



The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

Report of Finding and Sanction

Case Reference: 2021/7456/D3

Mr Matthew Feargrieve

The Director-General of the Bar Standards Board

The Chair of the Bar Standards Board

The Treasurer of the Honourable Society of Lincoln's Inn

Disciplinary Tribunal

Mr Matthew Feargrieve

1. In accordance with an appointment made by the President of the Council of the Inns of Court contained in a Convening Order dated 4 June 2024, I sat as Chairman of a Disciplinary Tribunal on 19 June 2024 to hear and determine one charge of professional misconduct contrary to the Code of Conduct of the Bar of England and Wales against Mr Matthew Feargrieve, barrister of the Honourable Society of Lincoln's Inn.

Panel Members

2. The other members of the Tribunal were:

John Vaughan (Lay Member)

Kane Simons (Barrister Member)

Charges

3. The following charge was found proven:

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Professional misconduct, contrary to Core Duty 5 of the Code of Conduct of the Bar of England and Wales (9th Edition) Bar Standards Board Handbook (Version 3.3)

Mr Feargrieve, an unregistered barrister, behaved in a way which was likely to diminish the trust and confidence which the public places in him or in the profession, in that, he assaulted another person on 7 October 2018. For his conduct, Mr Feargrieve was convicted of common assault by beating contrary to Section 39 of the Criminal Justice Act 1988 on 16 December 2019 and was subsequently sentenced to a fine of £900.

Parties Present and Representation

4. The Respondent was not present and was not represented. The Bar Standards Board (“BSB”) was represented by Mr David Welch.

Preliminary Matters

5. Two preliminary matters were raised before the Tribunal by the BSB.
6. The first matter concerned an error in the convening order under rE132. In the convening order the Mr Feargrieve is referred to as ‘Mr Michael A Feargrieve’. The BSB confirmed this is an error and that it should be corrected to ‘Mr Matthew A Feargrieve’.
7. Mr Welch made submissions in respect of this matter. He confirmed that in correspondence Mr Feargrieve had been named appropriately. He also confirmed that no issue had been raised by Mr Feargrieve as to the name in the convening order. He explained that the evidence indicated that Mr Feargrieve was aware of the proceedings, there was no reason to consider he did not receive or did not understand the convening order, or that he was prejudiced. As such, Mr Welch submitted that the convening order be amended.
8. The Tribunal considered this application and determined to allow the application on this preliminary matter. This was clearly an administrative error. No prejudice had been

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caused to Mr Feargrieve. At paragraph 2 of the Convening Order he had been described as M.A. Feargrieve. The submissions of Mr Welch were accepted in their entirety.

9. The second matter concerned proceeding in the absence of Mr Feargrieve. This is an application under rE183. The Tribunal was assisted by the bundle produced by the BSB in respect of this application, and the skeleton produced by Mr Welch.
10. Mr Welch made further submissions in respect of this matter. He first explained that Mr Feargrieve had requested that the matter proceed administratively but that the BSB did not accede to this request. I asked Mr Welch to take me to the document which showed that Mr Feargrieve had received the papers, and he took us to PIA11 in the supplemental bundle. That document is an attendance note from a call on Mr Feargrieve on 11 June 2024 by Mr Harry Buckle. In that call Mr Feargrieve made clear that 'I do not live in the UK anymore. Lots of post. Don't check this email address often, has directions'.
11. Mr Welch went on to explain that there has been significant correspondence between Mr Feargrieve and the BSB. He submits he was properly informed in line with the rules, and we note paragraph 6 of Mr Welch's skeleton where he sets out that documents were deemed served on Monday 12 February 2024 by virtue of rE249. Mr Welch also explained that Mr Feargrieve made quite clear he would not attend this hearing.
12. The Tribunal had discussed this application prior to the submissions, and considered Mr Welch's submissions. Mr Feargrieve expressed the view that he was not going to attend, and did not attend today. Considering this and the submissions, adjourning the case would serve no useful purpose. As such, the Tribunal allows the application made by Mr Welch. Mr Feargrieve was found to be voluntarily absent and there was a public interest in proceeding with the matter.

Pleas

13. No pleas were entered as the Mr Feargrieve was neither present nor represented.

Evidence

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14. The BSB called no formal evidence in respect of this matter. Instead, Mr Welch referred us to the available documents in the bundle and made submissions in respect of those. The Tribunal read the bundle and opening note produced by Mr Welch.
15. Mr Welch set out the following. Mr Feargrieve was attending the Royal Opera House for a performance and there was a confrontation over a seat with another gentleman. In that confrontation fists were raised, and Mr Feargrieve struck that other gentleman. This gave rise to the charge which was heard at Magistrates' Court on 16 December 2019. As a result of that hearing Mr Feargrieve was convicted of an offence under s39 CJA 1988. Mr Welch confirmed that this was the lowest form of assault that a person could be charged with.
16. Mr Feargrieve was then sentenced on 22 January 2022. He was fined £900 and required to pay compensation of £500 to the victim. He was also required to pay £90 victim surcharge and £775 costs.
17. The Tribunal was referred to the memorandum of conviction at B1 in relation to the offence.
18. Mr Feargrieve is also a solicitor and this matter has been addressed by the SRA as his regulator in respect of that profession. The matter was considered by an SRA Adjudicator on 11 June 2021 and a rebuke was issued along with a requirement to pay the SRA's costs in the sum of £300. Mr Feargrieve is an unregistered barrister called to the Bar of England and Wales in 1996.
19. Mr Welch directed us that, because of the date of the offence, we are required to consider findings applying the criminal rather than the civil standard of proof.
20. Mr Welch concluded by making clear that the BSB relied upon the memorandum of conviction and the SRA decision and documentation. There were no live witnesses.

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21. We were told that Mr Feargrieve has no previous disciplinary findings against him. This matter is one under Core Duty 5 of the Code of Conduct.
22. I asked whether Mr Feargrieve had ever been in practice. Mr Welch confirmed that he had not undertaken pupillage and did not appear to have ever practiced as a barrister.

Findings

23. rE169 provides that a copy of the Memorandum of conviction relating to the offence shall be conclusive proof that the Respondent committed the offence.
24. We find that the charge is proved beyond reasonable doubt.

Sanction and Reasons

25. The Tribunal noted that Mr Feargrieve had committed an assault in a public place involving violence to a third party. Some harm must have been caused to the victim although there was no medical evidence before either the Criminal Court or the Tribunal. The upshot was that Mr Feargrieve was convicted in the Magistrates Court. He issued an appeal but withdrew it on the basis that he was without funds to pursue it. Mr Feargrieve had not cooperated with the disciplinary process and had not put forward any mitigation. He neither offered an apology nor showed insight or remorse. Such conduct caused significant damage to the trust and confidence which the public is entitled to place in the profession.
26. The Tribunal did not require submissions as to sanction. The BSB also made an application for costs.
27. In respect of sanction, we have had regard to the BTAS Sanctions Guidance Version 6 dated 1 January 2022. We have had particular regard to Part 2 Sections E and I.
28. The Tribunal concluded that the misconduct fell within the middle range set out in its Sanctions Guidance having found significant culpability and limited harm. Given the lack of any mitigation the Tribunal made the Order set out below.

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29. The Tribunal orders that the BSB does not issue a practicing certificate to Mr Feargrieve for a period of 12 months from the date of the hearing. In ordering that sanction the Tribunal makes the statement required by rE234.1 that the finding and sanction were made in the absence of the respondent in accordance with rE183.
30. The Tribunal also ordered that Mr Feargrieve pay the BSB's costs in the sum of £1,560. The claim for costs was limited to the fees of Counsel. The Tribunal considered that the amount claimed was both fair and reasonable.
31. Mr Welch informed the Tribunal that the costs schedule was sent by email to Mr Feargrieve on Friday 14 June 2024 by email, and sent by first class post and guaranteed next day delivery to his provided address on Monday 17 June 2024. Mr Welch informed the Tribunal that this was a day after that required by the rules.
32. The Tribunal directs that Mr Feargrieve may within 14 days make submissions upon the quantum of costs. If he does not do so the order will stand and take effect at the end of the period. If he does make representations the BSB will have 7 days to reply in writing and the Tribunal will resolve the matter on paper.

Dated: 20 June 2024

Geoffrey Williams KC
Chairman of the Tribunal

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