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Talking Point--clients' needs and expectations

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Environment analysis: Our panel of experts gives its views on whether the recession has changed clients' needs and expectations.

The experts

Simon Tilling, Burges Salmon

Robert Biddlecombe, Squires Sanders

Professor Karen Morrow, Swansea University

Gordon Nardell QC, 39 Essex Street Chambers

Emma Feeney, Bond Dickinson

Catherine Davey, Stevens & Bolton LLP

Has the recession changed your clients' needs and expectations?

Simon Tilling: Recessions naturally lead to a reduction in corporate and real estate transactions so environment practices which relied on transaction support instructions undoubtedly suffered. Thankfully, our practice is predominantly a mixture of stand-alone advisory, environmental projects, regulatory defence and litigation, all of which are services that our clients still demand in a downturn.

Unsurprisingly, we have seen an increase in instructions from insolvency practitioners who need advice on managing long-term environmental issues during restructuring or administration. We are currently advising administrators about the on-going environmental responsibility for the continuing consequences of a major spill that happened more than 20 years ago.

Another increase in instructions has come from site closures and plant decommissioning. UK manufacturing has been under pressure for some time, and the recession forced some industrial and energy sector clients to mothball or close sites. A further factor is the Industrial Emissions Directive 2010/75/EU--a number of our energy sector clients have taken the decision to close sites rather than invest in expensive adaptation. Site closures need to be carefully managed to ensure the business achieves a clean exit and minimises future liability. Some of the sites we are currently dealing with have been operating as industrial plant or chemical works for 50 years or more and the remediation required for permit surrender or lease surrender can be quite extensive.

Robert Biddlecombe: During the last three years, it has been a 'buyers' market' for legal services and clients have, unsurprisingly, expected their lawyers to adapt to the tougher economic conditions. For example, clients now demand more 'added value' for their fee as the price to be paid by law firms for the ongoing relationship. Such were the uncertainties during the recession, there has been a spike in demand by clients for urgent ad hoc advice without any promise of an eventual instruction (let alone a fee). This reflects

the reality that, as so many clients dispensed with their in-house counsel during the recession, they have been increasingly looking to their external legal services providers to fulfil this in-house role.

Professor Karen Morrow: In my experience during the previous recession in the early 1990s, there was a decline in the numbers of students electing to take modules in environmental law, based perhaps on the impression that the subject was less marketable, given the prevailing economic climate, in a competitive employment market. It now seems to be the case that students recognise that, for certain areas of practice, an environmental law element in their undergraduate degree can actually improve their appeal to prospective employers as, whatever moves are taken to 'streamline' its use in practice, it remains a significant element of the day to day life of business, industry, third sector and government activity at all levels in our society.

Emma Feeney: Clients are undoubtedly savvier when it comes to spending. In addition, company and brand reputation comes high on their list of priorities with clients heavily focussed on compliance with regulation, managing risk and ensuring that they get things right first time round.

Interviewed by Nicola Laver.

The views expressed by our Legal Analysis interviewees are not necessarily those of the proprietor.