



The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

Report of Finding and Sanction

Case reference: PC 2019/0383/D5

Kevin Manning

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

Kevin Manning

1. In accordance with an appointment made by the President of the Council of the Inns of Court contained in a Convening Order dated 17 May 2021 I sat as Chairman of a Disciplinary Tribunal on 10 June 2021 to hear and determine four charges of professional misconduct contrary to the Code of Conduct of the Bar of England and Wales against Kevin Manning barrister of the Honourable Society of the Middle Temple.

Panel Members

2. The other members of the Tribunal were:

Janine Green – Lay Member

Stephen Harpum – Lay Member

Isabelle Watson – Barrister Member

Thomas Williams – Barrister Member

Charges & Pleas

3. Mr Manning being absent, the charges were deemed denied. The following charges were found proved in his absence.

Charge 1 (Criminal Standard)

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The Council of the Inns of Court. Limited by Guarantee
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Statement of Offence

Professional misconduct contrary to paragraphs 104, 301.(a)(i) and (iii), and/or 901.7 of the 8th Edition of the Code of Conduct of the Bar of England and Wales.

Particulars of Offence

Kevin Manning, an unregistered barrister, engaged in conduct whether in pursuit of his profession or otherwise which was dishonest or otherwise discreditable to a barrister, and/or likely to diminish public confidence in the legal profession or the administration of justice or otherwise bring the legal profession into disrepute, in that while practising as a solicitor of the Royal Court (Jersey) operating a practice as K R Manning & Co (the firm), while curator to various curatorships, he:

(1) took money from eight curatorship accounts and a trust which he controlled, in four different transactions in 2008 and 2010, to make up a deficit which had occurred in the firm's client account, for which conduct he was convicted by the Royal Court (Jersey) on 12 December 2018 following a guilty plea to 20 counts of fraudulent conversion and one count of fraudulent conversion by a trustee, and sentenced to three and a half years' imprisonment concurrently on each count;

(2) failed to keep accurate client records over a six-year period, for which conduct he was convicted by the Royal Court (Jersey) on 12 December 2018 following a guilty plea to one count of failing to comply with the requirements of Article 19 of the Money Laundering (Jersey) Order 2008, contrary to Article 37(4) of the Proceeds of Crime (Jersey) Law 1999, and sentenced to eight months' imprisonment concurrently to the fraudulent conversion offences set out in paragraph (1) above.

Charge 2 (Criminal Standard)

Statement of Offence

Professional misconduct contrary to Conduct Rule rC65.3 of the 9th Edition of the Code of Conduct of the Bar of England and Wales (Version 1).

Particulars of Offence

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Kevin Manning, an unregistered barrister, and solicitor of the Royal Court (Jersey) regulated by The Law Society of Jersey, failed to report promptly or at all to the Bar Standards Board that he was the subject of disciplinary or other regulatory or enforcement action by another Approved Regulator or other regulator, including being the subject of disciplinary proceedings, in that he:

(1) failed to report to the Bar Standards Board, at all, that in 2014 he was the subject of disciplinary proceedings by The Law Society of Jersey following its investigation into his management of the K R Manning & Co client account;

(2) failed to report to the Bar Standards Board, at all, that on 18 December 2014 he was suspended from practice as a solicitor by The Law Society of Jersey, for failing to keep accurate client records over a six-year period.

Charge 3 (Criminal Standard)

Statement of Offence

Professional misconduct contrary to Conduct Rules rC65.1 and rC65.2 of the 9th Edition of the Code of Conduct of the Bar of England and Wales (Versions 3 and 3.4).

Particulars of Offence

Kevin Manning, an unregistered barrister, failed to report promptly or at all to the Bar Standards Board that he was charged with an indictable offence in the jurisdiction of England and Wales or with a criminal offence of comparable seriousness in any other jurisdiction, and that he was convicted of a criminal offence in any jurisdiction, in that he:

(1) failed to report to the Bar Standards Board, at all, that in 2017 he was charged by the Attorney General (Jersey) with 20 counts of fraudulent conversion, one count of fraudulent conversion by a trustee, and one count of failing to comply with the requirements of Article 19 of the Money Laundering (Jersey) Order 2008, contrary to Article 37(4) of the Proceeds of Crime (Jersey) Law 1999;

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(2) failed to report to the Bar Standards Board, at all, that on 12 December 2018 he was convicted by the Royal Court Jersey of 20 counts of fraudulent conversion, one count of fraudulent conversion by a trustee, and one count of failing to comply with the requirements of Article 19 of the Money Laundering (Jersey) Order 2008, contrary to Article 37(4) of the Proceeds of Crime (Jersey) Law 1999.

Charge 4 (Civil Standard)

Statement of Offence

Professional misconduct contrary to Conduct Rule rC65.3 of the 9th Edition of the Code of Conduct of the Bar of England and Wales (Version 4.1).

Particulars of Offence

Kevin Manning, an unregistered barrister, and solicitor of the Royal Court (Jersey) regulated by The Law Society of Jersey, failed to report promptly or at all to the Bar Standards Board that he was the subject of disciplinary or other regulatory or enforcement action by another Approved Regulator or other regulator, including being the subject of disciplinary proceedings, in that he:

(1) failed to report to the Bar Standards Board, at all, that on 31 July 2019 he was removed from the Roll of Solicitors of the Royal Court (Jersey).

Parties Present and Representation

4. The Respondent was not present and was not represented.
5. The Bar Standards Board (“BSB”) was represented by Ben Mitchell of counsel.

Evidence

6. The BSB presented the case on behalf of the BSB.

Findings

7. The respondent was a practising solicitor for a firm based in Jersey. He was not practising as a barrister although he had been called to the Bar. In his capacity as a practising solicitor he became a curator to various curatorships and had control of money in several curatorships and also in a trust. The proceedings in Jersey related to money he had taken from 8 curator accounts and one trust. He used that money to make up a deficit in his

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firm's accounts. He removed the monies in breach of trust. There is doubt about the precise amount. He maintained it was £65,000 and we proceed on this basis. In correspondence with the BSB he had stated £60,000. Whichever it is – it is a substantial sum.

8. He also failed to keep accurate client records as he was required to do. The Law Society of Jersey became aware of these matters, investigated and suspended him from practice. He was convicted on guilty pleas in court. He never denied the allegations. The charges (with the exception of charge 4) have to be proved to a criminal standard. The respondent has been absent throughout and has not disputed any of these matters. In a letter that he wrote on the 31 December 2020 he said that he had no wish to be involved in this process any further, either by a representative or in person. So he has consistently since that time played no part in these proceedings.

It is submitted on behalf of the BSB regarding charge 1 that reliance is placed on the Court's judgment because the Court's judgment relates to the factual background. It is relied upon for proof of that factual background and that has not been displaced by him in any way. The underlying facts are therefore proved in relation to the first charge.

9. The other charges are failure to report at various different stages of what happened. He is variously charged with failing to report that he was the subject of proceedings by the law society of Jersey, that he was suspended from practice thereafter, failing to report that he was charged with the offences in question and failing to report that he was removed from the roll of solicitors. He had an obligation to report each of these matters and he did not. He acknowledged at 3-18 in the bundle that he hadn't reported. He says that he was unaware that he had to but that is of course no defence. The conclusion is that reliance can be placed on the judgment for proof of the facts in relation to failing to report because it is not displaced by anything that he says. On the contrary it is confirmed by him in the communication I have referred to.
10. The Tribunal find all the charges proved for the reasons mentioned. We find them proved to the requisite standard of proof.

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Sanction and Reasons

11. In relation to sanction Mr Mitchell stated that he was instructed not to make positive submissions. However, he said that there are no previous findings against Mr Manning. He also drew the panel's attention to the sanctions guidance.
12. There was some discussion as to what was meant by the word "profession" in the sanctions guidance as in this case Mr Manning was acting as a solicitor.

Sanction

13. The Tribunal considered the following sanction to be appropriate in the circumstances.
14. For this dishonesty, which was of a very serious nature, it is inevitably our duty to disbar the respondent Kevin Manning. We do disbar him in respect of charges 1, 2 and 4.
15. In respect of charge 3 we referred to the guidance at pg 58 and we concluded that it may be that the guidance precluded us from doing so on this charge. A fine was not appropriate. There is therefore no separate penalty for charge 3.
16. Costs were not ordered in the case bearing in mind the impression everyone had that the Respondent's means are severely limited as a result of what has happened to him - his time in prison, the proceedings as a whole and the difficulty he now has bearing in mind that he cannot practice as he used to.
17. The Treasurer of the Honourable Society of the Middle Temple is to take action in accordance with rE239 and rE240 of the Bar Standards Board's Handbook.

Approved: 14 June 2021

HH Alan Greenwood
Chairman of the Tribunal

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