



The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

Report of Finding and Sanction

Case reference: PC2016/0244/D3

Francis Evans QC

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

Francis Evans QC

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 2021, I sat as Chairman of a Disciplinary Tribunal on 22 April 2021 to hear and determine 3 charges of professional misconduct contrary to the Code of Conduct of the Bar of England and Wales against Francis Evans QC, barrister of the Honourable Society of Middle Temple.

Panel Members

2. The other members of the Tribunal were:

Stephen Harpum (Lay Member)

Sadia Zouq (Barrister Member)

Charges

3. The following charges were admitted:

Charge 1

Statement of Offence

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Professional misconduct, contrary to Core Duty 5 of the Conduct Rules (Part 2 of the Bar Standards Board's Handbook – Version 2.1).

Particulars of Offence

Francis Evans QC behaved in a way which was likely to diminish the trust and confidence which the public places in barrister or in the profession, in that, whilst appointed as a Recorder, he consumed alcohol on court premises which led to difficulties for court staff and a decision to dismiss Mr Evans as a Recorder as set out in a statement issued on 25 July 2016 by the Judicial Conduct Investigations Office. The statement said that Mr Evans's actions demonstrated a lack of awareness and fell below the standard expected of a judicial office holder.

Charge 2

Statement of Offence

Professional misconduct, contrary to Core Duty 9 of the Conduct Rules (Bar Standards Board's Handbook – Versions 2-4).

Particulars of Offence

Francis Evans QC, a registered barrister [except between 1 June 2020 – 2 September 2020, 1 May 2019 – 13 May 2019 and 01 April 2017 – 03 May 2017], failed to be open and co-operative with his regulator between 15 September 2016 and 15 June 2020 [except the period when the investigation was adjourned between 12 September 2018 and 15 May 2019], in that he [i] failed to provide any response to the allegations put to him and/or [ii] failed to provide any proper response to the allegations put to him and/or [iii] failed to provide his regulator with information requested and in particular; 1] he failed to provide a response to allegations in a complaint put to him by his regulator on 15 September 2016, 2] he failed to provide a response to allegations put to him by his regulator on 29 May 2020, 3] he failed to respond or provide any proper response to emails from the BSB on multiple occasions including: a] an email from the BSB to Mr Evans on the 13 June 2017 requesting an update to his circumstances by the first week of July. Having not received a response, the BSB emailed him again on the 31 July 2017 requesting an update. Having not received a response, the BSB emailed Mr

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Evans again on the 4 August 2017 requesting an update. Mr Evans eventually responded on the 8 August 2017, b] an email from the BSB to Mr Evans on 5 March 2018, 12 March 2018, 16 March 2018 and 22 March 2018 reminding him that his final response was due on the 28 February 2018. Mr Evans did not respond to the first three emails. His eventual response on 26 March 2018 did not explain why he had not responded and did not give a reason for missing the 28 February 2018 deadline, c] an email from the BSB to Mr Evans on 15 May 2019, 12 February 2020 and 18 and 29 May 2020 requesting information on the frequency of work being undertaken and supporting documentation. Mr Evans failed to provide the information requested.

4. Following the Respondent entering his admissions on charges 1 and 2 the Bar Standards Board offered no evidence on charge 3.
5. Following the Tribunal hearing the Bar Standards Board offer no evidence on charge 3 the Tribunal dismissed charge 3.

Parties Present and Representation

6. The Respondent was present and was represented by Mr Cogan of counsel. The Bar Standards Board (“BSB”) was represented by Mr Ogg of counsel.

Sanction and Reasons

7. The Tribunal’s findings and reasons in relation to sanction are as follows:
 - a. On Charge 1 – it will be recorded that Francis Evans QC is reprimanded by the Tribunal for his conduct.
 - b. On Charge 2 – Francis Evans QC will be suspended from practice for a period of 2 months starting from 23 April 2021.
 - c. The Tribunal dismissed charge 3.
 - d. On the issue of costs, the Tribunal directs that Francis Evans QC pay the costs to the Bar Standards Board assessed in sum of £1,050.00 that being made up of £875.00 plus VAT of £175.00 to be paid within 6 months of 22 April 2021.
8. The Tribunal has considered aggravating and mitigating features of this case and the relevant sanctions guidance. The Tribunal was assisted by the informative

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representations made by counsel for the Respondent. The Tribunal was equally grateful to counsel for the Bar Standards Board for his skeleton argument and for the concise way in which he put matters.

9. The Tribunal had a great deal of sympathy for Mr Evans' personal circumstances during the illness and death of his late mother and again when he himself suffered a period of ill health.
10. In relation to charge 1, the Tribunal found that the Respondent was in a position of great responsibility and he has now lost that position of responsibility.
11. In relation to charge 2, the Tribunal whilst recognising that there were periods of time when the Respondent had to give significant support to his late mother; and that he also suffered ill health and pain; at times when he was well and after the death of his mother his conduct in relation to communications with his regulator was persistent over a long period of time. He had some limited engagement with the Bar Standards Board but at least from 2019 when he considered himself able to return to practice, he failed to give priority to the requests from the Bar Standards Board for information.

Dated: 22 April 2021

**HH Penny Cushing
Chairman of the Tribunal**

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