

Determination by Consent Report (FINAL)

Renata Jurenko (Middle Temple, October 1993)

A. Background

1. On 16 February 2018, Renata Jurenko drove a Black Mercedes SLK, on a public place, namely Coulsdon Road, after consuming so much alcohol that the proportion of it in her breath, namely 109 microgrammes of alcohol in 100 millilitres of breath, exceeded the prescribed limit. On 11 April 2018, at West Hampshire Magistrates' Court, Ms Jurenko pleaded guilty to an offence under the Road Traffic Act 1988.
2. Ms Jurenko was called to the Bar and is therefore a BSB regulated person to whom Core Duty 5 of the BSB Code of Conduct applies.
3. Ms Jurenko self-reported to the BSB on 29 May 2018. Following an investigation, and under rE3 of the Complaints Regulation, a staff decision was taken that the case was suitable for disposal under the Determination by Consent ("DBC") procedure. Ms Jurenko confirmed her acceptance of the DBC procedure on 13 September 2018.

B. Charge(s)

4. As a consequence of the conduct outlined in paragraph 1 above, the BSB has charged Ms Jurenko with one breach of the Code of Conduct amounting to professional misconduct. The charge is:

Charge 1

Statement of Offence

Professional misconduct contrary to Core Duty 5 of the Code of Conduct of the Bar of England and Wales (9th Edition)

Particulars of Offence

Renata Jurenko, a barrister, behaved in a way which was likely to diminish the trust and confidence which the public places in the profession or in her, contrary to Core Duty 5, in that, on 16 February 2018, she drove a motor vehicle after consuming so much alcohol that the proportion of alcohol in her breath, namely 109 microgrammes of alcohol in 100 millilitres of breath exceeded the prescribed limit of 35 microgrammes of alcohol in 100 millilitres, for which she was convicted at West Hampshire Magistrates' Court and sentenced to a fine of £1200, ordered to pay a surcharge of £85 and CPS cost of £85 and was disqualified from driving for a period of 24 months reduced by 24 weeks if by 15 September 2019, she satisfactorily completes a course approved by the Secretary of State.

C. Summary of Facts

5. Core Duty 5 states that a barrister must not behave in a way which is likely to diminish the trust and confidence which the public places in them or in the profession.
6. On 29 May 2018, Ms Jurenko emailed the BSB to self-report that "*I write to inform you of the following:*
 - 1) *On 16th February 2018 I was caught drink driving in Surrey near my home.*
 - 2) *I pleaded guilty to the offence on 11th April and was sentenced at Southampton Magistrates' Court on 2nd May.*
7. The email provided details of the sentence following conviction and that she informed her Head of Chambers immediately after it happened.
8. The BSB wrote to Ms Jurenko on 14 June 2018 to notify her that a complaint had been raised and asked for a response to the complaint.
9. Ms Jurenko replied on 3 July 2018 setting out personal background and in relation to the offence, that she had drunk on the evening of 16 February 2018 and fell asleep. Upon waking up, she was hungry and decided to buy some food and got into the vehicle. She drove a short distance of less than a mile.
10. The details regarding the conviction and sentence are confirmed within the memorandum of conviction, a copy of which was obtained from the Court by the BSB.
11. The legal driving limit is 35 microgrammes of alcohol per 100 millilitres of breath.

D. Previous Disciplinary Findings

12. Ms Jurenko has no previous findings of professional misconduct

E. Plea and mitigation

13. On 23 October 2018, Ms Jurenko advised the BSB by email that she:
 - (a) did not dispute the facts as set out in sections A and C of this report; and
 - (b) admits the charge as set out in section B of this report.
14. In a letter dated 7 November 2018, Ms Jurenko provides details of the events leading to the conviction, including those contained in paragraph 9 above. She repeats that it was a mistake getting into the vehicle and has provided financial information.

F. Committee decision

15. On the material evidence and admission before the committee, including the certificate of conviction, the Professional Conduct Committee finds the charge proven.

G. Committee sanction

16. In Sanctioning Ms Jurenko, the Committee has had regard to the enforcement strategy as well as Version 4 (Revised) of the BTAS Sanctions Guidance (February 2018).
17. The sanctions guidance indicates under B1, at page 36 that for a first-time conviction for drink driving the starting point should be a reprimand and a low level fine. The sanctions guidance also states the level of fine at page 17 (paragraph 5.4) which is that "A fine of up to £50,000 (for acts or omissions that took place on or after 6th January 2014).
18. The Committee has considered as an aggravating factor the high level of alcohol which led the court to impose a 9-month community order.
19. With regards to mitigation the Committee has considered her guilty plea, personal circumstances prior to the conviction, that the misconduct involves a single incident, she has no previous findings of professional misconduct, has successfully completed a drink driving rehabilitation course, character references, has co-operated with the BSB and has shown genuine remorse.
20. The Committee notes that Ms Jurenko has already been fined £1200 for the underlying offence, ordered to pay costs of £85 and a victim surcharge of £85.
21. In all the circumstances Renata Jurenko is sanctioned as follows:

Charge 1 – A reprimand and fine of £600