



SJ INTERVIEW: JOHN GOULD

Jonathan Fenton-Harvey talks to John Gould, senior partner of Russell-Cooke LLP, about changes in the regulatory world and what individualism means for the profession's future

John Gould was recently re-elected as senior partner of Russell-Cooke LLP. He is a leading figure in the areas of professional regulation and public law and is the author of the *Law of Legal Services and Practice*, now in its second edition.

JFH: Congratulations on being re-elected. What have you enjoyed most about working with Russell-Cooke?

JG: It has provided a professional lifetime of variety, stimulation and challenge. Not just to practise a very wide range of law, and make a difference to important cases, but also to see all parts of life through the eyes of very different clients and people. Working with a common purpose with like-minded colleagues and the chance to build something good also matters a lot. Most of all I enjoy seeing our people succeed.

JFH: You've only ever worked at one firm – has that been limiting?

JG: No, it has been a special privilege to see the firm constantly changing and evolving, never to have been told what to do and to be able to move through so many areas of law. It always seemed better to help change the firm than go to another.

JFH: What do you think the secret is to being re-elected?

JG: In the early days, proper lawyers weren't generally that keen on law firm management. If you gave up client work then, when your time was up, it could be difficult to do anything other than management consultancy. I was able to do it and continue as a full-on fee earner which both kept it fresh and kept me in tune with our partners.

JFH: Do you think single firm careers are a thing of the past?

JG: I think that they are becoming less and less common. In recent times, we are seeing individualism in lawyers and a focus on promoting the individual. Relationships are getting weaker and there is scepticism over working as a collective. There are many reasons why it is now much harder for younger lawyers to identify wholeheartedly with a single firm.

And the more commercial firms become, the more individual lawyers are likely to look to their own financial short-term interests and change jobs.

JFH: What does a typical working day look like for you?

I have always chosen to live near the office and to keep my regular working hours down to 8.30am to 6.30pm of reasonably concentrated work. For most of my career I was a full fee earner and fitted other responsibilities around that. Latterly, as the firm has grown in size and complexity, I spend more than half of my time on non-chargeable activity. I've found that the two sides of my career have complemented each other really well.

I tend to have a combination of brief one-to-one discussions throughout the day punctuated by more formal internal and external meetings. Drawing examples of tasks from the last week, I have prepared a speech for our partners' conference; held a consultation with clients concerning an external investigation I will be conducting following a public interest disclosure; interviewed a senior candidate for a partner lateral hire; finalised representations from one public body to another; read the newly published judgment in a case in which I made written submissions



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for the public interest intervener; signed off a tender to an existing regulator client; and considered research on the competitiveness of our salaries. Typically, I eat a sandwich at my desk or in the firm's lunch facility.

JFH: How did your career path unfold?

JG: I was the youngest of six children raised on a council estate in Bristol. My parents both left school at 14 and none of my siblings went to university – I had no insight into the legal careers or connections with lawyers. Law seemed like a steady job but I thought that to become a barrister I needed money and connections, and so a solicitor it was. My selection of firms for applications was beyond casual. I thought London sounded good and picked three firms virtually at random and went for interviews.

As an aside I should say that at my father's insistence I had applied, without enthusiasm, to a firm in Bristol. At interview it emerged that they had few vacancies for years to come, which an existing trainee told me was because the partners' children were already pencilled in. On the bus home I worked out that some of the dates were so far ahead that they must be including 15-year-olds.

The receptionist at the first firm in London (which was posh and no longer exists) told me on arrival that she didn't recognise my tie (which was unsurprising). My interviewer was a Conservative MP who spent most of the interview on the telephone arranging something called 'drinks'. I toured the building with a well-dressed and smooth trainee fresh from secondment in Brussels and was shown a small windowless office with a bare bulb in which a pale newly qualified was working. I knew which of the two I would become at that firm.

The second firm made their offer conditional on passing all the heads of the examination and for the three months until the results were known would only pay half pay. That would have been less than the rent on the dingy, damp, cold room in a shared house I eventually found.

Russell-Cooke paid my travelling expenses, offered me the job within five minutes and although I thought (wrongly) that the then senior partner was so eccentric he must have been drunk, that was good enough for me.

I qualified in 1980, became a partner in 1982 and was doing most of the firm's administration and management by 1985. The firm was very small and run down but the few partners were able, trustworthy and hardworking. After that I made up everything as I went along. I was the firm's company and

commercial department, the employment team and the commercial litigator. Each time an able assistant came along I delegated and moved on.

By the late 1980s I was shutting down solicitors for the then regulator, which was full of human interest and clients who needed help. The bigger the firm, the more challenging and interesting it was. I think over the years which followed I closed around 250 firms and litigated with a fascinating array of crooks and psychopaths. The largest firm had a dozen offices and 350 people. I particularly enjoyed what were in those days called 'intelligence driven' targets,, which usually meant lawyers involved with organised criminals and systematic frauds.

JFH: Are there any memorable cases you've been involved in that you'd like to share?

JG: In my early career, I dealt with all sorts of people and work. It was never dull and often colourful, but those are stories for another time. Later cases are memorable for different reasons. I have not been able to erase the memory of absolutely every painful failure, but near enough. Some cases are memorable because they involved the opportunity to devise and successfully run with an analysis of legal principle, such as *Re Ahmed* [2006] EWHC 480 (Ch) (which swept away the idea that client funds held by the regulator were held on a private trust), or *RCTC v Prentis (No 2)* [2003] EWHC 1206 (Ch) in which I had the idea of resurrecting some early 19th century authority on impounding the interest of a dishonest trust beneficiary.

Some have involved the best judges and courts, such as *AIG Europe Ltd* [2017] UKSC 18 (a case about insurance aggregation) or *R v Westminster Council* [2015] UKSC 25 (which threatened the way the regulators of profession funded themselves). Some have had a good social outcome, such as *AG v Charity Commission* [2012] UKUT 420 (TCC) (which upheld the public benefit of benevolent funds), and *R v Secretary of State for Transport* [2019] EWHC 3319 (Admin) (which prevented the undermining of the thousands of volunteer drivers in community transport). Others have involved a lot of money, such as *R v FSA* [2011] EWHC 999 (Admin) where an attempt by most of the major UK banks to prevent compensation for the mis-selling of payment protection insurance was defeated with a reported cost of £36bn.

Others have involved ethical principles, like *Wingate v SRA* [2018] EWCA Civ 366, defining integrity; or the case of Philip Shiner,



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arising out of the Iraq war, about professional independence. Cases which have taken me inside closed worlds, such as politics, security and government, have always been interesting. The odd case which has dominated the news agenda for a few days was stressful but also fascinating. I recall drafting a brief statement for a cabinet minister and seeing it appear in front of us on multiple news outlets on a bank of television screens within less than two minutes.

JFH: What major challenges do you think legal regulators currently face?

JG: I have never been a great fan of the changes made by the Legal Services Act 2007. I was a member of the advisory panel for Professor Stephen Mayson's review and thought that, as he came to recommend, legal services activity should be licensed by a single regulator while the regulation of professional titles, like solicitor or barrister, should be returned to the professions. Licences would be activity specific, widening access to non-traditional providers, and the titles would provide a brand that the public could have confidence in. There's no immediate sign of that happening.

For regulators, the challenge is how to regulate in a way that represents good value for money for consumers who are the ultimate paymasters. I think the importation of the concept of compliance officers from financial services has added a whole new layer of cost and complexity without a proportionate public benefit.

JFH: What other initiatives are you currently involved in?

JG: I chair a body made up of the leading merchants and auction houses dealing with investment grade wine, which combats wine forgery. I have nearly finished re-writing the solicitors' volume of the EFP. I have recently become a supporter of the charity Support through Court, which provides support to litigants in person.

JFH: How do you see the legal profession developing in future?

JG: The sector could become more unequal but as a whole it may evolve into something more progressive. There could be a re-emphasis on brand and professional titles as the provision of legal services becomes more diffuse.

The law and lawyers are the oil without which complex modern societies don't work... The dramatic rise in the number of solicitors implies that people are constantly discovering new demands and needs that they

were unaware they had. As a result, it seems likely that average earnings will decline and inequality between lawyers will increase.

Until recently, the impact of technology has always happened much more slowly than predicted, but that for the moment has changed. I do worry about the quality of working life for the lawyers of the future who may be returning to a pre-industrial age when skilled workers spent their time alone in their cottages being paid by the piece. Their looms will be owned by Microsoft.

I believe there could also be a tension between technology and relationships. This began after the shift to remote working and while there are some benefits for wellbeing I don't think too much remote working makes a better working life. Professional firms rely on relationships and I can only see those getting weaker if too little time is spent working together. In the future, I think the firms that can allow a degree of flexibility for remote working and nurture team relationships are the ones that are most likely to succeed.


JFH: Is there anything you wish you'd done differently in your early career?

JG: I never stepped back and considered longer terms goals. I enjoyed, as it were, hitting the balls back as they came over the net. I was a roving opportunist looking for new and interesting work all the time. Overall, this worked for me because I wanted a challenge, but it's not an outlook that would suit everyone. I think, if anything, people now over-plan and calculate, which tends to make them anxious when things don't work out.

Perhaps it would have been better to pause along the way, but who wants to be bored? In the words of the poet: you can see the world in a grain of sand and heaven in a wild flower.

JFH: Do you have any advice for new/aspiring professionals?

JG: Find something you believe in and work hard to make it prosper. Try and integrate your professional desires and ambitions with the rest of your life rather than hold them apart. Remember work and life are the same thing and you don't have to sacrifice one for the other.

With regards to mentoring, the best kind is informal with a full commitment to the success of the recipient. Younger lawyers need to be around and engaged with the best experienced lawyers available. If you are good enough and hardworking enough for someone to champion your career, your goals will be easier to achieve. 



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