

Francis Bacon

Call year: 1988

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Francis specialises in professional negligence, regulatory and disciplinary work, commercial insurance and commercial litigation both in the UK and overseas. He has been recognised as a leading junior in professional negligence for many years and has appeared in many high profile cases. It

is a reflection of his ability and the confidence his clients have in him that he is entrusted with defending multi-million pound claims on his own against top QCs.



Practice profile

Professional Negligence

Francis specialises in professional negligence with a particular emphasis on cases involving fraud. He has acted for and against professionals in most recognised professions.

Francis has considerable experience in managed and large-scale litigation involving solicitors. He was involved in the *Nationwide Managed Litigation* in the late 1990's and then acted for insurers in managed mediations of many hundreds of cases brought by Nat West Homes Loans, Halifax and other lenders. He is currently involved in many multi-million lenders claims.

Francis helped set up the Holman Fenwick Willan group of about 50 firms of solicitors whom he represented in the Accident Group ("TAG") litigation in 2006/2007 and was actively involved in the successful mediation of the claims against his clients.

His work often takes him overseas and he has worked on professional negligence matters in Milan, Paris and Jersey.

Over the last 12 months he has been involved in many high profile cases including the TAG 2 (Composite Legal Expenses) managed litigation and he represented Browne Jacobson in Nationwide's £7m lender claim. He has defended other solicitors caught up in the Dunlop Haywards' valuation frauds.

He is acted for the Ladies Al Hamrani in a \$120m breach of trust claim brought by the Ladies and various members of the Al Hamrani family against JP Morgan and others in the Royal Court in Jersey. This was the longest running case in Jersey's legal history and has recently settled on favourable terms.

Francis also has experience of acting for Claimants in high value claims. In 2008 he acted for a major lender in obtaining an £8m freezing injunction against solicitors and various fraudulent borrowers.

Francis advises extensively on coverage issues. He is regularly asked by his insurer clients to conduct indemnity interviews for them of professionals to determine whether they were dishonest or condoned the dishonesty of others.

Commercial Litigation

Francis has considerable domestic and international commercial litigation expertise. He has been instructed in a very wide variety of disputes for private and insurer clients and is often instructed to take urgent interlocutory steps including obtaining freezing injunctions and search orders.

Many of his cases are related to commercial properties, ranging from multi-million £ or \$ insurance disputes to acting for commercial agents in a £200 million property purchase in the West End of London.

Francis has been fortunate enough to have been instructed in commercial litigation disputes which have taken him to Paris, Milan, Washington, New York and Nassau.

Regulatory & Disciplinary

Francis has defended professionals for very serious professional conduct matters before many different regulatory and disciplinary tribunals. He was recently asked to represent the chair of one regulatory body when that person's firm was facing disciplinary proceedings.

Media Law

Francis acted for the Marquessa de Valera, the International Editor of Hello! Magazine in the early stages of the claim brought by Michael Douglas and Catherine Zeta Jones against the Hello! Magazine.

Further information

Year of call: 1988

Specialist areas: professional negligence, commercial litigation, regulatory & disciplinary, insurance
Education: Keele University BA Hons Law and Economics; Loughborough University MSC Recreation Management

Appointments: Recorder 2004

Recent cases

Perkin v. Lupton Fawcett [2008] PNLR 30 - loss of chance claim against solicitor.

Nationwide v. Browne Jacobson LLP: £7m lender claim settled.

Bank of Scotland v. Shah Solicitors and Al Ansari [2008]: £7m claim against solicitors and property developers for fraudulent breach of trust and deceit.

Hunter v. Rhodes Dickson [2008]: successful defence at trial of claim against valuer.

The Accident Group [2007]: multi-million pound litigation concerning the lawfulness of a referral fee and the mediation of thousands of claims with the Lloyds markets.

Sweetman v. Shepherds, Nathan, Russell Jones and Walker and others [2007] EWHC 137 : striking out multi-million claim for loss of chance

Walker v. Palfreyman and others [2006] EWHC –summary judgment and contempt application for professional indemnity insurers against fraudulent borrower in multiple mortgage fraud where we had obtained a freezing injunction and obtained draconian tracing orders to recover monies stolen.

Hammond Suddards v. Jebb [2006] EWCA 777 –successful defence of claim against Hammond Suddards for loss of litigation opportunity.

Excel Polymers v. Anston Commercial [2005] EWHC. 1927 (QB) - Acted for insurance broker at trial of preliminary issue of meaning and effect of standstill agreement relating to limitation. Following findings in favour of insurance broker, action successfully dismissed.

Shalson and others v. Russo, Cantrust and others [2005] Ch 281 Representing Professional Trustees. Equitable tracing of US\$7.5m + into privately owned \$20m motor yacht and into monies held on trust in Jersey based Settlement. In depth analysis of law of tracing. Successful defence of the claim that the Settlement was a sham.

Manolakaki v. Constantinides and Lange [2004] EWHC 749. Successful defence of claim brought by solicitor against his professional indemnity insurers who had refused to indemnify him on the grounds of his own dishonesty in a \$1million plus financial instrument fraud.

Sharpe v. Addison Lister [2004] PNLR 426. Assessment of value of lost litigation opportunity resulting from negligence of solicitor who had advised claim had merit but who failed to give notice to insurers in a claim for damages for personal injury arising out of a road traffic accident. Review of all recent Court of Appeal decisions on Loss of Chance. Claimant awarded only 10% of value of total assessed loss.

Sharif v. Garrett & Co. [2002] 1 WLR 3118. - leading case on loss of litigation opportunity where action struck out for want of prosecution - £4m + claim.

Prosser v. Castle Sanderson [2002] Lloyds Rep PN 584 Court of Appeal - £750k Loss of chance claim against an insolvency practitioner. Claim dismissed.

Egan Lawson Limited v. Standard Life [2001] 08 EG 168 Court of Appeal - commercial estate agent's entitlement to commission.

Nationwide Building Society v. Balmer Radmore [1999] Lloyd's Rep 241 - Managed litigation - extent of a solicitor's common law and fiduciary duty in a conveyancing transaction where the solicitor is instructed by a lender and borrower - Causation, measure of loss and contributory negligence.

Nationwide Building Society v. Richard Grosse [1999] Lloyd's Rep 348 (causation and contributory negligence in claim against solicitor for breach of fiduciary duty)

Nationwide Building Society v. Goodwin Harte [1999] Lloyds Rep 338 - causation and contributory negligence in claim against solicitor for fraud and breach of fiduciary duty.

Nationwide Building Society v. Thimbleby [1999] Lloyds Rep 359 - whether contributory negligence available as a defence to a claim for damages for deceit.

Barclays Bank v. Caplan & Ronald Nathan & Co [1998] 1 FLR 532 - undue influence - solicitor's duties to wife providing £1m+ guarantee for husband's indebtedness to Bank. Claim against solicitor failed.

Publications and lectures

Francis lectures to solicitors, insurers, brokers and underwriters on a wide range of subjects including fraud, dishonesty, loss of chance, policy issues, lender claims, trustees and expert evidence.

What others say

Francis is recognised as one of the leading commercial juniors in professional negligence, having been ranked by both *Chambers UK* and *The Legal 500* for many years.

"Francis Bacon's practice continues to flourish and he is acknowledged as a terrifically able junior. He has enjoyed a busy year, handling a number of substantial cases, such as acting for Quinn and representing a significant number of firms in the CLE litigation. He is tipped for great things." *Chambers UK 2010*

"Francis Bacon, seen as 'a safe pair of hands', is currently instructed on his own against Justin Fenwick QC and Ben Hubble in *Nationwide v Browne Jacobson*." *Legal 500 2008*

"Junior Francis Bacon's practice has been expanding rapidly to the point where he is now appearing against silks on his own rather than being led." *Chambers UK 2008*

In previous editions of *Chambers UK*, Francis is recognised as being 'destined for greatness', 'reliable, intelligent and approachable', 'bright, thorough and good on his feet' and having 'flexibility and knowledge in a wide number of areas' and a 'keen intellect and personable manner'.

In previous editions of *The Legal 500*, Francis is also "well regarded" and referred to as "a reliable and talented practitioner".

Personal info

I have always been a keen sportsman. As a youngster I was an English Schoolboy and British Universities Athletics champion. I played rugby at county level and was elected chairman of the Universities Athletics Union of England and Wales. After leaving University I had a dream job for a number of years working in professional golf and was lucky enough to work with many top sportsmen organising golf tournaments and other sporting events around the UK.

Eventually I settled down and came to the Bar. I am married to a barrister and father of three wonderful teenage children.

Don't hold it against me but I am a season ticket holder at Stamford Bridge.
