



The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

Report of Finding and Sanction

Case references: PC 2019/0181/D5 / PC 2017/0046/D5
PC 2017/0072/D5 / PC 2017/0360/D5

Barbara Hewson

The Director-General of the Bar Standards Board
The Chair of the Bar Standards Board
The Treasurer of the Honourable Society of Middle Temple

Disciplinary Tribunal

Barbara Hewson

1. In accordance with an appointment made by the President of the Council of the Inns of Court contained in a Convening Order dated 11 November 2019 I sat as Chairman of a Disciplinary Tribunal on 16 to 18 December 2019 to hear and determine the sanction on 2 admitted charges of professional misconduct contrary to the Code of Conduct of the Bar of England and Wales against Barbara Hewson, barrister of the Honourable Society of Middle Temple.

Panel Members

2. The other members of the Tribunal were:

Ms Louise Clements (Lay Member)
Mr David Flinter (Lay Member)
Ms Isabelle Watson (Barrister Member)
Darren Snow (Barrister Member)

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Charges

3. The following charges were admitted:
 - a. Charge 1 (as amended) on charge sheet PC 2017/0046/D5
 - b. Charge 1 (as amended) on charge sheet PC 2019/0181/D5
4. The Bar Standards Board offered no evidence on all other charges and accordingly all other matters were dismissed.

Parties Present and Representation

5. The Respondent was present and was represented by Mr Beggs Q.C. The Bar Standards Board (“BSB”) was represented by Mr James Stuart of counsel.

Preliminary Matters

Reporting

6. The Tribunal was invited to provide guidance on the nature of the reporting of the proceedings. The Tribunal reminded those present that there was a difference in reporting factually on what is said during the hearing and providing comment. The latter was inappropriate. It was important that nothing was done to affect or influence the process whilst it is ongoing. There was no special rule for Twitter. The Tribunal was not minded to prohibit reporting but encouraged those present to consider whether some reflection ought to be considered so as to reduce the risk of making mistakes which might otherwise be made if a post is made hastily.
7. The Tribunal invited anyone present to ask it if they had any doubt on the nature of anything that they wished to report.

Amendments to the charges

8. The Bar Standards Board applied to amend the charges on case number PC 2017/0046/D5 to replace the original charge sheet with 3 charges. These were set out on a charge sheet entitled ‘Proposed Amended Charge Sheet’. The Bar Standards Board informed the Tribunal that the Respondent would admit Charge 1 of the amended charge sheet. Charges 2 and 3 would be denied by the Respondent and the Bar Standards Board would not offer any evidence on those and would invite the Tribunal to dismiss them.

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9. The Bar Standards Board applied to amend Charge 1 on the charge sheet for case number PC 2019/0181/D5. This amended the particulars of the offence and the Appendix A referred to therein. The Bar Standards Board informed the Tribunal that Respondent would admit the amended Charge 1, she would deny Charge 2 and the Bar Standards Board would not offer any evidence on that charge and would invite the Tribunal to dismiss it.
10. The Tribunal allowed amendments to the charges.
11. The Bar Standards Board informed the Tribunal that it would not offer any evidence on the charges on case numbers PC 2017/0072/D5 and PC 2017/0360/D5 and invited the Tribunal to dismiss them.
12. Following the Respondent's admissions to the amended Charge 1 in case number PC 2017/0046/D5 and the amended Charge 1 in case number PC 2019/0181/D5, the Tribunal dismissed all other charges against the Respondent in those case numbers and case numbers PC 2017/0072/D5 and PC 2017/0360/D5.

Evidence

13. The Tribunal did not hear any oral evidence.
14. The Tribunal heard submissions on behalf of the Bar Standards Board and for the Respondent and it was referred to documents contained within the hearing bundle.
15. On 18 December 2019 the tribunal convened to hand down its judgment. It had received a number of emails from third parties overnight. The Tribunal disregarded those emails. It made its decision solely on the evidence that had been presented to it during the hearing and the submissions of the advocates.

Sanction and Reasons

16. There are two admitted charges of professional misconduct contrary to Core Duty 5.
17. The Tribunal considered the documentary evidence before and noted the nature and content of 'tweets' that the Respondent had posted on Twitter. The tweets were very disparaging of another barrister, specific chambers, the Director General of the Bar Standards Board and of the Bar Standards Board itself. Examples included describing another barrister as 'a toxic person', 'making insane claims', 'lunatic liar', 'lunatic tenant' and 'she is a nut job'.

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18. The Respondent challenged Vanessa Davies (the Director General of the Bar Standards Board) using obscene language which the Tribunal felt was disparaging of the Director General, the Bar Standards Board itself and the investigation process.
19. The Tribunal concluded as follows : ‘At page 260 we come to a particularly significant tweet which is highly disparaging of the Bar Standards Board. It reads, “At Bar Standards you have been obsequiously appeasing foreign anti-Semitic trolls for upwards of three years now. What’s wrong with your Board exactly? Closet Icke fans, closet Corbynites or just terminally stupid?” Well, this tweet is clearly extremely disparaging of the Bar Standards Board and it occurred in March of 2018 after Ms Hewson had been given advice as to her conduct which she appealed in late 2017 unsuccessfully. And here she is attacking the Board in these extremely disparaging remarks after she had been given that advice and after she had failed in the appeal. This attack is so disparaging of the process that it clearly undermines the public trust and confidence in the Regulator and therefore in the profession itself.’

Moreover, the tweets amounted to a public attack on a barrister. They included references to her competence as a barrister. The Respondent accused that person of being a liar and ‘a fraud’. Some of the Respondent’s tweets were highly offensive in that they described the other barrister as being ‘pathologically unhinged’, a ‘fraud’, a ‘crank’, ‘desperately crooked’-all public attacks on another barrister.

20. In relation to the 2nd charge, the worrying aspect of the case was the reference to the other barrister’s young daughter. The Tribunal was of the view that there was no satisfactory explanation from the Respondent for this. The Tribunal felt that this would have caused fear. It would cause a mother to fear that her child is being targeted by tweets. The Respondent would know that it would cause fear as she herself suffered fear from online tweets.
21. The Tribunal was referred to the Respondent’s blog. This is a blog which goes into great detail about the daughter and the Tribunal felt that it was quite astonishing that that should have been done. It was referred to as mockery of some kind. The Tribunal was of the view that it was much worse. It was an intrusion into the private life of the other barrister and caused fear to her as a mother.

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22. The Tribunal noted that there is another side to this case which was put forward. There were matters which provided mitigation for the Respondent herself and the misconduct that she has committed. The Tribunal read many references from eminent barristers and others. They do great credit to the Respondent. The Respondent is of great ability and great dedication. She is very able and she had, and has, talent. She is outstanding in terms of academic ability and had dedication to the task of being a barrister when she was practising. She might well have scaled the heights of the profession had it not been for her misconduct outside her practice.
23. There is no criticism of her conduct in court. The misconduct has been online and that is what has given rise to these complaints. The Tribunal considered everything that had been said in mitigation and which was written about the Respondent. The Tribunal had indicated during the hearing that it had come to the conclusion that disbarment was too harsh bearing in mind the balance required. The Tribunal took into account the mitigation and the context in which these tweets were made and what the Tribunal has been told about where and how things went wrong for the Respondent in spite of her ability.
24. But the Tribunal was bound to take serious view of the charges and we did. The Tribunal considered the aggravating features of the misconduct to be premeditation, persistent conduct and the fact that the Respondent has been involved in previous proceedings which involved her use of social media and which led to an administrative warning that was not heeded. Indeed the offending misconduct continued relatively soon after the warning was unsuccessfully appealed.
25. The Tribunal accepted the submission that the sanction on both charges should be concurrent.
26. The Tribunal was of the view that had it not been for the Respondent's admissions, we might well have considered a suspension of 3 years. However, bearing in mind the admissions and all that has been said in mitigation we have reduced the period of suspension to 2 years. That suspension will run concurrently on the two charges before us.
27. Under rule rE227 the suspension from practice takes immediate effect.

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Approved: 16 January 2020

His Honour Alan Greenwood
Chairman of the Tribunal

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