



The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

Report of Finding and Sanction

Case reference: PC 2019/0384/D5

David Wedge

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

Disciplinary Tribunal

David Wedge

1. In accordance with an appointment made by the President of the Council of the Inns of Court contained in a Convening Order dated 1 December 2020, I sat as Chair of a Disciplinary Tribunal on 25 January 2021 to hear and determine 8 charges of professional misconduct contrary to the Code of Conduct of the Bar of England and Wales against David Wedge, barrister of the Honourable Society of the Middle Temple.

Panel Members

2. The other members of the Tribunal were:

Andrew Ward (Lay Member)

David Crompton (Lay Member)

Siobhan Heron (Barrister Member)

Sadia Zouq (Barrister Member)

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Parties Present and Representation

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

Preliminary Matters

4. The Respondent was absent and had confirmed that he will not be attending. The Tribunal heard submissions from BSB Counsel and were invited to proceed in his absence. Mr Davidson told the Tribunal that the Respondent’s correspondence had stated that he will not be defending the charges. The Tribunal decided to proceed in the absence of the Respondent.

Charges

5. The following charges were read and marked as denied:

Charge 1

Statement of Offence

Professional Misconduct, contrary to paragraph 301(a)(iii) and pursuant to paragraph 901.7 of the Code of Conduct of the Bar of England and Wales (8th Edition).

Particulars of Offence

David Kingsley Wedge, an unregistered Barrister engaged in conduct which was likely to diminish public confidence in the legal profession or in the administration of justice or otherwise bring the legal profession into disrepute contrary to paragraph 301(a)(iii) in that in June 2008 while in practice as a solicitor he accepted a personal loan for £110,000 from a client, AMD, in circumstances in which he had not advised AMD to seek independent legal advice in relation to the loan and/or in which there existed a conflict of interest.

Such conduct was found proved by the Solicitor’s Disciplinary Tribunal in a judgement dated 3 May 2019.

Charge 2

Statement of Offence

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Professional Misconduct, contrary to Core Duty 3 and rC8 of the BSB Handbook (Versions 1.0, 2.0 and 2.1).

Particulars of Offence

David Kingsley Wedge, an unregistered Barrister and BSB regulated person failed to act with honesty and integrity in that between 6 January 2014 and April 2016 while in practice as a solicitor, he failed to provide his client KK with a proper standard of service and dishonestly provided KK with misleading information in relation to the status of KK's professional negligence claim matter.

Such conduct was found proved by the Solicitor's Disciplinary Tribunal in a judgement dated 3 May 2019 including that David Kingsley Wedge's conduct had been dishonest.

Charge 3

Statement of Offence

Professional Misconduct, contrary to Core Duty 3 and rC8 of the BSB Handbook (Version 1.0).

Particulars of Offence

David Kingsley Wedge, an unregistered Barrister and BSB regulated person failed to act with honesty and integrity in that between 6 January 2014 and April 2015 while in practice as a solicitor, he failed to provide his client RL with a proper standard of service and dishonestly provided RL with misleading information in respect of the work he had carried out in this matter.

Such conduct was found proved by the Solicitor's Disciplinary Tribunal in a judgement dated 3 May 2019 including that David Kingsley Wedge's conduct had been dishonest.

Charge 4

Statement of Offence

Professional Misconduct, contrary to Core Duty 5 of the BSB Handbook (Versions 1.0, 2.0 and 2.1).

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Particulars of Offence

David Kingsley Wedge, an unregistered Barrister and BSB regulated person acted in a way likely to diminish trust and confidence in him or in the profession in that while in practice as a solicitor between 6 January 2014 and April 2016, he failed to provide his client KK with a proper standard of service and dishonestly provided KK with misleading information in relation to the status of KK's professional negligence claim matter.

Such conduct was found proved by the Solicitor's Disciplinary Tribunal in a judgement dated 3 May 2019.

Charge 5

Statement of Offence

Professional Misconduct, contrary to Core Duty 5 of the BSB Handbook (Version 1.0).

Particulars of Offence

David Kingsley Wedge, an unregistered Barrister and BSB regulated person acted in a way likely to diminish trust and confidence in him or in the profession in that while in practice as a solicitor between 6 January 2014 and March 2015, he failed to provide his client RL with a proper standard of service and dishonestly provided RL with misleading information in respect of work he had carried out on this matter.

Such conduct was found proved by the Solicitor's Disciplinary Tribunal in a judgement dated 3 May 2019.

Charge 6

Statement of Offence

Professional Misconduct, contrary to Core Duty 7 of the BSB Handbook (Versions 1.0, 2.0 and 2.1).

Particulars of Offence

David Kingsley Wedge, an unregistered Barrister and BSB regulated person failed to provide a competent standard of work and service to each client in that between 6

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January 2014 and April 2016 while in practice as a solicitor he failed to provide his client KK with a proper standard of service and dishonestly provided KK with misleading information in relation to the status of KK's professional negligence claim matter.

Such conduct was found proved by the Solicitor's Disciplinary Tribunal in a judgement dated 3 May 2019.

Charge 7

Statement of Offence

Professional Misconduct, contrary to Core Duty 7 of the BSB Handbook (Version 1.0).

Particulars of Offence

David Kingsley Wedge, an unregistered Barrister and BSB regulated person failed to provide a competent standard of work and service to each client in that between 6 January 2014 and March 2015 while in practice as a solicitor he failed to provide his client RL with a proper standard of service and dishonestly provided RL with misleading information in respect of work he had carried out on this matter.

Such conduct was found proved by the Solicitor's Disciplinary Tribunal in a judgement dated 3 May 2019.

Charge 8

Statement of Offence

Professional Misconduct, contrary to Core Duty 9, Rule rC65.3 and Rule rC65.7 of the BSB Handbook (Versions 3.3, 3.4, 3.5, 4.0).

Particulars of Offence

David Kingsley Wedge, an unregistered Barrister and BSB regulated person failed to be open with his regulators and failed to promptly report to the BSB that regulatory or disciplinary or enforcement action had been taken by another approved regulator in that the SRA (Solicitors Regulation Authority), an Approved Regulator took the following action against him, which he failed to report to the BSB promptly or at all:

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- (i) He failed to cooperate fully with the SRA's investigations into the matters of AMD, KK and RL which failure was known to him by at least August 2018;
- (ii) In August 2018 the SRA commenced disciplinary proceedings against David Kingsley wedge which proceedings included allegations of dishonesty and;
- (iii) In a judgement dated 3 May 2019 the SDT struck off David Kingsley Wedge from the roll of solicitors.

Submissions

- 6. Mr Davidson referred the Tribunal to the BSB's Skeleton. He said that charges 1-7 are matters of fact that cannot be disputed and it ought to be a straightforward exercise to find that they are made out. These charges were found to the criminal standard by the SDT.
- 7. The Respondent was first contacted in December 2019 about the charges, confirmed that he agreed with the allegations and invited the BSB to proceed in his absence. More recent contact with the Respondent confirmed that he will not be defending the allegations and will not be attending the hearing.

Findings

- 8. Chair: We have made the following findings,
Each charge has been considered separately.
For each charge we applied the criminal standard of proof.
We find all charges proved. In finding charges 1-7 proved we rely upon the judgement of the SDT which sat on 25 March 2019 as they considered the same matters, same considerations for diminishing confidence in the profession and applied the same standard of proof. For charge 8 we are satisfied to the criminal standard and based upon the correspondence between the BSB and the Respondent that he failed to be open to his regulators and failed to report promptly or at all to the BSB about the fact that the SRA had taken action against him and matters only came to the notice of the BSB through the actions of another Solicitor. He failed to co-operate fully with the SRA in their investigations, the SDT instigated disciplinary proceedings against him including dishonesty and in a judgement dated 3 May 2019 he was struck off the roll of Solicitors.

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Sanction

9. Mr Davidson refers the Tribunal to the Sanctions Guidance regarding dishonesty and invites the Tribunal to agree that the starting point for sanction is disbarment. He says that the aggravating features are the fact that there were 2 clients that were deceived, one of the clients had no access to his daughter for some time due to the Respondent's dishonest conduct. Paragraph 6.2 refers to public confidence in the profession. In relation to the non-dishonest charges Mr Davidson submitted that lesser sanctions may be appropriate, but that disbarment should flow.

10. Chair: Having found all of the charges proved we considered what sanction to impose. We were reminded by Mr Davidson that the starting point for proven dishonesty is disbarment as dishonesty is incompatible with the role of being a Barrister. We found the respondent's dishonesty to be widespread, he lied repeatedly to 2 clients, he lied to the regulator and it would be impossible to have confidence in someone as thoroughly dishonest as the Respondent whilst he was a Solicitor. Members of the legal profession must live up to integrity of the highest level and the Respondent has failed to show any integrity. He has not placed any mitigating factors before us. There are aggravating features, he showed himself to have no empathy with his clients, failed to acknowledge the effect upon his clients and the impact upon them was significant. He was thoroughly dishonest in all of these matters. If the public was aware that a Barrister acts in this way, it would thoroughly ruin any confidence in the profession. He has shown no remorse. There is no alternative to this case other than disbarment and therefore we order that the disbarment will take effect in 28 days to allow a time period for appeal. Our decision will be communicated to the Respondent by email to his last known email address.

11. Mr Davidson asks for an interim suspension pending the disbarment taking place. He also invites the Tribunal to consider making a costs order and tells the Tribunal that the costs application was sent to the Respondent on 22 January 2021.

12. Chair: We agree that an interim suspension should be put in place immediately. In relation to costs we are satisfied that the costs order was sent by the BSB to the Respondent prior to this hearing. Given that the Respondent has not contested the outcome, we have considered whether there was an option to settle the matters without

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the need for a hearing and we are satisfied that there was not. The costs are reasonable, and in the circumstances, we allow them at £1200 as asked.

13. The Treasurer of the Honourable Society of the Middle Temple is to take any action required in relation to Rule rE239 and / or rE240.

Approved: 28 January 2021

**Her Honour Penny Cushing
Chairman of the Tribunal**

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