



## **BACFI QUARTERLY UPDATE: No 9. May 2012**

*With apologies for a rather longer quarter than usual !*

### **NEWS**

It's not too late to register for BACFI's **Legal Practice Forum on 23rd May**, but hurry and contact [events@BACFI.org](mailto:events@BACFI.org) as soon as possible. The seminar will be held at MacFarlanes' offices in Cursitor Street, EC4 and will start at 4.30pm. Speakers include Dr Vanessa Davies, Director of the Bar Standards Board, Professor John Flood and John Dodsworth. Your chance to ask questions about the new Code of Conduct (see below) and to hear about the latest developments in legal practice.

You can also still book for the **BACFI Summer Garden Party on 11th June** at Middle Temple. This, like last year's party, is a joint event with Middle Temple, so please book direct with [members@middletemple.org.uk](mailto:members@middletemple.org.uk).

### **PROFESSIONAL NEWS**

The hot news is the **Legal Education and Training Review** commissioned by the LSB, which promises to be rather wider and more fundamental than its name suggests. BACFI has noticed some worrying public pronouncements recently which imply that the researchers at least are looking at a fusion agenda. For example, the LETR April News Bulletin proposes that "fundamental reform [of legal education and training] is necessary for the fulfilment of the regulatory objectives of the Legal Services Act which, together with other developments (unspecified) means that radical changes to the system may be necessary..."

BACFI has put in a holding response to the current "issues" paper and requested a meeting to air our concerns. Whilst it is clear (from our BACFI survey, see below) that at least some of our members do not much mind whether the professions of barrister and solicitor are fused (and most employers do not care much either), many of us in BACFI believe that there is still a place for Barristers and all they stand for. London is the principal world legal centre of choice for most global commercial enterprises, so we suggest that we must be doing something right! It will be important not to have change for change's sake or to throw the proverbial baby out with the bathwater.

If you have a view or experiences of any element of the LETR and would like to contribute to BACFI's eventual submissions to the LETR, please get in touch with us: [secretary@bacfi.org](mailto:secretary@bacfi.org).

The proposed new rules and changes to the **Code of Conduct** are set out in the BSB's latest consultation paper: <http://www.barstandardsboard.org.uk/about-bar-standards-board/consultations/open-consultations/>.

BACFI is working on a response (due 29th June) which will address any concerns we have on the wording and implications of both the draft Code and the new Handbook. We are pleased to see that suggestions we made last year have been adopted and the Core Duties apply to all barristers, whether employed, self-employed or unregistered and whether or not a practising certificate is held. BACFI believes it is essential that all barristers are treated equally by the regulator, to avoid unregistered barristers being treated as second class lawyers. The ranks of the unregistered are growing daily as pupillages become harder and harder to secure. See below for BACFI's efforts to increase the number of employed pupillages and to persuade the BSB to be more creative in its approach to waivers.

Registration for **2012/13 practising certificates** is now complete, despite some teething troubles with online registration.

However, we have no idea when/how the **Member Services Fee** will be collected this year. No reminders have been sent. Some Committee members report that their attempts to pay by credit card were met with warm encouragement, so it seems that DIY is the name of the game for the MSF.

We are keen to have general feedback on the new process. Please contact Hon Secretary [hfrogers@bacfi.org](mailto:hfrogers@bacfi.org) if you have any comments or queries.

BACFI held a special seminar at Gray's Inn in March to explore why more firms do not apply to be **Authorised (Pupillage) Training Organisations** ("ATOs"), The BSB now has a very broad discretion to amend both criteria and guidelines for ATOs. A group of BACFI General Counsel, some sympathetic Heads of Chambers and Sir Michael Burton (Gray's Treasurer and a member of the Council of the Inns of Court pupillage working group) met Dr Vanessa Davies and other officials of the BSB to discuss ideas for increasing employed bar opportunities including shared and sponsored pupillages. Minutes of our meeting can be read [here](#).

## **RECENT EVENTS**

We held our first ever **BACFI Spring Debate** at Inner Temple on 25th April. The Parliament Chamber was full to bursting and BACFI is grateful to Mr Justice Eady, Joshua Rozenberg, Alex Spence and Desmond Browne QC for their lively discussions on the Press v. The Law. This was followed by a convivial supper. Our thanks to all and to Middle Temple for excellent grub.

We conducted our first ever **members' survey** in April and, although the response rate (30!) was disappointing, we were happy to learn that 96.7% of members are either satisfied or very satisfied with BACFI and would be prepared to recommend us to their colleagues! However, we are not complacent as 60% were only satisfied rather than very satisfied and only 48% found our social functions "very good". A better percentage (53%) rated BACFI seminars very good, and 54% similarly rated our communications. I am glad to say nobody thought either category of event fell into the "awful" category! We will endeavour to improve both these scores and may well indulge in another survey next year.

We need to know more about what you want your Association to do. Thanks to all those who participated for their ideas, which included: more support for QC applications, regional BACFI groups and events and more work on pupillages. A notable 56.7% would welcome fusion of the different branches of the legal profession, and this will inform our stance on the LETR (see below).

SurveyMonkey, though easy to use, does limit the questions; but we managed to squeeze in a bit more demographic information: 50% of respondents held practising certificates and 3% were cross qualified as solicitors. 66% pay the MSF.

We remain keen to recruit **members for BACFI's own committees**. Please think about contributing to your professional association. Contact the Hon Secretary, Helen Fletcher Rogers for details of how you can help: [hfrogers@bacfi.org](mailto:hfrogers@bacfi.org).

Corporate Members. This class of membership will be non voting but will entitle employees of the corporate member to ordinary individual membership of BACFI at a reduced rate.

Would any member who thinks his/her firm would be interested in Corporate Membership of BACFI, please contact Tricia Howse at [tricia.howse@hotmail.co.uk](mailto:tricia.howse@hotmail.co.uk).

## **Bar Council Matters**

Mike Todd QC, Chairman of the Bar Council, is reviewing not only how the **Practising Certificate fee (PCF)** is calculated and spent but also the whole **administration of the Bar Council**. Stephen Collier, Chief Executive of General Healthcare, is the new Treasurer of the Bar and he is bringing a refreshing blast of commercial savvy to the Council. He leads the PCF working group and sits on the Green Review group so we have great hopes that the suggestions BACFI has made for a streamlined "organogram" will be properly explored.

BACFI believes that we need a Finance Director, not an expensive Chief Executive and greater representation on the Council for those who pay the Member Services Fee (MSF), including unregistered barristers. We need a good deal more transparency and accountability in the Council, and a more challenging approach to expenditure on the representative side, given that the costs of regulation are rising daily.

## **PROFESSIONAL ISSUES**

### **Representation**

BACFI has put in formal responses to the following consultations this year: Response to the BSB Aptitude Test Consultation and Response to the proposed ATC Constitution and Business Plan. They can be found on the [website](#).

As explained above, we have submitted a holding response to the LETR and requested a meeting.

## Education

**CPD seminars:** BACFI remains an accredited provider of CPD seminars and we have ensured that events in our current [2012 programme](#) will qualify for maximum points.

## Support

**Pupillages** are down from 460 to 402 this year and there are still very few EB Authorised Training Organisations (ATOs). BACFI has asked the BSB to remove from its website those firms on its list of ATOs that have long ago ceased to offer pupillages.

BACFI held a workshop with BSB officials in March to lobby for greater flexibility on the ATO rules. See [here](#) for the minutes. We will let you know what happens with Mr Stein's internal review.

We would like to hear from anyone whose firm has applied or is thinking of applying to be an ATO, so that we can continue to monitor the difficulties. Contact Helen Fletcher Rogers at [hfrogers@bacfi.org](mailto:hfrogers@bacfi.org).

**Mentoring scheme:** BACFI has joined with the Commerce and Industry Group to provide a mentoring scheme for young in-house barristers and solicitors and those working as sole lawyers. If you are interested in acting as a mentor or wish to be mentored, then please contact [secretary@bacfi.org](mailto:secretary@bacfi.org) to register for the next round of the scheme.

**Our website** [www.bacfi.org](http://www.bacfi.org) contains details of all our events, Responses to and details of BC and BSB consultation papers and we are also on <http://www.linkedin.com>.

### 2012 DATES FOR YOUR DIARY:

Wednesday 23 May

#### **Professional Issues Seminar**

Speakers include **Dr Vanessa Davies, Director**, Bar Standards Board

At Macfarlanes, Cursitor St, EC4 starting 4.30pm

Monday 11 June

#### **Garden Party at Middle Temple**

Jointly with Middle Temple from 6.30pm in the Rose Garden.

Wednesday 26 September

#### **Legal Practice Seminar: Negotiation Skills**

At Hardwicke Chambers, Lincoln's Inn

Monday 19 November

## 2012 Denning Lecture

**The Hon. Mr Justice Briggs**

At Inner Temple

Followed by the **BACFI Christmas Reception**

Wednesday 5 December

## Annual General Meeting

For more details, links to maps and full year's events, please see [diary](#) on website.

Be sure to book your places with Sandra at [events@bacfi.org](mailto:events@bacfi.org).

**Membership drive:** If you know someone in your firm who might like to join BACFI, or if your firm would be interested in corporate membership, do point them to our website where the membership forms can be downloaded at [www.bacfi.org](http://www.bacfi.org).

**Reconnection with the Inns:** If you are prepared to serve as an Inn representative, please contact Sandra at [secretary@bacfi.org](mailto:secretary@bacfi.org).

Current BACFI Inn representatives are:

Middle Temple	<a href="mailto:Christiane@valansot.com">Christiane@valansot.com</a> ; <a href="mailto:stuart.bazley@mobileemail.vodafone.net">stuart.bazley@mobileemail.vodafone.net</a>
Gray's Inn	<a href="mailto:Tricia.Howse@hotmail.co.uk">Tricia.Howse@hotmail.co.uk</a> ; <a href="mailto:hfrogers@bacfi.org">hfrogers@bacfi.org</a> ; <a href="mailto:Lucindaorr@hotmail.co.uk">Lucindaorr@hotmail.co.uk</a>
Inner Temple	<a href="mailto:EsmeChandler@googlemail.com">EsmeChandler@googlemail.com</a>
Lincoln's Inn	<a href="mailto:William.sprigge@orange.net">William.sprigge@orange.net</a> Ian Beeby <a href="mailto:ipb@peak-intelligence.com">ipb@peak-intelligence.com</a> <a href="mailto:Simon.broomfield@brooksmacdonald.com">Simon.broomfield@brooksmacdonald.com</a>

**BSB and BC committees: 2012** BACFI members sitting on Bar Council or Bar Standards Board committees and subcommittees:

Bar Council	Tricia Howse & Esme Chandler (ex officio), Lucinda Orr, Kevin McGinty, Stephen Collier (Treasurer) & Lorinda Long (elected)
General Management Committee	Tricia Howse (ex officio)
Employed Bar Committee	Lucinda Orr, Tim Reading & Sara George
Professional Practice Committee	Tricia Howse & Sara George
Young Barristers' Committee	Lucinda Orr
Policy Advisory Group	Stephen Collier
Finance & Accounts Committee	Stephen Collier
International Committee	Lucinda Orr & Lorinda Long
European Committee	Lorinda Long
Training for the Bar Committee	Sara George & Tim Reading
Bar Conference Committee	Lucinda Orr
City Working Group	Lorinda Long
BSB Qualifications committee and its Pupillage panel	Helen Fletcher Rogers
BSB CPD sub committee	Tricia Howse
BSB Practising Rules Working Group	Helen Fletcher Rogers

**EXTRAS**

BACFI has a section on its website for appointments - in particular, opportunities in Europe for a *stage*. The BACFI office holds further details. Three post-graduate students are currently seeking placements or internships in London. You can get their CVs from Sandra at [secretary@bacfi.org](mailto:secretary@bacfi.org).

BACFI also publicises **events run by other organizations** that might be of interest to members. If you would like to have something put on our website, contact Sandra at [secretary@bacfi.org](mailto:secretary@bacfi.org).