

Shedding light on the shadowy world of referrals

18

Europe's foremost independent law firms talk to RICHARD TROMANS about their varying levels of reliance on revenue generated via other firms, formulating successful referral strategies and adapting them to changes in market conditions

When a lawyer says the word 'client', in most cases people think of a company, a bank or a rich individual.

However, for all law firms, whether national players or small boutiques, some of the best clients they will ever have will be other law firms. Equally, although law firms rely on the talents of their own partners and associates to give quality advice, it's the other law firms they often send a client to that could cost them their reputation.

While a global law firm may receive no more than five per cent of its revenue from referrals from other practices around the world, independent firms in small markets like Switzerland can receive as much as 70 per cent of their work from outside. Others, in bigger markets such as Italy, France or Germany, can still see large chunks of their revenue coming via the grace and favour of foreign lawyers.

In most markets, to have a client that represents as much as five per cent of your income is seen as a potentially risky position. So, for some independent firms, not just their business model but the very life of the firm is dependent on referrals. Clearly, law firms that can increase referral work will boost revenue, yet very few have a truly structured way of doing this.

How a law firm handles its external referrals can be just as crucial. Sophisticated clients always want the best advice and will not easily forgive a law firm – global or independent – that refers work to a lawyer who does a poor quality job.

Even firms with 30 offices around the world have to worry about where they send their work. And for the independents, while they may have a network of close friends to refer to, what if they upset that friendship because they receive more than they send? Undoubtedly referrals are a strategic minefield that needs to be carefully thought out and managed.

Inbound work

The value of referrals can often be downplayed in the legal market. This is because lawyers like to talk about their 'real' clients, especially marquee names like Goldman Sachs, or E.ON. Few practitioners in independent firms like to brag about the fact they get a large part of their pay packet via Clifford Chance or Linklaters. Earning a living by taking work handed to you by foreign lawyers may not seem as glamorous as winning it in a beauty parade, but for many European firms it constitutes a large portion of their income.

The nation most dependent on referrals from outside its borders is Switzerland. For example, Froriep Renggli partner Peter Merz comments: "If you look at work referred into our firm it is between 60 and 70 per cent of our total." He points out that the firm's representative branches in Madrid and London play an important role in ensuring that referrals from other practices are hoovered up and sent back to the Swiss offices to handle. Mr Merz explains the main referrers are UK, German, Italian, Spanish and American law firms. Without these Froriep would obviously be a lot poorer. In fact, one could argue that if there were ever a significant drop in these referrals the firm could no longer function.

One way such a dramatic scenario could unfold would be if those referral firms, especially the UK-based multinationals, decided to set up in Zurich and Geneva. But Mr Merz is confident: "We do not expect the globals to enter the Swiss market in the near future." One reason being that law firms say they are happy with the way the Swiss handle work referred to them.

A partner at another Swiss firm adds: "The reason that the globals set up their own offices in Italy was not because it would benefit their revenue that much, but because they were worried about how client work was dealt with by the top Italian firms." That is to say, the leading Italian independents may be great firms but they did not want to conform to Anglo-Saxon protocols and bureaucracy. The famously calmer and consensual Swiss on the other hand are more than happy to do work as foreign firms would like it. The fact that the Swiss market is small also helps deter new entrants.

Another leading Swiss firm, Bär & Karrer, likewise greatly values inbound referrals. Managing partner Eric Stupp says they account for around 50 per cent of his firm's work, although some instructions also come from investment banks that recommend their clients to them.

Mr Stupp explains that the non-referred work is a combination of long-term clients that have got to know them well already – such as the major banks – and Swiss clients that come to them because they are visible in the local market. However, with 50 per cent of work still coming from firms like Linklaters or a major US player, Mr Stupp needs to keep focused: "If our referrals started to drop we would have to increase our marketing efforts, and if they continued to fall further we would have to think about forming an exclusive relationship with one of the global firms." He adds that another emergency alternative would be to do what Hengeler Mueller did in Germany whereby it stuck adamantly to independence and weathered the merger storm that ensued in the late 1990s.

Right now this scenario of referral collapse in Switzerland is very unlikely, but it is something that has happened in Germany, France and other European markets where international firms came in and started keeping all their referrals to themselves. From this we see that the global model is not just about offering clients the mythical 'seamless service' but also keeping as much work as possible in-house. It may never have been a deliberate strategy to put the rival local players out of

business, but one can envisage how a sudden famine of referrals could quickly undermine some independent firms' business models.

Different strokes

But between these extremes there are a range of other models. One such is demonstrated by Italian firm Studio Legale Sutti and could be called the 'middle tier attraction model'. Name partner Stefano Sutti stresses the practice is purposely designed to attract work from other law firms and says that about 40 per cent of its total comes from referrals. "For us referrals are crucial. Thus, marketing and being visible in the press is important," he explains. He adds, however, that some of the top Italian firms do not receive so many referrals, partly because the globals already have offices there to handle a lot of the quality M&A work, while big Italian clients like Fiat do not need to be told who the best banking regulatory lawyer in Italy is. Clients that use elite firms like Bonelli Erede Pappalardo often come straight to them. If not, then they go to a Clifford Chance or Linklaters, and such firms handle everything from New York, to London, to Milan.

Hence a lot of the top instructions do not go through the referral system. However, Studio Legale Sutti does not work so often in this part of the market. Their wider and more mid-cap set of practice areas are of real use to UK/US firms that do not have coverage in Italy and do not want to bring in a top-tier corporate and finance firm like Gianni Orioni Grippe & Partners to handle a mid-sized cross-border joint venture. "We pay a huge price to be an independent firm because we have no captive market," says Mr Sutti. That is to say, an arguably mid-cap independent firm cannot guarantee domestic clients will keep coming to them. Mid-market deals are often more about pricing and the services required are easier to replicate. There are therefore a lot of mid-market players, so it is hard to corner this segment of the market.

This is unlike Italy's legal elite who are close to the government and the big industrial groups like Fiat or Benetton and

are seen as automatic choices for Italian mega-deals. Sutti is not such a firm and so has to encourage work from abroad to boost the bottom line. One way to do this is to offer a different service from other Italian players with a more purely domestic practice. Sutti's multiple office expansion into the Balkans has been part of this and now UK or other firms come to Sutti in order to handle work in places like Serbia or Croatia.

However, some independents that are targeting better corporate work do also manage to win a significant number of referrals. Nörr Stiefenhofer Lutz, a German practice certainly on the way up in the eyes of its rivals, says that around 30 per cent of its M&A work comes from foreign law firm referrals. This is impressive in light of the competition it is up against (see issue 73 cover story). With nearly every major US and UK firm in Germany having a corporate and finance practice, still being able to draw in considerable M&A referrals is a sign of health rather than purely of dependence – although it would be fair to say not all of these transactions are the mega-deals that the globals are chasing. Nörr partner Dr Thomas Schulz comments: "We specifically target firms that do not have offices in Germany. We can take better care of these referrals than the global firms here. We treat each job with utmost care and this is part of our foreign policy."

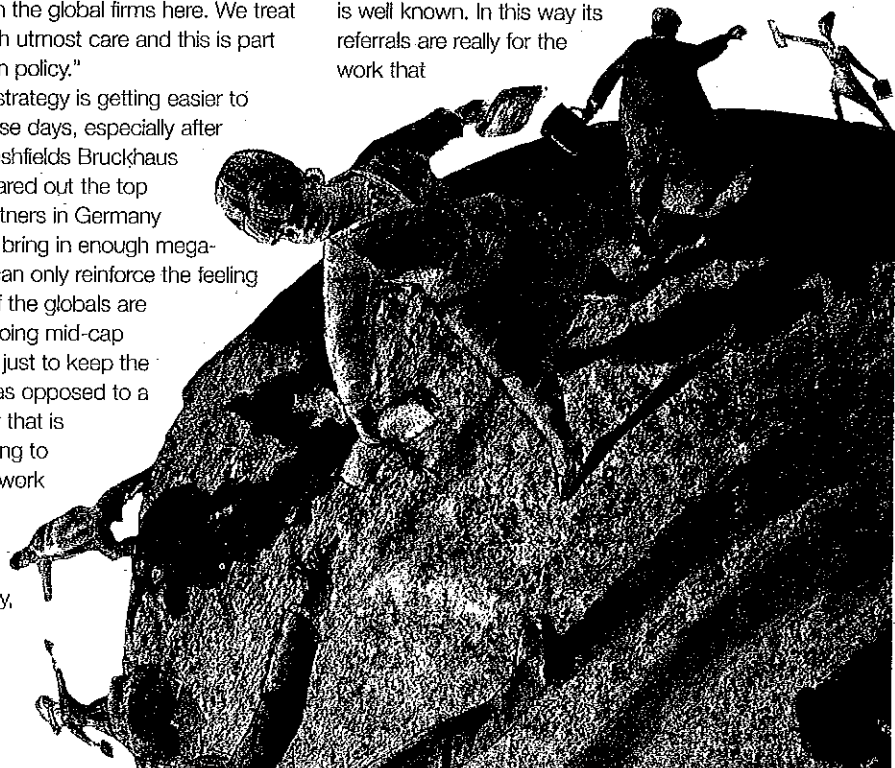
Such a strategy is getting easier to promote these days, especially after firms like Freshfields Bruckhaus Deringer cleared out the top lockstep partners in Germany who did not bring in enough mega-deals. This can only reinforce the feeling that some of the globals are grudgingly doing mid-cap transactions just to keep the volume up, as opposed to a firm like Nörr that is earnestly trying to capture this work and, when it can, the top-cap deals. Equally, a referral to

Nörr is likely to come from firms like Macfarlanes in the UK, who are focused on just this part of the upper mid-cap to lower top-tier instructions. So, all along the referral line the client is in the hands of lawyers used to giving such work their full attention.

But, when one looks at independent firms that are only targeting the very top of the German market, just as the best of the globals are, we see something one might not expect. Take Hengeler Mueller for example. One might think that such a famous independent firm would be drowning in referrals from foreign counterparts. But the reality is the opposite says partner Dr Markus Meier: "The estimate is difficult, but probably we get only about 10 to 20 per cent of our work through referrals."

One reason for this low level is that when it comes to the major work that Hengeler is after, it is already there doing pitches to clients alongside its best friends such as Slaughter and May. "A significant part – perhaps 40 to 50 per cent – of our work comes through our best friends concept. We pitch together and do not sit and wait for a referral," Dr Meier explains.

And Hengeler gets invited to all the best pitches because, like other top firms, its reputation for corporate advice is well known. In this way its referrals are really for the work that



Beyond an annual 'road show' to the US to meet existing referrers most lawyers prefer to let their expertise speak for itself

20

originates outside of Europe. Again, this mirrors the picture in Italy among the top firms there. If a mega-deal is going on in Europe and involves German law in a material way – eg E.ON/Endessa – you can bet Hengeler and friends have already been contacted by general counsel or are on any shortlist for the work.

José María Segovia, managing partner of Hengeler's Spanish friend Uría Menéndez, is of the same mind as Dr Meier. He says that referrals from other firms account for less than five per cent of their workload and talks with a certain amount of disdain about 'the referral myth': "We used to think that we had to be careful because of referrals. But, at the end of the day, referrals are not core to us." He adds that the number of referrals is declining, and there could be two reasons for this. One is that the huge number of international firms in Spain are keeping in-house a lot of the best cross-border work that would have been referred out in the past. The second is that Uría, like Hengeler and other quality practices, saw the writing on the wall about global law firms and now focuses on hunting for the choice opportunities themselves rather than expecting other firms to send them.

This strategy works because such firms do what they say: put quality above all else and are clearly at the top of the tree in that market. Firms below this level cannot do it because no mega-deal will come directly to them in the first place, and even if they pitched for it, they'd be unlikely to win. For example, one independent managing partner of a more mid-tier firm who will remain nameless to spare his embarrassment says: "We pitched for a major job with a global car manufacturer that would normally use a top-tier firm for such work. We dropped our price to a third of what the other firms would charge. But they still wouldn't give us the job."

The partner seemed to think this was unfair in some way and that the price-cutting should have solved any problems the company had with the firm's lack of experience at such mega-deals. But of course this is rarely how quality clients and top firms work. As one high-level banking

partner at a European independent practice puts it: "If a bank calls me up and wants to start negotiating about prices I just tell them to go to someone else. I don't do that kind of work." Firms that can really live like this do not need to rely on referrals. For this elite, enough of the good work will come straight to them.

Another surprise is the referral life of boutiques. One might think that a niche outfit, which has little chance to cross-sell, would be wholly dependent on referrals to survive. But this is not so. Take Savin Martinet, a French environmental law specialist practice. Name partner Yvon Martinet explains: "If you include the referrals from our European alliance and from all other firms it is about 40 per cent of our revenue." He adds that very often the work from non-alliance firms keeps coming from the same players again and again. Forty per cent is still a huge amount of work to depend on from outside, but one reason why this percentage is not radically higher is that, as a specialist concern, one is well known to specific clients that regularly use your expertise.

This scenario is shared with Frankfurt-based finance specialists Nordhues & Cie. Partner Dr Hans-Günther Nordhues reports: "Up to eight per cent of our revenue comes from referrals, mainly from US firms." This surprisingly low number is because most top globals have such good finance practices that they would never need to come to Nordhues. But Dr Nordhues says: "A lot of the German banks know us and come directly." As in Mr Martinet's case, the firm works in a specialised field and has forged close links with local clients that go straight to the practice without an intermediary. Sometimes the bank even tells its clients to use the firm. This must be a nice position to be in, but it is made possible because the majority of the work includes deals that are 90 per cent German. Even if there is a US investor in Frankfurt, the transactions involved are ones where the vast majority of the paperwork will be in German.

Another unexpected feature of how boutique referrals function is revealed by Mr Martinet who says his firm is at times

brought in on 'a shadow basis' for global law firms that do not have as good an environmental practice in France as they would like. In certain cases the global firm does not even tell the client they are using a boutique to beef up the French side of the deal, hence the term 'shadow'. Mr Martinet comments: "Sometimes this can be hard when you are on a telephone conference [during the transaction]." He adds that once in a while the firm comes in as a shadow player and ends up being 'official'. Even with Nordhues, some US outfits with German offices have come to the firm for local finance help.

The 'how to'

Clearly, there is a wide range of approaches to inbound referrals. Some models are based on the firm's location, others on their position in the market. This being said, how do law firms that want to boost their referrals actually do so?

Curiously, few practices said they invested in more than one or two partners spending longer than one or two weeks abroad each year to drum up referrals. Most said that going to the IBA conference, with a few days in New York to see US firms, plus a similar period in London to see the remaining independents there, was about all they did. This seems quite laid-back for such a potentially expandable income source.

Lawyers would never be that casual about a group of investment banks that provided 10 per cent or more of their turnover. Even if a law firm did not regularly go and visit such important clients they would make sure they were in regular contact with key people, at least by telephone or email. But when it comes to lawyers, there is little appetite for feverish relationship building. One could argue they are too busy doing legal work to make friends with other lawyers but, considering the money involved, it seems more could be done.

Per Magnusson, founder of the Magnusson Law Firm, has a fairly typical response to this. The firm arranges annual visits to the US to see practices it already

knows. "The meetings we do in America are very informal; they take about one hour and sometimes we do a presentation. But usually we just discuss trends in the market and issues that law firms face," he explains. This facilitates 'cultural bonding' he says and helps build a long-term relationship. But, again, no hard sell.

Any more than this is seen by most as overdoing it. 'Cold calling' firms that had not sent work before was also rejected. Beyond an annual 'road show' to the US to meet existing referrers, most lawyers prefer to let their expertise speak for itself.

As Yvon Dréano, co-managing partner of JeantetAssociés, puts it: "Your work attracts other work. It is the best marketing tool you have." He says that in terms of competing to win referrals, the issue is the quality of what you do. "You feel competition, yes. But if you do a bad job you can be sure the other law firm will not hesitate to use others [next time]." Incidentally, Jeantet says that up to 15 per cent of its work comes from referrals and this is usually "high quality international work".

However, Tony Williams of Jomati Consultants says sitting back and doing the minimum to keep existing links to other law firms is a risky strategy. He notes too that going to networking events like the IBA conference to meet old friends may help keep some work connections alive, but it is not the same as regularly visiting correspondent firms: "It takes time to stay in the front of the mind of another firm. Lawyers often fall down in this area and only think of going to see people when the work dries up. You have to treat other firms like clients."

Yet almost all partners interviewed said that when it comes to other lawyers they prefer to think of them in terms of like-minded individuals, or as friends, rather than referral firms or clients. The feeling is that it is better to have a personal link to another practitioner they trust than to the whole firm. In short, when it comes to dealing with other lawyers the tendency is to avoid an institutional approach. However, Mr Williams counters: "You have to go beyond the individual to the whole firm. If it

has a preferred law firm list you want to be on it." Just as, one might say, it is all very well being friends with a company CEO, but if the general counsel calls the shots and you are not on his panel that friendship may count for nothing.

Outbound referrals

The other side of the coin is outbound referral work. Here, there is unanimity on how important it is. Even a global giant like Linklaters that has 30 offices in 23 countries needs reliable firms to send assignments to. After all, there are 194 countries in the world – that is quite a short fall. Quality work may be generated in the few global financial centres, but the end job can take a firm to the four corners of the earth – for example, a power project in Africa, or Central Asia. Even in places where it has an office, the firm could face a conflict and need to send work to a local independent practice.

Linklaters partner Alain Garnier reports the firm has created an intranet system that lists all jurisdictions it may be involved in to make it easier to handle the outbound work: "The system is very easy to access and it lists the primary contacts within Linklaters to get advice on who to call." He says the normal procedure is to go to the listed partner first and ask for their country recommendation, but there is not a ban on going outside the process. Effectively though, this system turns each country contact partner into a kind of general counsel who keeps a list of firms he thinks they should use.

Mr Garnier adds that even in key jurisdictions such as the US, they refer work even though they have an office: "In the States we referred banking regulatory advice to a small New York firm because we don't specialise in banking there." They also send work to Bredin Prat in France, even though there may be a risk that Bredin could later recommend the client to use ally Slaughter and May in London next time there is a UK deal.

One US firm partner, who did not want to be named, said his practice's computer

system ranked all the foreign firms it used with a special star system, with two stars for the best performing. This is reminiscent of the growing trend among general counsel to pay more attention to whom they send work. UBS for example has just installed a ranking scheme for the firms it utilises, to track their performance. It also underlines how relationships, even between law firms, are becoming institutional.

Interestingly, the partner at this US firm said he felt generalist networking events such as the IBA conference were a waste of time: "We have stopped going to large events and instead go to more specialised ones for finance or M&A." As his firm is a large multinational, it receives few referrals and since it has its own IT system to track external work and rank other law firms on how they handle it, they don't need to network so much now either.

However, he underlines that before his local European firm merged with the US giant he is in today, it was a different story. As a lawyer in an independent outfit he was heavily dependent on the referral process. "In fact," he says with a laugh, "my biggest client was Linklaters". Obviously this was before Linklaters opened offices all over the continent.

What is also interesting is how much more professionally US and UK players handle referrals than most European firms. Some, like Berwin Leighton Paisner (BLP), have spent considerable time and money developing special software for this purpose. BLP put together a team made up of staff from the IT department, marketing and management. A firm document explains that its Client Relationship Management software, called InterAction, has become the basis of a new referral tracking system. This was simplified to allow partners to use a drop-down menu on their computer screen that showed all the deal reports and other information linked to referrals. Primarily the firm uses a list of preferred practices and closely monitors what goes on. Neil Templeton, BLP marketing director, notes: "The referral tracking system developed by the IT department has facilitated easy

access to valuable information and statistics on both inward and outward referrals. The data has been used extensively by the marketing team to develop relationships with our preferred firms as well as for marketing, pitch materials and presentations."

Compare this to Uría Menéndez. It may be one of Spain's top firms, with very high-tech offices, but Mr Segovia says: "We have no centralised system for outside referrals. The partner just contacts whoever he knows. They don't have to call me. We respect each lawyer's ability to manage it." He comments that it is true that if the firm picked certain practices to

work with they would "have more leverage" with that other firm. The latter would also be obliged to send work back to them. However, he stresses: "Then the partners would lose autonomy and they value it highly." He goes as far as to say that all external services are down to the individual partner: from choosing accountants, experts or even translators, they can pick anyone they like.

One of the final points that divides law firms on referrals is the issue of reciprocity. For the globals and the top independents there is often no point in thinking about getting work back. Few law firms in Papua New Guinea are going to send you quality

work. However, if there is a European oil company that is setting up a joint venture there and you need some local advice, you want the very best lawyer in the country. If they ever send work to you in the future it is a bonus, but not expected.

As Travers Smith partner David Patient puts it: "We rely quite heavily on other independent EU firms." However, he stresses that with on average only five per cent of its instructions coming from referrals, there is not exactly huge pressure on the firms it works with to refer back to it. He emphasises too, that at least as far as a UK firm like Travers is concerned: "Work flows from west to

Keeping it in the family: law firm networks and referrals

Although some law firms prefer to manage referrals based on an incohesive myriad of relationships, others seek a more fixed system – namely, networks. Not every independent firm is in a network and it is clear that not every network has the same quality of firms within it. However, among the better networks member firms find they have a valuable resource on hand to manage referrals.

One might be sceptical over whether the member firms really do bother to send work to each other, or whether they are only in such clubs so they can receive work – having little intention of going beyond old-established friendships when it comes to referring out. This, sadly, is certainly the case for a minority. There are other imperfections too: as we will see, there are still some instances where networks

cannot help referrals. Nonetheless, among the firms and networks we interviewed there was a strong showing for keeping referrals among members and a lot of faith in the system.

Family ties

As TAGLaw chief Peter Appleton-Jones affirms: "We don't measure referral numbers, but from anecdotal evidence I would estimate that more than half of referrals from member firms to nearby jurisdictions go to other members." He adds that when firms refer work further afield, for example from an EU practice to Africa, then the rate rises to up to 90 per cent. Clearly, distant referrals are higher because in Europe firms already have their own contacts in other EU jurisdictions, in addition to their network members.

Of course, network heads are bound to say that

members make significant use of other members. After all, referrals are such organisations' lifeblood. But the experience of law firms supports such claims. For example, one might assume that for an international firm with a strong focus on cross-border work such as Lex Mundi member Gide Loyrette Nöuel, a single network could not satisfy all its needs. To some extent this is true, but partner Philippe Xavier-Bender insists they still make considerable use of Lex Mundi: "It is a matter of general principle that we try to use the network for referring work." He stresses that if a network has other quality firms in it then it makes sense to build on these links. It is possible that Gide would still send its work to Nörr Stiefenhofer Lutz in Germany or Uría Menéndez in Spain regardless, as they are top independents. Yet, as these firms are also in

the network, referring to them makes even more sense. Mr Xavier-Bender says it is difficult to give an exact figure, but Gide on average uses Lex Mundi members for between 50 per cent to two-thirds of all outbound referrals, stressing: "I systematically ensure that work is sent inside the network."

In a very specialised network like *ius laboris*, which only handles employment issues, the percentage of referrals is even higher. Inigo Sagardoy of Spanish member firm Sagardoy reports: "We have no explicit obligation to use the network, but in fact we normally do." He estimates that about 90 per cent of referrals to countries where there is an *ius laboris* member go to that firm. This seems a high figure until you consider they are only dealing in employment matters and many of the firms in the network are top practices for employment

east." That is to say, UK clients, such as private equity funds, come to Travers to handle a pan-European deal. Travers is obviously happy to do this, even if the other EU firms don't send anything back. If Travers couldn't rely on the co-operation of quality European independents, it may not be able to win the London part of the job either. In such conditions, receiving nothing in return is not a big issue.

However, among European independents there is more of an onus on reciprocity. This is perhaps because firms across continental Europe could send each other quality work, as there is a lot

of cross-investing from one EU state into another.

Hengeler's Dr Meier says of the European referral situation: "If you refer work you do expect some back. You don't expect a referral firm to send us all their German work; but, if instead they sent all their German work to another firm then we would stop referring to them."

This view is shared by many other independent firms. Mr Magnusson explains: "There is an etiquette. We would stop sending if the other didn't send back. Maybe we wouldn't talk about that out loud, but the work would stop." He says that just because it's a

non-exclusive arrangement doesn't mean you can snub another firm, or never send them anything 'interesting'.

Undoubtedly, how law firms manage referrals, both inbound and outbound, can have an important impact upon their business. Whether this is by playing by the rules of etiquette, or organising your marketing better, or by introducing a more co-ordinated use of other firms, independents still have plenty of room to improve their referral systems. And in an age where competition is ever increasing, ignoring an area that can affect your reputation and your bottom line is a very risky strategy. ■

in that jurisdiction. For instance, network or no network, Sagardoy would refer a French piece of employment work to ius laboris Paris member Capstan, as it is ranked top for this area there. Obviously the best networks for referrals are the ones that have members a firm would naturally turn to anyway. Leading clients want first-rate quality, so if you can make a network out of what are the pre-eminent independent firms then that network will see high levels of referrals between members.

Jean-Paul Bignon, vice-chair of Meritas and name partner at Bignon Lebray, comments: "We use the network about two-thirds of the time for referrals to other firms." He points out that member firms pay to be in the network, are monitored for quality and, as most have been in Meritas for 12 years, know

the other practices very well. If you are paying for something, his argument goes, and you have checked its quality, it makes absolute sense to use it.

And partner Sebastian Graf von Wallwitz of German firm Schwarz Kelwing Wicke Westpfahl vouches that whenever it can his firm refers inside TerraLex, of which it is a member, estimating that more than 60 per cent of their foreign referrals end up with a fellow network law firm. "We find it very fruitful," he stresses, saying that he personally can see no point in not going to a Terralex member unless there is a compelling reason.

At Austrian firm einlwc, partner Raimund Cancola reports that its Interlaw membership sees the firm send out about 70 per cent of referrals to member firms. Although the ratio of inward referrals is lower, he says that the actual number

of deals sent to them by Interlaw firms is the same as that sent out to other members. This is because einlwc receives many more deals from other firms around the world too, making this ratio lower, in fact about 30 per cent.

Meanwhile Jean-Luc Soulier of French regional firm Soulier says that about 20 per cent of inbound referrals from other law firms comes through its World Law Group network.

Clearly such firms receive more work than they send out, but this is to be expected as a large proportion of referrals into Europe originate from either Asia or the US.

Exceptions to the rule

So, although network members handle a significant amount of international referrals, why is the level not even higher? If networks are making every effort for firms to trust each other, why aren't they all

experiencing a 100 per cent referral rate?

One obvious reason is client conflicts, particularly among the networks with larger members. Another explanation is that some clients already have someone in mind when they start a deal and general counsel will prefer to use who they want. This is more likely to be the case with sizeable clients that have regional panels or existing agreements with law firms in certain countries for day-to-day work. In such situations the network cannot interfere. Such obstacles to referring within your network family can be easily accepted. What is less clear-cut is the amount of work that is not sent inside the network, despite the fact it arguably could be.

Explaining the reasons behind these kinds of exceptions, Schwarz Kelwing Wicke Westpfahl's Mr Wallwitz suggests one issue is simply that not all