



# The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

## Report of Finding and Sanction

Case reference: PCLR 2019/0144/D5

Peter Wareing

The Director-General of the Bar Standards Board

The Chair of the Bar Standards Board

The Treasurer of the Honourable Society of the Inner Temple

### Disciplinary Tribunal

#### Peter Wareing

1. In accordance with an appointment made by the President of the Council of the Inns of Court contained in a Convening Order dated 24 March 2021 I sat as Chairman of a Disciplinary Tribunal on 15 April, 4 June and 8 July 2021 to hear and determine fourteen charges of professional misconduct contrary to the Code of Conduct of the Bar of England and Wales against Peter Wareing barrister of the Honourable Society of the Inner Temple.

#### Panel Members

2. The other members of the Tribunal were:

Stephanie McIntosh – Lay Member

Kathryn King – Lay Member

Peter Causton – Barrister Member

Darren Snow – Barrister Member

#### Charges & Pleas

3. Charges 1,2,4,7,11,12 and 13 were admitted.
4. Charges 3,5 and 6 were found proved.

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5. Charges 9 and 10 were dismissed.
6. Accordingly, the following were dealt with:

#### Charge 1

##### Statement of Offence

Professional misconduct, contrary to Core Duty 2 of the Code of Conduct (9th Edition, Bar Standards Board's Handbook – v2.0 – 2.1).

##### Particulars of Offence

Peter Wareing, a barrister, between 10 April 2015 and 1 September 2015, while acting for his client, CR, engaged in unnecessarily hostile and antagonistic correspondence with the respondent's lawyers. This correspondence, which consisted of emails sent by Peter Wareing to the respondent on 10 April 2015, 18 June 2015, 25 July 2015 and 1 September 2015, was cited in the respondent's successful application for costs.

Such behaviour was contrary to Core Duty 2 in that acting in such a manner created a hostile relationship with the respondent's lawyers to the potential detriment of Peter Wareing's client.

#### Charge 2

##### Statement of Offence

Professional misconduct, contrary to Core Duty 5 of the Code of Conduct (9th edition, Bar Standards Board's Handbook – v2.0 – 2.1).

##### Particulars of Offence

Peter Wareing, a barrister, between 10 April 2015 and 1 September 2015, while acting for his client, CR, the claimant, engaged in unnecessarily hostile and antagonistic correspondence with the respondent's lawyers. This correspondence, which consisted of emails sent by Peter Wareing to the respondent on 10 April 2015, 18 June 2015, 25 July 2015 and 1 September 2015, was referenced in the respondent's successful application for costs against the claimant.

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Such behaviour was contrary to Core Duty 5 in that acting in such a manner would diminish the trust and confidence placed in Peter Wareing or the profession by the public.

### Charge 3

#### Statement of Offence

Professional misconduct, contrary to Core Duty 3 and/or rC9.1 of the Code of Conduct (9th edition, Bar Standards Board's Handbook – v2.0).

#### Particulars of Offence

On 12 June 2015, Peter Wareing received an email from a solicitor for the respondent, RC, attaching a disclosure list.

On 16 June 2015, Peter Wareing emailed CR and said 'Tactically, to give us some time to respond, I am going to suggest I have just received his list, in consequence of other work, which is (nearly) true...'. Also on 16 June 2015 Peter Wareing sent the solicitor for the respondent an email which contained the false statement, '... many thanks for the provision of your list, which I have just now received...'.

Peter Wareing's behaviour of 16 June 2015 was contrary to Core Duty 3 in that it involved a failure to act with honesty and integrity.

Additionally or alternatively Peter Wareing's behaviour on 16 June 2015 was contrary to rC9.1 of the Conduct Rules in that Peter Wareing knowingly misled a solicitor for the respondent.

### Charge 4

#### Statement of Offence

Professional misconduct, contrary to Core Duty 5 of the Code of Conduct (9th edition, Bar Standards Board's Handbook – v2.0).

#### Particulars of Offence

On 12 June 2015, Peter Wareing received an email from a solicitor for the respondent, RC, attaching a disclosure list.

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On 16 June 2015, Peter Wareing emailed CR and said 'Tactically, to give us some time to respond, I am going to suggest I have just received his list, in consequence of other work, which is (nearly) true...'. Also on 16 June 2015 Peter Wareing sent the solicitor for the respondent an email which contained the false statement, '... many thanks for the provision of your list, which I have just now received... '.

Peter Wareing's behaviour of 16 June 2015 was contrary to Core Duty 5 in that acting in such a manner would diminish the trust and confidence placed in Peter Wareing or the profession by the public.

### Charge 5

#### Statement of Offence

Professional misconduct, contrary to Core Duty 1 and/or rule C3.1 of the Code of Conduct (9th editions, Bar Standards Board's Handbook – v2.1).

#### Particulars of Offence

On 14 September 2015, Peter Wareing's client CR had emailed to Peter Wareing a draft of her witness statement that consisted of 27 pages and 88 paragraphs. On 21 September 2015 Peter Wareing had responded to CR stating that the draft 'at first blush anyway, appears to cover all the issues that will need to be raised in the hearing' and was 'A great statement', though 'I will need to examine and consider the details more carefully before we come to the final version'.

On 19 October 2015, Peter Wareing sent an email to the Bristol Employment Tribunal that contained the false statement, 'it has not been possible and is not possible to prepare, edit or draft any statement for the Claimant or any of her witnesses.'

On 28 October 2015, Employment Judge Goraj at the Bristol Employment Tribunal asked Peter Wareing's client, CR, if she had prepared a statement. CR responded that she had prepared a statement and Peter Wareing interrupted her, stating that CR had only been able to draft a witness statement in 'bullet point form'.

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Peter Wareing's behaviour on 19 and/or on 28 October 2015 was contrary to Core Duty 1 in that it involved a breach of Peter Wareing's duty to the court in the administration of justice.

Additionally or alternatively, such behaviour was contrary to rule C3.1 of the Conduct Rules in that Peter Wareing knowingly misled or attempted to mislead the court.

## Charge 6

### Statement of Offence

Professional misconduct, contrary to Core Duty 3 of the Code of Conduct (9th edition, Bar Standards Board's Handbook – v2.1).

### Particulars of Offence

On 14 September 2015, Peter Wareing's client CR had emailed to Peter Wareing a draft of her witness statement that consisted of 27 pages and 88 paragraphs. On 21 September 2015 Peter Wareing had responded to CR stating that the draft 'at first blush anyway, appears to cover all the issues that will need to be raised in the hearing' and was 'A great statement', though 'I will need to examine and consider the details more carefully before we come to the final version'.

On 19 October 2015, Peter Wareing sent an email to the Bristol Employment Tribunal that contained the false statement, 'it has not been possible and is not possible to prepare, edit or draft any statement for the Claimant or any of her witnesses.'

On 28 October 2015, Employment Judge Goraj at the Bristol Employment Tribunal asked Peter Wareing's client, CR, if she had prepared a statement. CR responded that she had prepared a statement and Peter Wareing interrupted her, stating that CR had only been able to draft a witness statement in 'bullet point form'.

Peter Wareing's behaviour on 19 and/or on 28 October 2015 was contrary to Core Duty 3 in that it involved a failure to act with honesty and integrity.

## Charge 7

### Statement of Offence

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Professional misconduct, contrary to Core Duty 5 of the Code of Conduct (9th edition, Bar Standards Board's Handbook – v2.1).

### Particulars of Offence

On 14 September 2015, Peter Wareing's client CR had emailed to Peter Wareing a draft of her witness statement that consisted of 27 pages and 88 paragraphs. On 21 September 2015 Peter Wareing had responded to CR stating that the draft 'at first blush anyway, appears to cover all the issues that will need to be raised in the hearing' and was 'A great statement', though 'I will need to examine and consider the details more carefully before we come to the final version'.

On 19 October 2015, Peter Wareing sent an email to the Bristol Employment Tribunal that contained the false statement, 'it has not been possible and is not possible to prepare, edit or draft any statement for the Claimant or any of her witnesses.'

On 28 October 2015, Employment Judge Goraj at the Bristol Employment Tribunal asked Peter Wareing's client, CR, if she had prepared a statement. CR responded that she had prepared a statement and Peter Wareing interrupted her, stating that CR had only been able to draft a witness statement in 'bullet point form'.

Peter Wareing's behaviour on 19 and/or on 28 October 2015 was contrary to Core Duty 5 in that acting in such a manner would diminish the trust and confidence placed in Peter Wareing or the profession by the public.

### Charge 11

#### Statement of Offence

Professional misconduct, contrary to Core Duty 10 of the Code of Conduct (9th edition, Bar Standards Board's Handbook – v1.0).

#### Particulars of Offence

Peter Wareing, a barrister, between 6 January 2015 and 28 March 2015, sent five client care letters to his client, CR, which contained the false statement 'I am one of the few barristers permitted by the BSB to conduct litigation'. Peter Wareing has never been authorised by the Bar Standards Board to conduct litigation.

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Such behaviour was contrary to Core Duty 10 in that it involved a failure to carry out Peter Wareing's role in his practice in such a way as to achieve compliance with his legal and regulatory obligations.

### Charge 13

#### Statement of Offence

Professional misconduct, contrary to Core Duty 10 and/or rule C121 of the Code of Conduct (9th edition, Bar Standards Board's Handbook – v1.0 - 2.0).

#### Particulars of Offence

Peter Wareing, a barrister, of less than 3 years' standing and without a qualified person accepted instructions and acted for a lay client CR on a public access basis between May 2015 and November 2015. Peter Wareing was not authorised to undertake public access work at any time between May 2015 and November 2015.

Such behaviour was contrary to Core Duty 10 in that it involved a failure to carry out Peter Wareing's role in his practice in such a way as to achieve compliance with his legal and regulatory obligations.

### Charge 14

#### Statement of Offence

Professional misconduct, contrary to Core Duty 5 of the Code of Conduct (9th edition, Bar Standards Board's Handbook – v1.0 - 2.0).

#### Particulars of Offence

Peter Wareing, a barrister, of less than 3 years' standing and without a qualified person accepted instructions and acted for a lay client CR on a public access basis between May 2015 and November 2015. Peter Wareing was not authorised to undertake public access work at any time between May 2015 and November 2015.

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Such behaviour was contrary to Core Duty 5 in that acting in such a manner would diminish the trust and confidence placed in Peter Wareing or the profession by the public.

### Parties Present and Representation

7. The Respondent was present and was represented by Graeme McPherson QC.
8. The Bar Standards Board (“BSB”) was represented by Aileen McColgan QC of counsel.

### Evidence

9. Ms McColgan QC presented the case on behalf of the BSB.
10. Live evidence was heard from MS, CR, CM and the respondent.

### Sanction and Reasons

11. The Tribunal found the above charges proved to the requisite standard of proof, namely the criminal standard.
12. The unanimous decision of the Tribunal was that i] Mr Wareing be Advised as to his Future Conduct; ii] he was suspended from practise for 6 months; iii] he was reprimanded; iv] ordered to attend a BSB approved Public Access course before returning to practice.
13. The issue was one of truthfulness. The Tribunal considered that the respondent lacked truthfulness, which as a barrister is fundamental. Barristers must act with a very high degree of truthfulness and every statement made must be nothing less. This will be taken into consideration should the respondent come before a disciplinary tribunal again and the fact that he has been given such advice.
14. The Tribunal confirmed that it is necessary to protect the public / consumers of legal services because it is necessary to be truthful at all times. It is necessary to maintain public confidence in the integrity of the disciplinary process. The gravity of the charges must be recognised in the sanctions imposed.

### Costs

15. The BSB applied for costs in the sum of £6,312.00. Following retirement to consider the matter, taking into account the representations of the respondent’s counsel in relation to

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his means, the Tribunal ordered that the respondent is to pay to the BSB £2,000.00 the time to pay to be negotiated between the respondent and the BSB.

Approved: 13 July 2021

**HH Alan Greenwood**  
**Chairman of the Tribunal**

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