

Determination by Consent Report

David Neil Bullock

(Middle Temple, November 1989)

A. Background

1. Mr David Neil Bullock was called to the Bar by Middle Temple in 1989 and throughout 2018, Mr Bullock was practising as a self-employed barrister. Mr Bullock is regulated by the Bar Standards Board ('BSB') to whom the Code of Conduct and the Bar Standards Handbook apply.
2. On 5 June 2018, Mr Bullock self-reported to the BSB that he had received a police caution for 'common assault' pursuant to Section 39 of the Criminal Justice Act 1988 which was administered on 18 April 2018. The caution related to an offence committed on 20 March 2018.
3. The BSB duly raised an internal complaint and following full investigation, determined to refer the matter to the Professional Conduct Committee (PCC) for disposal. The PCC met and considered the complaint on 9 January 2019. The PCC decided that there was enough evidence for there to be a realistic prospect of proving a breach of CD5 of the Code of Conduct and that disciplinary action was appropriate in all the circumstances. The PCC decided that the case was suitable for disposal under the Determination by Consent ('DBC') procedure.
4. Pursuant to rE67, the BSB wrote to Mr Bullock on 16 January 2019, to confirm this decision and to ask whether he agreed in principle for the complaint against him to be dealt with under the DBC procedure.
5. On 22 January 2019, Mr Bullock provided written consent to the DBC procedure.

B. Charge

6. As a consequence of the failures outlined in paragraph 2 above, the BSB has charged Mr Bullock 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 (CD5) of the Code of Conduct of the Bar of England and Wales (9th Edition)

Particulars of Offence

David Bullock, a 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, on 20 March 2018, David Bullock assaulted Person A, for which conduct on 18 April 2018, David Bullock accepted a police caution for an offence contrary to Section 39 of the Criminal Justice Act 1988.

C. Summary of Facts

7. On or around 20 March 2018, following an argument at the matrimonial home between Mr Bullock and his then partner, ('Person A') Mr Bullock heard Person A speaking angrily about him in another language on his mobile phone. Mr Bullock attempted to grab the phone from Person A's hand and in so doing, caused scratches to two of Person A's fingers. Person A contacted the police who attended at the matrimonial home.
8. Mr Bullock admitted to the police that Mr Bullock had caused the scratches to Person A's fingers whilst attempting to grab the phone from Person A.
9. Mr Bullock accepted a police caution in relation to the incident of 20 March 2018 on 18 April 2018. The caution accepted by Mr Bullock was in relation to an offence contrary to Section 39 of the Criminal Justice Act 1988.
10. On 5 June 2018, Mr Bullock self-reported to the BSB.
11. The BSB wrote to Mr Bullock on 20 August 2018, to notify him that a complaint had been raised and asked for a response to the complaint.
12. On 9 September 2018, Mr Bullock submitted a response to the complaint by email. Mr Bullock repeated and relied on the submissions made in his self-report and which is covered at paragraph 7 above as follows:
 - a. Mr Bullock states that on 20 March 2018, Person A contacted the police who attended the matrimonial home. Mr Bullock admitted to the police that he attempted to grab a mobile phone from Person A's hand and in so doing caused scratches to Person A's fingers.
 - b. Mr Bullock attended Wimbledon Magistrates' Court on 11 April 2018, in relation to the offence and was represented. The police were prepared to offer a caution to Mr Bullock. Mr Bullock attended the police station and the caution was administered on 18 April 2018.

- c. In his response Mr Bullock stated that there was no intention of causing injury to Person A, when attempting to grab the mobile phone. Mr Bullock just wanted to bring the phone call to an end.
- d. Mr Bullock expressed remorse regarding the incident and concludes in his response 'I am fully aware of the standards of behaviour which can properly be expected from all barristers and from Judges at all levels and acknowledge that my behaviour on this one occasion fell below that which you can reasonably expect'.

13. The relevant provision of the Handbook is as follows:

- **Core Duty 5** - You must not behave in a way which is likely to diminish the trust and confidence which the public places in you or in the profession.

D. Previous Disciplinary Findings

14. Mr Bullock has no previous findings of professional misconduct.

E. Plea and Mitigation

15. On 3 March 2019, Mr Bullock advised the BSB by email that he:

- a) did not dispute the facts as set out in sections A and C of this report; and
- b) admits the charges as set out in Section B of this report.

16. In mitigation, Mr Bullock would like to the Committee to consider the following:

- a) Mr Bullock apologises for the misconduct and accepts that this was inappropriate behaviour. Mr Bullock maintains that such behaviour will never happen again.
- b) Mr Bullock further relies on paragraph 12 d) above, as mitigation.
- c) Mr Bullock has no previous findings of professional misconduct. Mr Bullock was called to the Bar in 1989 and has maintained the integrity of the Bar throughout his career.
- d) Mr Bullock has sought professional assistance on a private basis from a psychologist to help Mr Bullock deal with the divorce from Person A. This has been expensive, but Mr Bullock feels that this has been a wholly productive, positive experience and money well spent. Mr Bullock now has a respectful relationship with Person A.

- e) Mr Bullock and Person A instructed solicitors to deal with the divorce and entered into a mediation process (using Queen's Counsel) to resolve the financial aspects of the divorce. Mr Bullock and Person A have reached a mutually agreed financial settlement.

F. Committee Decision

17. On the material evidence and admission before the Committee, the Professional Conduct Committee find the charge proven.

G. Committee sanction

18. In sanctioning Mr Bullock, the Committee has had regard to the enforcement strategy as well as the BTAS Sanctions Guidance: Breaches of the BSB Handbook Version 4 (applicable from 1 February 2018).
19. The Sanctions Guidance indicates under section B.2, at page 37 that the starting point for a conviction of minor assault should normally be a reprimand and a medium level fine, "which may increase to a short suspension". The Guidance goes on to state that the starting point for a conviction for an act of violence causing injury is a medium level suspension.
20. The main factors in determining the sanction will be the risk posed the regulatory objectives as set out in the enforcement strategy. Whilst Mr Bullock's conduct does involve an act of domestic violence resulting in injury, the act itself is relatively minor considering the fact that Mr Bullock received a caution for the offence of assault by beating under S39 of the Criminal Justice Act 1988.
21. With regard to mitigation the Committee has considered that Mr Bullock accepted a police caution, the misconduct relates to an isolated incident in difficult circumstances and that Mr Bullock has engaged and fully cooperated with the BSB's investigation. Mr Bullock has sought professional help in order to amicably resolve and remedy personal and financial matters with Person A. There is no evidence that the misconduct of Mr Bullock represents a pattern of behaviour and Mr Bullock has expressed genuine remorse.
22. Accordingly, the Committee considers that in all the circumstances the appropriate sanction for this matter is:

Charge 1 - A reprimand and a fine £500 in total.