



The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

Report of Finding and Sanction

Case reference: PC 2021/8157/D5

Mark Peter Giles

The Director-General of the Bar Standards Board

The Chair of the Bar Standards Board

The Treasurer of the Honourable Society of Middle Temple

Disciplinary Tribunal

Mark Peter Giles

1. In accordance with an appointment made by the President of the Council of the Inns of Court contained in a Convening Order dated 14th September 2023, I sat as Chairman of a Disciplinary Tribunal on 18th October 2023 to hear and determine one charge of professional misconduct contrary to the Code of Conduct of the Bar of England and Wales against Mark Peter Giles, unregistered barrister of the Honourable Society of Middle Temple.

Panel Members

2. The other members of the Tribunal were:

Janine Green (Lay Member)

Helen Norris (Lay Member)

Robert Earl (Barrister Member)

Yusuf Solley (Barrister Member)

Parties Present and Representation

3. The Respondent was present and represented himself. The Bar Standards Board (“BSB”) was represented by Mr Jonathan Lennon KC of counsel.

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Charges

4. The hearing was concerned with a single charge of professional misconduct contrary to Core Duty 5 of the Code of Conduct of the Bar of England and Wales (9th Edition), the Particulars that on 15th August 2021, Mark Peter Giles, an unregistered barrister, assaulted another person. He pleaded guilty to assault by beating in October 2021 and was sentenced to a Community Order in December 2021.

Background history

5. Mr Giles was called to the Bar in 2010. He did not complete pupillage, and he does not hold authorisation to practice. He has therefore remained an unregistered barrister.

Plea

6. Mr Giles accepted the charge.

Preliminary issues

7. There were two preliminary issues:
 - a. Mr Lennon KC knew Mr Solley, who was on the Panel, professionally. Mr Giles did not object to Mr Solley continuing on the panel, and neither did any other person involved.
 - b. Mr Giles wished for certain health matters to be heard in private under rE156. This was not opposed by the BSB and the Panel allowed it unanimously.

Evidence

8. The Tribunal were provided with a bundle of documents. This included a number of documents from Mr Giles himself, including a witness statement, medical documents, and character references.
9. Mr Lennon KC briefly opened the facts of the case, which were not contested. Mr Giles was convicted on his plea of guilty at the first opportunity at the magistrates' court on 27th October 2021. This was in relation to an assault by beating on 15th August 2021. He was sentenced on 6th December 2021 to a Community Order with a Rehabilitation Activity Requirement and ordered to pay Prosecution costs. An application for costs was made.

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He promptly self-reported that matter to the BSB, though long delay was then incurred as the case 'fell between the cracks' at the BSB when the caseworker left and the case was not re-allocated.

10. Mr Giles provided his personal mitigation, including in relation to his health and his means, by way of documents contained within the Tribunal's bundle.

Finding

11. By virtue of his acceptance of the charge, Mr Giles accepted that his conduct amounted to professional misconduct.

Sanction

12. Mr Lennon KC directed the Tribunal to the Guidelines, and specifically to misconduct group I.
13. Application for costs made by the BSB in the sum of £1560.
14. Panel adjourned at 11:15 to consider sanction.
15. When they returned, they handed down sanction as follows:

The Tribunal have to determine the appropriate sanction to impose on the Respondent, Mr Giles, who has admitted the charge of professional misconduct against him. Mr Giles is an unregistered barrister. The charge alleges behaviour likely to diminish the trust and confidence which the public place in the profession. It arises out of his conviction for assault on Person A. The offence was committed in August 2021 and the conviction followed in October 2021 leading to a 12 month Community Order which was made in December 2021. Mr Giles himself has no recollection of the events surrounding the assault, but the facts are not in dispute, as described by Person A and Person B, who intervened at the end of the episode. The assault was a sustained, angry and violent physical assault causing significant, but fortunately not lasting, injuries. It must have been very frightening for both Person A and Person B. The assault unprovoked and clearly result of heavy drinking. The intervention of Person B may well have prevented more serious consequences. Tribunal's view is that this was a serious assault which could have been worse, but for which there is significant mitigation. In that: Mr Giles pleaded guilty at first opportunity, he self-reported promptly to the BSB. He has expressed remorse which Tribunal accept is genuine. The incident effectively ended his marriage, and he has, for the time being at least, been deprived of his professional indemnity insurance. The Tribunal have evidence of significant health problems

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which are, so far as possible, still being addressed. The Tribunal take into consideration also 7 impressive character references included in the bundle before the Tribunal.

There is no indication of future risk in relation to Mr Giles' professional dealings or personal life, provided at least that he is not affected by drink or stressful circumstances. Against that background the Tribunal have to have regard to current sanctions guidance and have applied the staged approach to sanctions required. Clearly the misconduct alleged falls within Group I within the specified categories - that is misconduct relating to behaviour towards others. In this case behaviour resulting also in a criminal conviction. Task of the Tribunal is not to impose second punishment but meet what is required to maintain public trust and confidence. Tribunal are unanimous in determining that the misconduct in this case is to be regarded as in the middle range in Group I, having regard to both culpability and harm. Tribunal consider suspension is necessary to make seriousness of offence and to mark the need to maintain trust and confidence in the profession. Therefore, a suspension of 6 months is imposed. No separate financial penalty but application for costs about which the Tribunal will hear further subs.'

16. The costs' schedule was handed up. Mr Lennon KC explains that he was instructed as junior, but took Silk during the life of the proceedings, and his fee has been claimed at the junior rate. He accepts that there has been significant delay caused by the BSB, not by Mr Giles.

17. The Panel retire briefly to consider whether to award costs and in what amount.

18. When they return, they make an order for costs as follows:

'Application made by BSB for costs. The amount sought being £1560, which is the cost claim limited to counsel's fees at junior rates plus VAT. We have been reminded of the need in appropriate cases to reflect delay insofar as it may have an impact on the amount of costs to be awarded. There has been delay in this case. It is a case which could and should have been processed more swiftly, and to that extent we reduce the amount claimed somewhat and direct the Respondent barrister will pay £1250 towards costs, payment to be made within 30 days or such other period as may be agreed between him and the BSB.

Dated: 18th October 2023

**HH James Meston KC
Chairman of the Tribunal**

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