

Determination by Consent Decision

Name of regulated person and call date

Robert John Lawson

Inner Temple 21 November 1989

Case Reference

2022/1520/DC

Charges

Charge 1

Statement of Offence

Professional Misconduct contrary to Core Duty 5 of the Code of Conduct (Part 2 of the Bar Standards Board Handbook Version 4.6)

Particulars of Offence

Robert Lawson, a barrister and BSB regulated individual, behaved in a way which is likely to diminish the trust and confidence which the public would place in him or in the profession, in that, on 27 May 2022 he drove a motor vehicle in a public place after consuming so much alcohol that the proportion of it in his breath, namely 66 microgrammes of alcohol in 100 millilitres of breath, exceeded the prescribed limit, for which he was convicted of an offence under section 5(1)(a) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988 at Chelmsford Magistrates Court on 21 June 2022.

Charge 2

Statement of Offence

Professional Misconduct contrary to rC8 (integrity only) of the Code of Conduct (Part 2 of the Bar Standards Board Handbook Version 4.6)

Particulars of Offence

Robert Lawson, a barrister and BSB regulated individual, behaved in a way which lacked integrity, in that, on 27 May 2022 he drove a motor vehicle in a public place after consuming so much alcohol that the proportion of it in his breath, namely 66 microgrammes of alcohol in 100 millilitres of breath, exceeded the prescribed limit, for which he was convicted of an offence under section 5(1)(a) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988 at Chelmsford Magistrates Court on 21 June 2022.

Charge 3

Statement of Offence

Professional Misconduct contrary to Core Duty 5 of the Code of Conduct (Part 2 of the Bar Standards Board Handbook Version 4.6)

Particulars of Offence

Robert Lawson, a barrister and BSB regulated individual, behaved in a way which is likely to diminish the trust and confidence which the public would place in him or in the profession, in that, on 27 May 2022 he drove a mechanically propelled vehicle without due care and attention, for which he was convicted of an offence under section 3 of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988 at Chelmsford Magistrates Court on 21 June 2022.

Charge 4

Statement of Offence

Professional Misconduct contrary to rC8 (integrity only) of the Code of Conduct (Part 2 of the Bar Standards Board Handbook Version 4.6)

Particulars of Offence

Robert Lawson, a barrister and BSB regulated individual, behaved in a way which lacked integrity, in that, on 27 May 2022 he drove a mechanically propelled vehicle without due care and attention, for which he was convicted of an offence under section 3 of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988 at Chelmsford Magistrates Court on 21 June 2022.

Statement of Facts

1. On 27 May 2022, Mr Lawson was charged by Essex Police with driving after consuming so much alcohol that the proportion of it in his breath, namely 66 microgrammes of alcohol in 100 millilitres of breath, exceeded the prescribed limit, contrary to section 5(1)(a) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988, and with driving without due care and attention contrary to section 3 of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988.
2. At Chelmsford Magistrates Court on 21 June 2022 Mr Lawson plead guilty to the above charges. In relation to the charge of driving with excess alcohol, Mr Lawson was sentenced to a fine of £2650, plus costs of £105 and a victim surcharge of £190. Mr Lawson was also disqualified from driving for 18 months (disqualification to be reduced by 18 weeks if by 16 June 2023 a driving course approved by the Secretary of State is completed).

3. In relation to driving without due care and attention the driving record was endorsed with no separate penalty.
4. Mr Lawson reported the conduct to the BSB on 30 May 22.
5. In his response to the BSB's allegations, Mr Lawson stated that the conduct took place on a rural road between his home and the local railway station. Mr Lawson had attended a drinks reception after work and 'stayed longer than [he] should, and drank more than [he] should' having discovered that a good friend and former pupil of his, who was suffering from terminal cancer, 'had taken a considerable turn for the worse'.
6. Mr Lawson stated that he co-operated fully, and politely, with the Police on being stopped and made a frank admission to them at interview before being charged.
7. On 27 September 22, Mr Lawson completed the Road Traffic Offenders Act 1988 Courses for Drink-Drive Offenders.

Previous Disciplinary Findings

8. Mr Lawson has not previous findings of professional misconduct.

Plea and Mitigation

9. Mr Lawson admits the charges.
10. Mr Lawson relies on paragraphs 5-7 above as mitigation.

Decision of the IDP

Charges found proved: Charges 1-4

Reasons for the decision on why charges are proved

The Panel noted that Mr Lawson had pleaded guilty to two criminal offences. It was in possession of the memorandum of conviction confirming the offences and sentences imposed.

It also noted Mr Lawson's email of 10 January 2023 in which he confirmed he admitted the charges as stated in the Determination by Consent report and did not dispute any of the facts.

The Panel considered that criminal convictions for offences of this nature were something which could reasonably be seen by the public to undermine Mr Lawson's integrity and would diminish the trust and confidence which the public places in the profession. Accordingly, it found sufficient evidence of a breach of rC8 and CD5 such as to amount to professional misconduct.

Sanction

In deciding on the appropriate sanction to impose, the Panel referred to the Bar Tribunal and Adjudications Service's Sanction Guidance, version 6 (the Guidance).

The Panel decided that the proved conduct breaches fell within 'Misconduct Group E – Criminal Convictions' of the Guidance.

It could not see that any of the factors indicating increased culpability or harm were engaged. Accordingly, it concluded the allegations fell into the lower range of seriousness, with an indicative sanction of a 'low to high level fine'.

In deciding on the appropriate level of fine, the Panel took in to account relevant aggravating and mitigating factors.

In terms of aggravating factors, the Panel noted that the proportion of alcohol in Mr Lawson's breath (66mg) was just under double the legal limit and that two offences had been committed by Mr Lawson.

In relation to mitigating factors, the Panel considered a number were present: co-operation with the police, guilty pleas, a prompt self-report to the BSB, completion of the drink drive rehabilitation course and taking full responsibility for the offence.

The Panel had not been given any information about Mr Lawson's finances.

Considering all of the above, the Panel concluded that a low level fine (up to £5,000) would be appropriate and that, in the circumstances a fine of £1,000 would be proportionate.