



# The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

## Report of Finding and Sanction

Case reference: PC: 2018/0228/D3

Amiot Vollenweider Esq  
The Director-General of the Bar Standards Board  
The Chair of the Bar Standards Board  
The Treasurer of the Honourable Society of Gray's Inn

### Disciplinary Tribunal

#### Amiot Vollenweider Esq

1. In accordance with an appointment made by the President of the Council of the Inns of Court contained in a Convening Order dated 25 March 2019, I sat as Chairman of a Disciplinary Tribunal on 2 April 2019 to hear and determine two charges of professional misconduct contrary to the Bar Standards Board Handbook, against Amiot Vollenweider Esq., barrister of the Honourable Society of Gray's Inn.

#### Panel Members

2. The other members of the Tribunal were:  
Mrs Helen Carter-Shaw [Lay Member]  
Thomas Williams [Barrister Member]

#### Charge

3. Mr Vollenweider admitted the Charge below:

#### Statement of Offence

Professional Misconduct contrary to Core Duty 5 of the Bar Standards Board Handbook.

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## Particulars of Offence

Amiot Vollenweider, a BSB regulated person, behaved in a way which was likely to diminish the trust and confidence which the public places in a barrister or in the profession in that on 14 May 2018 he assaulted another. As a result of the assault on 31 May 2018, he was convicted on admission of assault by beating, for which conviction, he was fined £1500, ordered to pay a surcharge of £150 and prosecution costs of £85.

## Parties Present and Representation

4. The Respondent was present and represented himself. The Bar Standards Board (“BSB”) was represented by Simon Clarke Esq.

## Pleas

5. Mr Vollenweider admitted charge 1. The BSB applied to dismiss charge 2 and offered no evidence, which was accepted by the Tribunal.

## The Hearing

6. Mr Clarke presented the case on behalf of the Bar Standards Board.
7. Mr Vollenweider addressed the Tribunal in mitigation.
8. An application was made by Mr Vollenweider for part of the hearing to be conducted in camera. After hearing submissions, the Tribunal were satisfied that there were exceptional circumstances relating to the background of the case which warranted a departure from the usual practice of holding the hearing in public. Therefore, a short part of the hearing was conducted in camera so that the Tribunal could consider matters of a personal nature. AT, Mr Vollenweider’s partner was present throughout the hearing.

## Finding and Sanction

9. The Tribunal unanimously found the charge proved.
10. On 31 May 2018 Mr Vollenweider was convicted by reason of his guilty plea of a single charge of common assault. In respect of that charge he was fined £1,500 and ordered to pay costs of £85 as well as a surcharge of £150. Mr Vollenweider self-reported

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himself to the Bar Standards Board, before he did that, he reported the matter to the relevant person in his Chambers Management Committee and his Clerks.

11. Mr Clarke drew the Tribunal's attention to the police report dated 16 May 2018, the pre-sentence report dated 30 May 2018, a letter written by Mr Vollenweider as well as documents and character references and mitigation documents provided by him, a detailed letter from his partner, AT, who was present at the hearing and heard everything that Mr Vollenweider said about his background and the events which led up to this particular incident.
12. The facts can be summarised as this: that Mr Vollenweider entered into a relationship with AT. She became pregnant during the relationship. The relationship was described as a 'bumpy' one partly because of the excessive workload, financial commitments to his former partner and the difficulties in communicating with each other. There was a considerable amount of debt which is still current. We were told that monies are owed to HMRC for VAT. That debt is considerable, and it is something that we have borne in mind in the final outcome of the sanction.
13. On 14 May 2018 Mr Vollenweider and AT got into an argument during which he asked AT to leave his houseboat where he lived at the time. That resulted in Mr Vollenweider eventually throwing AT to the ground and pinning her down. At that time, she was pregnant. The incident was witnessed by a neighbour who called the police. The witness intervened by shouting at Mr Vollenweider who appeared to snap out of his hold of AT. Mr Vollenweider apologised and explained that he was a barrister; he said he was ashamed, and that AT had "pushed his buttons" causing him to lose his temper. The Tribunal's attention was drawn to the full police report and the record of interview where Mr Vollenweider made full admissions and expressed remorse. He accepted that he should not have assaulted AT. During the same interview, Mr Vollenweider referred to another separate incident some days earlier where he had grabbed AT around the throat but without applying pressure; again, this had been following a verbal altercation between the two of them.
14. Mr Vollenweider accepted his guilt before the Tribunal. He referred in detail about the difficulties he has had in his personal background and upbringing and more recent difficulties with his former wife, who suffered with depression and mental health problems over a very long period of time and the considerable pressure on his practice,

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his debts and her illness which culminated in a divorce. All this led to the state of mind he was in in May 2018 when he assaulted AT. As indicated above, some of the background relating to his personal circumstances and relationship with his family was heard in camera and taken into account for the purpose of the sanction.

15. The Tribunal found that there were aggravating features: first, that AT and Mr Vollenweider were in a relationship so the incident is characterised as being of the nature of "domestic violence", that in no way meant that it was being treated less seriously; secondly, at the time AT was pregnant and therefore considered to be particularly vulnerable; thirdly, the assault was in a public setting and was witnessed by members of the public. However, the Tribunal felt that there was a fourth feature, and that is the previous incident which, on one view occurred between 23 April 2018 and 7 May 2018, or on another view, from what the Tribunal have been told, closer to the incident on 14 May 2018, some five or six days before the incident that we are dealing with and one that Mr Vollenweider pleaded guilty to.
16. In those circumstances, the Tribunal were not prepared to treat the behaviour on 14 May 2018 as an isolated incident. It is separated in time, there is a factual nexus in that it is the same complainant and Mr Vollenweider and the incident involved grabbing AT around the throat. Notwithstanding that there was not a separate charge before the Tribunal; this was important background as to Mr Vollenweider's subsequent conduct. The Tribunal were particularly concerned about the behaviour which involved placing his hands around AT's neck. Although Mr Vollenweider said that he did not squeeze it and the prosecution appear to have accepted that and the charge was not proceeded with in the court below, it is something which is significant. It is something that the Tribunal think should be rightly described as an additional aggravating feature.
17. As to the mitigating features, there are a number, we have summarised a few:
  - (i) that Mr Vollenweider self-reported and that is to his credit; (ii) he made full and frank admissions at the time of his arrest and in the police interview and volunteered information that he did not need to; (iii) he pleaded guilty and that is the strongest indication of his remorse and genuine contrition for his behaviour; (iv) he voluntarily engaged with anger management therapy which the Tribunal understood was continuing; (v) there was evidence of positive good character from a number of people; and (vi) that he and his partner now had a young child of two months and were

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presently living with AT's parents out of this jurisdiction and away from the immediate pressures of professional life. Mr Vollenweider was taking positive steps to deal with his debts. Further, the Tribunal were told that Mr Vollenweider had voluntarily decided not to prosecute cases in the criminal courts (which frequently involve allegations of domestic violence) for a period of five years. The Probation Service identified his risk as an ongoing, medium risk bound into the interventions that Mr Vollenweider had voluntarily taken which serve to reduce that risk. It is the Tribunal's unanimous view that they are concerned about this medium risk and would very much urge Mr Vollenweider to continue with the counselling and anger management therapy and the joint counselling that Mr Vollenweider and his partner are receiving as a couple. The Tribunal urged Mr Vollenweider not to wait until he 'snapped' but to be proactive in getting help not just from his therapist but other support agencies that are available. The Tribunal had some continuing concern about Mr Vollenweider's ability to control his temper.

18. The Tribunal noted that in the pre-sentence report, the recommendation in the report was for a conditional discharge or unpaid community work, but the magistrate took the view that he should be fined £1500 plus costs and surcharge. The BSB reminded the Tribunal that any sanction that it imposed is not intended to be a second form of punishment or double jeopardy; it is intended to relate solely to the breach of Core Duty 5 itself.
19. Having considered the Sanctions Guidelines and the BSB's submissions (agreed to by Mr Vollenweider), the Tribunal accepted that this case fell into category A, "a conviction for low level assault". The starting point is a reprimand and a medium level fine to a short suspension. We accept the aggravating and mitigating features with the caveat that we have added an additional aggravating feature, the statutory aggravating feature in the guidance is that this was a vulnerable woman when Mr Vollenweider assaulted her. She was pregnant and much younger than Mr Vollenweider, and in an environment, where she should have been safe.
20. The Tribunal were of the unanimous view that with the amount of mitigation and the proactive help that Mr Vollenweider is seeking, his admissions and genuine remorse and his submissions (including those made in camera), they were satisfied that this was a case where the sanction should be a reprimand.

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21. The Tribunal also ordered that Mr Vollenweider attend upon the Leader of his Circuit to be given advice as to his future conduct. The Tribunal unanimously agreed that this sanction was given so that an independent person of some seniority who Mr Vollenweider could speak in complete confidence about the sort of things that he mentioned during the course of the hearing, with which they may be able to provide further guidance, assistance and help.

Approved: 10 April 2019

**Mohammed Khamisa QC**  
**Chairman of the Tribunal**

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