

Simon Cavender

CALL/INN: Called to the Bar by Middle Temple, October 1992

TYPE OF HEARING: 3 Person Disciplinary Tribunal

DATE OF DECISION: 27th October 2014

In breach of

Contrary to paragraphs 202(c), 905(d) and pursuant to paragraph 901.5 of the Code of Conduct of the Bar of England and Wales (8th Edition).

Details of Offence

Between the 24th and 25th January 2012 Simon Cavender held himself out or allowed himself to be held out as a barrister pursuant to paragraph 201 of the Bar's Code of Conduct without having a current practising certificate issued by the Bar Council in accordance with the practising requirements in paragraph 202(c) of the Code of Conduct in that on the 25th January 2012 he sent an email to Lambeth County Court in which he described himself as 'Counsel for the Claimant'. The email was copied to his lay client and to the opposing solicitors. Attached to the email was a costs schedule on which Simon Cavender's name and year of call appears in the box for 'Counsel's fees'.

Such behaviour was serious and therefore constitutes professional misconduct pursuant to paragraph 901.5 of the Code of Conduct, by virtue of its nature and extent.

Simon Cavender failed to respond promptly to the request for comments or information in connection with the complaint as raised in emails from the Bar Standards Board dated the 19th August 2013 sent at 15.43 and 16.02 namely Mr Cavender failed to:

(i) Confirm whether he was paid Counsel's fees for £2500 plus VAT as claimed in the costs schedule dated the 24th January 2012; (ii) Respond to points raised in the email of the 19th August 2013 at 16.02 requesting information about the use of the term "Chambers of Simon Cavender" and his relationship with Peter AC Sloan Solicitors.

Such behaviour was serious and constitutes professional misconduct by its nature and in combination with charges 1 and/or 3 and/or 4 and/or 5 and/or 6.

Between the 24th and 27th January 2012 Simon Cavender held himself out or allowed himself to be held out as a barrister pursuant to paragraph 201 of the Bar's Code of Conduct without having a current practising certificate issued by the Bar Council in accordance with the practising requirements in paragraph 202(c) of the Code of Conduct and the Practising Certificate Regulations (Annex D of the Code of Conduct) in that on the 27th January 2012 he

carried out reserved legal activities by exercising rights of audience representing Mr Sm Bond in proceedings before the Lambeth County Court in case number 6LB08195 Bond-v-Angel Property (Hartley Buildings) Limited where he held himself out to Mr Bond and/or District Judge Wakem as a Barrister.

Such behaviour was serious and therefore constitutes professional misconduct pursuant to paragraph 901.5 of the Code of Conduct, by virtue of its nature and extent and that it may constitute a criminal offence pursuant to Section 14 of the Legal Services Act 2007.

Between the 25th July 2011 and the 2nd December 2011 Simon Cavender held himself out or allowed himself to be held out as a barrister pursuant to paragraph 201 of the Bar's Code of Conduct without having a current practising certificate issued by the Bar Council in accordance with the practising requirements in paragraph 202(c) of the Code of Conduct in that on the 25th, 26th, 27th, 28th and 29th July 2011 and the 10th and 11th October 2011 he provided legal services to Mr Stephen B Lewis in that he appeared before the Leasehold Valuation Tribunal in proceedings between Aina and 12 others-v-Jam Factory Freehold Limited LON/00BE/LSC2010/0759 and LON/00BE/LAM2012/0037 ("Aina-v-The Jam Factory") and held himself out as counsel for Mr Lewis to Mr Lewis and/or the other 12 Applicants and/or the Tribunal and/or to the representatives of the Respondent company.

Such behaviour was serious and therefore constitutes professional misconduct pursuant to paragraph 901.5 of the Code of Conduct, by virtue of its nature and extent.

Between the 20th September 2011 and the 2nd December 2011 Simon Cavender held himself out or allowed himself to be held out as a barrister pursuant to paragraph 201 of the Bar's Code of Conduct without having a current practising certificate issued by the Bar Council in accordance with the practising requirements in paragraph 202(c) of the Code of Conduct in that on the 20th September 2011 he signed written submissions in the case of Aina-v-The Jam Factory and in the same held himself out as counsel for Mr Lewis to Mr Lewis and/or the other 12 Applicants and/or the Tribunal and/or to the representatives of the Respondent. Such holding out having taken place by signing the same "Simon Cavender, Chambers of Simon Cavender RH16 1NY" and by referring to himself as "counsel" in the text of the same.

Such behaviour was serious and therefore constitutes professional misconduct pursuant to paragraph 901.5 of the Code of Conduct, by virtue of its nature and extent.

Between the 1st January 2012 and the 31st December 2012 Simon Cavender held himself out or allowed himself to be held out as a barrister pursuant to paragraph 201 of the Bar's Code of Conduct without having a current practising certificate issued by the Bar Council in accordance with the practising requirements in paragraph 202(c) of the Code of Conduct in that between the 1st January 2012 and the 31st December 2012 he provided legal services to Carol Marshall in that he conducted litigation by settling a defence in claim number 2YK19853 and/or 2YK80174 Jam Factory Freehold Limited-v-Carol Marshall.

Such behaviour was serious and therefore constitutes professional misconduct pursuant to paragraph 901.5 of the Code of Conduct, by virtue of its nature and extent.

SENTENCE: Suspended for 2 months. Fined £100.

STATUS: Open to Appeal.