



The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

Report of Finding and Sanction

Case Reference: 2021/7227

William Magill

The Director-General of the Bar Standards Board

The Chair of the Bar Standards Board

The Treasurer of the Honourable Society of: Inner Temple [2011]

Disciplinary Tribunal

William Magill

1. In accordance with an appointment made by the President of the Council of the Inns of Court contained in a Convening Order dated 5 September 2024, I sat as Chairman of a Disciplinary Tribunal on 24 – 25 September 2024 to hear and determine 8 charges of professional misconduct contrary to the Code of Conduct of the Bar of England and Wales against William Magill, barrister of the Honourable Society of Inner Temple [2011].

Panel Members

2. The other members of the Tribunal were:

Desireé Artesi (Barrister Member)

Sirah Abraham (Barrister Member)

Melissa West (Lay member)

Ken Cameron (Lay member)

Charges

3. **Charge 1**

Statement of offence

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Professional misconduct, contrary to Core Duty (CD) 1 and/or Paragraph rC3 of the Code of Conduct of the Bar of England and Wales (9th Edition), contained in Part 2 of the Bar Standards Board Handbook (4th Edition)

Particulars of offence

Mr Magill, a barrister and BSB regulated person, failed to observe his duty to the court in the administration of justice, and/or abused his role as an advocate when, on 27 August 2021, whilst representing the Crown Prosecution Service, he sought to pressurise a defendant to plead guilty by using words to the effect of:

- *If you are doing that you are going to F...ing jail for 18 months*
- *Are you having it? (This was said repeatedly and forcefully) and/or*
- *if you plead Guilty you are walking out of here today*

Charge 2

Statement of offence

Professional misconduct, contrary to Core Duty (CD) 3 of the Code of Conduct of the Bar of England and Wales (9th Edition), contained in Part 2 of the Bar Standards Board Handbook (4th Edition)

Particulars of offence

Mr Magill, a barrister and BSB regulated person, failed to act with integrity, when, on 27 August 2021, whilst representing the Crown Prosecution Service, he sought to pressurise a defendant to plead guilty by using words to the effect of:

- *If you are doing that you are going to F...ing jail for 18 months*
- *Are you having it? (This was said repeatedly and forcefully) and/or*
- *if you plead Guilty you are walking out of here today*

Charge 3

Statement of offence

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Professional misconduct, contrary to Core Duty (CD) 5 of the Code of Conduct of the Bar of England and Wales (9th Edition), contained in Part 2 of the Bar Standards Board Handbook (4th Edition)

Particulars of offence

Mr Magill, a barrister and BSB regulated person, behaved in a way which was likely to diminish the trust and confidence which the public places in him or in the profession, in that, on 27 August 2021, whilst representing the Crown Prosecution Service, he sought to pressurise a defendant to plead guilty by using words to the effect of:

- *If you are doing that you are going to F...ing jail for 18 months*
- *Are you having it? (This was said repeatedly and forcefully) and/or*
- *if you plead Guilty you are walking out of here today*

Charge 4

Statement of offence

Professional misconduct, contrary to Core Duty (CD) 7 of the Code of Conduct of the Bar of England and Wales (9th Edition), contained in Part 2 of the Bar Standards Board Handbook (4th Edition)

Particulars of offence

Mr Magill, a barrister and BSB regulated person, failed to provide a competent standard of work and service to his client in that, on 27 August 2021, whilst representing the Crown Prosecution Service, he sought to pressurise a defendant to plead guilty when he used words to the effect of:

- *If you are doing that you are going to F...ing jail for 18 months*
- *Are you having it? (This was said repeatedly and forcefully) and/or*
- *if you plead Guilty you are walking out of here today*

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Charge 5

Statement of offence

Professional misconduct, contrary to Core Duty (CD) 1 and/or Paragraph rC3 of the Code of Conduct of the Bar of England and Wales (9th Edition), contained in Part 2 of the Bar Standards Board Handbook (4th Edition)

Particulars of offence

Mr Magill, a barrister and BSB regulated person, failed to observe his duty to the court in the administration of justice and/or failed to take reasonable steps to avoid wasting the court's time, in that, on 27 August 2021, prior to representing the Crown Prosecution Service that afternoon, he consumed alcohol so as to become and remain under the influence of alcohol, which disrupted the business of the court by causing one matter he was due to prosecute to be adjourned and/or a different court having to be found for a second matter he was due to prosecute and/or the court being closed.

Charge 6

Statement of offence

Professional misconduct, contrary to Core Duty (CD) 2 of the Code of Conduct of the Bar of England and Wales (9th Edition), contained in Part 2 of the Bar Standards Board Handbook (4th Edition)

Particulars of offence

Mr Magill, a barrister and BSB regulated person, failed to act in the best interests of his client, in that on the afternoon of 27 August 2021, whilst representing the Crown Prosecution Service, he was under the influence of alcohol in court, leading to him being unable to act as a prosecutor in two matters listed for that afternoon.

Charge 7

Statement of offence

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Professional misconduct, contrary to Core Duty (CD) 5 of the Code of Conduct of the Bar of England and Wales (9th Edition), contained in Part 2 of the Bar Standards Board Handbook (4th Edition)

Particulars of offence

Mr Magill, a barrister and BSB regulated person, behaved in a way which was likely to diminish the trust and confidence which the public places in him or in the profession, in that, on the afternoon of 27 August 2021, he appeared in court as an advocate whilst under the influence of alcohol.

Charge 8

Statement of offence

Professional misconduct, contrary to rC8 of the Code of Conduct of the Bar of England and Wales (9th Edition), contained in Part 2 of the Bar Standards Board Handbook (4th Edition)

Particulars of offence

Mr Magill, a barrister and BSB regulated person, behaved in a way which could be reasonably be seen by the public to undermine his integrity, in that, on the afternoon of 27 August 2021, he appeared in court as an advocate whilst under the influence of alcohol.

The charges all related to the Respondent's alleged behaviour as a barrister in court on 27 August 2021. On that date he was retained by the Crown Prosecution Service to prosecute a 1 day list in Manchester and Salford Magistrates Court spanning the morning and afternoon. He attended the court in the morning of 27 August 2021. He has accepted professional misconduct in respect of charges 1-4 (as clarified in the particulars of each of those charges) and the corresponding breaches of the Core Duties of the Code of Conduct of the Bar of England and Wales set out in the statement of each of those offences. However, the Respondent has denied any professional misconduct as set out in Charges 5-8 on the grounds that any alcohol consumed during the luncheon adjournment on 27

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August 2021 (which he admitted) and any alleged corresponding behaviour on his part in court in the afternoon attributable to the influence of alcohol was in fact attributable to a medical condition. The Respondent contends that he suffered an acute stress reaction on 27 August 2021 brought about by significant and very distressing disclosures [REDACTED] which led directly to him drinking alcohol in the lunch adjournment on 27 August 2021 and subsequent inappropriate conduct exhibited in court during the afternoon of 27 August 2021.

Parties Present and Representation

4. The Respondent was present and represented by Neil Sheldon KC. The Bar Standards Board (“BSB”) was represented by Gareth Tilley.

Preliminary Matters

5. Following representations made on behalf of the Respondent that the background features of the case included very sensitive and personal material which was not required to be in the public domain, and with the Tribunal encouraged to sit in private for the majority of the evidence during the hearing, it was nevertheless determined by the Tribunal that the hearing should not be heard in private save where the evidential matters were of so personal a nature that a private hearing was necessary and proportionate to the interests of justice.

Findings

6. This is a unanimous decision of the Tribunal. We heard lengthy oral evidence from the Respondent on 24 and 25 September 2024 and remote evidence from Dr C [REDACTED] during the afternoon of 24 September 2024. We also read a lengthy statement of the Respondent dated 30 May 2024. We read a number of written statements prepared (a) by the barrister (Mr WS) who represented his client as defence counsel in court during the afternoon hearing on 27 August 2021 (b) by the Magistrates presiding in court on 27 August 2021 and (c) the legal adviser to the Magistrates (Mr CB) on 27 August 2021. These statements were not challenged by the Respondent. Ms B JP described the Respondent as being “somewhat distracted” during the morning session on 27 August 2021 but with a

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“noticeable change in (his) demeanor in the afternoon”. She described the Respondent’s speech as slow and exaggerated in the afternoon and on occasion “his eyes were closed”. In her opinion, he seemed to lack focus and was at pains to remain coherent. The legal adviser, Mr CB, described the Respondent as appearing to be “uninterested” after the lunch adjournment with his speech “slightly slurred”. Mr Buxton considered that the Respondent might be intoxicated and he noticed that the Respondent’s speech was slurred while addressing the magistrates in court in the afternoon of 27 August 2021.

7. In light of the alleged professional misconduct which concerned the admitted consumption of alcohol by the Respondent during the lunchtime adjournment on 27 August 2021 and its effect upon the court proceedings in the afternoon, we considered that Mr Tilley’s cross-examination of the Respondent about his medical history and his relationship with alcohol [REDACTED]
8. [REDACTED]
9. [REDACTED]
10. Following the events of 27 August 2021, we are satisfied that the Respondent suffered a serious set-back in his health. He was immediately suspended from taking any further cases on behalf of the CPS. [REDACTED] In his undated written submission to the CPS he wrote that after the devastation of receiving news on 26 August 2021 [REDACTED]. He said in the written submission to the CPS that he had then gone to the pub on 27 August 2021 and had consumed a pint of lager “in an attempt to calm myself down”. He continued in the written statement that “the cumulative effect of lack of sleep, [REDACTED] together with the interaction of the painkillers may well have given the impression that I was intoxicated”.
11. [REDACTED]
12. [REDACTED]

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13. In January 2024 the Respondent asked for an entry in his GP record (dated September 2021) to be amended. [REDACTED]
14. In his report to the court dated 29 April 2024 Dr C [REDACTED] studied the Respondent's medical records and spoke to the Respondent by video call on 16 April 2024. He noted that the day of the incident in August 2021 had been the Respondent's last day of work in chambers having given his notice to chambers that he wished to leave.
15. [REDACTED] He described not having been in a fit state in the morning of 27 August 2021 and not in a fit state in the afternoon after he had consumed two half pints of lager during the lunch adjournment. He agreed that he had used language to the defendant at court in the afternoon which had been too robust and had said to the defendant that if he pleaded guilty he would likely avoid prison (charges 1-4). The defendant had told his legal representative (Mr WS) when he arrived at court -and after the Respondent had spoken to him - that he (the Respondent) had been likely drinking alcohol when he had confronted him. [REDACTED]
16. Dr C considered that the Respondent "likely leaned on alcohol during his lunch break (on 27 August 2021) as a way of coping with his stress. ...the alcohol use made the situation worse in that it made him irritable and dis-inhibited leading to an altercation with a defendant in court". in his report, Dr C said this:

184 "Mr Magill's presentation of the day of the incident was in my opinion on a balance of probabilities consistent with an acute stress reaction, He must of course take some responsibility for his alcohol use on the date and Mr Magill on assessment took full responsibility for this. In the absence of an acute stress reaction the probability of alcohol use during his lunch break is likely to have been much lower."

186 "As a consequence of acute stress reaction Mr Magill presented with high level of stress on the day of the incident which likely impacted on his ability to concentrate, retain information, focus on tasks in hand and tolerate the stresses and challenges of

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being in court. This in turn likely led Mr Magill to consume alcohol during his lunch break leading to a further decline in his [REDACTED] health.”

17. In his oral evidence, Dr C said that the symptoms of acute stress disorder could vary widely and could very likely fluctuate within a single episode. He considered that the Respondent’s high expenditure of energy earlier in the day on 27 August 2021 had been likely to cause a slowing up in his behaviour due to acute stress reaction. When asked if the Respondent had not been suffering from acute stress reaction whether he would have been likely to have resorted to alcohol, Dr C replied the this would depend on his behaviour towards alcohol preceding the date in question. If there was no evidence that he had resorted to drinking alcohol during a court day in the past then it was “very likely that alcohol was secondary to an acute stress reaction”. He said that the disclosures on 26th August 2021 could have been a shocking and acute stressor for the acute stress reaction the following day. He agreed with Mr Tilley that his assessment of the conduct of the Respondent on 27 August 2021 was very dependent on the Respondent’s self-accounting and that he had relied on him drinking only 1 pint of lager in the lunch adjournment on 27 August 2021 and no more alcohol than this. He could not say if it was unlikely or not that the Respondent had drunk more than he had disclosed but he accepted from disclosure of his medical records that [REDACTED] there was no prior record of alcohol use during the working day and he would have known the harmful consequences of consuming alcohol during the working day. [REDACTED].

18. During final submissions from Counsel our attention was drawn to the case of **Bar Standards Board v Stephen Howd [reported on 14th February 2017]** and the judgment of Lang J. The facts bear some similarity to the present case in that the Tribunal was advised that Mr Howd had a medical condition which was not disclosed in the judgment but which, in defence of allegations of inappropriate conduct towards women barristers in his chambers, had caused him to have behaved inappropriately. Lang J found that Mr Howd’s behaviour had not (as the Tribunal found) been caused by excessive consumption of alcohol and at Paragraph 21 of her judgment she said this: “I am satisfied that the Tribunal’s conclusions on Mr Howd’s medical condition were mistaken and that they misunderstood and misapplied the medical evidence when they concluded that his medical condition did not make a significant

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contribution to his conduct and that it was caused by excessive consumption of alcohol...in my judgment the medical evidence established, on the balance of probabilities that his inappropriate and at times offensive behaviour was a consequence of a medical condition. It also established that his excessive consumption of alcohol was very likely to have been a response to the onset of his medical condition and it probably had the unfortunate consequence of exacerbating his disinhibition and loss of judgment on that occasion.” Lang J found at paragraph 55 of her judgment that Mr Howd’s behaviour was caused by factors beyond his control and did not reach the threshold for a finding of serious professional misconduct.

19. At the conclusion of the evidence, we heard oral submissions from both legal representatives for which we are very grateful. In our judgment the crucial issue is whether an acute stress reaction (from which the Respondent may well have suffered following the disclosures on the evening of 26 August 2021 and a condition which was not challenged by the BSB) caused the Respondent to drink alcohol at lunchtime on 27 August 2021 and then return to court in a state which meant that he was (a) unfit to conduct any further court business on behalf of the CPS and (b) led to the early closure of the court during the afternoon of 27 August 2021. In our evaluation of the evidence we have looked very carefully at the disclosed medical records of the Respondent [REDACTED] assessed the Respondent’s overall credibility while giving oral evidence to us during the hearing and studied the overall pattern of his behaviour following the disclosures made to him [REDACTED] on 26th August 2021. We have also considered whether the disclosures and subsequent telephone calls [REDACTED] on 27 August 2021 made him so preoccupied, distracted and medically unfit that, entirely out of character, he drank alcohol in the middle of a court day. We have also looked at all surrounding circumstances of the case including the fact that the Respondent had been able to get up in the morning of 27 August 2021, get himself to court to manage the prosecution list and (albeit at a lower functioning level than usual) function as prosecuting counsel in court during the morning session.

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20. In considering the circumstantial evidence, we consider it of relevance that the Respondent sought no medical advice about the events of 27 August 2021 until 20th September 2021, some three weeks later. [REDACTED]
21. In all the circumstances, and reviewing all facets of the evidence before the Tribunal with great care, we have concluded that the Respondent's conduct in drinking alcohol at lunch time on 27 August 2021 was **not** directly attributable to or caused by the consequences of an acute stress reaction following the receipt of very distressing news on 26 August 2021 but was a voluntary act [REDACTED]. We do not accept in the absence of any corroborative evidence that the decision to drink alcohol at lunchtime on 27 August 2021 was entirely out of character and/or that the Respondent had **not** been drinking for a 1 year period beforehand. In our opinion -and on the facts of this particular case -we do **not** find that a medical condition (acute stress reaction) was the trigger for the Respondent's decision to drink 2 half pints of lager between the morning and afternoon session at court. We find that he was in a position to make a conscious choice to drink or not to drink alcohol on 27 August 2021 during a working day and that he consciously chose not to stop himself from ordering and drinking alcohol during the lunchtime adjournment and (on his case) chose to go up to the bar on two separate occasions during the adjournment in order to purchase alcohol for consumption.
22. Looking at the entirety of the actions of the Respondent on 27 August 2021 [REDACTED] we have concluded, on balance of probabilities, that the unfortunate events in the afternoon of 27 August 2021 as set out in charges 5-8 were caused not by an acute stress reaction [REDACTED]. To this end and while fully taking on board the observations and findings in the **Howd** case (above) we have concluded that each case is fact specific and that we are not in any way bound to make a similar finding as to professional conduct in the present case. Our analysis of the evidence in the present case has led us to the clear conclusion that charges 5-8 are proved on the evidence before the Tribunal and that any issue of acute stress reaction is relevant only to mitigation as and when sanction is considered by the Tribunal on 4 December 2024.

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Dated: 14 October 2024

HH Sara Staite
Chairman of the Tribunal

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Report of Sanction

Case Reference: 2021/7227

William Magill

The Director-General of the Bar Standards Board

The Chair of the Bar Standards Board

The Treasurer of the Honourable Society of: Inner Temple [2011]

Disciplinary Tribunal

William Magill

1. On 4 December 2024 the Tribunal sat to consider sanction following their decision on findings dated 14 October 2024. This document should be read in conjunction with this document.
2. The members of the Tribunal were:

HH Sara Staite (Chair)
Desireé Artesi (Barrister Member)
Sirah Abraham (Barrister Member)
Melissa West (Lay member)
Ken Cameron (Lay member)
3. On 4 December 2024 the Tribunal delivered their reasoning on Sanction and was read out as follows.

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Sanction

4. On the 14 October 2024, the Disciplinary Tribunal produced a Report of Findings and Sanction following a 2 day contested hearing which took place on the 24 and 25 September 2024.
5. The Tribunal had been convened in September 2024 to consider 8 charges of professional misconduct against Mr William Magill (the respondent). The charges were set out in the body of the Report of Finding and Sanction. I do not propose to repeat them in this ruling today, which is dealing specifically with the appropriate sanction to be applied to the proven professional misconduct on the part of the respondent following our unanimous decision that all eight of the charges were proved to our satisfaction.
6. However, it is right to state at the outset of our ruling today that the respondent admitted the first four charges on the charge sheet at the Tribunal hearing on the 24 September 2024. But he did contest the remaining four charges, which we found proved following the two day disciplinary hearing. Conscious as we are about the sensitivity of certain aspects of the case, which were drawn to our attention by Mr Sheldon KC, the respondent's legal representative at the outset of the hearing in September 2024, we do not intend to repeat the particulars or specific background features in relation to the offences which were set out in summary in the report following the details of the specific 8 charges and expanded upon in paragraph 6 onwards of the report. In the course of our earlier report, we found that while there was no challenge to the respondent's medical and or psychiatric condition at the time of the index events on the 27 August 2021 that he was suffering from an acute stress disorder attributable to the receipt of extremely distressing [REDACTED] news the previous evening, we found nevertheless, in relation to Charges 5 to 8, paragraph 21 in our findings as follows.
7. In all the circumstances and reviewing all facets of the evidence before the Tribunal with great care, we have concluded the respondent's conduct and drinking alcohol at lunchtime on the 27 August 2021 was not directly attributable to or caused by the consequences of an

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acute stress reaction following the receipt of very distressing news on the 26th of August 2021. That was a voluntary act, [REDACTED] In our opinion and on the facts of this particular case, we do not find that a medical condition (Acute stress reaction) was the trigger for the respondent's decision to drink two half pints of lager between the morning and afternoon session at the court. We find that he was in a position to make a conscious choice to drink or not to drink alcohol on the 27 August 2021 during a working day, and that he consciously chose not to stop himself from ordering and drinking alcohol during the lunchtime adjournment. And on his case, chose to go up to the bar on two separate occasions, during the adjournment in order to purchase alcohol for consumption.

8. The following is our decision in relation to all the charges. The case was listed for consideration as to sanctions for hearing before the full Tribunal on the 4 December 2024. On this occasion, we received a short note on sanctions from Mr Tilly, on behalf of the BSB, who quite properly, did not make any or representations on behalf of the BSB as to sanctions. We also listened to lengthy but extremely helpful submissions advanced on behalf of the respondent by Mr Sheldon KC. Furthermore, we received in advance of the sanctions hearing, a document from Cansford Laboratories dated the 27 November 2024, confirming that no alcohol was detected on analysis of a hair sample from the respondent between the 20 September 2024 and 19 November 2024.
9. Our first task, concerns Charges 1 - 3. These related to the respondent's behaviour in the Magistrates Court on the 27 August 2021, while acting as prosecution counsel and circumstances, where on his own admission, he put pressure on a defendant to plead guilty to a criminal offence by indicating that with a plea of not guilty the defendant was going to jail for 18 months or thereabouts, whereas if he pleaded guilty, he would walk out of court a free man. We were required to determine whether the respondent's behaviour fell into category C of the misconduct groups, as the BSB asserted, or category I as asserted on behalf of the respondent.

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10. We considered this matter very carefully indeed in our deliberations this morning, in circumstances where we were very concerned about the position of control exerted by the respondent towards the defendant at court on the 27 August 2021 and the defendant, whom the respondent believed at the time he approached him, was unrepresented. We took into account the fact that, while the respondent's behaviour towards a defendant at court in his capacity as CPS prosecutor could at one level be deemed to be bullying and intimidating, the overall perception of his conduct, inappropriate as it was, was more akin to the description of behaviour outlined in Group I which would appear to apply to a more specific instance of unacceptable behaviour, including inappropriately aggressive or threatening behaviour in professional life. In this case, while the respondent was acting as prosecuting Counsel on the 27 August 2021, on any view in assessing seriousness, the respondent's misconduct was directed at a person, a vulnerable situation or place that is a defendant awaiting his court appearance for an afternoon hearing. Considering the culpability factors in Annex 2 of the Sanctions Guidance we are satisfied the misconduct on the respondent's part was intentional and that his motivation for the misconduct was to obtain a guilty plea in circumstances where there was a clear imbalance of power between the respondent and the defendant. In our view, the respondent's conduct was serious and however unfortunate his personal circumstances were at the time, and we do not minimise these. He behaved in a way towards a defendant whom he perceived at the time of his approach to be legally unrepresented, which could clearly diminish the trust and confidence which the public places in a barrister or in the profession.
11. The respondent's behaviour was, in our view, a clear abuse of his role as an advocate. In relation to the harm caused by the respondent's conduct towards the defendant on the 27 August 2021, we are clear that this would have had an impact on the public confidence in the legal process and an adverse impact on the administration of justice, as specifically set out in annex 2 of the Sanctions Guidance. We consider that, but for the arrival of the defendant's legal representative shortly after he'd been spoken to by the respondent, there was a real risk of further harm being occasioned to the defendant and to the administration

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of justice in circumstances where the defendant may well have pleaded guilty in court to an offence as a direct result of the respondent's intervention to an offence of which he was subsequently acquitted.

12. In determining the seriousness of the respondent's behaviour in relation to charges 1 to 3, we've determined by way of mitigation that the defendant was in a very difficult personal situation at the time of the offences, that it was an isolated event and that the misconduct has not been repeated since and is unlikely to be repeated. As we found, the respondent had chosen to consume alcohol during the lunch adjournment, which in his professional capacity would appear to have been out of character, [REDACTED]. And the stance from which he did not resile during the course of the hearing in September 2024, we've noted the steps taken by the respondent to address these issues with alcohol and have noted his previous good character.
13. With this in mind and in relation to Charges 1 - 3, we have unanimously concluded that the seriousness range in relation to category I is appropriately designated as the middle range. In relation to Charges 5 to 8, it is agreed that the appropriate sanctions category is G, as it is clear that the consequence of the respondent's decision to drink alcohol on the 27 August 2021 in advance of his decision to speak to the defendant and the ineffective court proceedings which followed had an immediate impact on the business of the court and that the respondent was unfit to act as prosecutor in two matters listed for that afternoon. The court proceedings therefore finished earlier in the day than would otherwise have been the case. This was in our view, directly attributable to the respondent's misconduct, and while we do not ignore his personal circumstance at the time, nor the impact of these circumstances on his overall mental health, his behaviour, perceived from the perspective of the general public and the integrity of the bar, had significant consequences which could and should have been averted had he behaved differently and appropriately on the day in question.

The Bar Tribunals & Adjudication Service

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14. In relation to Charges 4 and 6, we accept that these come under misconduct group K and specifically relate to the respondent's failure to provide a competent standard of work and service to his client, that is the CPS, during the afternoon of the 27th of August 2021 and the significant impact which this had on the court proceedings listed in the afternoon of the 27 August 2021. Clearly the CPS was unable to use the respondent's services that afternoon and this demonstrated delay and a negative impact on the progress of criminal cases in the court that day.
15. Having regard to all the matters set out above and having read all the evidence in the case, including the respondent's witness statement, the report of Dr C dated the 29 April 2024 and balancing this evidence with the seriousness and culpability guidance to which reference has been made, we're satisfied that in relation to each of the 8 Charges the respondent's misconduct falls within the middle range of seriousness. The indicative sanctions in relation to each aspect of respondent's misconduct is to a median level fine to a suspension of up to or less than 12 months. Looking at the totality principle, which we've considered very carefully, we are satisfied that the charges are and were cumulatively sufficiently serious to justify a period of suspension in this case.
16. Accordingly, we have resolved, having regard to the strong mitigation advanced on behalf of the respondent, to make this period as short as possible, and we've determined that an immediate suspension of three months is applicable to the circumstances of this particular case. [REDACTED] we also intend to impose a condition on his practising certificate that, at the end of the suspension from practice period, the respondent shall provide the BSB with satisfactory proof of abstinence from alcohol for three months prior to the end of his suspension. If no such satisfactory proof of compliance is provided at the end of the suspension period, the respondent's practising certificate will continue to be suspended by the BSB, until such time as satisfactory proof of compliance is provided.

Costs

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17. Costs of £4,794 to be paid to the Bar Standards Board.

Dated: 4 December 2024

HH Sara Staite

Chairman of the Tribunal

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