



# The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

## Report of Finding and Sanction

**Case reference: 2022/1448/D5**

Ms Carly Sarah Walters

The Director-General of the Bar Standards Board

The Chair of the Bar Standards Board

The Treasurer of the Honourable Society of Lincolns Inn

### Disciplinary Tribunal

#### Ms Carly Sarah Walters

1. In accordance with an appointment made by the President of the Council of the Inns of Court contained in a Convening Order dated 21<sup>st</sup> July 2023, a Disciplinary Tribunal took place on the 28 September 2023 to hear and determine four charges of professional misconduct contrary to the Bar Standards Board Handbook against Ms Carly Sarah Walters, barrister of the Honourable Society of Lincoln's Inn.

#### Panel Members

2. The members of the Tribunal were:  
Siobhan Herron  
Ken Cameron  
Aaminah Khan  
Andrew Ward  
HH Janet Waddicor (Chair)

Hannah Megan Millar was Clerk to the Tribunal.

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## Parties Present and Representation

3. The Respondent was not present and was not represented. The Bar Standards Board (“BSB”) was represented by Mr Winston Jacob.

## Charges

4. The Respondent, Ms Carly Walters, faced four charges of professional misconduct contrary to Core Duty 3, rC9.1, Core Duty 5, and rC8 of the Bar Standard Board’s Handbook.

5. Core Duty 3 provides:

“You must act with honesty, and with integrity”.

6. Conduct rule 9.1 provides:

“Your duty to act with honesty and with integrity under CD3 includes the following requirements:

.1 you must not knowingly or recklessly mislead or attempt to mislead anyone”.

7. Core Duty 5 provides:

“You must not behave in a way which is likely to diminish the trust and confidence which the public places in you or in the profession”.

8. Conduct rule 8 provides:

“You must not do anything which could reasonably be seen by the public to undermine your honesty, integrity (CD3) and independence (CD4).”

9. The particulars of Charge 1 were that:

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Ms Carly Walters, a practising barrister, acted dishonestly in that, on 24 February 2022, while being interviewed by a prospective employer for a position as an employed barrister, when asked if she had any unspent convictions, she answered no. This was untrue and she knew it to be untrue as she had an unspent conviction dated 17 September 2020 for driving with excess alcohol under section 5(1)(a) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988, for which she had been disqualified from holding or obtaining a driving licence for 40 months.

10. The particulars of Charge 2 were that:

Ms Carly Walters, a practising barrister, knowingly misled representatives of a prospective employer in that, on 24 February 2022, while being interviewed for a position as an employed barrister, when asked if she had any unspent convictions, she answered no. This was untrue and she knew it to be untrue as she had an unspent conviction dated 17 September 2020 for driving with excess alcohol under section 5(1)(a) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988, for which she had been disqualified from holding or obtaining a driving licence for 40 months.

11. The particulars of Charge 3 were that:

Ms Carly Walters, a practising barrister, behaved in a way which was likely to diminish the trust and confidence which the public places in her or in the profession in that, on 24 February 2022, while being interviewed by a prospective employer for a position as an employed barrister, when asked if she had any unspent convictions, she answered no. This was untrue and she knew it to be untrue as she had an unspent conviction dated 17 September 2020 for driving with excess alcohol under section 5(1)(a) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988, for which she had been disqualified from holding or obtaining a driving licence for 40 months.

12. The particulars of Charge 4 were that:

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Ms Carly Walters, a practising barrister, behaved in a way which could reasonably be seen by the public to undermine her honesty in that, on 24 February 2022, while being interviewed by a prospective employer for a position as an employed barrister, when asked if she had any unspent convictions, she answered no. This was untrue and she knew it to be untrue as she had an unspent conviction dated 17 September 2020 for driving with excess alcohol under section 5(1)(a) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988, for which she had been disqualified from holding or obtaining a driving licence for 40 months.

### **Preliminary Matters**

13. Mr Jacob applied to proceed in the Respondent's absence. The panel were satisfied that the procedure for notification had been complied with, that the Respondent was aware of the date of the hearing, and that she had received all the documentation relied upon by the Applicant. The Respondent had decided not to attend the hearing for understandable reasons which she had explained fully in writing. There was no application to adjourn the hearing. The panel were satisfied that it was just to proceed.

### **Submissions**

14. Mr Jacob presented the case on behalf of the BSB, setting out the background to the offence. The panel were grateful for the helpful written and oral submissions of Mr Jacob.

### **Evidence**

15. The panel considered the documents submitted by the BSB and by the Respondent.

### **Finding**

16. The panel decided unanimously that Charges 1 to 4 were proved.

17. The Chair made the panel and Mr Jacob aware that she had seen online that the Respondent had been the subject of disciplinary proceedings in July 2023 in respect of two convictions for driving whilst over the legal limit for alcohol. The Chair invited representations. Mr Jacob submitted that because the charges had not been disputed

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by the Respondent, he did not consider the Chair's awareness of the earlier disciplinary proceedings arising out of the same underlying convictions to be an issue.

## Sanction and Reasons

18. A summary of the panel's reasons is as follows:
19. The panel applied the Sanctions Guidance version 6 (January 2022). All four charges related to the same incident, namely that the Respondent knowingly and deliberately misled a prospective employer during an interview in February 2022 in saying that she had no unspent convictions. The Respondent had been sentenced in September 2020. The panel were satisfied this was conduct falling within Category A dishonesty, in that it involved lying.
20. In terms of culpability and harm, the following factors were relevant: the misconduct was not simply a fleeting or momentary lapse of judgment, it was a deliberate lie which was maintained throughout the course of the Respondent's employment; moreover, it was a lie which was told for the purpose of a gain, namely to obtain a position in a law firm. In terms of harm, the panel were satisfied that the extent to which public confidence is undermined because of the Respondent's conduct was significant. In terms of harm generally, the panel assessed the harm to be moderate. The panel judged that the misconduct straddled the upper and middle ranges of seriousness as identified on page 39 of the Sanctions Guidance. Overall, the panel considered that the conduct fell at the upper end of the middle range.
21. The panel considered the aggravating and mitigating factors for culpability and harm set out in Annex 2. As far as culpability was concerned, the panel were conscious of the need to avoid double counting. Most of the factors listed in Annex 2 had been taken into account already. The panel decided that none of the harm factors in Annex 2 applied. In relation to the aggravating factors set out in Annex 2, there had been previous disciplinary findings against the Respondent. The panel were told that in 2013 the Respondent had been subject to disciplinary proceedings for matters unrelated to the current proceedings.

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In view of the length of time that had passed since those earlier proceedings and the fact that they concerned unrelated matters, the panel disregarded them. However, in the latter part of 2016, the Respondent was convicted of drink driving. For reasons unknown to the panel, it seemed that the conviction in 2016 did not attract the attention of the BSB until July 2023 when the drink driving matter which underlies these charges was considered by a tribunal. The tribunal which sat in July 2023 judged that the 2016 matter amounted to a breach of what would now be Core Duty 5 in that it amounted to a lack of integrity. This panel considered that the 2016 drink driving conviction was a relevant factor. However, the panel were conscious that the present matter was concerned with deception in failing to disclose the conviction in September 2020 rather than the substantive offence. The Respondent's level of professional experience was relevant: the Respondent was called in 2005 and had been qualified for some 17 years when she lied to her prospective employer.

22. There were a number of mitigating factors. The Respondent had admitted the misconduct at an early opportunity and had demonstrated remorse. The panel were particularly struck by the Respondent's letter which the panel found genuine and compelling. The Respondent had cooperated with the investigation. There were significant difficult personal circumstances, not least the Respondent's chronic alcohol misuse problem which she was addressing. The panel read a report about the Respondent's father's ill health which would have had some impact on the emotional well-being of the Respondent. There were no references to be considered.
23. Turning to the sanction, the indicative sanction for dishonesty is disbarment. The panel considered whether there were any exceptional circumstances in this case. The panel looked carefully at the sad background to this case, but concluded unanimously that there were no exceptional circumstances.
24. The panel's unanimous decision was that the appropriate sanction was disbarment.
25. The Respondent was ordered to pay the sum of £250 towards the Applicant's costs.

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26. Mr Jacob applied for an order requiring the BSB not to issue to the Respondent a practising certificate pending the hearing of any appeal. In the absence of the Respondent, it was not possible to follow the normal course which would have been to invite the Respondent to make representations. Notwithstanding this, the panel decided that it, in all the circumstances, it was appropriate to make such an order.

**Approved: 10 October 2023**

**HH Janet Waddicor**  
**Chair of the Tribunal**

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