



# The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

## Disciplinary Tribunal

### DUNCAN MAXWELL-STEWART

**Called to the Bar by: Gray's Inn, July 2007**

**Type of hearing: 3 Person Tribunal**

**Date of decision: 10 September 2021**

#### **In breach of:**

Core Duty 5 and RulesrC8 and the Bar Standards Board Handbook.

#### **Details of offence:**

Duncan Maxwell-Stewart, behaved in a way which was likely to diminish the trust and confidence which the public places in a barrister or in the profession in that on or around the 15 February 2020, whilst on a night out at a bar with Person A, over whom he was in a position of professional seniority and/or authority, he: a] lifted up the hem of Person A's skirt, all the way up to her hips, revealing her underwear which was covered by her tights, b] was in too close a proximity to Person A whilst in an upstairs area of a bar and c] untucked Person A's jumper from her skirt, put his hand up the back of her jumper and messed around with her bra strap. The actions were intentional, the actions were sexually motivated. Person A did not consent to the actions, and Mr Maxwell-Stewart did not reasonably believe that Person A consented to the actions.

Duncan Maxwell-Stewart, behaved in a way which could reasonably be seen by the public to undermine his integrity in that on or around the 15 February 2020, whilst on a night out at a bar with Person A, over whom he was in a position of professional seniority and/or authority, he: a] lifted up the hem of Person A's skirt, all the way up to her hips, revealing her underwear which

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was covered by her tights, b] was in too close a proximity to Person A whilst in an upstairs area of a bar and c] untucked Person A's jumper from her skirt, put his hand up the back of her jumper and messed around with her bra strap. The actions were intentional, the actions were sexually motivated. Person A did not consent to the actions, and Mr Maxwell-Stewart did not reasonably believe that Person A consented to the actions.

Duncan Maxwell-Stewart, behaved in a way which was likely to diminish the trust and confidence which the public places in a barrister or in the profession in that on or around the 15 February 2020, whilst on a night out at a bar with Person B, he positioned himself close to her and groped her bottom. The action was intentional, the action was sexually motivated. Person B did not consent to the action, and Mr Maxwell-Stewart did not reasonably believe that Person B consented to the action.

Duncan Maxwell-Stewart, behaved in a way which could reasonably be seen by the public to undermine his integrity in that on or around the 15 February 2020, whilst on a night out at a bar with Person B, he positioned himself close to her and groped her bottom. The action was intentional, the action was sexually motivated. Person B did not consent to the action, and Mr Maxwell-Stewart did not reasonably believe that Person B consented to the action.

**Sanction:** Suspended for 12 Months. Contribution to Costs to the BSB of £600.

**Status:** Open to Appeal.