

# Damian McCarthy

**CALL/INN:** Called to the Bar by Gray's Inn, November 1994

**TYPE OF HEARING:** 5 Person Disciplinary Tribunal

**DATE OF DECISION:** 9<sup>th</sup> June 2016

## In breach of

Paragraphs 301(a)(i) and 401(a)(iii) and pursuant to paragraph 901.7 of the Code of Conduct of the Bar of England and Wales (8th Edition).

## Details of Offence

Damian McCarthy engaged in conduct in pursuit of his profession which was dishonest or otherwise discreditable to a barrister contrary to paragraph 201(a)(i) of the Code of Conduct, in that on or about the 22<sup>nd</sup> June 2009 in response to a request by the Bar Standards Board [BSB] for documentation relevant to its investigation into a complaint against Mr McCarthy by his lay client he sent the BSB four client care letters which he falsely asserted were sent to his lay client in compliance with the requirements of paragraph 6 of the Public Access Rules when he knew the same were recent creations which had not been sent to his client in advance of the work being carried out as was required by the Rules.

Damian McCarthy between the 1<sup>st</sup> July and the 1<sup>st</sup> August 2008 accepted public access instructions and supplied legal services for reward on behalf of a lay client without promptly sending her a written communication in compliance with paragraph 6 of the Public Access Rules contrary to paragraph 401(a)(iii) of the Code of Conduct.

**SENTENCE:** Disbarred.

**STATUS:** Open to Appeal.