

# Private client team of the year

WINNER

## Berwin Leighton Paisner

Anthony Bunker

*Challenging HMRC over NICs for arts charities*



(L-R) Moira Protani, Anthony Bunker and Damian Bloom of Berwin Leighton Paisner, with Julia Whittle of Punter Southall Group

Music-lovers have reason to cheer Berwin Leighton Paisner's charities law team for its high-profile work in overturning legislation that threatened the bankruptcy of many of the UK's leading orchestras, ballets and theatres.

The charities faced a potentially ruinous £33m bill for backdated Class 1 National Insurance contributions and an annual £6m bill going forward, following an investigation by HM Revenue & Customs, which unexpectedly found that freelance musicians were liable for the tax, having previously been considered exempt.

BLP represented the Arts Council of England and 33 leading arts organisations, including the London Philharmonic Orchestra, the London Symphony Orchestra, the Royal Opera House and English National Opera, in eight months of negotiations with HMRC. The 33 organisations were thought to represent 90% of the potential liability. Bunker and his team's first success was to convince the organisations to forego their individual cases and competitive tendencies by working together.

The team's second achievement was the skill with which it brokered the discussions with HMRC. Clients praised it for employing 'incredible and careful work' and tactics that were 'clearly absolutely right'. These tactics avoided engaging in a costly and lengthy battle to amend existing legislation or to seek a special waiver for the sector. Rather, BLP demonstrated on a case-by-case basis how each of the organisations need not be liable under existing legislation. Eventually HMRC agreed and concluded that freelance musicians could remain exempt.

### HIGHLY COMMENDED

#### BAKER & MCKENZIE

Paul Stibbard

Stibbard's three-partner private client team has built one of the foremost reputations for providing Sharia-compliant trusts advice to wealthy Middle-Eastern families, as well as having an innovative Russian practice that wins the praise of clients and peers. It also wins the praise of colleagues at the firm, having been the most profitable department per partner in London for

with him before expelling Rhys. Associate Allass led the 15-month litigation, which resulted in Mr Gray being ordered to pay costs. The case detailed the procedures that schools must go through before expelling students.

### MANCHES

Helen Ward

Beverley Charman's divorce from £130m insurance magnate John Charman was the most high-profile 'big money' divorce of 2006, and the first in the new regime following *Miller* and *MacFarlane* at the House of Lords. Mr Charman, whose assets spanned England, Bermuda and the US, was initially prepared to pay only £20m to his former wife. However, Ward's team, which won a beauty parade to represent Mrs Charman, thought otherwise and succeeded in obtaining a record £48m payout for their client.

## Berwin Leighton Paisner's first success was to convince the arts organisations to work together.

three years running. An example of its work was finalising offshore planning for a trust worth in excess of \$1bn, with beneficiaries located on three different continents.

### FARRER & CO

Kate Allass

In a case that has become compulsory reading for head-teachers, Farrer & Co successfully defended Marlborough College at the Court of Appeal against claims by a parent, Russell Gray, that the college had breached its contract when it expelled his 15-year-old son, Rhys Gray. Mr Gray alleged that the college had not adequately consulted

### THE SOCIETY OF TRUST AND ESTATE PRACTITIONERS (STEP)

Technical team

Events in the private client world do not come bigger than the changes to the taxation of trusts proposed in the Finance Act 2006. Had vital concessions not been achieved, every trust in the country would have needed rewriting. STEP's cross-firm technical team, headed by John Riches of Withers, led the successful lobbying of the government over an intense four-month period. One Magic Circle trusts partner said: 'The STEP team did a fantastic job of taking our argument to the government and winning.'

10th  
anniversary



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