



Message from the Chair

This is my first newsletter as Chair, so may I start off by thanking our outgoing Chair and new Senior Vice-Chair and Secretary, Simon Broomfield, for all his hard work and commitment to BACFI over the last two years. I look forward to working together with him and the newly constituted committee in your interests in 2018 and beyond.

May I also take the opportunity to welcome and introduce your new Junior Vice-Chair, Grant Warnsby, Senior Counsel at BP, and your newest General Committee members Jamie Hunt and Sarah Cawley-Wilkinson, both from the Association of Chartered Certified Accountants (ACCA).

We hope that the diverse make-up of the committee, including partners in law firms, general counsel in banks, advisors to industry, political parties and professional bodies and legal consultants, reflect our broad membership base and show you the diversity of opportunity and work that we can all aspire to and connect with through BACFI.

For 2018 we will continue to

- host great quality events that are relevant to all of us (including important opportunities to network with each other),
- expand membership, by persuading more employed barristers, including the recently qualified, to join our ranks, and
- promote your interests to your firms, through the Bar Council and through responses to relevant consultations.

Please let us know how we can make these even better and please tell us what you too can do to help.

I look forward to an exciting two years and thank you in advance for all your support!

Best wishes for Christmas and the New Year.

Patrick Rappo

Officers and General Committee Members

Chair	Patrick Rappo
Senior Vice-Chair	Simon Broomfield
Junior Vice-Chair	Grant Warnsby
Hon Secretary	Simon Broomfield
Hon Treasurer	James Kitching
General Committee	Ian Brookes-Howells
	Hussain Khan
	Christiane Valansot
	Stephen Potts
	Alexandria Carr
	Jenny Barker
	Lorinda Long
	Sarah Cawley-Wilkinson
	Jamie Hunt
	Rebecca Dix

DENNING LECTURE AND CHRISTMAS RECEPTION



The 2018 Denning Lecture was given by Sir Christopher Clarke, who had previously been the Head of the Commercial Court, and who had earlier this year retired from the Court of Appeal. His chosen title was: “The English Courts – good for future business?”. As Lady Hale, the BACFI President, who chaired the evening noted, whereas she can say nothing on Brexit in her role as the Head of the Supreme Court, Sir Christopher, now no longer in judicial office, can speak much more freely.

His lecture was truly masterful on the potential threats and opportunities waiting in the coming years for the English Courts. Not merely narrowly focussing on the potential hazards to the pre-eminence of the English Commercial Courts that Brexit presents and contemplating the encroachment from other jurisdictions, such as Singapore, who are keen to get a slice of the judicial action that currently flows through London; he also discussed the advances in technology and how they can be harnessed; as well as the recently announced reforms to disclosure and online courts.

Overall though, Sir Christopher was optimistic that the English Courts will adapt and keep ahead of the following pack. This is in no small part due to the excellent and incorruptible judiciary that we enjoy in this country, which sadly no longer number Sir Christopher amongst their top ranks – but at least his excellent judgment is still being deployed as an International Arbitrator! Another excellent and thought provoking Denning Lecture.

Forthcoming events

22nd February 2018: Islamic Finance and the English Court at TT International

18th June 2018: Employed Bar Garden Party at Middle Temple

28th June: Employed Bar Awards at the Imperial War Museum

4th July 2018: Meet the Regulators – our annual update from the BSB

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

Risk to the employed person in a regulated environment: 2 November

In today's World, we are all faced with a barrage of regulation. This regulation comes at us from many directions: through the detailed implementation of legislation, the rules of our own professional bodies and regulators more widely. Sometimes, this regulation is well thought through and focuses on the problem it is designed to cure. Other times, it can be ill-perceived, poorly implemented and create many unintended consequences. As professionals we have to work our way through this minefield of conflicts and unintended consequences.

The first collaboration between ACCA and BACFI provided the audience with an invaluable opportunity to reflect on the "Risk to the employed person in a regulated environment". Our pack included Lorinda Long's "view from the trenches". The cold sweats at the mere mention of MiFID II were noted. Lorinda's comments around "if it ain't broke, fit it" resonated with a number of us.

Brian McEnergy (President of ACCA) gave us an insightful presentation on the need for regulation and the view from the regulator. How often does one get the opportunity to hear first-hand from someone with such a deep and diverse range of regulatory experience? For one, I will not forget his "Blame Index" nor his closing remarks on how the regulators need to strive to get it correct. This was followed by Paul Ozin QC's reflections on the recent Supreme Court decision on Ivey. The changes to the test for dishonesty is a timely and necessary reminder of how the regulatory rules can change so quickly. Many thanks to ACCA for hosting this event. For more photos see the website.

Grant Warnsby, organiser of the event with Brian McEnergy and Paul Ozin QC.



Reconnecting with the Inns

If you would like to become an Inn representative, please contact Sandra: secretary@bacfi.org

Current Inn representatives are:

Middle Temple

Christiane Valansot Christiane@valansot.com

Bart Kavanagh

Amanda-Jane Field

Michel Reznik

Sally Bevan

Gray's Inn

Tricia Howse triciaghowse@gmail.com

Helen Fletcher Rogers hfrogers@dial.pipex.com

Lucinda Orr Lucindaorr@hotmail.co.uk

Patrick Rappo prappo@steptoe.com

Inner Temple

Alexandria Carr

James Kitching

Ayah Elmaazi

Elaine Ngai

Rosalee Dorfman

Rebecca Dix rdix@bivonas.com

Lincoln's Inn

Simon Broomfield simon.broomfield@gmail.com

Hussain Khan hussain@khan.cc

Grant Warnsby grant.warnsby@uk.bp.com

Inn Lunches

Gray's Inn: 7 February,
6 June, 7 November

More dates will be
organised shortly so
please keep a look out
for emails.

All lunches are from
12.30pm. Please let
Sandra know if you are
intending to come
along so we can ensure
that enough spaces are
reserved. Guests are
very welcome.

BACFI AGM 12 December

We welcomed Vice President Stephen Bacon to speak at our AGM which was kindly hosted by Fried, Frank, Shriver, Harris and Jacobson LLP. Stephen spoke about his career, firstly in chambers and then in the newspaper industry where he was editorial director at Express Newspapers before his retirement 6 years ago. He highlighted how attitudes to the employed bar had changed over this time and also outlined his involvement with BACFI during which time he was chairman twice along with being treasurer. He also spoke about how BACFI was very involved in lobbying the government in relation to the Access to Justice Act 1999.

The AGM business followed during which some new committee members were elected along with the new chairman, Patrick and junior vice chairman Grant. We were very pleased that Lady Hale agreed to continue in her role as BACFI President. Lucinda Orr, the outgoing senior Vice Chairman was elected as a Vice President in acknowledgement of all she has done for BACFI over the years.

If you have any news you would
like to share with members please
let Sandra know

BACFI members on Bar Council and BSB Committees

Bar Council

Patrick Rappo, Lucinda Orr (elected), Lorinda Long (Treasurer), James Kitching (elected), Alexandria Carr (elected), Grant Warnsby (elected)

General Management Committee

Lorinda Long, Patrick Rappo,
Lucinda Orr, Alex Carr

Employed Bar Committee

Lucinda Orr, James Kitching, Sara George,
Alexandria Carr, Patrick Rappo, Grant
Warnsby

Audit Committee

Alexandria Carr

Finance Committee Chair

Lorinda Long

Bar Pro Bono Panel

Lucinda Orr

Member Services Committee

Lucinda Orr, James Kitching

European Law Committee

Alexandria Carr

Bar Conference 2018 Chair

Lucinda Orr

Susskind Challenge Working Group

Amanda Williams

Bar Standards Board Authorisations Review Panel

Jamie Hunt

Bar Council Wellbeing Group

Grant Warnsby

Bar Council Brexit Working Group

Alex Carr

Professional Issues Update

The Bar Standards Board has made some amendments to the third edition of the BSB Handbook. There was an anomaly in rule S21 which provided that employed barristers providing legal services, exercising a right of audience or conducting litigation for their employers needed to have a Qualified Person if they were of less than one year standing. The words "providing legal services" have now been deleted so that one year's standing is only required for those employed barristers exercising a right of audience or conduction litigation. BACFI pointed out this anomaly to the BSB and we are pleased that they have made the changes. See page 4 https://www.barstandardsboard.org.uk/media/1901340/3rd_edition__v3.1__list_of_amendments_-_november_1_2017__final_.pdf.

Employed Barristers now insured for Pro Bono work

Employed barristers will now be allowed to carry out pro bono work as the Bar Council's call for professional indemnity insurance (PII) extension to cover the employed Bar has been approved by Bar Mutual.

Under the rule change, approved at the Bar Mutual Annual General Meeting, employed barristers will now be covered by PII to carry out pro bono work via the Bar Pro Bono Unit or the Free Representation Unit. Previously, employed barristers were prevented from taking up pro bono work because of the short fall in their insurance.

Lucinda Orr, Chair of the Employed Barristers' Committee said:

"Pro bono has a vital role to play in assisting members of the public who cannot afford or access the legal advice they often desperately need - the employed bar has many talented lawyers whose skills can now be deployed to help such people, and I am thrilled that the employed bar will now be able to contribute in this critical area."

If you are an employed barrister who would like to find out more about how you can undertake pro bono work via Bar Pro Bono Unit: enquiries@barprobono.org.uk or FRU www.thefru.org.uk/volunteers/the-route-to-ratification .

Contact BACFI:

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