



## Message from the Chair

Welcome to my first “Message from the Chair” as your newly elected chair of BACFI. It is a real honour to have been made chair of BACFI, having been a member since 1992, nearly thirty years ago but more of that later.

I firstly would like to give a huge thank you to our immediate past chair, Patrick Rappo, who has been a fantastic chair for the past two years and who has done so much hard work for BACFI. I look forward to working with Patrick as our new Senior Vice-Chair.

I also want to thank members of the General Committee who have stepped down including two past chairs. Christiane has been a veteran member of the general committee over the last fifteen or so years and past chair. She will continue making a valuable contribution as one of our illustrious Vice-Presidents. Christiane has really been a great advocate for employed barristers, championing the cause for barristers working as self-employed consultants and interim in-house counsel, as well as being a Bencher at Middle Temple. Simon also steps down as Honorary Secretary and Senior Vice-Chair roles to take on parental responsibilities. Simon as chair did some brilliant work developing BACFI’s business plan and strategy which has laid the foundations for the association’s recent successes. We would also like to thank Sarah for helping to organise events and be our liaison with ACCA, a corporate member of BACFI.

I would like to give a warm welcome to the General Committee to Rebecca, who was re-elected, along with two new members, Gaynor and Ryan. More details and biographies are set out in this newsletter.

Opportunities for all – let BACFI be a beacon for equality, diversity and inclusivity (EDI) in the Bar. Many of us work as in-house counsel in large corporations and public authorities where we can share some of those organisations’ best EDI practices. I hope that we can hold an equality, diversity and inclusivity event where we share ideas and best practice in the forthcoming year. If any members have ideas in this area and would like to help please contact me via Sandra. I think that the employed bar can help both the Bar in general and the judiciary to be a pool of diverse talent and ideas in this area. This very much fits in with both the views expressed by our President, Baroness Hale, and the objectives of the Bar Council and Bar Standards Board.



Chair	Ian Brookes-Howells
Senior Vice-Chair	Patrick Rappo
Junior Vice-Chairs	Grant Warnsby and Laurence Fry
Hon Treasurer	James Kitching
General Committee	Hussain Khan Stephen Potts Alexandria Carr Lorinda Long Rebecca Dix Sonia Hayes Ryan Porter Gaynor Wood

*Education, support and representation for the employed Bar*

We were very privileged to have the President of the Supreme Court and President of BACFI speak at our annual Denning Lecture - "Women in the Law – the next 100 years". This was a culmination of a series of very successful events in 2019 which have been very well attended. We are planning an exciting programme for 2020 including events on GDPR and Ethics and a further wine tasting event. 2020 will be our 55<sup>th</sup> anniversary which we will celebrate with a black tie dinner at the House of Lords in September of which more details are in this newsletter.

BACFI will continue to be an advocate for the employed bar championing and supporting the issues employed barristers encounter. We shall continue to ensure that employed barristers have parity with our peers in chambers, working with the Bar Standards Board in reforms of the code of conduct to ensure unnecessary restrictions are removed. If you would like to join our professional issues group to scrutinise and respond to Bar Council and BSB consultations please let Sandra know.

2019 has proved a tough year politically with the 2019 general election and Brexit I cannot see 2020 will be getting any better, but I know the employed bar will overcome these challenges and continue to provide our clients with first class legal services.

This where I come back to 1992, because this was when I first joined BACFI as a Commercial Pupil because in those days BACFI used to administer second six month commercial pupillages. I was fortunate to get the only one in 1992, working for a joint venture of GEC and Siemens, GPT, who manufactured telecommunications equipment. I was pupilled to Andrew James, who was then the in-house legal adviser to the company and is still a BACFI member. This really provided me with great training and experience which has set me up for my career as a commercial lawyer. I shall always be grateful for BACFI and Andrew James for giving me that opportunity. Wouldn't be marvelous if we could give other student barristers that opportunity? Could we re-introduce commercial pupillages? Now wouldn't that really bring opportunities for all helping BACFI be a beacon for equality, diversity and inclusivity at the Bar?

I would like to wish you all a very happy Festive Season and a wonderful New Year.

Best wishes

Ian Brookes-Howells

## FORTHCOMING EVENTS

29 January: GDPR update at Fried Frank. Speaker: Ian Beeby

12 February: Detail to be confirmed

26 February: Challenges to contracts on the basis of "fairness" : routes of challenge and common issues at Gough Square Chambers

10 June: Employed Bar Garden Party at Middle Temple

25 September: BACFI 55<sup>th</sup> Anniversary Dinner at the House of Lords

2 December: Denning Lecture at the Athenaeum

For more information about any of our events, opportunities to sponsor them or to purchase tickets please contact Sandra at [secretary@bacfi.org](mailto:secretary@bacfi.org)

## The CMA's enhanced toolkit and a new Duty of Care for Financial Services Firms. Seminar at Gough Square Chambers on 17 October

Thom Samuels, Lee Finch and Jonathan Kirk QC, all from Gough Square Chambers presented a discussion of the CMA Consultation with regards to turnover related fines for consumer protection infringements and the new FCA Duty of Care scheme. Chaired by Iain Macdonald a lively discussion followed. The slides are available here [http://www.bacfi.org/CMA\\_FCA\\_Seminar.htm](http://www.bacfi.org/CMA_FCA_Seminar.htm). Thanks to Gough Square for their hospitality.

## BACFI Student Evening in conjunction with the Employed Barristers' Committee of the Bar Council

On 22nd October BACFI held a very successful student evening at City Law School. Students listened to a panel of speakers, including our President Lady Hale, our Chair, Patrick Rappo, and General Committee members Lucinda Orr, Alexandria Carr, Grant Warnsby, and Gaynor Wood. The Committee members outlined their career paths so far and gave some tips that they had picked up along the way. The main messages from all speakers were to

- 1) Network extensively,
- 2) Never give up and
- 3) Grab opportunities with both hands

Other tips included learning other languages and fine dining as a useful networking tool!

Our President, Lady Hale, also took to the podium and, as ever, broke with convention by only very briefly outlining her career, but instead inviting questions from the audience. She answered all sorts of weird and wonderful questions from professional to private, and due to her popularity was delayed in leaving to go to her next function. As ever we send her our thanks and our apologies for detaining her for so long!

Photos can be found on the website [http://www.bacfi.org/Student\\_Evening\\_2019.htm](http://www.bacfi.org/Student_Evening_2019.htm).

## Reconnecting with the Inns

If you would like to become an Inn representative, please contact Sandra: [secretary@bacfi.org](mailto:secretary@bacfi.org)

### Current Inn representatives are:

#### Middle Temple

Christiane Valansot [Christiane@valansot.com](mailto:Christiane@valansot.com)

Bart Kavanagh

Amanda-Jane Field

Michel Reznik

Naraindra Maharaj

#### Gray's Inn

Tricia Howse [triciaghowse@gmail.com](mailto:triciaghowse@gmail.com)

Helen Fletcher Rogers [hfr Rogers@dial.pipex.com](mailto:hfr Rogers@dial.pipex.com)

Lucinda Orr [Lucindaorr@hotmail.co.uk](mailto:Lucindaorr@hotmail.co.uk)

Patrick Rappo [Patrick.Rappo@dlapiper.com](mailto:Patrick.Rappo@dlapiper.com)

#### Inner Temple

Alexandria Carr

James Kitching

Ayah Elmaazi

Elaine Ngai

Rosalee Dorfman

Rebecca Dix

#### Lincoln's Inn

Simon Broomfield [simon.broomfield@gmail.com](mailto:simon.broomfield@gmail.com)

Hussain Khan [hussain@khan.cc](mailto:hussain@khan.cc)

Grant Warnsby [grant.warnsby@uk.bp.com](mailto:grant.warnsby@uk.bp.com)

## Sport and Legal Life

On 11 November 2019, BACFI and the Employed Barristers' Committee of the Bar Council held a joint event, put together and chaired by current EBC Chair and former BACFI Chair, Lucinda Orr, and kindly hosted by DLA Piper at their offices. The event "Sport and Legal Life" brought together a selection of eminent employed and non-practising barristers, who all work inside sporting organisations.

Ian Ritchie had left a career at the Criminal Bar in the late 1980s to work in TV initially, which eventually led to him being appointed the Chief Executive Officer of the All England Lawn Tennis and Croquet Club, followed by the Rugby Football Union, and now to his current role as the Chairman of Premiership Rugby. He explained how his legal skills and the explosion of TV sporting rights had complimented each other and led to a fascinating career.

Following Ian Ritchie, Saeran Ramaya, who is currently Chief Counsel, Race Promotions and Events for Formula 1, explained how her introduction to the legal and sporting world had been through a secondment to the London Organising Committee of the Olympic and Paralympic Games from Freshfields in 2010, which had meant to be 3 months but turned into over 2 years with them! From there, followed jobs when England hosted the Rugby World Cup in 2015, before becoming General Counsel to the Ladies European Tour for Golf, and now to her current role at Formula 1. Saeran thought that an understanding of the sport for which you held a legal role was important, but actually being too fanatical about the sport in which you work could be a potential disadvantage to lawyers.

Jenny Agnew, who is the Head of Governance at England Hockey, described how she had spent 16 years in the Army, latterly training to be a barrister and joining the Army Legal Service. It was from here that 18 months ago, she took up the newly created position at England Hockey. She felt for her, an understanding and passion for the game was essential and that the breadth of her role in a smaller sport was exhilarating but challenging, covering everything from safeguarding for youth players, to health and safety concerns for Short Corners.

Equally, Yousif Elagab, who is acting Head of Regulatory Legal at the Football Association, who had again started life at the Criminal Bar, felt that it was important to have a love for the sport in which you work. He quite rightly would not be drawn on VAR though!

The last speaker for the evening was Wayne Barnes, who, when not being a Director at Fulcrum Chambers specialising in white collar crime, is an International Rugby Football Union referee. He was fresh back from umpiring the group matches and the Bronze medal match at the World Cup in Japan. He described how his two careers had run parallel, being taken on for tenancy the day before he umpired his first professional match. He felt the two careers had complement each other well.

The evening had an excellent turn out, with a wide range of people coming to hear the speakers. There was lively questions at the end of the talks, with discussions flowing over to delicious canapes and drinks, courtesy of DLA Piper. The event was an excellent window into the plethora and myriad different ways legal skills and the expertise of employed barristers can be deployed inside sporting institutions and organisations. Photos are available on the website: [http://www.bacfi.org/Sport\\_Legal\\_Life.htm](http://www.bacfi.org/Sport_Legal_Life.htm).

### BACFI members on Bar Council and BSB Committees

#### Bar Council

Ian Brookes-Howells, Lucinda Orr (elected), Lorinda Long (elected), Alexandria Carr, Grant Warnsby (Treasurer), Charlotte Pope-Williams (elected), Efe Avan-Nomayo (elected)

#### General Management Committee

Grant Warnsby, Ian Brookes-Howells, Alexandria Carr, Lucinda Orr

#### Employed Bar Committee

Lucinda Orr, James Kitching, Sara George, , Patrick Rappo, Grant Warnsby, Charlotte Pope-Williams, Efe Avan-Nomayo, Mike Jones QC

#### Audit Committee

Alexandria Carr

#### Finance Committee Chair

Grant Warnsby

#### Finance Committee

Lorinda Long

#### Bar Representation Committee

Lucinda Orr, James Kitching, Lorinda Long

#### European Law Committee

Alexandria Carr

#### Law Reform Committee

Efe Avan-Nomayo

#### Susskind Challenge Working Group

Amanda Williams

#### Bar Council Brexit Working Group

Alex Carr

#### Wellbeing at the Bar Group

Rebecca Dix, Efe Avan-Nomayo

## BACFI Denning Lecture and Christmas Reception: 4 December

BACFI was honoured to welcome its president, Lady Hale to speak at our Denning Lecture at the Athenaeum Club, Pall Mall. We had over a hundred people attend this event held in such a wonderful venue. It was Lady Hale's second Denning Lecture having given the lecture in 2008. Lady Hale spoke of the history of the development of women's rights over the previous hundred years and how by learning from that history we can see how we can go forward. She spoke of the work that she had done as both an academic lawyer and then as a practicing barrister working with women's groups to develop the law on sex discrimination, equal pay and domestic abuse. Lady Hale said she was "grateful" for the BBC Radio 4 soap opera The Archers for drawing attention to "coercive control" in a 2016 plot strand involving the characters Rob Titchener and Helen Archer. This was mentioned in the press following the lecture. She concluded by stating "Not all women are feminists but many men are and that gives us hope for the future". Her lecture can be found on the website <http://www.bacfi.org/files/Denning%20Lecture%202019.pdf>. The event was a sell out and attended by both the outgoing chair of the Bar, Richard Atkins QC and Amanda Pinto QC, chair elect. It was also great to see so many BACFI Vice Presidents attending and catching up with each other over fantastic wine and canapés. Many thanks to our administrator, Sandra who organised this highly successful event to conclude the year. More photos can be found on the website [http://www.bacfi.org/past\\_events19.htm](http://www.bacfi.org/past_events19.htm).



## **“Should I stay, or Should I go...?”**

Those of you who are music aficionados will be familiar with the lyrics from the iconic punk band The Clash...

***“Should I stay, or should I go now? Should I stay or should I go now? If I go, there will be trouble; And if I stay it will be double; So, come on and let me know.....”***

These words describe very well the confusion that surrounds the options that people face when it comes to retirement planning; confidence has somewhat been undermined by such an array of choice due to the radical changes in government legislation (what will the forthcoming Election bring?), lifetime allowances and limits, ever reducing gilt rates and the pressure that puts on final salary or defined benefit pension schemes, poor value death benefits, control of pension assets, self-investment....inheritance tax implications etc.

The answer as to whether one should ‘stick or twist’ is in the alchemy of financial planning and will largely be bespoke to the individual i.e. it’s not a case of ‘one size fits all’!

Additionally modernity brings with it social issues with many families and individuals who live life very differently from their parents and grandparents and so the control of assets and intergenerational planning is becoming increasingly important in an uncertain world, and so as the late great Joe Strummer intimated - knowledge is the key.....knowledge of the options/issues and making the match to ours/our clients’ circumstances.

### **Defined Benefit Pensions**

Defined benefit or Final Salary pensions have long been regarded as the gold-plated route to a comfortable retirement as they pay a guaranteed, index-linked income, part of which may be payable to a surviving spouse or civil partner. Such pensions were once the mainstay of company retirement plans, but firms have long argued that they are too expensive to operate in an era of low interest rates and rising life expectancy.

As a result, many private sector defined benefit schemes have sought to reduce their liabilities by offering members comparatively high cash sums in exchange for giving up their promised benefits. This has led to a surge in scheme members cashing in their pensions and investing the proceeds into their pension pot. The outcome can be mutually agreeable: individuals can enjoy greater freedom by transferring, and employers can remove a greater share of pension risk from their balance sheet.

Yet there is nothing simple or straightforward about a pension transfer and each case needs to be viewed on all its merits before any conclusion can be reached. The apparent attractions of a large pot of money must be weighed against the benefits that are being relinquished, and the extra responsibility placed on individuals to manage their own pension.

### **Things to be aware of:**

- Current rules mean that if your ‘cash equivalent transfer value’ is worth more than £30,000 you must seek financial advice.
- The government or the Financial Conduct Authority could decide to change the rules on pension transfers at any time.
- It can take many months to obtain all the necessary information from your past pension schemes, undertake calculations and verify recommendations for advice on transfers.
- After a full evaluation of your circumstances our SJP pension transfer specialists may advise you to stay in the defined benefit scheme i.e. the transfer will not proceed.
- It is unlikely, indeed usual that guaranteed benefits on transfer cannot be preserved.
- Investments held in a pension pot will need regular monitoring and review, not just up to retirement, but throughout the rest of your life; this will come with an associated cost.

#### Reasons to Consider a Transfer:

1. Flexibility
2. Tax-Efficiency
3. Inheritance
4. Ill Health
5. Concerns about the Scheme

#### Reasons to Consider Staying:

1. Investment Risk
2. Inflation-proofing
3. Simplicity
4. Spouse's pension
5. The Lifetime Allowance

We are happy to discuss your situation with you, as we are aware your 'career journey' will likely have resulted in several disparate pension pots from past employments and periods of self-employment and so it is certain that these pensions will need attention and should be on your to-do-list to review or audit.

We recognise that whilst The Clash may not have specifically been singing about pensions and the geo-political environment they exist in, they did highlight by means of their evocative lyrics the undeniable truth that the decision to transfer your pension or leave it where it is i.e. to 'stay or go' will be one of the most important decisions you will make!

The levels and bases of taxation, and reliefs from taxation, can change at any time and are dependent on individual circumstances.

The value of an investment with St. James's Place will be directly linked to the performance of the funds you select, and the value can therefore go down as well as up. You may get back less than you invested.

***Marque Wealth Management welcomes the opportunity to extend our services to all members of BACFI no matter their current wealth status for a no obligation personal financial review and this extends to access to our Business advisory specialists and Entrepreneur service.***

**Contact Mark Quaye: 020 7516 2225 / 07764 963 701 [www.marquewealth.co.uk](http://www.marquewealth.co.uk)**

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## BACFI's 55<sup>th</sup> Anniversary Dinner



Our anniversary dinner will take place at the House of Lords on Friday 25<sup>th</sup> September 2020. This will be a black tie event and Baroness Hale will be guest of honour. Further details to follow in the New Year but Sandra is happy to reserve spaces now. It is expected that the cost will be around £120 per person which will include a drinks reception and three course dinner with wine. Places are strictly limited to 120 and guests are very welcome.

Headline sponsor of the BACFI Denning Lecture



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- 1) Claim your profile: This takes less than a minute to do and will immediately make you visible for anyone searching the site. Please [click here](#) to claim your profile.
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For further information, contact: E: [info@juriosity.com](mailto:info@juriosity.com) T: +44 (0) 20 3912 0618

## BACFI AGM: 29 November

Thanks to Fried Frank for once again hosting our AGM. Ewen MacLeod, Director of Strategy and Policy at the Bar Standards Board, came along and updated us on current relevant topics such as the Handbook update and the three year rule which is a particular favourite for BACFI members. The AGM business followed at which Ian Brookes-Howells was elected as the new BACFI chairman. Gaynor Wood and Ryan Porter, both long standing BACFI members were elected to the committee. Gaynor's particular focus for the year ahead is career progression and opportunities (including silk and judicial appointments) for employed barristers and the expansion of in-house pupillages and Ryan will ensure that BACFI continues to provide information and advice to barristers considering a career in industry rather than at the self employed Bar.

A full list of committee members and their biographies can be found on the website [http://www.bacfi.org/officers\\_and\\_general\\_committee.htm](http://www.bacfi.org/officers_and_general_committee.htm).

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