



# The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

## Disciplinary Tribunal

### DAVID OSBORNE

Called to the Bar by: Gray's Inn, July 1974

Type of hearing: 3 Person Tribunal

Date of decision: 29 March 2022

In breach of:

Core Duty 10 and Rules rC73, rC19.4, rS6 and rC64 of the Bar Standards Board Handbook.

Details of Offence:

#### Charge 1

#### Statement of Offence

Professional misconduct, contrary to rule C73 of the Code of Conduct (9th edition, Bar Standards Board's Handbook - Version 3.0).

#### Particulars of Offence

Between 22 April 2017 and 27 April 2017 David Osborne, a barrister, received and/or handled client money that was not paid to him for his services, in that:

(1) on 22 April 2017, David Osborne requested a payment of £1000, in a letter to his direct access client, SW, but did not indicate what the payment was for in clear terms for the client; (2) on 27 April 2017 David Osborne received £1000 from his direct access client, SW, with no indication of what the payment was for or an indication that it was a fixed fee payment in advance of services.

#### The Bar Tribunals & Adjudication Service

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## Charge 2

### Statement of Offence

Professional misconduct, contrary to rule C19.4 of the Code of Conduct (9th edition, Bar Standards Board's Handbook-Version 2.2 - 3.0).

### Particulars of Offence

Between 3 March 2017 and 28 April 2017, David Osborne, a barrister, misled or permitted to be misled, his direct access client, SW, about the extent to which he was able to supply legal services and conduct litigation, in that:

- (1) on 3 March 2017, David Osborne sent SW his terms of agreement and failed to advise the lay client in clear and readily understandable terms that he was not authorised to conduct litigation;
- (2) on 27 April 2017, David Osborne filed an application on behalf of his direct access client, SW, in Wandsworth County Court and served it on the other parties.

## Charge 3

### Statement of Offence

Professional misconduct, contrary to Core Duty 10 and rule S6 of the Code of Conduct (9th edition, Bar Standards Board's Handbook-Version 3.0).

### Particulars of Offence

David Osborne, a barrister, on 26 April 2017, failed to take reasonable steps to manage his practice in such a way as to achieve compliance with his regulatory and legal obligations, and carried out a reserved legal activity that he was not authorised to carry out, namely the conduct of litigation, in that:

- (1) on 27 April 2017, David Osborne filed an application with Wandsworth County Court for an adjournment;
- (2) David Osborne served copies of the application in particular (1) above on other parties on behalf of his direct access client, SW.

## Charge 4

### Statement of Offence

Professional misconduct, contrary to rule C73 of the Code of Conduct (9th edition, Bar Standards Board's Handbook - Version 3.0).

### Particulars of Offence

Between 26 April 2017 and 27 April 2017, David Osborne, a barrister, handled and/or controlled client money in that:

- (1) on 26 April 2017, David Osborne paid a £100 fee to Wandsworth County Court on behalf of his direct access client, SW;
- (2) on 27 April 2017, David Osborne deducted the fee of £ 100 paid on behalf of SW to Wandsworth County Court on 26 April 2017 from monies SW paid to him on 27 April 2017.

## Charge 5

### Statement of Offence

Professional misconduct, contrary to rule C64 of the Code of Conduct (9th edition, Bar Standards Board's Handbook - Version 4.4).

### Particulars of Offence

Between 6 March 2020 and 9 July 2020, David Osborne, a barrister, failed to promptly provide information to the Bar Standards Board that it required of him, in that:

- (1) David Osborne failed to provide comments and information relating to an investigation by the Bar Standards Board, initially by 30 March 2020 but extended to 9 July 2020, that was requested on:(1.1) 6 March 2020; (1.2) 11 March 2020; (1.3) 23 March 2020; (1.4) 24 March 2020; and (1.5) 2 July 2020.
- (2) David Osborne declined to provide a copy of the client care letter to his direct access client, SW, that was requested on 5 June 2020 and was due by 12 June 2020.

**Sanction:** Charge 1 - Fined £1,000, Charge 2 - Fined £500, Charge 3 - Fined £500, Charge 4 - Fined £,1000, Charge 5 - Fined £1,250. Costs of £3,300 to be paid to the BSB. Fines and costs to be paid within 6 months of the expiry of any appeal period.

**Status:** Final.