hailshamchambers

Clerks: **020 7643 5000**

Francis Bacon

Call: 1988



Overview

Francis specialises in complex, high-value professional indemnity, commercial insurance and commercial litigation. He has extensive experience in England and Wales and overseas in acting for professional clients and their professional indemnity insurers. He also acts for private individual and corporate clients in commercial disputes and in claims brought against professionals both in this jurisdiction and in commonwealth countries.

He appears regularly in the High Court and Appellate Courts and many of his cases are widely reported in the leading texts.

For over a decade Francis been listed in the very top tier of Professional Negligence barristers in Chambers & Partners and Legal 500. Francis has been described by Legal 500 as "*the outstanding professional indemnity junior at the Bar*" and was recognised as the Professional Negligence Junior Barrister of the Year by Chambers & Partners. Chambers 2022 comments: "*He's extremely bright, even by the standards of the Bar. Very confident, very direct - you know exactly where you stand*."

Professional liability

Lawyers

Francis acts for and against solicitors in many jurisdictions. He has considerable experience in managed and large-scale litigation involving solicitors. He was involved in the *Nationwide Managed Litigation* in the late 1990's, *TAG* in 2006/2007 and Composite Legal Expenses. He has appeared in many of the leading High Court and Court of Appeal authorities on loss of chance claims. His work often takes him overseas and he has worked on high profile professional negligence claims relating to lawyers in the Bahamas, Milan, Paris and Jersey. Francis has particular experience of obtaining freezing injunctions and pursuing tracing claims against dishonest lawyers and other professionals worldwide. He advises extensively on coverage

issues especially in relation to dishonesty, successor practice and aggregation issues. He is regularly asked by his insurer clients to conduct indemnity interviews and has advised on very high value claims. Francis has acted as an adjudicator in complex professional negligence disputes.

Francis acts for members of the Criminal Bar on the instructions of Bar Mutual and has represented the Bar Standards Board. Building on his 18 years' experience as a Criminal Recorder Francis acts for barristers and higher court advocates in many claims arising out of the alleged negligent conduct of criminal proceedings including serious crimes such as complex fraud, murder and rape cases.

Trustees

Following on from being led by Michael Pooles KC in successfully defending Cantrust, a firm of professional Jersey based trustees, in the $20m breach of trust/tracing claim *Shalson v. Russo* [2005] Ch 281, Francis continues to act for and against professional trustees in various commonwealth jurisdictions.

Between 2006 and 2010, he acted for the Ladies Al Hamrani in the $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. The action became the longest running trial in Jersey's legal history. It was eventually resolved in a substantial settlement to the Ladies.

Francis continues to advise extensively on coverage issues relating to professional trustees in many jurisdictions and in particular in the Channel Islands.

Construction professionals

Francis has acted for architects, quantity surveyors, engineers and other construction professionals in numerous high value and complex High Court claims. Building on his experience of large-scale property fraud litigation, Francis has acted in many multi-million claims for and against well known commercial and residential property surveyors and valuers throughout the UK.

Accountants & auditors

Francis acts regularly for and against accountants and auditors in High Court claims. He has been involved in many cases involving complex tax issues and SDLT schemes. He has acted for insurers in recovery actions against auditors of legal practices.

Insurance brokers

Francis has acted in numerous high value claims for and against insurance brokers.

Commercial law

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

Regulatory and disciplinary

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

Francis has acted for the Bar Standards Board in High Court proceedings and he has represented members of the Bar before the Council of the Inns of Court and acted for Solicitors before the SDT.

Employment law

Francis has been instructed in complex employment disputes. He acted for the former directors of a multi-national company in injunctive proceedings which have been brought against them.

Media law

Francis acted for the Marquesa 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 magazine. Since then he has acted for many well-known specialist libel lawyers in professional negligence claims arising out of their alleged negligent conduct of high profile defamation proceedings.

Sports law

Francis has acted on behalf of many clients associated with sport/sport's governance including:

- London Borough Councils (in disputes relating to the use and safety of the former dog tracks at Walthamstow and Wimbledon);
- Successfully defending the tug-master of The Revenge who was alleged to

have sunk the London University rowing boat on the Thames.
- Sports agents (including a dispute relating to a premier league player's footwear contract);
- Many well-known former professional footballers (including groups of players seeking to recover losses arising out of failed tax investment schemes),
- Defending multiple firms of solicitors in claims arising out of the Hillsborough disaster;
- A claim brought by the Welsh Rugby Union against solicitors for admitting vicarious liability for the actions of a professional referee;
- A former solicitor/chief executive of Watford FC;
- A claim against the auditors of a Championship football club;
- A former member of a national governing sporting body in regulatory proceedings;
- Solicitors alleged to have dishonestly assisted the misappropriation of substantial monies from Northampton Town FC.

Recent cases

Aymes International Ltd v Nutrition 4U [2023] EWHC 1452. Defending action for specific performance and breach of contract brought against various Dutch companies and shareholder.

Clewer v Higgs & Sons [2023] EWHC 1556. Successfully striking out £7m claim following the Claimants' failure to comply with an Unless Order.

Lennon v Englefield [2022] PNLR 3. Acting for the Claimants in a claim against conveyancing solicitors, following judgment against a fraudulent former solicitor.

Moda International Brands Ltd v Gateleys LLP [2019] PNLR 27. Francis acted for the successful BVI Company in a professional negligence claim against Moda's former solicitors for the loss of chance of recovering a share of profits from a property development in Nottingham.

Group Seven Ltd v Notable Services LLP [2019] PNLR 22. The Court of Appeal gave important guidance on the law of dishonest assistance in breaches of trust and fiduciary duty.

Andrews v Messer Beg [2019] 1 Costs LO 1 and [2019] PNLR 23. Acting for Messer Beg in the claim for the loss of chance of a better outcome of managed litigation originally brought by borrowers who took out shared appreciation mortgagees against Barclays Bank and Bank of Scotland. The case is ongoing.

Goddard-Watts v Burgess Salmon and others. Acted for a firm of accountants in a claim for the loss of chance of a better outcome of matrimonial proceedings. Case settled after exchange of skeleton opening submissions.

Paul v Lock & Marlborough. Acted for firm of solicitors in a very high value contentious probate claim. Case settled after exchange of skeleton opening

submissions.

Group Seven Ltd v Nasir and others [2017] EWHC 2466 (Ch). Francis was led by William Flenley KC in a €9m claim brought by Group Seven against Notable Services LLP and others for dishonest assistance in breach of trust and unconscionable receipt. Following a 38 day trial, the claims of dishonest assistance and unconscionable receipt against Notable Services LLP were dismissed. However, following Francis' successful cross-examination of co-defendant Mr Louanjli, Mr Louanjli was held liable to the Claimants in deceit, conspiracy and dishonest assistance in breach of trust.

Robinson v Ness & Co [2017] EWHC (Ch). Francis defended Ness & Co in the High Court in a High Court trial in which it was alleged that the Claimant had committed mortgage fraud and was not entitled to recover damages from the solicitor on the grounds of public policy.

Group Seven Ltd v Nasir [2016] 2 Costs LO 303. Francis acted for the Notable Defendants in Morgan J's Costs Management Judgment [2016] 2 Costs LO 303 in which the Claimant's budgeted costs in excess of £5m were almost halved.

Mortgage Express v Awais Khan [2017] EWHC 53. Francis successfully acted for the lender in a claim against a dishonest mortgage borrower at a trial before Mr M Griffiths KC sitting as a Deputy High Court Judge in the Chancery Division.

Martin Francis v Charles Knapper [2016] EWHC 3093 (QB). Francis successfully defended the solicitor firm Knapper & Co in claims of fraudulent misrepresentation brought by Mr and Mrs Francis at a trial before Mr Justice Andrew Baker.

Haylett v Cayton [2015] EWHC 1951 (Comm) – a partnership valuation dispute tried before Colin Edelman KC.

Mark Lynn v Borneos LLP [2014] EWHC 254. Successful defence of multi-million £ claim following a four day High Court Action before HH Judge Cooke. The Defendant solicitors had admitted breach of duty in drafting a Share Sale Agreement of a UK registered company which had acted as an agent in selling off plan residential properties in the Dominican Republic. The Judge found the Claimant dishonest and the Claimant failed on causation.

Adelle Challinor & 20 Ors v Juliet Bellis & Co and Geoffrey Egan [2013] EWHC 347 (Ch) and [2013] EWHC 620. Successfully defending Geoffrey Egan, a chartered surveyor, in a contested £3m claim brought against him by the Claimants in misrepresentation and also successfully defending Part 20. Claim made by *Juliet Bellis & Co*, a solicitor, in dishonest assistance in breach of trust, breach of warranty of authority, breach of fiduciary duty and dishonestly procuring wrongdoing by his employers.

Mamum v Bar Standards Board [2012] QBD. Representing Bar Standards Board before The Visitors of the Inns of Court in successfully opposing Mr Mamun's appeal against exclusion from Lincoln's Inn.

Pritchard and others v Ingram Winter Green and Others [2011] 2 EGLR 1. Acting for Ingram Winter Green before Morgan J in successful application to strike out claims brought by litigants in person against the firm and in subsequently obtaining civil restraint orders against the Claimants.

Halliwells v NES v Quinn [2011] PNLR 30. Acting for Quinn Insurance in £1.5m undertaking claim against NES solicitors. Francis's own declinature of coverage was upheld on grounds of dishonesty and condonation of dishonesty by both partners and on the basis that the undertaking was not given in solicitorial capacity.

Harris v Kingsley Napley [2011] Defending Kingsley Napley in substantial claim relating to alleged negligent advice in relation to stamp duty land tax saving scheme.

Arscotts Limited v Harris [2010] EWHC Ch Acting for Arscotts Limited in obtaining freezing injunction in claim against dishonest employee and her husband. Advising on tracing actions and subsequent recovery of substantial part of stolen monies.

Al-Hamrani v JP Morgan and Others [2009] Royal Court of Jersey. Acted successfully for the Ladies Al-Hamrani in the high profile $120 million breach of trust litigation in the Royal Court of Jersey against JP Morgan and Others.

Perkin v Lupton Fawcett [2008] PNLR 30 – (Court of Appeal) loss of chance claim against solicitor in claim relating to lost chance of negotiating more favourable clauses in a share purchase agreement.

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. Acting for bank in obtaining freezing injunctions against fraudsters.

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 the vast majority of the 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 $1m plus financial instrument fraud.

McNab v Neal [2003]. Acting for innocent partners in obtaining freezing injunction and search orders against dishonest partner.

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 in commercial property transaction.

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. Acting for solicitor who was in prison at the time of the trial. The claim against solicitor failed.

What others say

"Francis Bacon is a first-class counsel and a go-to for many lawyers' claims for solicitors and insurer clients." *Chambers UK, 2026*

"Francis Bacon is a safe pair of hands." *Chambers UK, 2026*

"Francis is a pleasure to work with, is extremely responsive and a bright, innovative thinker. Francis gets into the detail of claims, drafts documents with skill and is a brilliant advocate." *Legal 500, 2026*

"Francis is fantastic with insurer and insured clients - clear, precise and firm where required. He speaks with authority and is very user-friendly. An absolute star!" *Chambers UK, 2025*

"A real star who is excellent on the most complex of cases." *Chambers UK, 2025*

"Francis is a very experienced junior who punches well above his weight." *Chambers UK, 2025*

"Francis is a class act. His legal knowledge and commercial understanding are unrivalled. His written and oral advice is clear, concise, and well structured." *Legal 500, 2025*

"Francis is highly accessible, gets his hands dirty and is brilliant on civil fraud matters." *Chambers UK, 2024*

"Francis is a delight to work with, very easy to get along with and turns things around quickly and efficiently." *Chambers UK, 2024*

"His advice is always very clear; he is happy to listen to other points of view and is extremely good with clients too." *Chambers UK, 2024*

"Francis is very easy to deal with, a good team player and always on top of the detail." *Legal 500, 2024*

"Francis is very robust and has a good way with difficult clients." *Chambers UK, 2023*

"Loves to get his hands dirty on the detail and underlying commercial dynamic." *Chambers UK, 2023*

"Francis is always quick and efficient in responding to queries and a forceful advocate." *Legal 500, 2023*

"Go-to junior for professional negligence, grasps the issues quickly, excellent to work with and unrivalled knowledge." *Legal 500, 2023*

“He’s extremely bright, even by the standards of the Bar. Very confident, very direct – you know exactly where you stand. He relishes a challenge and approaches the complex cases with zeal.” “He’s super experienced, keen to help out and a great

advocate. He's a very commercial barrister and doesn't just think about one bit of paper at a time." *Chambers UK, 2022*

"A real street fighter whose knowledge of the law is immense. A proper specialist in professional negligence. A keen strategist who is very easy to work with." *Legal 500, 2022*

"Seriously impressive attention to detail. Very reliable and bright, easy to deal with, extremely accommodating." *Legal 500, 2021*

"He is very proactive, returns work before deadlines, which is amazing, turns instructions around incredibly quickly and the advice provided is always first-class." *Chambers UK, 2021*

"A very smooth cross-examiner." *Chambers UK, 2020*

"Has a really good breadth of knowledge and is very thorough." *Chambers UK, 2020*

"He is the outstanding professional indemnity junior at the Bar and a silk in all but name" *Legal 500, 2020*

"The level of analysis was impressively thorough, and distilled into an impeccably drafted defence. He is an absolutely charming man to deal with, and he adopts a truly collaborative approach" *Chambers UK, 2019*

"He brings a wealth of knowledge and experience and has an excellent strategic approach" *Legal 500, 2019*

"He is brilliant. A ruthless cross-examiner with a lot of experience" "His advice is always really practical and concise" *Chambers UK, 2018*

"Very user-friendly" *Legal 500, 2017*

"Very sharp, very good with clients and extremely good on his feet." "Unflappable under pressure, he never backs down from difficult work." *Chambers UK, 2017*

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. In 2016 he was shortlisted for *Chambers & Partners' Junior of the Year* for Professional Negligence.

"He has an edge that other barristers don't have – his experience and advocacy skills are strengthened by his wealth of knowledge and his investigative nature. He will leave no stone unturned." "He has an excellent grasp of the documents and deals very well with the witnesses." *Chambers UK, 2016*

"Really very good at cutting through pages and pages of material and getting to the core issues." *Legal 500, 2015*

"very sound and unflappable, and has a wealth of experience in his core areas. He is outstanding, as he is extremely commercial and personable." *Chambers UK, 2015*

“extremely capable and easy to work with. His insight into cases is second to none.” *Legal 500, 2014*

“is particularly strong on coverage issues. Solicitors appreciate the fact that he is robust in his advice and takes a line and sticks to it. ‘He’s first-rate, fast, clever and very user-friendly’.” *Chambers UK, 2014*

Further information

Education: Gray’s Inn Karmel Commercial Scholar

Keele University BA Hons Law and Economics

Loughborough University MSC Recreation Management.

Appointments: Recorder 2004. Francis sits in the Crown Court.

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.

ICO Data protection registration number: **Z6991593**.

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