



## BACFI QUARTERLY UPDATE: No 3. September 2010

### NEWS

#### **Bar Council pension fund**

We are continuing to follow up with the officers of the Bar Council (“BC”) the options that *we hope* will be identified by the Bluefin consultants for dealing with the Bar Council pension fund deficit. Following BACFI’s resolutions at the Bar AGM (see below), we have been promised more information in time for the BC October meeting. The BC has undertaken to provide us with the Bluefin report and advice prior to the meeting together with costed options.

#### **BACFI Resolution to Bar AGM 12 June 2010**

Our resolution, slightly amended as shown below in bold, was passed at the meeting.

*This meeting noting:*

*(a) the likelihood of substantial financial levies on practising members of the Bar to fund the deficit in the defined benefit pension scheme for Bar Council staff (“the DB Scheme”),*

*(b) the DB Scheme remains open to future accrual for certain staff,*

*(c) Bluefin, pension advisers, have been retained to advise the General Council of the Bar,*

*(d) the obligation of the officers of the General Council of the Bar to be transparent in dealing with the difficult issues surrounding that deficit, and in particular to recognise its responsibility to members of the Bar as well as to members of the pension scheme,*

*hereby resolves –*

***1. That, no later than to inform the October 2010 Bar Council meeting, responsible officers of the General Council of the Bar will prepare and present to members of the Council an evaluation of the options for reducing the costs of pension provision, including the option of replacing the DB Scheme for future accrual with a defined contribution scheme (“DC Scheme”);***

*2. That responsible officers of the General Council of the Bar will make the Bluefin advice and report available to all Council members and, following the October 2010 Bar Council meeting, will provide with the 2011 Practising Certificate Fee notice to all practising and subscribing members of the Bar, a costed summary of the options open to the Bar Council in relation to both future accrual costs and past service liabilities arising from the DB Scheme; and*

*3. That responsible officers of the General Council of the Bar will ensure that the actions required in paragraphs 1 and 2 above are taken in time to enable proposals for dealing with the DB Scheme both as to the deficit for past service and the liability for future accrual to be debated at the earliest opportunity and no later than the October 2010 meeting of the Council.*

### **Practising Certificate fee “consultation”**

Please note that the Bar Council has just posted a [budget proposal](#) on its website inviting practitioners to comment on the proposed practising fee arrangements for 2011. BACFI will submit a response. If you would like to give us your views, please send them to [secretary@bacfi.org](mailto:secretary@bacfi.org) by 21 September.

We draw your attention to two points. Firstly, a second pension fund levy is being proposed. We await the information referred to above so that informed consideration of this further proposed levy may take place.

Secondly equalisation of the PCF as between employed and self-employed practitioners is proposed. Under the current regime, employed barristers pay less than self-employed barristers. We supported equalisation in our [response](#) to the initial PCF consultation earlier this year.

Our position is not modified by the recent [SRA decision](#) to reduce the practising fee for in-house solicitors. The rationale for this decision is based on the way in which the solicitors practising fee is structured. It is made up of two components: a set levy on the individual solicitor and an additional variable levy on the law firm which is an attempt to quantify the regulatory risk. The C&I Group successfully lobbied that the law firm levy was not applicable in the in-house context. The structure of the PCF at the bar does not permit this line of argument.

**With equal payment, we expect equal treatment and representation. We now expect “One Bar” in actions as well as in words.**

BACFI is committed to securing greater transparency and fairness for subscribing members in relation to this costly affair.

### **Garden Party**

At this year's Garden Party we welcomed members of the Franco British Lawyers' Society and the Anglo German Jurists' Association. The event was "badged" this year for the whole employed Bar, to make it a really inclusive event and this will continue next year when we join with Middle Temple itself for what we hope will be a really bumper party. **Save the date 15 June 2011.** You can see pictures of this year's GP on the website [www.bacfi.org](http://www.bacfi.org).

Thanks are due to Lipson Lloyd Jones, who once again sponsored the GP and handed out two bottles of champagne in a lucky dip!

### **Ethics Roundtable on 27 July**

This event at Hardwicke Chambers was incredibly well attended, not only by BACFI members and our new President Lord Hoffmann; but also representatives of the Bar Council Professional Practice Committee, City Law School and Cass Business School.

Ethics is the flavour of the year with academics and professionals alike, and there was standing room only at the back as Christiane Valansot, Helen Fletcher Rogers, Stuart Bazley, Julian Burling (Counsel to Lloyds of London), Brian Cahill (Glaxo), Ros Carne (Senior Lecturer and co-ordinator of Professional Ethics for the BVC course at City Law School), Stephen Collier (General Healthcare), Brett Wilson (Specialist Computer Holdings) and Prof Roger Steare (Cass Business School) shared their experiences of ethics in the employed world. We all agreed that comprehensive ethics training is now absolutely essential for Bar students and new practitioners – and that even the oldest and wisest of us can benefit from refresher seminars.

We plan a repeat event on this subject next year – and judging by attendance, it is likely to become annual. Our thanks are due to Hardwicke chambers for their kind hospitality and refreshments, and to Lesley Frost for manning the door and the drinks trolley!

For a write up of the roundtable and [photos](#) see the website.

## **PROFESSIONAL ISSUES**

### **BSB CPD Review & Consultation:**

We will be submitting a paper to the CPD Review team, having met with them 16th June. The Review is starting with a fresh sheet, so everything – procedures, purposes, content and audit mechanisms – will be considered. If you have any ideas for a new regime, please e mail them as soon as possible to [christiane@valansot.com](mailto:christiane@valansot.com).

### **New Practitioners' Programme Advocacy and Ethics Training:**

Further NPP training courses tailored to the needs of the employed bar will be held by all four Inns during the autumn. If you are an NP wishing to attend one of the courses, please make sure that you ask for the EB session. Gray's in particular was disappointed not to have been able to run its course in June as there were insufficient takers. If you attend one of these courses, please give feedback to the BACFI NPP subcommittee c/o [hfrogers@bacfi.org](mailto:hfrogers@bacfi.org).

### **BSB Consultation on Authorisation to Practise:**

BACFI's response to this important (we would even say vital) consultation can be read on the website [www.bacfi.org](http://www.bacfi.org). We have met with the BSB to discuss further the issue of npbs and we will keep members informed of further developments.

### **Pupillage Report:**

The [report](#) of the Wood review of pupillage has now been published. A new Pupillage Handbook has been drafted and BACFI has submitted [comments](#). Thanks to all members who assisted with this. In future, we would like to hear from anyone who has trouble registering as a PTO or pupil supervisor.

## **KEY BACFI & RELATED EVENTS – DATES FOR YOUR DIARY**

- **European Issues Seminar 21st September: 5:45pm for 6:00pm at Brick Court Chambers, Temple**

We are really excited about this event, which is being generously hosted by our President Lord Hoffmann's chambers. Speakers will be **Evanna Fruithof**, of the Bar Council's Brussels Office and **Fergus Randolph QC**, the Leader of the Bar European Circuit and **James Flynn QC**, Counsel in the *Akzo* case for the CCBE (Council of Bars and Law Societies of Europe). The seminar will be followed by drinks on Brick Court Chambers' famed roof terrace.

4

PO Box 4352, Edlesborough, Dunstable, Beds, LU6 9EF Tel: 01525 222244 Email: [secretary@bacfi.org](mailto:secretary@bacfi.org)

VICE PRESIDENTS: Austin Allison, Stephen Bacon, Michael Blair QC, John Boyd QC, Nicholas Dee, Humphrey Dugan, Bernard Kelly QC, Sir Sydney Lipworth QC, Harry Mitchell QC, Michele Parnell, Susan Ward, Rosalind Wright CB, QC, Derek Wheatley QC.

- **Gray's Inn Dinner for the Employed Bar: 13th October**

Please contact Tricia Howse ([tricia.howse@hotmail.co.uk](mailto:tricia.howse@hotmail.co.uk)) to attend this event.

Once again Gray's welcomes a BACFI contingent at this popular dinner – all inclusive at only £50. If you are not a member of Gray's, please remember when sending your cheque to mark it “guest of Master Howse”.

- **Panel Selection & Management Seminar 20th October: 5.15pm for 5.30pm at Denton Wilde Sapte**

**Nick Grant**, Head of Legal Services at Sainsbury's Supermarkets Ltd, will give a masterclass in legal panel selection and management for all of us who spend our employers' hard earned cash on external legal advice. **Richard Macklin**, Partner at DWS will give the external lawyers' perspective and some tips on how to get the best from your panel firms.

- **Denning Lecture 1st December: Inner Temple 5.30pm**

The Denning lecture this year is being generously **sponsored by Hogan Lovells** and the Lecture will be delivered by **Peter Freeman, CBE, QC, Chairman of the Competition Commission**. His theme will be “**Is the sword mightier than the pen? Competition enforcement and the law**”.

As usual, **the Lecture will be followed by the BACFI Christmas drinks party, hosted by our new president Lord Hoffmann.**

- **BACFI ANNUAL GENERAL MEETING: 5.30pm 8 December**

Lord Hoffmann has kindly agreed to give members a short talk on the work of the Financial Markets Law Committee, which he chairs. This will secure a precious half an hour CPD point for the event! Elections will be held for all Officers, Vice Presidents and General Committee members. We will be encouraging candidates for all officer and committee positions.

**BOOKINGS NOW BEING TAKEN ([events@bacfi.org](mailto:events@bacfi.org)) for these events:**

<i>Date</i>	<i>Event</i>
21st September 2010	European issues seminar, Brick Court Chambers
20th October 2010	Legal Panel selection, Denton Wilde Sapte
1st December 2010	Denning Lecture and Christmas Party
8th December 2010	BACFI AGM & Lord Hoffmann talk

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

### **ROUND UP OF LAST QUARTER'S WORK**

- **BSB Consultations:** you can see the BACFI responses on the website.
- **Reconnection with the Inns:** the Middle Temple drinks party for the Employed Bar on 28<sup>th</sup> April was extremely well attended. We ended up in the garden as the evening was so warm. As the BACFI NPP programme with the Inns is now established, we plan to dissolve the NPP sub committee and appoint a few **BACFI Inn Representatives** to continue close liaison with the Inns.
- **If you are prepared to serve as an Inn representative, please contact Sandra:** [secretary@bacfi.org](mailto:secretary@bacfi.org). Current representatives are:

Middle Temple	<a href="mailto:Christiane@valansot.com">Christiane@valansot.com</a> ; <a href="mailto:stuart.bazley@mobilemail.vodafone.net">stuart.bazley@mobilemail.vodafone.net</a>
Gray's Inn	<a href="mailto:Tricia.Howse@hotmail.co.uk">Tricia.Howse@hotmail.co.uk</a> ; <a href="mailto:hfrasers@bacfi.org">hfrasers@bacfi.org</a>
Inner Temple	<a href="mailto:EsmeChandler@googlemail.com">EsmeChandler@googlemail.com</a>
Lincoln's Inn	Stephen Collier: <a href="mailto:MrBollyLondon@aol.com">MrBollyLondon@aol.com</a> ; <a href="mailto:william.sprigge@orange.net">william.sprigge@orange.net</a>

- **BSB and BC committees:** the following BACFI members sit on Bar Council or Bar Standards Board, committees and sub committees:

Bar Council	Christiane Valansot, Tricia Howse, Esme Chandler, Lucinda Orr
BC Employed Bar Cttee	Christiane Valansot, Tricia Howse, Lucinda Orr, Brian Cahill, Tim Reading, Sara George.
BC Professional Practice Cttee	Tricia Howse
BC General Management Cttee	Christiane Valansot
BSB Qualifications committee and its Pupillage panel	Helen Fletcher Rogers
BSB CPD sub cttee	Tricia Howse
BSB Wood CPD working party	Sue Edwards
BSB Practising Rules Working Group	Helen Fletcher Rogers
Bar Council committees Equality and Diversity ADR YBC Member Services Board Policy Advisory Group	Brian Cahill Brian Cahill Lucinda Orr Stephen Collier Stephen Collier