

Nicholas Bacon QC

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Superlatives can't describe how good he is - he's brilliant and always willing to put in extra time.

- Chambers & Partners

Nicholas Bacon QC is recognised as a leading silk by the Legal Directories in his specialised fields of costs and regulatory work.

He has appeared in practically all of the most important costs and funding cases in recent years. His costs practice is well juxtaposed to his regulatory work with particular emphasis on all legal sector regulatory law and procedure, litigation funding and in more recent years the sports sector.

The Directories

Chambers and Partners 2019 says that *"Nick is one of the best advocates in the business and his knowledge of costs law is unparalleled; he is also very approachable and gives clear, concise and understandable advice."* *"He is a leading silk – if you want someone on side to get key points across to the judge you'd instruct Nick."*

2018 says that *"Nick is the best barrister in his field, end of. If you want to win, then you need him in your corner. Judges respect him and know he doesn't take bad points."* 2018: *Superlatives can't describe how good he is - he's brilliant and always willing to put in extra time.* *"The only QC to instruct on anything costs related. Hands on and user-friendly, he's an excellent advocate and the standout leader in his field."* Nicholas is *"simply the doyen of the legal costs world"* (Chambers and Partners 2016). *"If you want an absolute costs specialist silk then there's only Nick Bacon."* *"His strength above everything else, lies in his ability to identify what success means in a job and ensuring that he achieves it. He's very down to earth, extremely easy to work with and, for somebody who is a leader in the field, he's also very accessible."* (Chambers and Partners 2015). He has been described as, *"a guru on costs matters"*, *"top of the tree in this field"* and *"one of the go-to people"* at the Costs Bar . Praised for his *"huge knowledge of costs authorities"*, *"he can always arrest the attention of the judge."* Chambers and Partners 2014 comment *"He is definitely a leading silk in the field. To that end, you know when you hire him, you've got the guy."*

Legal 500 2019 describe Nick as a leading silk who *"always brings that little bit extra to every case."* *"Who plays hard and is respected by judges and opponents alike."* (2017)

His Costs Practice

The "enormously likeable" Nicholas Bacon QC continues to dominate the market in costs with a hugely impressive bank of leading cases to his name.

Nicholas Bacon is a leading silk in his specialised field of costs. He dominates this market with a hugely impressive bank of leading



cases to his name. 2015/2016 has been no exception with both Supreme Court (Denise Brewer v. NILGOSC and Dept of Environment NI [UK 2014-180] and Court of Appeal cases to his name: Sean Philips v. Carol Willis [2016] EWCA Civ 40; Qader v. Esure [2016] EWCA Civ 1109; Littlestone v. Macleish [2016] EWCA Civ 127, Essar Oilfields Services v. Norscott Rig Management [2016] EWHC 2361, retained by the claimants in respect of costs in Arcadia, Marks and Spencer, Tesco v. Visa Inc & Visa Europe multilateral interchange fees claims and for the claimants in the Kenyan Emergency Group Litigation continuing the 2014/2015 theme of a string of leading appeal cases to note including the Supreme Court: Coventry v. Lawrence (Bar Council) [2015] 1 WLR 3485; Wyatt v. Vince (costs) [2015] 1 WLR 1228; Marley v. Rawlings [2015] AC 157, [2014] UKSC 51 and other significant appeal cases including Ahmud & Co v. MacPherson [2015] EWHC 2240; O'Brien v. Michael Shorrock and MIB [2015] 4 Costs LO 439. In the Court of Appeal he appeared in Kanat Assaubayev v. Michael Wilson & Partners [2015] CP Rep 10; [2015] PNLR 8; News Group Newspapers in the seminal case of Mitchell v. NGN ("plebgate") 2013 CA; Brown Quinn v. Equity Management, 2013 CA; Heron v. MTG, 2013 CA.

High profile clients include Mr Berezovsky in respect of the multi million pound costs claim brought by Mr. Abromovic and Newsgroup Newspapers in respect of the Voicemail Interception litigation and Shell in Bodo Community v. Shell Petroleum Development Co (2014).

He was instructed to recover the costs in the failed Bernard Madoff Securities Int Ltd "Madoff" claim in 2014.

Nicholas heads up the hugely successful 4 New Square costs team who are the leaders in the market.

Nicholas was a member of the Civil Procedure Rules Committee and has been appointed as an Assessor to Lord Justice Jackson's Review of Fixed Costs. He has been a member of various Jackson Implementation Committees on various aspects of the current reforms.

"A deservedly popular choice of counsel," he is "a vigorous defender of his clients' interests." Famed for his encyclopaedic knowledge of costs law, he has "an impressive analytical eye, which he uses to great effect when on his feet." Clients particularly take a shine to his "bold and forceful advocacy style," as it "reassures them that he is always fighting their corner hard." (Chambers and Partners: 2008). "Hardworking, energetic and steeped in costs law, Nicholas Bacon has probably the biggest costs practice at the Bar and "solicitors like him enormously".

Privacy Policy

Click here for a [Privacy Policy](#) for Nicholas Bacon QC.

Areas of Expertise

Costs

"A formidable advocate. His ability to cross-examine sets the standard for all to follow." – *Legal 500, 2020*

"His advocacy is mesmerising," and "he always brings that little bit extra to every case." – *Chambers & Partners, 2020*

Nick Bacon is probably one of the best-known leading barristers in his specialised field of costs. He is described in the Legal 500 as having "**probably the biggest costs practice at the Bar**" and by Chambers and Partners as being "**top of the tree in this field**". He has appeared in practically all of the most important costs funding cases in recent years. He is a recognised specialist in that area having been appointed as an Assessor in the High Court on appeals against costs assessments.

He advises on all aspects of inter parties and Solicitor Act assessments and represents both claimants and defendants, insurers and funders and solicitors either pursuing costs or defending clients' challenges to their fees. He has been instructed in some of the largest costs claims to come before the courts, including the BCCI v. Bank of England claim where the costs exceeded £70M. He is currently retained in the largest costs assessment in English legal history involving over £105M.

He is an advisor to a number of Unions and Incorporated Associations and Membership Organisations in respect of Collective



Conditional Fee agreement structures and related legal expense insurance arrangements.

He has advised some of the leading Third Party funders in the market on terms of indemnities and “premium” recovery.

He is often retained by the leading ATE insurers to advise not just on premium recovery but on the form and content of LEI policies underlying the insurance. He is often instructed to advise on and draft associated panel solicitor documentation.

He was junior counsel in the House of Lords for the successful claimant in *Callery v Gray* (HL) (2002) 1 WLR 2000 which was and remains the leading case on the recovery of success fees and insurance premiums. He appeared as Counsel in the House of Lords in *KAC v. Iraqi Airways Company* on an Incidental Petition concerning the recovery of costs. He has been instructed in most of the significant conditional fee agreement/ after the event insurance premium cases in the Court of Appeal including the seminal case on the enforceability of conditional fee agreements, *Hollins v Russell* (CA) (2003) 1 WLR 2487 and subsequently *Garrett v. Halton Borough Council*; *Myatt v. National Coal Board* [2007] 1 WLR 554. He appeared for the Appellant in the Court of Appeal in the first discounted fee agreement test case of *Gloucestershire County Council v. Evans* [2008] EWCA Civ 21 and in *Butt v. Nizami* [2006] 1 WLR 3307. He represented the successful Respondent before the Master of the Rolls in the recent fixed costs case of *Kilby v. Gawith* [2008] WLR (D) 163.

He appeared for the successful Respondent in the lead Costs Capping case of *Willis v. Nicholson* [2007] EWCA Civ 199

He was instructed at first instance and on appeal in the Court of Appeal in the Claims Direct Test Cases [2003] Lloyd’s Law Reports 67 and subsequently in The Accident Group Test Cases [2004] 3 All ER 325. He was instructed for the Defendant in the RSA Pursuit Test Cases (27 May 2006) where he achieved the largest reduction to any of the premiums claimed.

He was a member of Lord Justice Jackson’s working group on the report into Civil Costs Review.

Mediation of Costs Disputes

Nicholas is ranked as the leading Silk in Costs: Legal 500 2013.

Chambers and Partners 2013 describe Nicholas as “*top of the tree in this field*” and “*one of the go-to people*” at the Costs Bar. Praised for his “*huge knowledge of costs authorities*”, “*he can always arrest the attention of the judge.*” ‘He acted in *Motto v Trafigura* case, one of the largest costs cases in English legal history.’ He acted for News Group Newspapers in the seminal *Mitchell* (Plebgate) case.

Prior to taking silk in 2010, Nicholas was described as “Undoubtedly the best-known junior in the field.”. This high acclaim has continued. In 2011 he was described in the Legal 500 as ‘a guru on costs matters’, *4 New Square ...houses two of the top practitioners in the field. New QC Nicholas Bacon QC receives praise from all quarters – ‘an exceptional practitioner’, ‘he responds quickly and thinks quickly’. Bacon is instructed on the £100m costs claim arising out of the Trafigura group litigation”* .

‘The “enormously likeable” Nicholas Bacon QC continues to consolidate his practice after last year’s elevation to silk. “A deservedly popular choice of counsel,” he is “a vigorous defender of his clients’ interests.” Famed for his encyclopaedic knowledge of costs law, he has “an impressive analytical eye, which he uses to great effect when on his feet.” Clients particularly take a shine to his “bold and forceful advocacy style,” as it “reassures them that he is always fighting their corner hard.” (Chambers and Partners: 2008). “Hardworking, energetic and steeped in costs law, Nicholas Bacon has probably the biggest costs practice at the Bar and “solicitors like him enormously”. (Legal 500 – 2005) “An experienced and formidable opponent who lives and breaths costs appeared in many leading cases” (Legal 500-2004) “Knows the subject backwards’ and is the leading player, with a string of important recent cases to his name” (Legal 500: 2003).

Appointments

High Court Assessor on Costs Appeals.

This equips Nicholas with experience in undertaking assessments of the kind required in a mediation process. As an Assessor he advises the Judge as to the applicable costs assessment principles to apply. He was requested in the *Mealing McCloud* case to advise the High Court Judge as to the likely level of recovery of costs sought by the appellant litigant.



Member of the Joint Tribunal (Bar Council/Law Society) on fee disputes. Nicholas has conducted Tribunal determinations which are dealt with usually by a written judgment without a hearing and based on written submissions. This involves assessing the likely recoverable fees of the barrister concerned.

Mediation

The fact that Nicholas is not a trained mediator with accreditation does not prevent him from accepting instructions to act as a mediator and he is frequently asked to do so. He has considerable mediation experience in the field of costs as a party representative where he has successfully mediated some of the largest costs claims passing through the courts. Subject to conflict issues he will act as a mediator to settle any form of costs dispute whether as between solicitor and client or inter partes. This includes the whole or any part of the bill(s) in question. The process is very often seen as a more efficient and costs effective route to resolving costs disputes than the traditional detailed assessment process.

ADR

Nicholas' background and status as leader in his field lends attraction to parties wishing to settle their disputes via a process of adjudication in which the parties agree to be bound by a written determination of the likely costs recovery in the particular case. The process can be adapted to suit the parties' wishes to involve a short hearing if required but more often than not written submissions alone can form the basis for the adjudication process. This form of determination very often results in substantially less costs being incurred than if the matter had been progressed through the court assessment process and results in much speedier resolution of the dispute.

Expert

Nicholas also accepts instructions to act as an expert witness. Most recently he provided an expert report on the likely recovery of costs in a dispute being determined by the US District Court of New York in respect of legal costs incurred in England.

Committees

Member of the Civil Procedure Rules Committee

Bar Council Remuneration Committee Bar Council CFA Panel Member of PNBA

Third Party Funding

Nicholas is a leading, go to advisor, on all aspects of litigation funding.

He has represented many of the leading third party funders and ATE providers and brokers including Burford and its predecessor First Assist, Harbour, JLT, Arag, Temple, DAS, Keystone, Elite and many more 'household names'.

He has been key adviser in the orchestration and packaging of funding packages in multi-million pound funding deals and large group litigation cases.

He is regularly instructed to advise on regulatory compliance issues and the underlying contractual documentation to complete due diligence for both insurers and insured.

Quite apart from acting for the funders, he is regularly instructed on behalf of both receiving and paying parties to recover / oppose the recovery of pre LASPO premiums and additional liabilities. He has been involved in many of the key Court of Appeal and Supreme Court decisions relating to the recovery of costs arising out of funded litigation.

He was an advisor member to the Civil Justice Counsel committee on the implementation of DBA legislation following the Jackson reforms which, to his regret, resulted in Government intervention undermining the genuine need and desire to free up the market with contingency fee style agreements.



He is a long standing member of the Bar Council Remuneration Committee (Vice Chair Civil) where he continues to be actively involved in post Jackson law reform.

For his interview with the Judge: <http://www.insolvencylitigationfunding.com/media-resources/videos/interview-nick-bacon>

Qualifications & Memberships

Law LLB(Hons) Essex

Appointments

Appointed as Recorder in 2018

Appointed to Disciplinary Tribunal of the Costs Lawyers Standards Board 2012

High Court Assessor on Costs Appeals Member of the Joint Tribunal (Bar Council/Law Society) on fee disputes Bar Council Remuneration Committee Bar Council CFA Panel Member of PNBA

Member of the Civil Procedure Rules Committee (2009-2015)

Non Executive Director of Pure Business Group commencing on 1st March 2018

Insights

Cook on Costs 2010

Contributing Editor

Butterworths Civil Court Precedents 2010

Contributing Editor

Butterworths Costs Service 2010

Contributing Editor

Green Book 2010

Contributing Editor

Halsbury's Laws of England (Costs)

Contributing Editor

Bar Handbook 2010

Contributing Editor

Costs budgeting insights: Recent case guidance (LexisNexis Dispute Resolution)

12 May 2015

Nicholas Bacon QC and George McDonald consider the much needed insight into costs budgeting in practice from four recent cases

Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013

11 June 2014

With over a decade of fairly fundamental regulatory challenges brought about by the Access to Justice Act 1999, s.58 Courts and Legal Services Act 1990 (Conditional Fee legislation) and more recently LASPO (Jackson and DBAs), not to mention the overhaul of the Solicitors Code of Conduct to its present guise of the Handbook in October 2011, one would be forgiven for thinking that the solicitors profession is already sufficiently regulated without yet more intricate legislation. However, it seems not. It is now necessary for the profession to get to grips with this latest round of regulation bestowed upon the profession. On 13 June 2014 the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013 ("The CCR 2013") come into force.

Costs Newsletter: Six Months In

27 November 2013

We are now six months into the Jackson reforms. Most would agree that it is really too early to tell what impact the reforms have had; with many of the reforms being subject to transitional arrangements which necessarily means that it will be towards the beginning of 2014 before we start seeing measurable impacts of the Jackson reforms. That having been said, the reforms have already injected a good deal of challenging questions into civil procedure generally.

Costs Management- Solicitors Warned for the Pilot Schemes and the Future

31 May 2012

Article on Henry v News Group Newspapers Ltd

Costs Update by Nicholas Bacon QC, Roger Mallalieu and Daniel Saoul

13 December 2011

Costs Update by Nicholas Bacon QC, Roger Mallalieu and Daniel Saoul

Nicholas Bacon QC acts for Bar Council who intervened in the appeal case of LSC v. Henthorn in which Court of Appeal were asked to rule upon limitation for the purpose of LSC recoupment claims

30 November 2011

JUDGMENT

MGN LIMITED v. UNITED KINGDOM – JUDGMENT

18 January 2011

MGN LIMITED v. UNITED KINGDOM – JUDGMENT

Nicholas Bacon's powerpoint slides from his talk at the ALCD

19 March 2010

Costs Case Law Update 2010