



Case No: PC 2010/0653/D5

THE VISITORS TO THE INNS OF COURT
ON APPEAL FROM THE DISCIPLINARY
TRIBUNAL OF THE COUNCIL OF THE
INNS OF COURT

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 14/06/2013

Before :

MR JUSTICE TURNER
MR ROBERT SLIWINSKI
DR MANJU BHAVNANI

Between :

SYED AHMED Esq
- and -
BAR STANDARDS BOARD

Appellant

Respondent

Hearing dates: 12th June 2013

Approved Judgment

I direct that pursuant to CPR PD 39A para 6.1 no official shorthand note shall be taken of this Judgment and that copies of this version as handed down may be treated as authentic.

.....
MR JUSTICE TURNER

Mr Justice Turner:

1. This is the judgment of the panel.
2. On 22nd October 2010 the appellant, a qualified barrister, was convicted, after a trial lasting some three weeks at the Southwark Crown Court, of assisting unlawful immigration. He was sentenced to serve a period of imprisonment of to eight and a half years.
3. Subsequently, he faced two disciplinary charges brought by the Bar Standards Board to which he pleaded guilty. He thereby admitted to conduct which was dishonest or otherwise discreditable to a barrister and conduct in pursuit of his profession which was likely to diminish public confidence in the legal profession or the administration of justice or otherwise bring the bar into disrepute.
4. On 11 June 2012, the Disciplinary Tribunal chaired by Jeffrey Burke QC ordered that he be disbarred and expelled from the Honourable Society of Lincoln's Inn and pay costs of £393.00 to the Bar Standards Board within 28 days.
5. The appellant appeals against both the substantive sentence and the order for costs. All parties have consented to this appeal being determined on paper alone in light of the fact that the appellant is still serving his sentence in prison. We have carefully read the written submissions relied upon by the appellant and respondent respectively.
6. As the length of the term of imprisonment imposed upon him would suggest the crime of which the appellant was convicted was of considerable gravity. He and others operated and profited from a scheme under which they furnished foreign students with fake documents issued by a bogus college in order to equip them to obtain extensions to their visas allowing them to remain in the UK. This was an elaborate and profitable deception on a grand scale.
7. In his petition, the appellant raises a number of issues with which we propose to deal in turn.
8. At paragraph 7.1.1 of his petition, the appellant contends that the Disciplinary Tribunal acted beyond its powers in expelling him from the Honourable Society of Lincoln's Inn. This point is without merit. It is axiomatic that one who is disbarred automatically must forfeit membership of the Inn of Court to which he or she had formerly belonged. Indeed, the formal wording of the sentence of disbarment set out at A 2.3 of the Sentencing Guidance for Breaches of the Code of Conduct of the Bar of England and Wales, April 2009 (which applies to this case) specifically identifies expulsion as the inevitable consequence of disbarment. The order of the Tribunal having been made, the relevant Inn of Court thereafter puts the order into effect.
9. At paragraph 7.2 of his petition the appellant contends that the costs order of £393 would cause him undue hardship. This was not a matter relied upon by the appellant in representations made before the Disciplinary Tribunal. Indeed, it is noted that the appellant suggests at paragraph 7.3.17 of his petition that a fine of up to £15,000 could be appropriate when he is released on licence. If the appellant is unable to pay the costs immediately, it is open to him to agree a means by which he can pay the

costs in instalments or at a later date. On this basis, we see no reason to interfere with the order for costs.

10. At paragraph 7.3 the appellant complains that he received no credit for pleading guilty to the two charges against him. However, the Disciplinary Tribunal expressly recorded the guilty plea as a mitigating factor. Nonetheless, this does not mean that the Tribunal was thereby precluded from passing a sentence of disbarment. The offending of which the appellant was convicted involved a wholesale systematic abuse of the immigration system calculated to undermine public confidence to the highest degree. The appellant shows no real remorse and continues to protest his innocence in his representations to this panel in the face of the verdict of the jury. The fact that the appellant did not hold himself out to be a barrister to his “clients” is nothing to the point. It is a matter of public record that the appellant was a barrister at the time and thus bound by the Code of Conduct. His previous good character is in his favour but the enormity of his offending is such that none of the elements of personal mitigation he relies upon could possibly justify any sentence short of disbarment.
11. The appellant complains about the Tribunal Chairman’s reference to the appellant’s crime being akin to drug dealing. It is to be noted that the Chairman did not suggest that the offences of which the appellant was convicted were *identical* to drug dealing. Such a literal comparison would be absurd and the Chairman did not make it. The appellant’s offences were, however, “akin” in a number of respects to the sort of drug dealing which attracts a sentence of over eight years. Drug dealing of this degree of seriousness usually involves a defendant operating at a high organisational level in a systematically planned criminal venture operating at a substantial profit to the detriment of the public good. All of these features were present in the appellant’s criminality.
12. In conclusion, bearing in mind the seriousness of the appellant’s criminal conduct and the scale of the dishonesty which it involved we find this appeal to be totally without merit. The appeal is, therefore, dismissed and the appellant will pay the additional sum of £250 in respect of his appeal fee.