



The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

Report of Finding and Sanction

Case Reference: 2023/1413/D3

Mr Dominic Charles D'Souza

The Director-General of the Bar Standards Board

The Chair of the Bar Standards Board

The Treasurer of the Honourable Society of Inner Temple

Disciplinary Tribunal

Mr Dominic Charles D'Souza

1. In accordance with an appointment made by the President of the Council of the Inns of Court contained in a Convening Order dated 3 June 2025, I sat as Chair of a Disciplinary Tribunal on 17 June 2025 to hear and determine 3 charges of professional misconduct contrary to the Code of Conduct of the Bar of England and Wales against Mr Dominic Charles D'Souza, barrister of the Honourable Society of Inner Temple.

Panel Members

2. The other members of the Tribunal were:

Mr Geoffrey Brighton (Lay Member);

Mr Hylton Armstrong (Barrister Member).

Charges

3. The following charges were admitted.

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Charge 1

Statement of Offence

Professional misconduct, contrary to Core Duty 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 D'Souza, 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 29 March 2023, during a break in a criminal trial at Snaresbrook Crown Court in which Mr D'Souza was representing a client, and shortly before the trial resumed, Mr D'Souza consumed alcohol, while seated in his car in the court parking lot.

Charge 2

Statement of Offence

Professional misconduct, contrary to Core Duty 1 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 D'Souza, a barrister and BSB regulated person, behaved in a way which foreseeably interfered with the administration of justice, in that, on the 29 March 2023, during a break in a criminal trial at Snaresbrook Crown Court in which Mr D'Souza was representing a client, and shortly before the trial resumed, Mr D'Souza consumed alcohol, while seated in his car in the court parking lot. When a report of this behaviour was made to the judge, Mr D'Souza withdrew from the case, the jury was discharged, and a new date was fixed for the criminal trial.

Charge 3

Statement of Offence

Professional misconduct, contrary to Core Duty 1 and Rule C3.3 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 D'Souza, a barrister and BSB regulated person, behaved in a way which foreseeably wasted the time of the court, in that, on the 29 March 2023, during a break in a criminal trial at Snaresbrook Crown Court in which Mr D'Souza was representing a client, and shortly before the trial resumed, Mr D'Souza consumed alcohol, while seated in his car in the court parking lot. When a report of this behaviour was made to the judge, Mr D'Souza withdrew from the case, the jury was discharged, and a new date was fixed for the criminal trial.

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Parties Present and Representation

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

Pleas

5. The Respondent admitted the charges.

Evidence

6. There was no oral evidence. By reference to his skeleton argument, Mr Clay opened the case for the BSB. By reference to his skeleton argument, Mr Sheldon made submissions on the facts, admissions and sanction. We carefully listened to these submissions and derived assistance from both. Mr Clay made an application for costs on behalf of the BSB.
7. The Tribunal retired to consider its decision.

Findings

8. These three misconduct charges arise from an incident on the on the 29 March 2023 when the Respondent was sitting in his car in the car park of Snaresbrook Crown Court, where he was part heard in a trial. It was lunchtime. The Respondent was in the driver’s seat. His car was parked facing away from the roadway and next to a large van. Unbeknownst to the Respondent, he was being covertly filmed by the van’s owner through the vehicle’s smoked glass windows. The film shows the Respondent to take two short drinks from a bottle of spirits.
9. There is no suggestion that the Respondent was drunk before or after the event; in fact the evidence suggests he had performed effectively in Court. The evidence further suggests, however, that the Respondent was ill and he says that he took drink to calm his stomach. The BSB takes no issue with that and therefore we accept it.
10. The person who had filmed the Respondent made formal complaint to a Judge in the Court. That complaint was not simply that the Respondent was drinking but suggested other, far more serious, misbehaviour which, we underline, was not provable by the BSB; indeed the evidence as we read it tends to suggest that allegation was false. It was that false allegation

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that led the Respondent to the view he would have to withdraw from the trial and that let the Judge to discharge the jury. The Judge made a referral to the BSB.

11. The Respondent did not make immediate admissions consistent with the facts he now accepts – that he was drinking brandy. He said he was drinking Kombucha from a brandy bottle. His change of stance was communicated to the BSB in November 2024, and the BSB amended its charges to reflect this and its evidential difficulties in relation to the other matters in April 2025.

Sanction and Reasons

12. In considering sanction we have been guided by the BTAS Sanctions Guidance V6 (“the Guidance”).
13. The first step in the methodology set out in the Guidance is to determine the applicable Misconduct Group. It is common ground among the parties that this case essentially falls under Group G: Administration of Justice.
14. The BSB submits that in terms of culpability this was *“risky behaviour which might have serious consequences”* that was *“not intentional but may be described as reckless”*. As to harm, it suggests *“there was a foreseeable impact on proceedings and the action required to remedy the consequences of the misconduct was the serious step of adjourning a crown court case on the 4th day of trial”*.
15. Mr. Sheldon submits on the Respondent’s behalf as to culpability that the Respondent’s behaviour *“had the potential to diminish the trust and confidence which the public places in him. An observer might not be aware of how little alcohol he had consumed and might have cause to be concerned that his performance in court could have been adversely affected”*. As to harm, the point is made that had it not been for the false allegation
 - a. the Respondent would have had no reason to withdraw; and
 - b. the trial judge would have been highly unlikely to have regarded it as necessary to discharge the jury.

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16. As to culpability, while we of course accept that there is no prohibition on drinking at lunchtime, any barrister should bear in mind that context matters. It is difficult to conceive of a situation more likely to cause public disquiet than a barrister engaged in a trial sitting in the driver's seat of a car in the Crown Court car park drinking directly from a bottle of spirits. However, we bear in mind that the Respondent believed himself to be acting unobserved in private, that he drank very little, and that he did so misguidedly in circumstances when he was unwell. Overall, we take the view that his culpability is low.
17. In terms of harm, we accept the submission that but for the unpursued allegation, the Crown Court trial would have been maintained. It follows we take the view that no definable harm flowed from the culpable action.
18. Having regard to guidance, indicative sanction is therefore in the lower range – a low to medium level fine.
19. As to aggravation, we regard the Mr. D'Souza's seniority and experience and his failure to offer factual admissions as significant aggravating features. While we understand that the early focus was upon the more serious allegations, we regard it as regrettable that senior member of profession did not offer earlier the account which ultimately resolved the case.
20. Mitigation has been put before us beautifully by Mr. Sheldon; what follows is a more prosaic list:
- a. as to future risk, all accept that this was a one off incident, taking place at time when the Respondent was unwell
 - b. the Respondent only drank at time when responsibilities of his role in the trial were minimal, and that the evidence suggests that his performance prior to drinking had not only shown no sign of impairment, but had been impressive
 - c. that the disciplinary process, which included more serious allegations until relatively recently, has had a very significant adverse impact upon the Respondent both professionally and personally.
21. Reflecting on the case overall, we were unable to accept Mr. Sheldon KC's submission that a reprimand alone was suitable; we take the view a low level fine is appropriate. The

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Tribunal's decision on sanction, having considered totality, was that the Respondent be fined £1000 on each count and ordered to pay the costs of the BSB in the sum of £2,670.

Dated:

Tom Crowther KC
Chair of the Tribunal

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