



The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

Report of Finding and Sanction

Case Reference: 2021/8216/D5 & 2021/8244/D5

Mr Julian Boyd Orr

The Director-General of the Bar Standards Board

The Chair of the Bar Standards Board

The Treasurer of the Honourable Society of: Lincoln's Inn

Disciplinary Tribunal

Mr Julian Boyd Orr

1. In accordance with an appointment made by the President of the Council of the Inns of Court contained in a Convening Order dated 15 February 2024, I sat as Chairman of a Disciplinary Tribunal on 4 March 2024 to hear and determine 11 charges of professional misconduct contrary to the Code of Conduct of the Bar of England and Wales against Mr Orr, barrister of the Honourable Society of Lincoln's Inn [1995].

Panel Members

2. The other members of the Tribunal were:

Justine Davidge (Barrister Member)

Yusuf Solley (Barrister Member)

Kenneth Cameron (Lay Member)

John Vaughan (Lay Member)

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Charges

3. The following charges were admitted.
4. At the beginning of the hearing, with the agreement of Mr Orr, the charge sheet was amended to remove the words "*in detailed assessment proceedings*" from charges 1 and 2.
5. **Charge 1**

Statement of Offence

Professional misconduct, contrary to Core Duty 1 and rC3.1 of the Conduct Rules (BSB Handbook, version 4.5).

Particulars of Offence

Julian Boyd Orr, a practising barrister, failed to observe his duty to the court in the administration of justice and knowingly misled or attempted to mislead the court, in that, on or about 4 October 2020, he created a fee note for his professional fees in court proceedings (claim number F35YM780) in which he claimed a fee of £1,000 plus VAT for attending a Case Management Conference on 20 July 2020. Mr Orr knew that the fee note would be relied on to support his lay client's claim to costs. The fee stated was false and Mr Orr knew that it was false, as, on or around 15 July 2020, he had agreed a fee of £500 plus VAT with his instructing solicitors and he had created a fee note for the lower sum on that date.

Charge 2

Statement of Offence

Professional misconduct, contrary to Core Duty 3 (BSB Handbook, version 4.5).

Particulars of Offence

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Julian Boyd Orr, a practising barrister, failed to act with honesty and integrity in that, on or about 4 October 2020, he created a fee note for his professional fees in court proceedings (claim number F35YM780) in which he claimed a fee of £1,000 plus VAT for attending a Case Management Conference on 20 July 2020. Mr Orr knew that the fee note would be relied on to support his lay client's claim to costs. The fee stated was false and Mr Orr knew that it was false, as, on or around 15 July 2020, he had agreed a fee of £500 plus VAT with his instructing solicitors and he had created a fee note for the lower sum on that date.

Charge 3

Statement of Offence

Professional misconduct, contrary to rC87.1 of the Conduct Rules (BSB Handbook, version 4.5).

Particulars of Offence

Julian Boyd Orr, a practising barrister, failed to take reasonable steps to ensure that his practice was efficiently and properly administered, in that he submitted inconsistent fee notes for his fee for attending a Case Management Conference on 20 July 2020 in court proceedings (claim number F35YM780). On 15 July 2020, he created a fee note in which he claimed £500 plus VAT for his fees. On 4 October 2020, he created a fee note in which he claimed £1,000 plus VAT for his fees for the same work. Mr Orr submitted both fee notes to his instructing solicitors to support their lay client's claim to costs in the court proceedings.

Charge 4

Statement of Offence

Professional misconduct, contrary to Core Duty 1 and rC3.1 of the Conduct Rules (BSB Handbook, version 4.6).

Particular of Offence

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Julian Boyd Orr, a practising barrister, failed to observe his duty to the court in the administration of justice and knowingly misled or attempted to mislead the court, in that, on 28 July 2021, he signed a witness statement which he knew would be used in detailed assessment proceedings in claim number F35YM780, in which, at paragraph 4, he attributed responsibility for an increase in the fee claimed for his attendance at a Case Management Conference on 20 July 2020 from £500 plus VAT (as stated in a fee note created by Mr Orr on 15 July 2020) to £1,000 plus VAT (as stated in a fee note created by his Chambers on 15 December 2020) to his Chambers. Mr Orr knew that this was untrue, as he had created another fee note for the increased fee on 4 October 2020, over two months before his Chambers created a fee note.

Charge 5

Statement of Offence

Professional misconduct, contrary to Core Duty 3 of the Conduct Rules (BSB Handbook, version 4.6).

Particulars of Offence

Julian Boyd Orr, a practising barrister, failed to act with honesty and integrity, in that, on 28 July 2021, he signed a witness statement which he knew would be used in detailed assessment proceedings in claim number F35YM780, in which, at paragraph 4, he attributed responsibility for an increase in the fee claimed for his attendance at a Case Management Conference on 20 July 2020 from £500 plus VAT (as stated in a fee note created by Mr Orr on 15 July 2020) to £1,000 plus VAT (as stated in a fee note created by his Chambers on 15 December 2020) to his Chambers. Mr Orr knew that this was untrue, as he had created another fee note for the increased fee on 4 October 2020, over two months before his Chambers created a fee note.

Charge 6

Statement of Offence

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Professional misconduct, contrary to rC6.1 and rC6.2 of the Conduct Rules (BSB Handbook, version 4.6).

Particulars of Offence

Julian Boyd Orr, practising barrister, failed to comply with his duty not to mislead the court in that, on 28 July 2021, he signed a witness statement which he knew would be used in detailed assessment proceedings in claim number F35YM780, in which, at paragraph 4, he attributed responsibility for an increase in the fee claimed for his attendance at a Case Management Conference on 20 July 2020 from £500 plus VAT (as stated in a fee note created by Mr Orr on 15 July 2020) to £1,000 plus VAT (as stated in a fee note created by his Chambers on 15 December 2020) to his Chambers. Mr Orr knew that this was untrue or misleading, as he had created another fee note for the increased fee on 4 October 2020, over two months before his Chambers created its fee note.

Charge 7

Statement of Offence

Professional misconduct, contrary to rC87.1 of the Conduct Rules (BSB Handbook, version 4.6).

Particulars of Offence

Julian Boyd Orr, a practising barrister, failed to take reasonable steps to ensure that his practice was efficiently and properly administered, in that, on 28 July 2021, he signed a witness statement which he knew would be used in detailed assessment proceedings in claim number F35YM780, in which, at paragraph 4, he attributed responsibility for an increase in the fee claimed for his attendance at a Case Management Conference on 20 July 2020 from £500 plus VAT (as stated in a fee note created by Mr Orr on 15 July 2020) to £1,000 plus VAT (as stated in a fee note created by his Chambers on 15 December 2020) to his Chambers. This was incorrect, and Mr Orr should have known that it was incorrect, as he had created another fee note for the increased fee on 4 October 2020, over two months before his Chambers created a fee note.

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Charge 8

Statement of Offence

Professional misconduct, contrary to Core Duty 1 and rC3.1 of the Conduct Rules (BSB Handbook, version 4.6).

Particulars of Offence

Julian Boyd Orr, a practising barrister, failed to observe his duty to the court in the administration of justice and knowingly misled or attempted to mislead the court, in that, on 28 July 2021, he signed a witness statement which he knew would be used in detailed assessment proceedings in claim number F35YM780, in which, at paragraph 3, he stated that the reason that he (rather than his Chambers) had created a fee note for his professional fees on 15 July 2020 was the constraints of the coronavirus pandemic. This statement was untrue and misleading and Mr Orr knew this to be the case, both because the pandemic had not inhibited his Chambers from producing a fee note and because Mr Orr had created a fee note in another matter on 6 January 2020 before the pandemic.

Charge 9

Statement of Offence

Professional misconduct, contrary to CD3 of the Conduct Rules (BSB Handbook, version 4.6).

Particulars of Offence

Julian Boyd Orr, a barrister, failed to act with honesty and integrity in that, on 28 July 2021, he signed a witness statement which he knew would be used in detailed assessment proceedings in claim number F35YM780, in which, at paragraph 3, he stated that the reason that he (rather than his Chambers) had created a fee note for his professional fees on 15 July 2020 was the constraints of the coronavirus pandemic. This statement was untrue and misleading and Mr Orr knew this to be the case, both because the pandemic

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had not inhibited his Chambers from producing a fee note and because Mr Orr had created a fee note in another matter on 6 January 2020 before the pandemic.

Charge 10

Statements of Offence

Professional misconduct, contrary to rC6.1 and 6.2 of the Conduct Rules (BSB Handbook, version 4.6).

Particulars of Offence

Julian Boyd Orr, a practising barrister, failed to comply with his duty not to mislead the court in that, on 28 July 2021, he signed a witness statement which he knew would be used in detailed assessment proceedings in claim number F35YM780, in which, at paragraph 3, he stated that the reason that he (rather than his Chambers) had created a fee note for his professional fees on 15 July 2020 was the constraints of the coronavirus pandemic. Mr Orr knew that this statement was untrue and misleading both because the pandemic had not inhibited his Chambers from producing a fee note and because Mr Orr had created a fee note in another matter on 6 January 2020 before the pandemic.

Charge 11

Statement of Offence

Professional misconduct, contrary to rC87.1 of the Conduct Rules (BSB Handbook, version 4.6).

Particulars of Offence

Julian Boyd Orr, a practising barrister, failed to take reasonable steps to ensure that his practice was efficiently and properly administered, in that, on 28 July 2021, he signed a witness statement which he knew would be used in detailed assessment proceedings in claim number F35YM780, in which, at paragraph 3, he stated that the reason that he (rather than his Chambers) had created a fee note for his professional fees on 15 July 2020 was the constraints of the coronavirus pandemic. This statement was untrue and

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misleading because Mr Orr had created a fee note in another matter on 6 January 2020 before the pandemic.

Finding of Professional Misconduct

6. As a consequence of Mr Orr admitting each of the charges, the Tribunal found each of the allegations of professional misconduct brought by the BSB proven (pursuant to rE193 of the Enforcement Regulations).
7. Counsel for the BSB opened the case against Mr Orr, clarifying that the charges were brought on the basis that his behaviour was dishonest, specifically in relation to charges 1-2, 4-6 and 8-10. Therefore in admitting the charges Mr Orr had admitted dishonesty in relation to these charges.
8. The Tribunal subsequently proceeded to hear submissions as to sanction from the BSB and mitigation from Mr Orr. It was noted and accepted that Mr Orr has no previous disciplinary matters recorded against him.
9. The Tribunal were directed to the relevant parts of the BTAS Sanctions Guidance (2022) by counsel for the BSB. These included the guidance in respect of Misconduct Groups 'A' (Dishonesty) and 'L' (Obligations to the Regulator).

Sanctions

10. After considering the Sanctions Guidance and the sanctioning methodology set out therein, the Tribunal considered the following matters relevant to the question of what sanction should be imposed for the professional misconduct admitted in this case.
11. Mr Orr faces 11 charges, eight of which relate to dishonesty.
12. He admitted five of these, including three of dishonesty prior to this hearing, and admitted all the remainder today.
13. We heard from the BSB and Mr Orr himself, and we have taken into account the mitigation he has put forward. That of course includes the character reference that he has provided to us from his former Head of Chambers.

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14. These matters all stem from his conduct in a civil action in 2020 and 2021. He was instructed to represent the Claimant in a consumer credit action brought against a bank alleging the mis-selling of solar panels.
15. There was to be a Case Management Conference and an application in that litigation on 20 July 2020. This was during the pandemic but that was not, as is now accepted by Mr Orr, a factor of any importance in relation to what happened.
16. Before the hearing date, Mr Orr generated two fee notes, each for £500 + VAT. One was for the Case Management Conference. The other was in relation to the application that was to be made.
17. The fee notes were unusual in that they were not issued on Chambers' behalf or on Chambers' paper. Instead, they were issued by a consultancy company that Mr Orr controlled called 'Leewood Consulting Limited'. It appears that his Chambers were unaware of the existence of these fee notes, and we do not know why they assumed the form that they did.
18. At the hearing, the application that he had made was granted, with costs. These were paid and are not the subject of this hearing. The costs of the Case Management Conference were to be in the case.
19. The case very shortly afterwards settled.
20. On 7 August 2020, following the settlement, the proceedings were stayed by order of the District Judge. The Defendant was ordered to pay the Claimant's costs on a standard basis. As one would expect, what then happened was that there was negotiation between the solicitors in order to try and settle any issues as to costs, without the need for further litigation.
21. On 4 November 2020, the Claimant's solicitors instructing Mr Orr forwarded vouchers in support of the Claimant's claim for costs. These included the fee note for Mr Orr's appearance at the Case Management Conference. Now, the amount claimed was no longer £500 but £1,000. This, on the admission of Mr Orr, was a false fee note. It was

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issued by him on 4 October 2020 for no valid reason that we can discern, nor have we been given any by Mr Orr.

22. We are sure, and Mr Orr's admission of the relevant charges makes plain, that it was in fact a dishonest attempt by him to gain an excess payment from the Defendant in the action of £500 to which he was not entitled, by means of a fee note which had never crossed the desk of his Chambers' clerk, it having been issued again in the name of Leewood. This is the subject matter of charges 1, 2 and 3 – all of which have been admitted.
23. The fee note was robustly and rightly challenged by the costs partner of the Defendants' solicitor, Eversheds Sutherland, Mr Newberry.
24. What then happened, on 15 December 2020, was that Mr Orr instructed his clerks to issue a fee note on Chambers paper in respect of the hearing of 20 July 2020. The sum claimed wrongly remained £1,000 in respect of the Case Management Conference. Mr Newberry then demanded, and got, an order for detailed assessment of costs, even though the amount of costs concerned with the litigation was relatively modest.
25. The District Judge before whom the application for the detailed assessment came ordered a witness statement from Mr Orr, and one was produced by him dated 28 July 2021. That witness statement contains a statement of truth signed by Mr Orr which says as follows:

"I believe that the facts stated in this Witness Statement are true. I understand that proceedings for contempt of Court may be brought against anyone who makes, or causes proceedings for contempt of Court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a Statement of Truth without an honest belief in its truth."
26. Against that background, we find the witness statement makes dispiriting reading.
27. Paragraphs 2 and 3 state:

"2. I was instructed to attend an application and case management hearing on 20 July 2020 by telephone. I was at that time working remotely due to the pandemic."

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3. *Given the issues arising and because of the short notice request by those who instruct me to provide a fee note, I provided the same and note that schedule has the cost of attending the Case Management Conference at £500 and the Application Fee of £500. I prepared that fee note because of the constraints of the pandemic. Something I would never normally do.”*
28. That is an unacceptable statement as it is untrue in more than one respect. Whatever his normal practice, he had in the past, before the pandemic, issued a fee note in respect of another case in the name of Leewood Consulting Limited, again for no reason that we have been given; and the constraints of the pandemic had absolutely nothing to do with his providing the fee note with which we are concerned at all as his clerks room remained fully functional at all relevant times. In short, at paragraph 3, he is lying. This is the subject matter of charges 8, 9, 10 and 11.
29. Paragraph 4 states:
- “4. *Subsequently when the matter came for final billing, I reverted back to Chambers providing them with a breakdown of the times that had been provided in relation to the matter and they subsequently billed this particular hearing with the fee note for £1,500.”*
30. In other words, he is blaming his Chambers for billing the hearing at £1,000 when they were blameless, he was entirely responsible for the increased fee, and he had issued his inflated fee note two months before his chambers were involved at all. This is the subject matter of charges 4, 5, 6 and 7.
31. Immediately prior to the costs hearing, the claims for costs were abandoned. They had to be. They were dishonestly made and obviously so.

In asking itself, what is the appropriate sanction, the Tribunal considered the BTAS Sanctions Guidance, specifically that for Misconduct Groups A and L.

33. We consider that for this level of dishonesty, done for financial gain (however modest), and persisted in for about nine months, there is only one appropriate punishment, if

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confidence in the honesty of practising members of the Bar needs to be maintained. That is disbarment on all those charges in which dishonesty has been proved, these being charges 1, 2, 4, 5, 6, 8, 9 and 10.

34. As the Sanctions Guidance makes clear, disbarment should be the appropriate sanction for cases of dishonesty unless exceptional circumstances can be shown to exist. Guidance is given as to what amounts to exceptional circumstances in paragraph 5.3 of the Sanctions Guidance. In this case Mr Orr has not identified any circumstances relating to his conduct that we consider to be exceptional in the sense identified in the Sanctions Guidance or otherwise.
35. Therefore, there being no good reason to depart from the Sanctions Guidance in this matter, disbarment is the sanction imposed by this Tribunal.
36. On the other matters – charges 3, 7 and 11 – we would have imposed concurrent sentences of 3 months' suspension in light of all the surrounding circumstances and, in particular (with reference to the relevant 'culpability' factors set out within the Sanctions Guidance at Misconduct Group L), that what was done or not done would have led to financial gain if it had not been detected and had significant implications for the other persons involved in the underlying litigation. That may not be of particular relevance anymore in light of the sanction imposed for other charges.

The commencement of the sanction

37. In accordance with rE225.1 and rE227.1, it was determined by the Tribunal, after hearing representations from both the BSB and Mr Orr in accordance with rE226, that Mr Orr should suspend his practice with effect immediately.
38. The BSB is therefore directed to suspend the Respondent's practising certificate with immediate effect as a consequence.

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Costs

39. The BSB sought an order for costs in the sum of £2,382. This was not challenged by the Respondent and the costs were therefore awarded in full.

40. The Treasurer of the Honourable Society of Lincoln's Inn is requested to take action on this report in accordance with rE239 of the Disciplinary Tribunal Regulations 2017.

Dated: 6 March 2024

HIS HONOUR JUDGE NICHOLAS AINLEY

Chairman of the Tribunal

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