



# The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

## Report of Finding and Sanction

Case Reference: PC 2018/0486/D5

Lee Sowden

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

#### Lee Sowden

1. In accordance with an appointment made by the President of the Council of the Inns of Court contained in a Convening Order dated 18.10.19 I sat as Chairman of a Disciplinary Tribunal on 11.11.19 to hear and determine 4 charges of professional misconduct contrary to the Code of Conduct of the Bar of England and Wales against Lee Sowden barrister of the Honourable Society of Middle Temple.

#### Panel Members

2. The other members of the Tribunal were:

Alison Fisher (Lay member)

Helen Carter-Shaw (Lay member)

Alan Steinfield QC (Barrister member)

Edward Levey (Barrister member)

#### Parties Present and Representation

3. The respondent was not in attendance and he was not represented.

#### Pleas

4. The respondent did not admit or deny the charges as he was not present.

#### The Bar Tribunals & Adjudication Service

9 Gray's Inn Square,

London

WC1R 5JD

T: 020 3432 7350

E: [info@tbts.org.uk](mailto:info@tbts.org.uk)

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Charity Number: 1155640

Registered Office:

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## Preliminary Issues

5. The Tribunal considered whether to proceed in the absence of the respondent pursuant to rE183. The Tribunal was satisfied that rules E103 E104 and E249 had been complied with. The Tribunal was satisfied that the respondent had been sent the convening order. The respondent had been made aware of the hearing and had chosen not to attend. The date of the hearing had been published on the BTAS website. The Bar Standards Board received an email from the respondent on 04.11.19 in which he wrote, "I am happy for them to proceed in my absence". The Tribunal asked the Tribunal Clerk to make enquiries to check that the respondent wasn't waiting in the tribunal suite or whether he had contacted BTAS indicating his intention to attend, since his email of 04.11.19. It having been confirmed by the Tribunal Clerk that the respondent was not at the tribunal suite that BTAS had not received any telephone call or written communication from the respondent since his email of 04.11.19 the Tribunal decided to proceed in the absence of the respondent pursuant to rE183 as it was just to do so and the tribunal was satisfied that the relevant procedures had been complied with.

## Evidence

6. The tribunal considered the written evidence contained within the bundle.

## Findings

7. The following charges were found proven.

### Charge 1

#### Statement of Offence

Professional Misconduct contrary to Core Duty 5 of the Bar Standards Board Handbook.

#### Particulars of Offence

Lee Sowden engaged in conduct likely to diminish the public trust and confidence which the public places in a barrister or in the profession, and which could reasonably be seen by the public to undermine the barrister's honesty and integrity, in that between 10 January 2011 and 8 December 2016, made indecent photographs of children, contrary to section 1[1][a] of the Protection of Children Act 1978 and between 22 November 2017 and 26 November 2017 failed to comply with the notice issued under s.49 of the Regulation of Investigatory

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E: [info@tbtas.org.uk](mailto:info@tbtas.org.uk)

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Powers Act 2000, for which conduct Lee Sowden was, on 1 November 2018, convicted after trial at the Crown Court at Leicester and on 2 November was sentenced to 12 months' imprisonment and a 10 year sexual harm prevention order.

## Charge 2

### Statement of Offence

Professional Misconduct contrary to rC8 of the Bar Standards Board Handbook.

### Particulars of Offence

Lee Sowden engaged in conduct likely to diminish the public trust and confidence which the public places in a barrister or in the profession, and which could reasonably be seen by the public to undermine the barrister's honesty and integrity, in that between 10 January 2011 and 8 December 2016, made indecent photographs of children, contrary to section 1[1][a] of the Protection of Children Act 1978 and between 22 November 2017 and 26 November 2017 failed to comply with the notice issued under s.49 of the Regulation of Investigatory Powers Act 2000, for which conduct Lee Sowden was, on 1 November 2018, convicted after trial at the Crown Court at Leicester and on 2 November was sentenced to 12 months' imprisonment and a 10 year sexual harm prevention order.

## Charge 3

### Statement of Offence

Professional Misconduct contrary to Core Duty 9 of the Bar Standards Board Handbook.

### Particulars of Offence

Lee Sowden failed to report promptly, or at all, to the Bar Standards Board as required by CD9 and rC65.1 and/or failed to be open and co-operative with his regulator in that on 7 May 2018 he had been charged with seven indictable offences, namely six charges of making indecent photographs of children, contrary to section 1[1][a] of the Protection of Children Act 1978; and one charge of failing to comply with the notice issued under s.49 of the Regulation of Investigatory Powers Act 2000.

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## Charge 4

### Statement of Offence

Professional Misconduct contrary to Core Duty 9 and/or rC65.2 of the Bar Standards Board Handbook.

### Particulars of Offence

Lee Sowden failed to report promptly, or at all, to the Bar Standards Board as required by CD9 and rC65.2 and/or failed to be open and co-operative with his regulator in that on 1 November 2018 he had been found guilty at Leicester Crown Court of six counts of making indecent photographs of children, contrary to section 1[1][a] of the Protection of Children Act 1978; and one count of failing to comply with the notice issued under s.49 of the Regulation of Investigatory Powers Act 2000.

## Sanction and Reasons

8. Pursuant to rE243.1, the findings and sanction were made in the absence of the respondent in accordance with rE183.

The reason is that the respondent had been convicted for offences of a sexual nature and had failed to comply with a notice issued under s.49 of the Regulation of Investigatory Powers Act 2000 and had been sentenced to 12 months imprisonment and made subject of a 10 year sexual harm prevention order. This seriously diminishes the public confidence in the profession.

Charge 1 Disbarment

Charge 2 Disbarment

Charge 3 No separate penalty

Charge 4 No separate penalty

As to charges 1 and 2, the respondent was convicted of serious sexual offences for which he was sentenced to imprisonment. Conviction under RIPA s.49 undermines integrity and honesty. This seriously diminishes the public confidence in the profession.

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As to charges 3 and 4, although these were serious matters the sanctions guidelines suggest a fine. Having regard to the sanction of disbarment on charges 1 and 2 a further penalty would be inappropriate. The Findings and Sanction were a unanimous decision.

The Treasurer of the Honourable Society of Inn is requested to take action on this report in accordance with rE239 of the Disciplinary Tribunal Regulations 2019.

**Approved: 25 November 2019**

**His Honour Andrew Goymer  
Chairman of the Tribunal**

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