to the Law Courts. At that time the firm specialised in private client work, particularly matrimonial affairs and had represented Mrs. Wallis Simpson, later to become the Duchess of Windsor, the Duke having reigned for a short period as King Edward VIII following the death of his father, King George V, his brother George succeeding him as George VI, the father of the present Queen of England.

The arrival of Theodore Goddard on the Paris scene was somewhat of a novelty as it heralded the arrival of the properly constituted Paris Office of a London firm of solicitors with permanent partners and associates and the virtual disappearance of the individual practitioner working on his own account, which had been very much the norm before the War.

Derek Wise was to manage, as senior partner, the Paris Office until 1982 having been the honorary legal adviser to the British Ambassador from 1962 on the retirement of John Hickey. The Paris Office is now part of Klein Goddard Associ@s and Dominic McCluskey, one of the partners, took over from Derek Wise in 1996 as the Ambassador's honorary legal adviser and he is also the Honorary Secretary of the British Chamber of Commerce and Industry.

Derek Wise during the 50's was to be joined by Raoul Sasson, an Egyptian lawyer, Patricia Martin, a Scottish barrister and William ("Bill") Blackburn, an English solicitor. Whilst Bill was to leave the firm to join IBM in Brussels, he eventually returned to London as a consultant to the firm's office there and became a member of the Council of the Law Society and Chairman of its International Committee for a number of years. He was later on to become the President of the Franco-British Association and has made a great contribution to relations between the members of the Paris Bar and their English colleagues as well as members of both judiciaries.

In 1962 John Hickey had retired to live in Nice for a few years before returning to England and the firm Sheridan Hickey and Goodchild became by the end of the year the Paris Office of Clifford-Turner, a City firm with offices in Old Jewry. At about the same time another City firm, Herbert Smith & Co., was to establish a Paris Office managed by Dunstan Curtis and thereafter by Gerald Pointon who was also a partner of the London firm.

Whilst a number of English lawyers in France both before and after the War had served with distinction in the armed forces, particular mention should be made of Dunstan Curtis who had a distinguished career as a Commander in the RNVR when he was awarded the Distinguished Service Cross (D.S.C.) for the notable role he played as the commanding officer of the Motor Gun Boat from which the raid to destroy the great dry dock in St. Nazaire was directed by his commanding officer. The raid was a great success and Dunstan was able to put his MGB alongside the Mole to land the ground forces commanded by Colonel Newman. It might have been otherwise as the attacking forces had had to bluff the defending forces that they were a friendly force returning to base; this thanks to Dunstan's knowledge of German enabling him to shout out German badinage to any challengers.

He had often been involved in landing agents on the French coast and later on, having been recruited by Ian Fleming, he took part in a number of operations in North Africa, Sicily and France as a result of which he gained a Bar to his D.S.C. as well as the *Croix de Guerre*. One of his last acts, once again making use of his knowledge of German, was to accept the surrender of the German naval base in Kiel, with only a jeepful of marines, after a spirited argument with Gross-Admiral Doenitz! Dunstan only spent a short time with Herbert Smith in Paris and thereafter was to concentrate on European affairs. He had been a Deputy Secretary General of the Council of Europe in 1954, stood in 1945 unsuccessfully as the liberal candidate for Eddisbury, Cheshire and ended in 1973 as the Secretary-General to the Conservative group in the European Parliament. He was to die in 1983 leaving a daughter and a son who is well-known property developer in Paris. It would appear that Dunstan was one of three characters who gave Ian Fleming the idea of creating 007 Commander James Bond!

Anyone reading this History will certainly be intrigued to know what all those "foreign lawyers" as such were able to do in France since the vast majority of them held no French legal qualification to practice French law although a few of them might have obtained French law degrees. One valid explanation is that many of them were engaged in advising on and preparing agreements relating to the business and financial affairs of their clients, many of whom were engaged in international matters of often extreme importance and complexity, often involving extremely large amounts of money, working very closely with colleagues in their London offices. They were thus involved in giving business advice as much as strict legal advice and quite often the proper law clause was the last one to be discussed and completed in these complex agreements.

The lack of knowledge of French law and the right to represent clients in France did not create however the enormous problems that can be imagined that had to be overcome. The French legal profession, as it existed before the War, was composed of "*avocats*" or barristers, "*avoués*" (acting rather like solicitors insofar as their court procedure work was concerned), notaries and the "*huissiers*" or process servers

dealing more specifically with making "*constats*" for use in legal proceedings and the making of claims resulting from accidents of one kind or another.

The legal profession in the U.K. at the same time was composed rather more simply only of barristers, solicitors and notary publics. In France the *avocats* with some *avoués* only had the right of audience before the courts as was the case for barristers in England and Wales. The

French notaries had a monopoly in being the only lawyers entitled to draw up official deeds or "*actes*" dealing mainly with the transfer of immovable property and the making of wills. Solicitors had the same monopoly in conveyancing up to recent years (when?) so there were a number of similarities between the legal professions in both countries.

In England and Wales any unqualified person was and still is able to give legal advice so long as they do not hold themselves out as solicitors or barristers. Strangely enough, the same situation prevailed in France up to 1971. Whereas in England few "unqualified" persons availed themselves of this somewhat liberal attitude, the situation was quite different in France where many people, and not necessarily only those with a law degree, set themselves up as legal advisers or "*conseils juridiques*". Whilst respecting the preserved rights of the *avocats*, *avoués* and *notaires*, many such unqualified lawyers took advantage of the situation.

Although some French *avocats* qualified as barristers-at-law at one of the Inns of Court in London very few of them decided to expatriate themselves there. The position now, however, is that a few French law firms have in recent years opened offices in London and there are other qualified French lawyers working there in U.K. law firms or as representatives of Paris offices of U.K. law firms.

It can be seen that the English qualified lawyer could easily be assimilated to being a "*conseil juridique*" and therefore there was no reason to stop them practising as a "foreign lawyer" or "*liconseil juridique*". However in the late Sixties it was considered that the unofficial profession of *conseil juridique* should become regulated and at the same time the profession of *avoués* (other than those practising before the Cour de Cassation, the highest court of the land) should be merged into the profession of *avocat*. The necessary legislation came into force on the 1st January 1972 when the English solicitors and barristers who had been practising in France for at least two years became an integrated part of the profession of "*conseil juridique*" being nationals of a member state of the European Community.

Later on, in fact some twenty years later, the professions of *avocat* and *conseil juridique* were merged into one of "*avocat*" so the English solicitors and barristers, including some who were not *conseils juridiques* at the time became *avocats* as from the 1st January 1992 and able to appear before all the French courts of justice. For the purposes of this Review all the technical details concerning these two enabling legislations and, in particular, the rather long discussions concerning rights of establishment, the use of home title, the taking of law examinations, the observance of the rules of deontology, etc., have been purposely omitted. Suffice it to say that English practitioners have little reason to complain as to the manner in which they have been treated by the French administration and in particular the Ministry of Justice and that because of either the non-existence or existence of professional rules have been able, virtually unhindered, to practise their professions in France since 1850.

However, since the early Seventies most of the English firms of solicitors with offices in Paris have gone into a campaign of recruitment of French qualified *avocats* with the result that now in many of them the majority of partners and assistant lawyers are French as are some of their managing partners.

As an example, the managing partner of Freshfield's Paris Office is French and has been for some years since Yves de Mahenge was first appointed in 1982 whereas the Clifford Chance

Paris Office is now managed by Yves Wehrli in succession to Trevor Brown who had taken over from David Goodchild in 1992. There are others such as Jean-Marc Lefevre of Linklaters & Paines and Jacques Taithe of Simmons and Simmons. Other firms will surely follow this development.

Whilst the Sixties has seen a general increase of U.K. lawyers and law firms setting up in Paris, no doubt encouraged to do so with the U.K.'s entry into the European Economic Community, the Seventies saw quite a stampede of some of the largest London firms of solicitors.

For example, in 1972 David Pyott opened the Paris Office of Freshfields as its resident partner specialising in property matters. Somewhat of a coincidence David had served his articles in the same Hertford firm, Longmores, as David Goodchild. He was to be succeeded over the next 16 years by Michael Brothwood, Michael McCabe, Christopher Smith and, finally, by Yves de Mahenge in 1988 when he was elected Managing Partner.

To-day, the Freshfields office in Paris is very much now a vital cog in the firm's European practice. Like others, it has seen a vast increase in the number of its lawyers over the last 9 years, most of whom are French and the present Managing Partner is Jean-Luc Michaud.

By 1975 there were nearly 30 different firms, mostly the Paris offices of London firms, practising as lawyers in Paris alone with Robin Ward and Gordon Blair still respectively carrying on in Cannes and Monte Carlo.

The names of those in Paris in **no** particular order were as follows:

Nabarro Nathanson

Lawrence Messer

Linklaters & Paines

Clifford Turner (now Clifford Chance)

Brendan Mckay

Theodore Goddard

Frere Cholmeley (now Eversheds)

Herbert Smith

Pritchard Englefield & Tobin *

Thompson Quarrel & Megaw *

Uziell Hamilton & Clarke

Roger Egerton

John Sandler

John Wates *

Alex Wilson

Berwin Leighton

Brecher & Co

Freshfields

Oswald Hickson

Stuart Bell M.P.

Ashurst Morris Crisp

Herbert Gowers & Co

Slaughter and May

Brendan McKay

S. L. Killen

Brian Lewis

Eric Levine

John Hillman

Rolla Edwardes-Kerr

Bodington & Yturbe

Oswald Hickson had been represented by Philip Hawkes who no longer practices as a lawyer but is engaged in property specialising in chateaux.

Brendan McKay came to Paris as a Scottish advocate in 1965 and has been joined by his daughter, Anne, and son, Patrick, all of whom have become *avocats*. A very rare example of a family firm and much to be congratulated.

The office of Linklaters & Paines was opened in 1973 by James Wyness who later on was to become managing partner and senior partner of the firm in London. Whilst it started with a local alliance with the French firm of Gide Loyrette Nouel, it has for many years been completely independent and has become the largest Linklaters office outside London and a focal point in the creation of Linklaters & Alliance.

Linklaters now has four times as many French lawyers as English ones which highlights the fact that like others the majority of the clients are French and expects this phenomenon to increase over the years.

One year later in 1974 saw the official opening of the Paris office of Slaughter and May by Tim Pallister with one assistant. Since the 1990's the office has considerably expanded but not quite as much as some of the other London firms with Paris offices, no doubt, as a result of a different international strategy it had chosen to adopt by wishing to concentrate much more on advising on English and international law and therefore employing proportionally rather less French lawyers. The firm has been managed for many years by Peter Kett.

Although strictly not an English firm of lawyers, mention should be made of Archibalds which was originally a Canadian firm set up at the beginning of the century by Roy Archibald and continued by his son, John Archibald. This firm eventually became somewhat of a conglomerate of Canadian, American, French and English lawyers and solicitors. It was eventually to merge with one of the largest and prestigious firms of accountants, Arthur Anderson, to form its own law firm. Rolla Edwards-Kerr joined it in the late Fifties as a solicitor and partner, his wife being a member of the Archibald family. Rolla had quite a varied and interesting career which certainly should be mentioned. He qualified as a solicitor before the War and went to work in Singapore. When the island was invaded and captured by the Imperial Japanese Army he was one of the few who actually escaped after the surrender in February 1942. This he did in a small sailing boat to Sumatra in the Dutch East Indies only to have to do the same thing to Australia after the surrender of that island to the Japanese a few weeks after his arrival there. He fought out in Asia and, returning to England in 1945, decided to go and practice in Cairo. There he flourished only to be obliged to leave the country by Colonel Nasser after the failed invasion of Egypt by British and French forces in 1956. Rolla then came to the calm and shelter of Paris to continue his legal career with Archibalds. Well into his seventies Rolla and his wife decided to retire from Paris and go to live in Monaco. There he studied stockbroking and having passed his examinations joined the prestigious firm of Merrill Lynch as a broker for a few years before reverting to his original profession when he joined up with Gordon Blair and later on was associated with Ernst & Young in their law office.

Unfortunately, Rolla's long, successful and varied career came to an end because of ill health and he died at the beginning of this year at the age of 86. Another solicitor, Alex Wilson, was also to join Archibalds in 1979 which he left in 1994 following its merger with the accounting firm, Arthur Anderson, and now practises on his own account.

By 1975 the number of barristers had declined considerably but the firm of Bodington & Yturbe still carried on, through its predecessors in title, in its 175th year with Manuel de Yturbe and Christopher Mitchell-Heggs who joined it in 1966, Manuel de Yturbe having become the President of the Association of Foreign Jurists in Paris, a position previously held by Oliver Bodington, which he had graced with great distinction and elegance until the War in 1939. This Association meets three or four times a year but mainly at dinners which took place in the most elegant premises of the Jockey Club of which Manuel de Yturbe was a member. He usually invited a guest of honour from the French judiciary or the Ministry of Justice. The dinners are well attended and provide the opportunity for the members of the Association being lawyers from many foreign jurisdictions to discuss their problems and experiences in the cadre of pleasant surroundings and a jolly good meal!

And so now we come to the end of the Century when the presence of English law firms operating in Paris remains intense as ever with a few still practising elsewhere in France. Without wishing to repeat the 1975 list on pages 10 and 11, those there marked with an asterisk would no longer appear to be practising in Paris and according to details kindly supplied by Peter Kett the following names should be added:

Allen & Overy	Frank Lipworth
Clive Barker-Davis	Clyde & Co
Constant & Constant	Bird & Bird
Holman Fenwick & Willan	Lovell White Durrant
Norton Rose	Penningtons

Simmons & Simmons

Watson, Farley & Williams

Richards Bulter

Wilde Sapte (Denton Hall)

Withers

Peter Kett is the representative of the solicitors in Paris and acts as the link between the Law Society and the Paris Bar.

According to The Law Society there are well over 170 solicitors now working in France of which over 150 in Paris and out of the 14,000 registered *avocats* 190 of them are also solicitors or barristers.

During the last twenty-five years new arrivals in Paris virtually equal those names whose have disappeared since 1995. Those U.K. firms now with offices in Paris, without doubt, represent a galaxy of English legal talent unsurpassed anywhere else in the world, with the exception of London, which is a fitting indication of the importance they attach to representation within Continental Europe and particularly France. In fact 15 of the first 20 firms of solicitors in London (on the basis of gross fees) are present in Paris.

One of the more recent arrivals is Allen & Overy whose Paris office was established in May 1989 by one of their banking partners, Peter Hockless, who is still there. This firm initially advised on the English law aspects of cross-border transactions between the U.K. and France in the fields of banking, international capital markets and mergers and acquisitions.

The Paris office originally had an association with a leading French firm of *avocats* but has now established its own French law capacity as a result of taking on French partners and assistant lawyers. Like many of the other English firms in Paris it has rapidly expanded during the last 2-3 years and expects to continue to do so in the future.

Outside Paris the following solicitors or barristers are to be found in the provinces and Monaco and they should not be forgotten:

Gerard Barron in Boulogne-sur-Mer where he was the Honorary British Consul.

Simon Wesley in Lyons

Philip Jenkinson in Lille

Robert Floyd in Cannes

Simone Paissoni representing Radcliffes in Nice

It is interesting to see the return to Northern France of U.K. lawyers as a result of enormous increases in cross-Channel traffic and the completion of the Channel Tunnel. It can be expected their number will increase as more and more U.K. companies decide to establish themselves in that area.

In Monaco:-

Eversheds represented by William Eason who had previously been representing Frere Cholmeley there which he had joined in 1980.

Lindsay Leggat-Smith, James Hill and Simon Groom (ex-Gordon Blair), Cherielyn MuirBrockett, Liz Roberts.

Eversheds is a well known Birmingham firm of solicitors who in recent years have merged or amalgamated with a number of other firms both in and outside London, including Frere Cholmeley and its offices in Paris and Monaco in 1998. It has now become the largest firm of solicitors in the U.K. and the first example of an original provincial firm being attracted to start up in Monaco and Paris. There will surely be others.

As can be seen a number of lawyers still prefer to practise on their own account and thus retain their complete independence and they are to be saluted. There will surely be a place for the individual practitioner with no professional ties and free to deal with clients attracted to their particular niche.

It may well be asked whether English lawyers in France over the last 150 years have made any worthwhile contribution to the legal well-being of their clients'? The answer to this question is surely positive.

They have provided the necessary legal services required by their U.K. and international clients in connection with their affairs in France and through their Paris and London offices have provided like services for their French clients for their affairs within the U.K. and other Anglo-Saxon and common law countries. Such services have become highly sophisticated and now concentrate on mergers and acquisitions in the corporate of field or "M&A" as it is called in the jargon, and financial transactions involving capital markets, international loans and derivatives, which have followed on involvement in matters concerning investment of 11 petrodollars" in the 1970s and foreign debt reschedulings later on. Legal services now also include international tax, arbitration, litigation and anti-trust work with some firms still specialising in office property developments, sales and acquisitions.

These services require the preparation both in English and French of long and highly complex agreements of one form or another involving considerable sums of money as well as responsibility for "getting it right". Transactions may often require hectic air travel and one partner mentioned as many as 16 international flights interspersed with meetings, all in the same week. A far cry from the days of travel as it existed 150 years ago and the primitive forms then available for communication between lawyers and their clients.

These firms have certainly during the last 25 years brought considerable legal "know-how" to the country which has been adopted and adapted by many French law firms which has enabled them to become world players on the international business and financial scenes. Some like Gide, Loyrette et Nouël have been encouraged to open offices outside France in world financial centres such as New York and Tokyo. Some of these firms have joined some of the European law firm alliances and have adopted some of the ways of practice and organisation prevalent in U.K. law firms embracing some of the tenets of the partnership laws practised there since 1885.

The majority of the lawyers and partners in the Paris offices of U.K. firms are now increasingly of French nationality which tendency will surely continue into this new century, thus providing more and more employment opportunities for French professional and back-up staff. Whilst precise figures are not available it is quite possible that these firms now employ between them at least 450 French lawyers.

These contributions certainly constitute a considerable legacy to the French legal profession and lawyers over the years which will form a firm foundation for its and their success and progress in the

future. In addition, some of the U.K. firms in Paris are also contributing to the legal education of young French students and law graduates. This they do by awarding scholarships and bursaries as it the case for Freshfields with their financial contribution to the Magister Juris law course in Oxford. Clifford Chance have made similar contributions to the universities of Oxford and Paris 1 and Cambridge and Paris 11, the latter named after Neil Allam a popular partner of the firm in Paris who died tragically after jogging one Sunday in 1992. Many French lawyers working in Paris have benefited from these Anglo-French educational joint ventures and law degrees more of which will certainly come about in the future.

English lawyers have also made a real contribution to the affairs of the British colony and its many societies and associations often giving of their free time in advising on their constitution, drafting their articles of association and obtaining their status as Associations under the French law of 1901.

They have often taken their places as members of the governing and managing committees of such associations as well as positions of chairman or president. Examples have already been given of a number of such appointments. Brian Cordery also served as the chairman of the Hertford British Hospital Management Committee between 1979 and 1983 during which he oversaw the construction of the new hospital premises in the rue Barbès in Levallois-Perret to take over the old premises built as long ago as 1877 culminating in its official opening by H.M. The Queen Mother in May 1982. Now retired, he is the Honorary British Consul in Tours.

David Goodchild is President of the Council of Management of the Hertford British Hospital Corporation, a U.K. company limited by guarantee, a British charity and a French 1901 association, which is overall responsible for the hospital's activities and the letting of its commercial properties with a surface of over 6,500 M² and presently let as to 6,000 M² to the well-known advertising agency of McCann Erickson.

He is also the chairman of the Governing Committee of the Victoria Home, a U.K. company limited by guarantee as well as a French 1901 association, which was founded in 1907. One of the subscribers to its Memorandum and Articles of Association was a Percy Lammin who was then practising as a solicitor in the rue du Faubourg St Honoré whom it may well be presumed was responsible for carrying out all the legal work involved in the creation of this home for elderly British residents from the Paris area.

Howard Norman is the President of the Royal Society of St George and Trevor Brown is the President of the Cambridge Society of Paris whilst Peter Kett is a governor of the British School of Paris in Croisy and Bougival and Jonathan Eastwood of Withers is a member of the Committee of the British Charitable Fund.

Many lawyers, both solicitors and barristers, have been decorated by a succession of British monarchs over the last 150 years for their services rendered to the British Community.

As to the future of these lawyers and law firms in the 21st century they will continue to concentrate on Paris and, to a lesser extent, Northern France and Monaco. Whilst there will always be a place and a living for the single lawyer practising on his or her own account without affiliations of one kind or another their number is unlikely to increase. These days the buzz word is "globalisation" of everything including the provision of legal services. Law firms throughout the world will become more and more international in their endeavours to service their clients globally in connection with their international businesses. Whilst many practitioners may not be terribly enamoured with this evolution, it will take place notwithstanding.

Law firms will become more global and quite enormous in size with offices in all the financial and commercial centres of the world. They will either create alliances world-wide with like-minded lawyers firms in all the world's capitals or will create global partnerships operating in all such centres with partners and assistant lawyers drawn from each country in which they operate with equal rights for all partners, irrespective of race, colour and creed. Already Clifford Chance and Freshfields have gone down this road and the large European Alliance created by Linklaters will surely be heading towards the same concept. Many other U.K. law firms will expand globally in the same way and for the same reasons and Paris is likely to remain one of their major European offices.

The only cloud on the horizon concerns the question of multi-disciplinary practices which would permit accountants and lawyers being members of the same firm. The reaction to such practices is still somewhat muted with continental lawyers and their colleagues in the United States at present somewhat hostile to it. However, in the U.K. and some other Commonwealth countries there is more support for the concept. There is no doubt that all the Big Five firms of accountants who are enormously powerful have already constituted their own legal firms but they would really relish the opportunity of taking over a prestigious law firm particularly in the U.S. or the U.K. Firms like Clifford Chance, Linklaters and Alliance, Freshfields and Allen & Overy may feel they can, by their own size, success and reputation, deter and repulse any efforts by the accountants to take them over and thus create enormous global multi-disciplinary partnerships of accountants and lawyers.

To conclude this History it would be interesting to predict what further developments will occur during the next 100 or even 25 years regarding U.K. lawyers and law firms present in Paris and elsewhere and the way in which they will be organised. For example:-

Will there still be a separate independent legal profession or will its members practice within a multi-disciplinarian partnership with other liberal professions such as the chartered accountants?

Will law firms and other professional organisations be permitted to incorporate themselves and eventually be able to obtain a quotation for their shares on the major stock exchanges?

What will be the effect of modern technology, particularly in communications and the preparation and transmission of documents on the way in which law firms operate and could this result in lawyers working far more from home than their office'?

There are certainly many other questions that could be raised but as for their answers only time will tell.

Because of lack of information and records it has not been possible to make sure this History does not contain any mistakes nor that it has not omitted the names of some lawyers or law firms who may have practiced in France during the last 150 years. However, it is hoped there are no glaring mistakes or omissions and, where they are any, my profuse apologies to all those concerned.

Finally, if a personal note can be added, the chronicler started his legal career 52 years ago as an articled clerk now referred to as "trainee solicitor" in Hertford in the Shires of England and came to France in 1956 to join John Hickey and then in 1962 started the Paris Office of Clifford-Turner with two secretaries. He retired from the firm then known as Clifford Chance at the end of 1991 since when he has practiced on his own account and is more than likely to retire from the profession at the end of 2000.

David H. Goodchild

Paris

7" June 2000