



# CUTTING THROUGH

THE QUEEN MARY UNIVERSITY BAR SOCIETY NEWSLETTER



What's inside this issue:

## AN INTERVIEW WITH JAMES KIRBY



**CALL: 2017  
CHAMBERS:  
TEN OLD SQUARE**

## FILM, DOCUMENTARY AND PODCAST RECOMMENDATIONS

## ARTICLES FOR A QUICK READ

## DATES, MOOTS & OTHER BITS AND BOBS

### CALENDAR

#### **\*12th of October\*** **Provisional Event**

Constitutional implications  
of Recent Supreme Case

-

#### **24th of October**

An evening with Judge Rea

-

#### **29th of October**

Introduction to the Bar

### MOOTS

Don't forget to sign up to  
the George Hinde moot, it  
provides a fantastic  
opportunity to practice  
your advocacy skills.

### EXTERNAL EVENTS

2nd of December

Interlaw Diversity Forum -  
18:00, BCLP Adelaide House

## WELCOME BACK

If you are reading this you have successfully navigated our website and accessed the newest edition of Cutting Through. Congrats. We will aim to keep each newsletter short and sweet, keeping your attention whilst giving you something to read over breakfast, with a cuppa or pint. If you would prefer a printed copy of the newsletter we can send you a PDF for you to download. We understand that sometimes a paper copy is nicer than staring at your computer screen endlessly, or maybe you love the content so much you want to frame each edition. Either way we are happy to oblige.

So kick back and enjoy another edition of **Cutting Through**.

## ARTICLES FOR A QUICK READ

5 PAGES OR LESS

### CDO Litigation: A Risk Assessment

Simon Hart, 24th International Financial Review  
August 2005, Pg 17 [HeinOnline]

This article may now find itself on the wrong side of history. CDOs; what are they and why are they relevant? If you have dined to watch this edition's film recommendation you may have some idea. If you don't have time to watch, this article explains what CDOs are and the apparent risks that come attached. Three years before the financial crash, there is some recognition that CDOs may be a potentially risky commodity. What's more, there is open recognition that not all people involved in the trading of CDOs are fully aware of their structure or inherent risks - incredibly reassuring information. The article however covers ground superbly in just two short pages. Enjoy looking back with hindsight as the article unravels the dangers of CDOs or panic that more people didn't listen. In two pages you will be more clued up about an element that led to the 2008 financial crash... cheery stuff!

10 PAGES OR LESS

### Tensions between Social Housing and EU Market Regulations

Vincent Gruis & Marja Elsinga, European State Aid Quarterly  
Issue 3, 2014, pg 463 [HeinOnline]

Social housing is an issue of great concern within the UK and many other countries within the EU. Within most countries this is considered to be a role of the government, or other institutions that they have outsourced this role too. Many of us when considering the role of social housing do not consider it in the context of the competition market. The article shows an alternative side to the issues of social housing. Do government subsidies in social housing detract from market competition? What level of subsidy should be provided? Should the EU be involved? The essay explores the various socio-economic issues and stigmas that surround social housing. Further addressing how individual countries within the EU are tackling these issues, in the face of rising housing costs. A great cross-section between property & competition law in under 10 pages.

### Why did you choose to become a barrister?

I started life as an academic historian, but wanted a job that was more fast-paced and commercially-minded. A career as a barrister seemed ideal as it combined those qualities with much of the intellectual interest of a career in academia.

### How did you choose your current chambers?

I wanted to work at a Chancery chambers because Chancery has a (deserved) reputation for being intellectually challenging. In particular, I wanted to go somewhere that excelled in what is sometimes known as 'traditional' Chancery: wills, trusts and probate. Ten Old Square fitted the bill, and I was also attracted by its reputation (also deserved) for being a collegiate and supportive working environment.

### How, if at all, has your other degree(s) aided in your job?

My undergraduate and postgraduate degrees in History have helped me immensely. They involved lots of assimilating very diverse written information and then making arguments about it, which has quite a lot in common with being a barrister.

### Do you have a speciality? And how did you find yourself in that speciality?

I am still very junior (just one year into my tenancy) so my work is pretty broad: I do property, trusts, inheritance, tax and some commercial work. But compared to my contemporaries at common law chambers or many regional sets, the work I do probably already looks quite specialist: that's the result of working at a Chancery chambers in London.

### Do you think your area of law will be affected by Brexit, or has it already?

No. EU law has so far had very little impact so far on my area of law, so leaving will have equally little impact. That said, EU regulation on data protection and trusts is just beginning to impinge on English trust law, so if Brexit doesn't happen it may become a bigger feature of my work in years to come.

### How would you describe your work life balance?

Pretty good. Barristers are self-employed and have to be very careful to maintain a good work/life balance. Of course at times work crowds out other commitments, but I firmly believe that one should work to live, not live to work.

### Is there anything about your career at the bar that has surprised you?

The work culture is much more free and informal than I expected. This is again because we are self-employed, so there is relatively little corporate stuffiness, management jargon or conformist thinking or behaviour.

### What has been the most challenging aspect of life at the Bar?

Taking decisions that have a real-life impact on your client is a much greater level of responsibility than I ever had as a historian: sometimes, that is a weight on one's shoulders.

### Is there anything else that you would like to achieve within your career?

I've hardly achieved anything yet - so yes, definitely!

### What piece of advice would you give to law students interested in the bar?

The obvious advice (work hard, practice your advocacy etc.) is the most important stuff. But I would also highly recommend just visiting court (criminal and county courts as well as the High Court) just to see what barristers actually do, and to absorb some real-world advocacy skills.

## What's Occurring?

### Unanimous Decision from the Supreme Court

If you haven't seen the news, you have been living under a rock with terrible reception. The UK Supreme Court's unanimous decision concerning the unlawful nature of the proroguing of parliament has been making waves since its announcement on the Tuesday the 24th. If you have five minutes, read the judgement, it's just three pages long, there is no excuse not to, really.

### Thomas Cook, the sinking ship?

Thomas Cook, is going, going, gone. The 176 year old company has fallen by the wayside, much like their advertising, who still uses brochures in 2019? An inability to adapt to the market, poor financial decisions and the winter slow-down, Thomas Cook was at the receiving end of a domino effect. The money and cases to follow will no doubt be of some interest.

GOT A SPARE HOUR?

## GUILT FREE ENTERTAINMENT

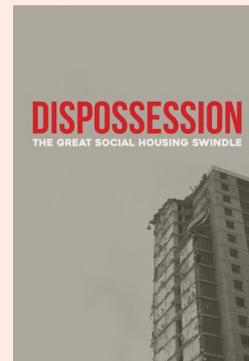
REMAIN IN THE SPHERE OF LAW WHILST REMOVING YOUR NOSE FROM YOUR BELOVED TEXTBOOK HOUSING

### FILM: THE BIG SHORT [2015] WHERE TO FIND IT - NETFLIX

Hollywood's answer to how do we make the financial crisis of 2008 vaguely sexy. A stellar cast walk you through three intertwining stories concerning financial crash caused by the US housing bubble. Littered with famous faces to help explain the economics along the way. You may need to watch twice to fully understand, and recover from Ryan Goslings hair.



### DOCUMENTARY: DISPOSSESSION, THE GREAT SOCIAL HOUSING SCANDAL WHERE TO FIND IT - YOUTUBE



This hard-hitting documentary follows the formerly popular 'Right to Buy' Scheme, introduced by Margaret Thatcher and the distressing consequences it has had, turning vast swathes of the country from social to for profit housing. Watch the communities fight back against the demolition of their social housing.

### PODCAST: THIS IS CAPITALISM, 1968: OUR HOUSE WHERE TO FIND IT - BBC

A Podcast based in how we view the economic structure around us delves into the world of housing. A young modern couple explore the housing market and examine whether we are really worse off now that we were fifty years ago. Travelling through the decades a comparison is drawn between wages and the affordability of housing. Is the grass always greener on the other side?

