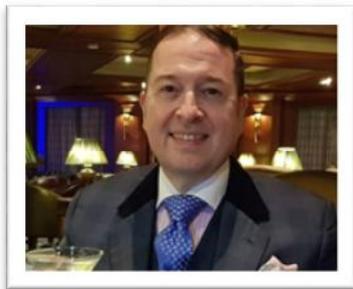


The Board Room Brief

55th Anniversary Edition



Message from the Chair

Dear Members,

This a very special edition to the Board Room Brief, our quarterly newsletter, celebrating 55 years of BACFI. I also hope you like the new name for our newsletter. I want the Board Room Brief to be the place for members to go for news of BACFI. If any of you have an interesting articles, news or even some funny stories to brighten these stressful times please do send them to Sandra. The deadline for the next Board Room Brief will be 3rd December.

So much has happened in the last summer over what is normally the summer holidays. We have continued to hold webinars and online events which have proved very popular with interesting topics including judicial appointments and implications of Covid-19 in the workplace of which more details are set out below.

I would like to welcome the new members of the General Committee, Dan Byrne, Sharon Blackman and Charlotte Pope-Williams who responded to our call to action inviting applications from members from diverse backgrounds. Profiles of our new committee are included below.



We held our virtual drinks event to celebrate BACFI's 55th anniversary in lieu of the House of Lords dinner which has been postponed until next year. It was wonderful to have as our special guest Amanda Pinto QC, Chair of the Council, who made a very warm speech on the inclusive of the "One Bar" and that employed barristers are no longer the second class citizens we once considered back in 1965. It was also great to see so many past Chairs and our Vice-Presidents. The highlight of the evening was the announcement of a special award which has been

inaugurated to celebrate 55 years of BACFI, the BACFI Fellowship. This award will be the highest honour that BACFI can bestow in recognition of lifetime achievement for outstanding achievement in supporting the professional development of employed barristers and other unregistered barristers working in commerce, finance and industry. Recipients of the award will be known as Fellows of BACFI and will received an engraved trophy. It was a privilege to make the first award to Helen Fletcher Rogers. It's an honour to call Helen the first Fellow of BACFI.

I shall end my message with the words of Grant Warnsby, Vice-Chair of BACFI and Treasurer of the Bar Council, who said last Friday, "what does BACFI stand for?" It stands for:

Benevolent - there is always support available;

Acceptance - we are a broad church and everyone is welcome;

Champion - as an organisation we have always taken up issues for the employed bar to ensure their voice is heard

Fellowship/friendship - social events and a network which supports each other;

Then the “I” ... actually there are three “I”s in BACFI and they sum up everything I have spoken about they are our share values of **independence, inclusion and integrity.**”

Best wishes

Ian Brookes-Howells

Our First Fellow of BACFI Helen Fletcher Rogers



Especially for the first BACFI Fellowship awarded to celebrate 55 years of BACFI the General Committee have decided this year to bestow the first award to Helen Fletcher Rogers who has done so much to remove the restrictions placed on employed barrister in the Bar Code of Conduct which prevented employed barristers from developing their practice and careers. Helen has worked for BACFI tirelessly for many years working with the Bar Council and Bar Standards Board to ensure that the Bar Code of Conduct is fair to the Employed Bar. Helen has also helped many individual members to gain their practising certificates when waivers were required from the BSB.

After Helen was called to the Bar by Gray’s Inn, she spent most of her career as an in-house lawyer with Kodak becoming European General Counsel. She served on the BSB Qualifications Committee for 6 years and is still liaising with the BSB on pupillage issues. She is a member of the Council of BIICL and is secretary of a number of charities.

Helen herself was a pioneer employed barrister when she left employment as in-house legal counsel at Kodak to set up as a freelance legal consultant overcoming the restrictions placed by the then version of the Bar Code of Conduct, by having to set up her barristers’ chambers of which she was the sole tenant.

It is a great privilege to make Helen Fletcher Rogers the first Fellow of BACFI.

Profiles of Our New Committee Members

Dan Byrne



Dan has some experience of D&I in other organisations as for two years he headed up the Bristows LLP “Turing Network” which was the LGBT internal network. He also sat on the committee for the wider LeGal BesT network which is a multi-firm network.

He has a keen interest in diversity and inclusion in organisations and has sat on training contract interview and recruitment panels and seen ways that improvements can be made from the inside. At AA Thornton he is working with the Sutton Trust which is an organisation focused on improving social mobility, a much overlooked diversity strand.

Charlotte Pope-Williams



Charlotte is a Black Eastern Caribbean woman and LGBT+ ally. She has been self-employed and employed in both the public and private sectors. She also has experience of working in other jurisdictions including Canada, the Eastern Caribbean Supreme Court and Brussels at the European Commission.

She is an elected member of Bar Council and sits on both the Employed Barristers Committee (“EBC”) and Young Barristers Committee (“YBC”).

Sharon Blackman



Sharon is a Managing Director and General Counsel in Citi’s General Counsel’s Office Markets and Securities Services division.

An English law qualified Barrister and NY Attorney, Sharon has worked for Citi since 2004. Sharon sits on Citi’s EMEA Legal Diversity Committee and represents EMEA on Citi’s Global Legal Diversity Council. As chair of the Citi EMEA Pro Bono Committee she was delighted to accept the award for In-House Pro Bono Legal Team of the year, Trust Law Awards 2015.

History of BACFI

BACFI was formed due to the fact that prior to the Year 2000, if a barrister was employed as in-house counsel they were barred from being an advocate in the senior courts, classed as “non-practising barristers” and there were many restrictive practices in favour of the self-employed bar which put the employed bar at a considerable disadvantage. Employed barristers were effectively treated as not being “real barristers”, and there was a need for an organisation that could lobby the Bar Council to enact changes to the Bar Code of Conduct. On the 1st July 1964 at the AGM of the Bar, David Fletcher Rogers proposed that “A Committee be formed to have regard to the position of non-practising barristers (NPBs)”.

The Attorney General accepted the resolution and the Bar Council formed what became known as the Rawden Temple Committee. The Rawden Temple Committee issued a report in October 1964 favouring a barristers’ association catering for those in Commerce and Industry and this was supported by the Bar Council who offered to assist with the formation. Brian Russell having heard of the resolution wrote to David and they met with Anthony Kinch and John Jenkins who worked with Brian. These four agreed to form an association with John acting as Secretary. David’s resolution received press coverage and NPBs were contacting the Bar Council who passed names to Anthony and a working party was formed. This consisted of 11 founder members. Around 120 attended the

inaugural meeting on 21st June 1965 at which Brian was elected Chairman, Anthony Vice Chairman, John Secretary and David Treasurer. The remainder of the founders were elected to the committee and joined by three others. The Earl of Kilmuir PC, GCVO became the first president. The first committee meeting was held on 19th July and by the end of that year there were 144 members.

As a result of the hard work over the years by BACFI through lobbying and working with the Bar Council, finally in 2000 employed barristers were granted equal practising rights with the self-employed and gained 14 elected seats on the Bar Council. BACFI became a recognised Specialist Bar Association and although it remains independent of the Bar Council, members sit on the Council and many of its Committees. BACFI is also represented on the BSB and some of its committees. Through its Professional Standards Committee BACFI contributes on members' behalf to both BSB and Bar Council consultations. BACFI is thriving SBA with over 200 members.

In 2004 BACFI merged with the Employed and non-practising Barristers' Association (ENPBA). BACFI provides representation, education and support to barristers working in a commercial environment and works to promote "one Bar", to ensure that the status and interests of our members are fully recognised and taken into account by the Bar Council and the Bar Standards Board (BSB).

Bar Council Elections for 2021

This is just reminder that Bar Council Elections are coming up Online voting will commence via MyBar on Monday 5 October 2020 and votes must be cast by 10:00 on Monday 19 October 2020. There are contested places Employed QCs or Juniors over seven years in practice (3 x full-term vacancies). There were eight candidates in this category, which exceeds the number of vacancies. Therefore, this category will be put to a vote. Terms of appointment will be filled in order of those candidates who receive the most votes.

Stuart Alford QC

Andreas (Andrew) Nicholas Dakoutros

Elena Elia

Andrew Hoyle

Michael Jennings

Lucinda Orr

Charlotte Pope-Williams

Katriona Stanford

More details here <https://www.barcouncil.org.uk/about/bar-council-governance/elections.html>

Around the Inns: Employed Bar Groups at the Inns

We are very keen to get members back to their Inns and get more involved in the amazing activities of these historic institutions. Middle Temple, Inner Temple and Gray's Inn have set up Employed Bar Groups with the intention of making sure that the Employed Bar and their views are heard, along with providing specific training and events for employed practitioners. Several of the BACFI committee members are involved with their respective Inn's group. We have also been in communication with Lincoln's Inn with view to a similar group being set up there. If you would like to get involved with your Inn pleased contact the BACFI members named below through Sandra.

Middle Temple

The membership committee of MT have set up an employed working group of which Ian Brookes-Howells, Laurence Fry and Christiane Valansot of BACFI are members, with representatives from the public sector along with a former FTE100 General Counsel. The Working Group was asked to make recommendations as to how the Inn could better engage with its members in the employed bar. The Working Group conducted a survey of employed bar members to see what they wanted from the Inn and what would make them come back. As a result there will be more events relevant for employed bar members including a series of webinars on topics such as judicial appointments, QC appointments and career development. Once Covid restrictions are over it is planned to have an employed bar conference at the Inn. If you are a Middle Templar please look out for further announcements.

Gray's Inn

Gray's has a committee for employed barristers of which Patrick Rappo and Gaynor Wood of BACFI are members who are looking, amongst other things, QC appointments for the employed bar.

Inner Temple

The impact of Covid-19 has meant that the working group at Inner Temple hasn't been able to meet together and the Employed Bar Garden June Party was cancelled. On a positive note however the Employed Bar Awards still continued virtually and Inner Temple was a sponsor of the Outstanding Employed Barrister in an NGO. Just before the closure of large gatherings in March 2020 Rebecca Dix spoke at the Temple Women's Forum 'Planned Breaks and return to the Bar'. It was a well-attended event of around 100 guests. The purpose of Rebecca's segment was to focus on opportunities at the Employed Bar, sharing experiences from having been at the self-employed Bar for 10 years before taking the plunge to move to the Employed Bar. The event was audio recorded and can be found in full here

<https://www.innertemple.org.uk/education/education-resources/planned-breaks-and-return-to-the-bar/>

Inner Temple are to organise an online talk about by Master Cayley about opportunities for employed barristers in the armed services and there were a couple of employed barristers elected as Benchers in the last round of elections at the Inn.

Lincoln's Inn

Lincoln's does not currently have an employed bar working group, however, Sonia Hayes and Grant Warnsby of BACFI are working together with the Inn to set one up.

Forthcoming Events

21st October: Student Evening in conjunction with City Law School on Teams

25th November: AGM on Teams

2nd December: Denning Lecture on Teams. Speaker: Michael Sosso, Senior Vice President Legal – Gas & Low Carbon Energy and Customer & Products, BP. The title for his lecture is: "Forced Evolution: From Diversity to Technology - How Covid-19 has modernised the legal profession". Kindly sponsored by Marque Wealth Management.

BACFI's 55th Anniversary Dinner - 24th September 2021

Our anniversary dinner will now take place at the House of Lords on **Friday 24th September 2021**. This will be a black tie event and Baroness Hale will be guest of honour. Further details to follow nearer the time 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.

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

Young Bar Committee

Charlotte Pope-Williams

Finance Committee Chair

Grant Warnsby

Finance Committee

Lorinda Long

Bar Representation Committee

Lucinda Orr, James Kitching, Lorinda Long

Race Working Group

Sharon Blackman

Law Reform Committee

Efe Avan-Nomayo

Susskind Challenge Working Group

Amanda Williams

Audit Committee, Bar Council Brexit Working Group and European Law Committee

Alex Carr

Wellbeing at the Bar Group

Rebecca Dix, Efe Avan-Nomayo

TIM DUGAN – BACFI Vice President

We are sad to report the passing of Tim who died on 14th September aged 88. He was a great supporter of BACFI over the years, especially enjoying our annual President's lunch and the Denning Lecture. Nicholas Dee, another of our Vice Presidents, pays his tribute to Tim below. BACFI has made a donation to Cancer Research UK in Tim's memory.

Urbane is the word I would use to describe Tim. Always with a remark that went right to the point and was delivered with his characteristic humour.

Tim succeeded me as chairman for 1989, just after the reforms introduced by Lord MacKay as Lord Chancellor – and which caused the Bar to go into meltdown at the time. We spent much time gathering our own views in BACFI and trying to keep comity with those in self-employment. Matters could get heated, but Tim remained unruffled as usual.

I also remember pleasant trips on the sailing barge 'May' then owned by Tate & Lyle where Tim was Group Legal Adviser. Going down the Thames on a summer evening was a wonderful experience.

When most of us commuted by road or rail, Tim rode his motorbike from Datchet west of London to Sugar Quay in the East, cutting through the traffic dressed in his leathers. He thought it was the ideal way to get to work.

The announcement in The Times revealed one of his names as Aurelius, taken presumably from the Emperor Marcus Aurelius, how fitting as he had a quiet but impressive presence.

I enjoyed working with Tim all those years ago and retain fond memories of a good friend and colleague.

Nicholas Dee

BACFI seminar 1 July: Applying to Become a Judge

This proved to be a very popular session for both employed and self-employed barristers. The Judicial Diversity Committee supports the Lord Chief Justice in encouraging diversity on the bench.

The Committee decided to develop a programme of seminars, the aim of which is to provide delegates with an opportunity to learn more about the different judicial roles that are open to all lawyers, whatever their personal or professional backgrounds and to gain a fuller understanding of the Judicial Appointment Commission selection process.

Speakers District Tribunal Judge Manjit Gill, District Judge Ranj Matharu and Brie Stevens-Hoare QC outlined the selection process, the competency frameworks and eligibility along with career progression and presented a selection of case studies.

BACFI seminar 30 July: Covid-19 What does a return to work look like for you?

We were very fortunate to secure an excellent speaker in Judith Kark, MBACP, a qualified integrative counsellor accredited by the British Association of Counsellors & Psychotherapists, to join with our panel of BACFI committee members, Rebecca Dix, Gaynor Wood and Grant Warnsby. Subjects such as dealing with the commute into work, leaving children at home, managing a team under the current circumstances and changing jobs at this uncertain time were discussed, with Judith providing some very useful strategies on how to cope and manage you own anxieties whilst trying to be there for your colleagues too.



Wellbeing at the Bar

REMINDER: USEFUL PAGES

How to have a conversation:

<https://www.wellbeingatthebar.org.uk/help-a-colleague/>

Drivers of Wellbeing (what to do to keep well):

<https://www.wellbeingatthebar.org.uk/staying-well/>

Assistance Programme:

<https://www.wellbeingatthebar.org.uk/assistance-programme/>

Events: <https://www.wellbeingatthebar.org.uk/events/>

Volunteer with the new and improved Bar Complaints Advisory Scheme

Barristers can now volunteer for The Bar Council of England and Wales's Bar Complaints Advisory Scheme ("BCAS"), which is designed to enable practitioners who are the subject of BSB disciplinary or complaints proceedings to obtain free initial advice and assistance from fellow members of the Bar.

Given the ever-increasing number of BSB disciplinary findings, and the now lower burden of proof in cases before them, BCAS serves an important purpose and ensures that barristers can secure appropriate representation during periods of vulnerability and uncertainty.

The Bar Council has recently reviewed the process through which members of the Bar can volunteer for BCAS and is now inviting both employed and self-employed barristers to add themselves to the database. In order to be included, volunteers must hold a current practising certificate and be prepared to provide initial advice on a pro bono basis. It is generally expected that they will be prepared to continue to act on a pro bono basis once they have provided initial advice, but they are not obliged to do so.

Find out more at: <https://www.barcouncil.org.uk/support-for-barristers/support-in-disputes.html>

BACFI Lexology Newsstand

Over the past few years we have offered this service to our members as part of the BACFI membership. If you have yet to sign up we [invite you to trial](#) this initiative that delivers a tailored newsfeed to BACFI members. BACFI Newsstand is powered by innovative newsfeed service Lexology, who deliver comprehensive international legal updates, analysis and insights.

Lexology publishes in excess of 450 articles every day, from over 800 leading law firms and service providers worldwide across 50 work areas. The combination of timely, quality, granular information and relevant insight supported by an intuitive, innovative technology provides an unparalleled user experience.

You can receive BACFI Newsstand as a benefit for being a valued BACFI member and the subscription is included in your BACFI membership. Please [set up your account](#) to start receiving these updates. You are free at any time to reselect the content you wish to receive, change your settings (which include receiving the newsfeed weekly instead of daily) or cancel your subscription. Your personal details will always remain confidential.

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“Expectation Postponed Makes the Heart Sick...” - Proverb

The events of 2020 have certainly brought into stark relief many of our expectations and assumptions about life – even the fragility of our own mortality.....and that of our family members!

It is no coincidence therefore that there is a real spike in activism all around the globe i.e. from the agitation on environmental issues, to diversity concerns, indeed, frustrations with legislative injustice and the impotence of leadership and governance.

The events surrounding the **‘Back to 60’** campaign and the **Court of Appeal judgment in *Delve & Anor vs The Secretary of State for Work and Pensions* – ([Sept 2020] EWCA Civ 1199)** is a case in point; a cohort of women had their appeal dismissed - they maintained their retirement age of 60, their expected state pension date, should not be moved. Joanne Welch, founder, and Director of the campaign is now considering an approach to the Supreme Court and keen to draft the legislation for a women’s Bill of Rights.

This illustrates well the above fact, that when peoples’ expectations are not met, this leads to anxiety and stress indeed, a ‘sickness’ that goes to the core of our physical and mental wellbeing. It is painfully clear that despite the best efforts of Rishi Sunak, the Chancellor and his erstwhile Treasury alchemists, an economic collapse will not be staved off – furlough schemes, bounce-back loans or otherwise; we now worry our needs and that of our families and communities will not be met!

The key to success through any negative circumstance is an educative process coupled with action; when expectations are not met, this means we didn't have all the accurate information; effectively our assumptions have been built on **wishful thinking and compounded by inertia**.

In the context of economics, the critical path through will always be based on an acceptance of reality, financial re-education and working toward a well-developed and healthy state of emotional intelligence.

The headwinds that many women are facing financially, as an example, can be summarised in the Chartered Insurance Institute's **"Women's Futures' Manifesto"** – which highlights the six moments that matter:

- Growing up, studying and re-qualifying
- Entering and re-entering the workplace
- Relationships: making up and breaking up
- Motherhood and becoming a carer
- Later life planning and entering retirement
- Ill-health, infirmity and dying

The need for financial education around these **life stages and moments** is clear but far more **important is the preeminent need for practical action** to be affected i.e. through **meaningful cashflow planning** and the accurate analysis of **capital and its sustainability**.

The statistics are well documented, but a robust lifetime financial plan will address the following clear and present financial threats:

- 5% of women aged 22-29 opt-out of workplace pension saving, compared to 3% of men. (being unaware or ambivalent to this key moment in their lives when the power of compound interest/returns is at a height).
- Women aged 25 taking a 5-year career break, will accumulate a pension pot 33% smaller than their male counterparts.
- Following the introduction of Child Benefit tax in 2017, ½ million women opted out of Child Benefit. This impacts their National Insurance record which in turn contributes towards their state pension. Many women are missing out by not registering at all.
- Over the last 20 years, births to co-habitees tripled to 32%. But 35% of people do not realise cohabitees have no legal rights to pension sharing.
- 71% of divorced people did not discuss their pension during divorce proceedings. The median pension wealth for divorced and separated men and women is £30,000 vs £9,000 and £12,000 vs £0, respectively.

So, the challenge for women and indeed all of us, in what seems an existential moment in human history, is described very powerfully in the following quote:

"Life leaps like a geyser for those who drill through the rock of inertia" – Alexis Carrel

There is always a need for optimism and so I am delighted to reveal that Marque Wealth Management is working very closely with the **BACFI committee to provide a Financial Education Programme** for all the membership, inclusive of our students. The focus being on developing greater financial resilience whilst navigating a successful career in and around the legal profession.

We are very happy to work with you and/or your firms to fully understand the complexities of your employee benefit packages and creating workshops that can focus on specific areas of complexity e.g. pensions and long-term share incentive plans etc.

Why don't you give **Marque Wealth Management** a call and/or the opportunity of providing you and your clients with a no obligation financial review? As the proverb concludes, **"a desire realised is a tree of life"**.

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

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BACFI Committee members 2020

Chair:	Ian Brookes-Howells
Senior Vice-Chair:	Patrick Rappo
Junior Vice-Chairs:	Grant Warnsby, Laurence Fry
Hon. Treasurer:	James Kitching
General Committee:	Rebecca Dix
	Sonia Hayes
	Ryan Porter
	Stephen Potts
	Lorinda Long
	Gaynor Wood
	Alex Carr
	Daniel Byrne
	Sharon Blackman
	Charlotte Pope-Williams

BACFI Inn Representatives

Gray's Inn

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Lucinda Orr Lucindaorr@hotmail.co.uk

Patrick Rappo Patrick.Rappo@dlapiper.com

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Christiane Valansot Christiane@valansot.com

Bart Kavanagh, Amanda-Jane Field, Michel Reznik
Naraindra Maharaj

Lincoln's Inn

Simon Broomfield simon.broomfield@gmail.com

Grant Warnsby

Inner Temple

Alexandria Carr, James Kitching, Ayah Elmaazi,
Elaine Ngai, Rebecca Dix

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**REPRESENTATION, EDUCATION AND SUPPORT FOR EMPLOYED
BARRISTERS**