

Michael Wainwright

CALL/INN: Called to the Bar by Lincoln's Inn, November 2008

TYPE OF HEARING: 5 Person Disciplinary Tribunal

DATE OF DECISION: 3rd December 2014

In breach of

Contrary to paragraphs 401(b)(i) and 301(a)(i) and pursuant to paragraphs 901.5 and 90.17 of the Code of Conduct of the Bar of England and Wales (8th Edition).

Details of Offence

Michael Wainwright, on or about the 14th December 2011, undertook the general conduct of a lay clients affairs without being properly qualified, as a Public Access Practitioner to do so, by having undertaken and completed the appropriate training and by being registered with the Bar Council as a Public Access Practitioner s required by Rule 2(i) of the Public Access Rules in that he accepted instructions from a solicitor on behalf of a lay client to submit an plication for discretionary leave to remain ("a DLR application") to the UK Border Agency ("UKBA). Such conduct amounted to a serious failure, in itself, but also by reason of his failure to comply with other provisions of the Code of Conduct.

Michael Wainwright engaged in conduct which was dishonest or otherwise discreditable to a barrister in that, on various dates between the 14th December 2011 and the 8th March 2012, in that a) he represented to his solicitor that he had sent his lay client's application from for DLR to the UKBA on or before the 23rd December 2011 so that it would reach the UKBA before the 31st December 2011, the date on which both he and his solicitor believed that their lay client's entitlement to remain would otherwise expire; b) at a meeting with his solicitor on the 5th March 2012, he indicated that the application form had, in fact, been sent off with a letter dated the 5th January 2012.

SENTENCE: Permanent Prohibition from accepting Public Access Instructions. Disbarred. Costs of £493.33.

STATUS: Appeal pending.