

## 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

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## Areas of Expertise

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### Disciplinary

"His practice includes Bar and solicitors cases." – *Legal 500, 2020*

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 professional negligence work with particular emphasis on solicitors' negligence, both for and against solicitors. This includes solicitors' regulatory and disciplinary work for which he is also ranked on Legal 500.

### Regulatory – FSA/SRA/Bar Standards

Nicholas acts for members of the Bar and solicitors in all areas of professional discipline. He is commonly instructed in representing solicitors before the Solicitors Disciplinary Tribunal and assists in all forms of complaints arising from SRA investigations including interventions.

He has been instructed by Queen's Counsel in respect of fee disputes and represented their interests in Joint Tribunal proceedings.

Nicholas has advised extensively in respect of FSA registration and approval in respect of the provision of financial services and



insurance mediation activities. Advising after the event insurers on FSA regulatory issues arising under the Solicitors Financial Services (Scope) Rules 2001 and the Solicitors Financial Services (Conduct of Business) Rules 2001.

He is currently advising business and practices looking to set up ABS's in the future and providing advice as to the structure of the complaints processes that will apply. His experience in the area has led to him becoming the new co-contributor to Cordery on Legal Services in respect of the regulation of the Bar under the Legal Services Act.

Example Regulatory/Disciplinary work in past year.

Acting in long running SDT proceeding involving multi handed alleged offences ranging from breach of referral code to mortgage fraud.

Acted for Solicitor accused of breach of Solicitors Practice Rules in seeking to recover legal costs said to have been incurred by his client but which were allegedly not incurred at all. Case involved an application for the matter to be referred to the DPP. (Bury CC: District Judge Duerden) 29/4/2008

Advising solicitors in respect of SRA references arising out of the Accident Group and other claims management companies.

Advising and representing solicitor in complaint by a local authority against a solicitor who was accused of having held herself as acting as a solicitor, but without a valid practicing certificate. Complaint within both court proceedings and before the Solicitors Regulation Authority (Oct 2008).

Acting for Claimants as part of a group/class action against solicitors retained by the property developers Morris Properties Group. A nationwide alleged property investment "scam" (feature on BBC Panorama program) in which the solicitors are accused of multiple breaches of the Solicitors Practice Rules and Solicitors Accounts Rules. Advising in respect of referrals to the SRA. Case ongoing.

Regularly advising solicitors on all aspects of the Solicitors' Code of Conduct and in particular in respect of fee sharing and referral fees, conditional fees and insurance mediation activities.

Advising after the event insurers on FSA regulatory issues arising under the Solicitors Financial Services (Scope) Rules 2001 and the Solicitors Financial Services (Conduct of Business) Rules 2001.

Advising and acting for solicitors in court proceedings (alongside SRA referral) arising out of alleged breaches by the solicitor of the Money Laundering under the Proceeds of Crime Act 2002 and the Money Laundering Regulations 2007. Case ongoing.

Advising consortium of solicitors in respect of their leading national personal injury claims referral business on the application of the Cancellation of Contracts made in a Consumer's Home or Place of Work etc. Regulations 2008.

## Qualifications & Memberships

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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 1<sup>st</sup> March 2018

## Insights

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### **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