

# Lawrence McNulty

**CALL/INN:** Called to the Bar by Middle Temple, November 1985

**TYPE OF HEARING:** 5 Person Disciplinary Tribunal

**DATE OF DECISION:** 30<sup>th</sup> July 2014

## In breach of

Contrary to paragraphs 301(a)(iii), 301(a)(ii) and 708(i) and pursuant to paragraph 901.7 of the Code of Conduct of the Bar of England and Wales (8th Edition).

## Details of Offence

Lawrence McNulty, a barrister, between the 15<sup>th</sup> August 2011 and the 20<sup>th</sup> August 2011 engaged in conduct likely to diminish public confidence in the legal profession or the administration of justice or otherwise bring the legal profession in to disrepute, in that he advanced before the jury in his closing speech on behalf of D1 submissions based upon an argument of entrapment, in contravention of the ruling of Mr Justice Henriques, given on the 11<sup>th</sup> August 2011, that there must be no further pursuit of the non-existent defence of entrapment in any guise in the presence of the jury.

Lawrence McNulty, a barrister, on the 16<sup>th</sup> August 2011 engaged in conduct which was prejudicial to the administration of justice in that he suggested to the jury during his closing speech that the trial judge might be biased and that the summing-up should be approached accordingly.

Lawrence McNulty, a barrister, between the 15<sup>th</sup> and 20<sup>th</sup> August 2011, made assertions in his closing speech which impugned a witness or witnesses whom he had had the opportunity to answer those allegations, specifically:

- a. that the prosecution of D1 was motivated by an intention to suppress free speech;
- b. that those officers with control over the investigation did not believe D1 was guilty of the offences with which he was charged;
- c. that the prosecution of D4 was undertaken only to generate evidence against D1;
- d. that the police investigation was terminated only on the 29<sup>th</sup> October 2009 once the police had sufficient evidence to bring a prosecution against D4;
- e. that those officers involved in the investigation and prosecution of the case against D1 were concerned in an attempt to pervert the course of justice;

Lawrence McNulty, a barrister, on or before the 11<sup>th</sup> August 2011 engaged in conduct which was prejudicial to the administration of justice in that, by skeleton arguments served on the 26<sup>th</sup> and 27<sup>th</sup> July 2011, amplified by oral argument on the 29<sup>th</sup> July 2011, he advanced a series of legal arguments before the Crown Court at Manchester, namely:

- a. a submission that the evidence of undercover officers be excluded pursuant to Section 78 of the Police and Criminal Evidence Act 1984 at a stage when the evidence had been called and completed before the jury;
- b. a submission that the conduct of undercover officers was seriously improper, amounted to entrapment or attempted entrapment and thereby brought the administration of justice into disrepute such that the proceedings should be stayed;
- c. a submission of no case to answer on each count faced by D1 save for count 4, which relied in part upon the defence of self-defence

in circumstances where:

- d. the issues of self-defence, entrapment and improper conduct by the undercover officers were not raised in the defence statement served on behalf of D1;
- e. he failed to serve/ensure the service of a supplementary defence statement in which the issues of self-defence, entrapment and improper conduct by the undercover officers were identified as issues to be raised in the defence of D1;
- f. he failed otherwise to notify in good time the Court, Crown and co-accused that self-defence, entrapment and improper conduct by the undercover officers were live issues in the case.

**SENTENCE:** 4 Months Suspension.

**STATUS:** Open to Appeal.