



# The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

## Report of Finding and Sanction

Case reference: PC 2019/0391/D5

Matthew John Boyden

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

#### Matthew John Boyden

1. In accordance with an appointment made by the President of the Council of the Inns of Court contained in a Convening Order 30 November 2020, I sat as Chairman of a Disciplinary Tribunal on 21<sup>st</sup> January 2021 to hear and determine 5 charges of professional misconduct contrary to the Code of Conduct of the Bar of England and Wales against Matthew Boyden, barrister of the Honourable Society of Middle Temple.

#### Panel Members

2. The other members of the Tribunal were:

Ms Sadia Zouq (Barrister Member)

Mr Ashley Serr (Barrister Member)

Ms Sarah Baalham (Lay Member)

Mr Geoffrey Brighton (Lay Member)

#### Charges

3. All of the 5 charges, as follows, were found proven:

##### Charge 1

#### The Bar Tribunals & Adjudication Service

9 Gray's Inn Square,  
London  
WC1R 5JD  
T: 020 3432 7350  
E: [info@tbts.org.uk](mailto:info@tbts.org.uk)

The Council of the Inns of Court. Limited by Guarantee  
Company Number: 8804708  
Charity Number: 1155640  
Registered Office:  
9 Gray's Inn Square, London WC1R 5JD

## Statement of Offence

Professional misconduct contrary to Core Duty 9 and rC64.2 of the Bar Standards Board Handbook.

## Particulars of Offence

Matthew John Boyden failed to co-operate with his regulator and failed to comply in due time with an administrative sanction, namely a fine imposed on him by the Bar Standards Board [BSB] on 13 January 2016 under case reference PC 2015/0476. The letter of 13 January 2016 required him to pay a fine of £400 by the 11 February 2016, extended to 17 July 2017 by letters and emails from the BSB dated 12 February 2016, 1 March 2016, 10 March 2016 and 3 July 2017. Matthew Boyden failed to pay the fine by the 17 July 2017 or at all.

## Charge 2

### Statement of Offence

Professional misconduct contrary to Core Duty 9 and rC64.1 of the Bar Standards Board Handbook.

### Particulars of Offence

Matthew John Boyden failed to co-operate with his regulator and failed to respond to BSB correspondence dated 12 February 2016, 1 March 2016, 10 March 2016, 31 May 2016, 3 July 2017, 18 July 2017 and 1 August 2017 relating to the imposition and compliance with an administrative sanction.

## Charge 3

### Statement of Offence

Professional misconduct contrary to Core Duty 9 and rC64.2 of the Bar Standards Board Handbook.

### Particulars of Offence

#### The Bar Tribunals & Adjudication Service

9 Gray's Inn Square,  
London  
WC1R 5JD  
T: 020 3432 7350  
E: [info@tbts.org.uk](mailto:info@tbts.org.uk)

The Council of the Inns of Court. Limited by Guarantee  
Company Number: 8804708  
Charity Number: 1155640  
Registered Office:  
9 Gray's Inn Square, London WC1R 5JD

Matthew John Boyden failed to co-operate with his regulator and failed to comply in due time with a financial penalty imposed on him by the Disciplinary Tribunal [BSB case reference PC 2017/0248/D5 of the Bar Tribunal and Adjudication Service [BTAS] on 22 March 2019 and confirmed by the Disciplinary Tribunal on 4 April 2019 as being due within 14 days of the time for appealing the decision.

#### Charge 4

##### Statement of Offence

Professional misconduct contrary to Core Duty 9 and rC64.1 of the Bar Standards Board Handbook.

##### Particulars of Offence

Matthew John Boyden failed to co-operate with his regulator and failed to promptly provide information to the BSB that it required from him, in that he failed to respond to BSB correspondence dated 1, 16 and 24 May 2019.

#### Charge 5

##### Statement of Offence

Professional misconduct contrary to Core Duty 9 and rC64.1 of the Bar Standards Board Handbook.

##### Particulars of Offence

Matthew John Boyden failed to co-operate with his regulator and failed to promptly provide information to the BSB that it required from him, in that he failed to respond to BSB correspondence under case reference PC 2019/0391 dated 28 November 2019, 4 and 24 March 2020 and 17 April 2020.

### Parties Present and Representation

4. The Respondent was not present and was not represented. The Bar Standards Board (“BSB”) was represented by Mr Leo Davidson.

#### The Bar Tribunals & Adjudication Service

9 Gray's Inn Square,  
London  
WC1R 5JD  
T: 020 3432 7350  
E: [info@tbtas.org.uk](mailto:info@tbtas.org.uk)

The Council of the Inns of Court. Limited by Guarantee  
Company Number: 8804708  
Charity Number: 1155640  
Registered Office:  
9 Gray's Inn Square, London WC1R 5JD

## Preliminary Matters

5. Mr Boyden had at no point responded to correspondence concerning this matter. The BSB therefore made an application to proceed in his absence when he did not attend the virtual hearing.
6. The Panel acceded to this application, the Respondent having given no indication of intention to attend, and the BSB having done everything possible to bring the proceedings to his attention and having affected good service on Mr Boyden.

## Evidence

7. The charges were read into the record.
8. Mr Davidson then gave an opening statement, explaining the role of Core Duty 9, and why it was important.
9. He was invited by the Panel to amplify his skeleton argument if he wished to do so. He noted that there was not much that could be added considering that the fines had been imposed, and no money at all had been received from Mr Boyden. Neither had any communication been received from Mr Boyden to say that he was unable to pay or needed any further time or assistance to make the payments due.
10. Read receipts from emails sent suggested that Mr Boyden was receiving emails, and there had also been documents signed for at his registered address. When investigations were made by a private investigator instructed on behalf of the BSB a car known to be his was seen at the block of flats, and neighbours said that Matthew Boyden had been in the building recently. A man was seen looking out of the window of Matthew Boyden's flat as the investigator left.
11. £12,479.04 is the total owed in fines and costs imposed upon Mr Boyden in January 2016 (£400 fine from administrative sanction) and March 2019 (£12,079.04 in fines and costs).
12. The BSB noted that Charges 1 and 2 must be proven beyond reasonable doubt, due to the standard of proof applicable on the dates on which they occurred. Charges 3, 4 and 5 are all to be proven on the balance of probabilities.

### The Bar Tribunals & Adjudication Service

9 Gray's Inn Square,  
London  
WC1R 5JD  
T: 020 3432 7350  
E: [info@tbts.org.uk](mailto:info@tbts.org.uk)

The Council of the Inns of Court. Limited by Guarantee  
Company Number: 8804708  
Charity Number: 1155640  
Registered Office:  
9 Gray's Inn Square, London WC1R 5JD

13. The BSB submitted that the behaviours fell into D2 and D3 of the Sanctions' Guidance, and that all of the aggravating factors were present. It was noted that although there was no victim per se Matthew Boyden had shown a lack of remorse, the conduct had been persistent, and he had completely failed to engage with the BSB or the proceedings thus frustrating the BSB's regulatory function. As far as the BSB was aware, there were no mitigating factors.

14. The BSB reminded the Panel of its power to make an order for costs.

## Findings

15. The Panel held that they were sure that Matthew Boyden had acted as alleged in Charges 1 and 2. They were also satisfied that the conduct alleged in Charges 3-5 had been proved to have occurred as alleged. They were satisfied that he had not paid any of the sums owing by way of fines and costs, and that he had not engaged with the regulator as alleged. They therefore found all of the charges proven to the requisite standard at the relevant time of each charge being considered.

## Sanction and Reasons

16. The Panel considered whether there would be any unfairness to Mr Boyden by preventing him from applying for a practising certificate for more than 3 years, to ensure that its sanction was felt after the expiry of his current prohibition against applying for a practising certificate which does not expire until 21<sup>st</sup> March 2022 – 14 months from the present date. Postponement under rE220 and 221 was not possible due to the period being considered.

17. The Panel considered that it was very important that the integrity of the sanction imposed by the Tribunal chaired by HH Withold Pawlak in previous proceedings, which was a finding in relation to activities by a practising barrister in relation to a client, be maintained.

18. They held that the charges presently under consideration go to the root of the relationship between the practising Bar and the regulatory authority. There are many offences, many failures to respond to requests from the BSB, for payment of sanction fines and also for information. They therefore had decided that a penalty of 3 years'

### The Bar Tribunals & Adjudication Service

9 Gray's Inn Square,  
London  
WC1R 5JD  
T: 020 3432 7350  
E: [info@tbtas.org.uk](mailto:info@tbtas.org.uk)

The Council of the Inns of Court. Limited by Guarantee  
Company Number: 8804708  
Charity Number: 1155640  
Registered Office:  
9 Gray's Inn Square, London WC1R 5JD

prohibition from applying for a practising certificate is necessary to reflect the Panel's disapproval of Mr Boyden's conduct in relation to these 5 charges. They decided that the penalty should commence immediately. To the extent that Mr Boyden is already prevented from applying for a Practising Certificate, the penalty that we impose will run concurrently with the existing prohibition (i.e. until 21st March 2022). The penalty that we now impose will expire on 20<sup>th</sup> January 2024.

19. The Panel also made an award of costs in favour of the BSB in the sum requested, of £1770.

**Approved: 21 January 2021**

**Her Honour Penny Cushing**

**Chairman of the Tribunal**

**The Bar Tribunals & Adjudication Service**

9 Gray's Inn Square,  
London  
WC1R 5JD  
T: 020 3432 7350  
E: [info@tbts.org.uk](mailto:info@tbts.org.uk)

The Council of the Inns of Court. Limited by Guarantee  
Company Number: 8804708  
Charity Number: 1155640  
Registered Office:  
9 Gray's Inn Square, London WC1R 5JD