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Case No: AC-2025-LON-003945

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
ADMINISTRATIVE COURT

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 30 June 2026

Before :

MR JUSTICE JOHNSON

- -

Between :

ANURAG MOHINDRU KC **Appellant**

- and -

THE BAR STANDARDS BOARD **Respondent**

- -
- -

Rory Dunlop KC (instructed by Kingsley Napley LLP) for the Appellant
James Counsell KC (instructed by the Bar Standards Board) for the Respondent

Hearing date: 23 June 2026

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Approved Judgment

This judgment was handed down by release to The National Archives on 30 June 2026 at 10.30am.

Mr Justice Johnson:

1. Anurag Mohindru KC appeals against an order of a disciplinary tribunal of the Bar Standards Board that he be disbarred. He does not challenge the tribunal's finding of dishonesty in respect of his conduct over a short period of time in February 2013, but he says that the tribunal ought to have found that this was an exceptional case which merited a lesser outcome than disbarment.

2. There is also a challenge to the costs awarded by the tribunal, but that issue is conceded by the Bar Standards Board and will be the subject of an agreed order.

Factual background

Mr Mohindru's education and career

3. Mr Mohindru was born in 1974. He was brought up in South Wales. He was a keen and accomplished cricketer, but he did not excel academically. After disappointing A-levels, he studied for a year at a school in Oxford and re-took his A-levels. He then undertook a pre-medical school programme at St George's University in Grenada which he completed in 1995. He commenced a Doctor of Medicine course at St George's in 1996. He did not complete the course because he was unable to pass a set of exams within the required timeframe. He undertook some medical placements in the United States of America in 1999, before returning to the United Kingdom where he worked in a nursing home. He read law at the University of Wales in 2001-2003, before completing the Bar Vocational Course. He was called to the Bar by Middle Temple in 2004 at the age of 29. By this point, he was married with a young family. He secured pupillage and then a tenancy, practising in criminal law. He took silk in 2020. He was described by the tribunal as having an exemplary and "brilliantly successful" professional record both as a junior and in silk. Leaving aside the events that result in this appeal, his conduct, honesty and integrity have never been impugned. They are positively supported by eminent character witnesses. As his leading counsel observed, Mr Mohindru followed a non-traditional route to the Bar, being called at a relatively mature age and without stellar academic credentials, but then went on to have a highly successful career. He demonstrates the value of a diverse Bar.

Application to new chambers

4. In November 2012, Mr Mohindru became disillusioned with his chambers. He was looking to move to a different set of chambers. He applied for a tenancy to a well-known set of chambers that specialises in criminal law ("the chambers"). He submitted a letter of application and a work profile which were both entirely truthful and accurate. Neither made any reference to Oxford University. The work profile said that he had "a medical background which gives him an advantage in acting for clients in criminal cases in which medical experts are involved." As the tribunal found, that was a perfectly reasonable statement.

5. Mr Mohindru was invited to attend an interview. That took place in February 2013. The date of the interview is now not known, but it took place in the evening and was shortly before 21 February 2013, possibly the day before. The interview panel consisted of five barristers and the chambers director. The interview was not recorded. No contemporaneous notes of the interview were made (or, if they were, they are not now

available). Mr Mohindru does not have a recollection of the relevant parts of the interview. The following account is based on the evidence that was before the tribunal, and the tribunal's findings.

6. The evidence of the interview panel indicates that the interview started with informal questions that were designed to put Mr Mohindru at his ease. It was known that Mr Mohindru was a keen cricketer, and his application had made reference (entirely truthfully) to his cricketing background. It was thought by one or more members of the interview panel (wrongly, and not on the basis of anything Mr Mohindru said or did) that Mr Mohindru had attended Oxford University. Mr Mohindru was asked some initial questions about cricket. He was then asked, "did you get a blue", in other words, had he represented Oxford University at cricket in the annual varsity match against Cambridge University. On the tribunal's unchallenged finding, Mr Mohindru understood the question, and replied that he had. That was dishonest. At least one member of the panel was sceptical, and conducted some online research during the interview, but was not able to find any record of Mr Mohindru playing cricket for Oxford University. The panel asked Mr Mohindru to provide his CV.

7. At 2.25pm on 21 February 2013, Mr Mohindru accessed a document on his computer which he then edited so as to produce a CV. The CV contained an entry "Medicine, Oxford University 1993-1994." That was false. Mr Mohindru had not at any stage been a student at Oxford University. In 1993-94 he was re-taking his A-levels at a school in Oxford. On the tribunal's unchallenged finding, the false entry was created after the interview to bolster the false statement made in the interview. Mr Mohindru saved the document at 2.55pm and, at 3.03pm, he sent it to the chambers' director at the chambers. At 3.07pm the chambers director forwarded it to the other 5 members of the interview panel. There is no evidence that Mr Mohindru ever provided this document to anyone other than the chambers director.

8. Subsequently, Mr Mohindru withdrew his application to the chambers and, instead, accepted a tenancy at another set of chambers. He had not provided the CV to the other set of chambers and nor had he represented to them that he had attended Oxford University. Nobody made any complaint against him to his chambers or to the Bar Standards Board.

9. In 2016, there was a personal dispute between Mr Mohindru and a solicitor who was married to one of the interview panel ("the solicitor"). Mr Mohindru believes that, as a result, the solicitor hates him. In September 2018, an email chain containing Mr Mohindru's CV was circulated among members of the interview panel. The reason for this is unknown. The reason that was given by the person who initiated the email chain was that it was a response to Mr Mohindru being appointed as Queen's Counsel. That cannot be correct.

10. On 16 January 2020, Mr Mohindru's appointment as Queen's Counsel was announced. On 22 January 2020 one member of the interview panel sent a copy of Mr Mohindru's CV to another member. That is likely to have been prompted by the announcement of Mr Mohindru's appointment, although the purpose of sending the email is, again, unknown.

The complaint, the disciplinary investigation and the tribunal's conclusion

11. On 5 August 2021, the Bar Standards Board received an undated letter alleging that Mr Mohindru had lied to the interview panel in February 2013 about attending Oxford University. The letter was signed with a false name. Each member of the interview panel denies that they made the anonymous complaint. So does the solicitor. It is not known who authored the letter of complaint. The delay in making the complaint, and its anonymous nature, are striking. The complainant's precise motivation cannot be known. It is unsurprising that Mr Mohindru suspects that there may have been an element of malice, rather than a straightforward desire to secure the proper ends of a disciplinary process. Otherwise, why wait for 8 years before sending the letter, and why send it anonymously?

12. On 1 September 2022 the Bar Standards Board informed Mr Mohindru that it would carry out an investigation. In February 2023, it charged Mr Mohindru with two disciplinary offences. The second alleged offence was dismissed by the tribunal and it is not necessary to mention it further. The first alleged offence was that Mr Mohindru:

> "engaged in dishonest and/or discreditable conduct and/or behaved in a way which is likely to diminish the trust and confidence in the legal profession or the administration of justice or otherwise bring the profession into disrepute in that, in the course of an application for tenancy at [the] chambers, which he initiated in November 2012, he knowingly misled or attempted to mislead members of those chambers by asserting that he had studied biomedical science and/or medicine at Oxford University which statement(s) he knew to be untrue in that he knew he had not attended Oxford University."

13. Mr Mohindru denied the allegation. He denied that he had said in interview that he had studied at Oxford University or that he had a cricketing blue, and he denied that he had said in his CV that he attended Oxford University. He said that his CV must have been edited by a third party. The Bar Standards Board obtained expert evidence which supported a conclusion that the CV had not been edited by a third party.

14. There was a 7 day hearing before a 5-member disciplinary tribunal. The tribunal handed down a detailed written decision on 7 October 2025. It found that the allegation of misconduct was proved and that Mr Mohindru lied when he answered "yes" to the question as to whether he had a cricketing blue, and that he lied when he sent his CV saying that he attended Oxford University. It gave detailed and compelling reasons for these conclusions. Those reasons are not now challenged.

15. The tribunal said:

> "[the CV] is clear corroboration of the evidence of the participants in the interview, which was that Mr Mohindru told them he had been at Oxford University and moreover was a cricketing Blue. The CV contains a lie for which he is responsible, not some other person. It was a reckless, foolish and completely unnecessary lie to say in interview and he doubled

> down on it in the CV. We do not consider any other possibility realistic. Accordingly, we find the… charge to be proved."

The tribunal's decision on sanction

16. On the issue of sanction, the tribunal said:

> "62. When one is dealing with dishonesty, even within the lower range, where there is limited culpability and no real danger of any harm the starting point is disbarment.
>
> 63. We have listened with care and considered anxiously all the submissions that have been made by Mr Harries KC on behalf of Mr Mohindru and we consider that everything that could possibly have been said on his behalf has been said. But we find it impossible to come to the conclusion, much as one may wish to, that these amount to exceptional circumstances. By which we mean, the exceptional circumstances that there would have to be to avoid disbarment as the only appropriate sanction. We have in mind the passage of time and the completely exemplary conduct of his professional career since these matters occurred, but what the sanctions guidance makes plain is that exceptional circumstances must relate in some way to the dishonesty itself, rather than to any personal mitigation. Here the lie was perpetrated twice over a period of a few days, once in a written CV to bolster a lie that had already been told orally. In other words, one lie was supporting the other. We cannot exclude from our consideration either the fact that he denied the charge, and here of course we are considering charge one. He is entitled to do that. But the defence that was run involved alleging far more serious dishonesty than was charged against him against unknown others, and one person who was named. We consider that this is not therefore a case in which there are exceptional circumstances relating to the dishonesty; it was not trivial, and, because of that, we are constrained in our judgement to order that Mr Mohindru be disbarred.
>
> 64. The tribunal also directs that Mr Mohindru be suspended pending any appeal under rE227.1."

The appeal

17. The tribunal's decision was provided to Mr Mohindru on 7 October 2025. The time limit for an appeal is 21 days: CPR 52.12(2)(b). The deadline for an appeal was therefore 28 October 2025.

18. On 28 October 2025, Mr Mohindru's solicitor filed a notice of appeal in the High Court. It was filed in the King's Bench Division, rather than the Administrative Court. On 3 November 2025, Mr Mohindru's solicitor was informed that the filing had been rejected because it had been filed in the wrong court. On 4 November 2025, the solicitor filed the notice of appeal in the Administrative Court. This was out of time. There is power

to extend the time within which an appellant's notice must be filed, but the parties cannot themselves agree to do so and must instead apply to the court: CPR 3.1(2)(a), CPR 52.15(2)(a). I grant the unopposed application for an extension of time.

19. The grounds of appeal are that:

(1) The tribunal misdirected itself that the passage of time between the alleged conduct and the charges being made was not capable of being and/or was not an exceptional circumstance relating to sanction ("the passage of time").

(2) The tribunal was wrong to conclude, and/or did not give adequate reasons for concluding, that there were no exceptional circumstances relating to the dishonesty ("exceptional circumstances").

(3) The tribunal unfairly, wrongly and in breach of the sanctions guidance, took account of Mr Mohindru's defence when considering sanction ("reliance on Mr Mohindru's defence").

(4) The tribunal reached a conclusion on sanction that was wrong and/or inadequately reasoned ("sanction").

(5) The tribunal reached a conclusion on costs that was wrong and/or inadequately reasoned ("costs").

Legal framework

Regulatory framework

20. The objectives for the regulation of legal services include protecting and promoting the public interest, encouraging an independent, strong, diverse and effective legal profession, and promoting and maintaining adherence to the professional principles: section 1(1) Legal Services Act 2007. The professional principles include that authorised persons should act with independence and integrity: section 1(3)(a).

21. The General Council of the Bar is an approved regulator for the purposes of the 2007 Act: section 20 and schedule 4. It may confer a right of appeal to the High Court in respect of a matter relating to the regulation of barristers: section 24(2)(a) Crime and Courts Act 2013. The General Council of the Bar delegates its regulatory functions to the Bar Standards Board. The Bar Standards Board publishes a handbook which sets out the Code of Conduct for barristers. It also sets out the regulations that apply following the referral of an allegation to a disciplinary tribunal. Regulation E236 states:

> "In cases where one or more charges of professional misconduct have been proved, and/or a disqualification order has been made, an appeal may be lodged with the High Court in accordance with the Civil Procedure Rules:
>
> .1 by the respondent against… sanction;"

Scope of appeal

22. An appeal is regulated by part 52 of the Civil Procedure Rules. It is limited to a review of the tribunal's decision, unless the court considers that in the circumstances of an individual appeal it would be in the interests of justice to hold a re-hearing: CPR 52.21(1). The court will allow an appeal where the decision of the lower court was either wrong, or else unjust because of a serious irregularity in the tribunal's proceedings: CPR 52.21(3). The court is entitled to draw any inference of fact which it considers justified on the evidence: CPR 52.21(4). The court may set aside or vary the tribunal's decision, refer any issue for determination by the tribunal, or order a new hearing: CPR 52.20(2). It may also exercise all the powers of the tribunal: CPR 52.20(1).

23. The tribunal is a specialist adjudicative body. In this case, it was chaired by a retired circuit judge who is experienced in chairing disciplinary proceedings brought by the Bar Standards Board. There were four additional members of the tribunal: two lay persons and two barristers. Its conclusion on sanction involved an evaluative multi-factorial decision. It is "a kind of jury question" in respect of which "reasonable people may reasonably disagree". The appellate court reviewing such a decision must act with restraint. It must give weight to the expertise and experience of the specialist panel. It must take account of the advantages it had over the court as a result of conducting a 7-day hearing during which it was immersed in the factual detail of the case and was able to assess the witnesses, including Mr Mohindru, first-hand. A court has no greater insight as to the appropriate sanction than a tribunal that is chaired by a retired circuit judge and with practising lawyers among its members. The court should only interfere with the decision if (1) there was an error of principle in carrying out the evaluation, or (2) for any other reason the decision fell outside the bounds of what the tribunal could properly and reasonably decide: *In re a Solicitor* [1956] 1 WLR 1312 *per* Lord Goddard CJ at 1314, *Bolton v Law Society* [1994] 1 WLR 512 *per* Sir Thomas Bingham MR at 519G, *Salsbury v Law Society* [2008] EWCA Civ 1285; [2009] 1 WLR 1286 *per* Jackson LJ at [30], *Bawa-Garba v General Medical Council* [2018] EWCA Civ 1879; [2019] 1 WLR 1929 *per* Lord Burnett CJ, Sir Terence Etherton MR and Rafferty LJ at [61] – [67].

Submissions

24. Ground 1 (passage of time): Rory Dunlop KC, for Mr Mohindru, accepts that the authorities show that it is only in exceptional circumstances that a finding of dishonesty will not amount to disbarment. He submits that the tribunal wrongly treated the passage of time as incapable of amounting to an exceptional circumstance, and wrongly held that exceptional circumstances must relate to the dishonesty itself. He contends that the 12½ year passage of time between the dishonesty and the tribunal's decision affected the fairness of the hearing, Mr Mohindru's ability to provide mitigation, and the public interest in the imposition of the ultimate sanction of disbarment. He says the passage of time should have been taken into account, but that it was wrongly left out of account.

25. James Counsell KC, for the Bar Standards Board, submits that the tribunal correctly applied the Bar Standards Board's guidance on sanctions which, in turn, accurately reflects the case law. That case law shows that the nature and seriousness of the dishonesty must be the primary focus of consideration and that personal mitigation is only a secondary consideration. He says the tribunal did not exclude delay as irrelevant,

but permissibly concluded that the passage of time and Mr Mohindru's exemplary conduct could not, either individually or cumulatively, amount to exceptional circumstances. Alternatively, even if there was any misdirection, it made no difference to the outcome which was inevitable, and it therefore caused no injustice.

26. Ground 2 (exceptional circumstances): Mr Dunlop argues that the tribunal did not engage with factors which were relevant to the nature and extent of Mr Mohindru's dishonesty, including that it was not in the course of professional practice, it was not a criminal offence, it was not for financial gain, and it was an isolated event. He contends those matters were capable (individually or cumulatively) of amounting to exceptional circumstances, and the tribunal gave inadequate reasons for rejecting them.

27. Mr Counsell responds that the tribunal was entitled to conclude that these factors did not reach the high threshold of exceptional circumstances. The dishonesty was serious, repeated, and deliberate, including a second written lie after reflection, and therefore could not be characterised as momentary or trivial. The tribunal gave adequate reasons, identifying the key aggravating features and explained why the case did not fall within the "very small residual category" where disbarment would be disproportionate.

28. Ground 3 (reliance on Mr Mohindru's defence): Mr Dunlop submits that the tribunal acted unfairly and contrary to guidance by holding Mr Mohindru's denial and defence against him when it considered the appropriate sanction. He says that a respondent is entitled to defend himself. To the extent that Mr Mohindru suggested alternative explanations for the entry on his CV (including possible wrongdoing by others), that was the only defence or explanation available to him. It should not be regarded as an aggravating factor justifying a more severe sanction.

29. Mr Counsell says that the tribunal did not improperly penalise Mr Mohindru for denying the charge, but permissibly recognised that his decision to contest the allegation deprived him of significant mitigation. He further submits that the tribunal was entitled to take account of Mr Mohindru's attempt to attribute responsibility to others as relevant to culpability, consistent with the Bar Standards Board's guidance on sanctions.

30. Ground 4 (sanction): Mr Dunlop contends that the tribunal adopted an incorrect starting point that disbarment was inevitable even for lower-level dishonesty. He argues that, properly analysed, the circumstances (historic, isolated, non-professional dishonesty with no repetition) render disbarment disproportionate and unjustified.

31. Mr Counsell submits that the tribunal's conclusion on sanction was plainly correct and fell within its evaluative discretion, to which the court should accord deference. He argues that, given the seriousness of the dishonesty (including repetition and career motivation), disbarment was the only proper outcome, and any rehearing would inevitably reach the same result. The reasons, though concise, were sufficient to explain why disbarment was required and why no exceptional circumstances existed.

32. Ground 5 (costs): This ground is conceded. It is agreed that the award of costs against Mr Mohindru should be reduced from £54,780 to £36,155, to reflect that the tribunal only found one out of two charges proved.

Approach to dishonesty cases

33. The regulatory objective of promoting the public interest includes a requirement to maintain public confidence in the conduct of regulated legal services. That, and the regulatory objective of promoting adherence to the professional principle that authorised persons should act with integrity, are each highly relevant to the evaluation of the appropriate sanction where there has been a finding that a regulated lawyer has acted dishonestly. The practical effect of the application of the regulatory objectives and the first professional principle is that an order for a barrister's disbarment will usually be necessary where they have acted dishonestly. That is so even though there is almost always extensive personal mitigation. The barrister in such a case is typically of good character with an unblemished disciplinary record and many powerful character references. An order for disbarment will usually have a devastating effect on their personal and family life. If such personal mitigation could reduce the appropriate sanction then, typically, lawyers who are found to be dishonest would not be disbarred or struck off. That would be contrary to the public interest.

34. This logic has resulted in a line of authority which indicates that it is only in exceptional circumstances that a tribunal can properly impose a lesser sanction than disbarment/strike-off where a lawyer has been found to be dishonest, and that powerful personal mitigation will not usually be sufficient.

35. The submissions in the present case engage with questions as to the extent to which this approach applies to dishonesty outside the provision of regulated legal services, what can amount to exceptional circumstances, the impact of the passage of time, and whether powerful personal mitigation can ever be sufficient. To address these questions, it is necessary to analyse the authorities. In undertaking that analysis it is important to recognise that decisions in individual cases are fact sensitive, and it is not productive to trawl through individual cases to try and find facts that are analogous to the present case: *Solicitors Regulatory Authority v Sharma* [2010] EWHC 2022 (Admin) *per* Coulson J at [12], *R (Solicitors Regulation Authority) v Imran* [2015] EWHC 2572 (Admin) *per* Dove J at [24], *Shaw v Solicitors Regulation Authority* [2017] EWHC 2076 (Admin); [2017] 4 WLR 143 *per* Carr J at [65].

36. On the other hand, it is possible to identify and extract statements of general principle. That exercise was undertaken by Carr J in *Shaw* at [60] – [67], but subsequent authorities have undertaken the same exercise, sometimes using slightly different language. It is necessary to recognise that statements of principle may sometimes be influenced by the particular factual context of a specific case, at least in the manner of their expression.

37. In *Bolton,* Sir Thomas Bingham MR observed that a solicitor who acts dishonestly in the course of their professional duties will almost invariably be struck off, no matter how strong the personal mitigation. Orders made by a disciplinary tribunal are not primarily punitive and are instead intended to maintain public confidence that solicitors are people of unquestionable integrity, probity and trustworthiness. It follows that the compelling personal mitigation that will usually be available in such cases is not a basis for objecting to an order of suspension: at 519B-E.

38. This principle has been applied in many subsequent cases. In *Salsbury,* the Divisional Court decided that a decision to strike off a solicitor who had dishonestly altered a

cheque was excessive and disproportionately harsh because the money had been owing to the solicitor anyway, and because of the particularly grave consequences for the solicitor. The Court of Appeal allowed an appeal and restored the original decision. It said the Divisional Court was wrong to hold that there were "exceptional facts which brought this case to the very bottom of the scale of dishonesty" and was wrong to conclude that the case fell into a very small residual category where the ultimate sanction was inappropriate: *per* Jackson LJ at [37].

39. In *Sharma*, Coulson J extracted the following principles from *Bolton* and *Salsbury* and two other authorities:

> "Save in exceptional circumstances, a finding of dishonesty will lead to the solicitor being struck off the roll... That is the normal and necessary penalty in cases of dishonesty… (b) There will be a small residual category where striking off will [be] a disproportionate sentence in all the circumstances… (c) In deciding whether or not a particular case falls into that category, relevant factors will include the nature, scope and extent of the dishonesty itself; whether it was momentary… or [over] a lengthy period of time,… whether it was a benefit to the solicitor… and whether it had an adverse effect on others."

40. In *Imran*, Dove J emphasised the importance of the assessment of the impact of misconduct on public confidence in those who provide regulated legal services "which Sir Thomas Bingham MR in *Bolton* identified as being the bedrock of the tribunal's jurisdiction." Partly for that reason, he suggested that significant weight (he said the factor which is bound to carry the most significant weight) is "an understanding of the degree of culpability and the extent of the dishonesty which occurred." At [24] and [29] Dove J said:

> "24. …at the heart of any assessment of exceptional circumstances, and the factor which is bound to carry the most significant weight in that assessment is an understanding of the degree of culpability and the extent of the dishonesty which occurred. That is not only because it is of interest in and of itself in relation to sanction but also because it will have a very important bearing upon the assessment of the impact on the reputation of the profession which Sir Thomas Bingham MR in *Bolton* identified as being the bedrock of the tribunal's jurisdiction…
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> …
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> 29. …It is necessary, as the tribunal did, to record and stand back from all of those many factors, putting first and foremost in the assessment of whether or not there are exceptional circumstances the particular conclusions that had been reached about the act of dishonesty itself. [Personal mitigation] is not a factor that is likely to attract very substantial weight. Of far greater weight would be the extent of the dishonesty and the impact of the dishonesty both on the character of the particular solicitor concerned but, most importantly, on the wider reputation of the

> profession and how it impinges on the public's perception of the profession as a whole."

41. In *Solicitors Regulation Authority v James* [2018] EWHC 3058 (Admin); [2018] 4 WLR 163, the Divisional Court considered three cases in which the Solicitors Disciplinary Tribunal had found that solicitors were dishonest. In each case, the tribunal had imposed orders for suspension, rather than striking the solicitors off the Roll. It did so because of the impact, in each case, on the solicitor's mental health. In each case, the Divisional Court allowed an appeal and decided that the solicitor should be struck off. At [48], Flaux LJ said:

> "It is important to note that both *Sharma* and *Imran* emphasise that in assessing whether a particular case of dishonesty falls into the small residual category where exceptional circumstances can be established so that striking off is not appropriate, the principal focus in determining whether exceptional circumstances exist is on the nature and extent of the dishonesty and the degree of culpability."

42. *Sharma*, *Imran* and *James* thus consistently emphasise the need for exceptional circumstances before strike-off/disbarment can be avoided in a dishonesty case. As a matter of generality, and in the light of *Bolton*, the logic and force of these observations are self-evident. They should not, however, be read too prescriptively as imposing a rigid stand-alone legal test. In this context, as in others, some care needs to be taken with the application of a test of "exceptional circumstances": *Huang v Secretary of State for the Home Department* [2007] UKHL 11; [2007] 2 AC 167 *per* Lord Bingham at [20], *Norris v Government of the United States of America (No 2)* [2010] UKSC 9; [2010] 2 AC 487 *per* Lord Hope at [89]. The infinite and unpredictable variety of circumstances in which cases of dishonesty arise are such that the courts have studiously avoided seeking to define what does and does not amount to "exceptional circumstances": *Shaw per* Carr J at [63], *Imran per* Dove J at [20]. Nor have the courts laid down any absolute rules about what cannot amount to exceptional circumstances, although it is clear that the type of strong personal mitigation that is common in such cases is highly unlikely to be sufficient.

43. In applying the principles that the courts have derived, and in particular the "exceptional circumstances" test, it is important "to keep in mind the purpose for which sanctions are imposed" by a legal services regulatory authority's disciplinary tribunal: *Fuglers LLP v Solicitors Regulation Authority* [2014] EWHC 179 (Admin) *per* Popplewell J at [28], *Imran per* Dove J at [29]. A significant part of that purpose is to maintain public confidence in the legal profession. The reason that disbarment/strike off is usually the appropriate sanction is because, ordinarily, a finding of dishonesty is incompatible with the continued practice of regulated legal services if public confidence is to be maintained. The reason why the principal focus should be on the nature and extent of the dishonesty, and the degree of culpability, is precisely because it is the finding of dishonesty that is liable (except in exceptional circumstances) to impact on public confidence. But everything depends on a careful evaluation of the facts of the particular case and an evaluative assessment of the appropriate sanction in the light of the regulatory objectives. The authorities consistently recognise that there are exceptional circumstances where the regulatory objectives, including the need to maintain public confidence in the provision of regulated legal services, do not require the imposition of

the ultimate sanction for dishonest conduct. Thus, the "exceptional circumstances" test should not be applied in the abstract, but rather in the context of what the regulatory objectives require: are the circumstances sufficiently exceptional that the regulatory objectives do not require the lawyer to be disbarred or struck off.

Ground 1 (passage of time)

44. The tribunal's self-direction as to the need to find exceptional circumstances derives from, and closely tracks, the Bar Standards Board's published sanctions guidance. That, in turn, derives from, and closely tracks, the observations of Flaux LJ in *James*, which can in turn be traced to the observations in earlier authorities, including *Imran*:

(1) In *James*, Flaux LJ said:

> "what may amount to exceptional circumstances is in no sense prescribed and depends upon the various factors and circumstances of each individual case… the most significant factor [so not the only factor] carrying most weight and which must therefore be the primary focus in the evaluation is the nature and extent of the dishonesty, in other words the exceptional circumstances must relate in some way to the dishonesty."

(2) The sanctions guidance states:

> "…a sanction less than disbarment may be appropriate [only] in "exceptional circumstances"
>
> …What amounts to exceptional circumstances is not prescribed and depends upon the various factors and circumstances of each individual case. However, caselaw indicates that the most significant factors carrying the most weight, and which therefore must be the primary focus of any evaluation of exceptional circumstances, are the nature and extent of the dishonesty and the degree of culpability. That is, the exceptional circumstances must relate in some way to the dishonesty. Factors such as the length of time the dishonesty was perpetrated, whether it was repeated and the harm which it caused are more significant in the balancing exercise in determining exceptional circumstances than personal mitigation. Exceptional circumstances are more likely to be found where the dishonesty was momentary, isolated and occurred on the spur of the moment.
>
> While mental health issues, such as stress and depression due to workplace conditions (as well as other personal mitigation), should be considered in assessing whether there are exceptional circumstances, these issues, without more, are unlikely to amount to exceptional circumstances."

(3) The disciplinary tribunal said:

> "We have in mind the passage of time and the completely exemplary conduct of his professional career since these matters occurred, but what the sanctions guidance makes plain is that exceptional circumstances must relate in some way to the dishonesty itself, rather than to any personal mitigation."

45. The distillation and re-articulation of the test risk the loss of important overarching factors: what amounts to exceptional circumstances is not prescribed, all cases depend on their particular facts, and it is always necessary to "keep in mind the purpose for which sanctions are imposed."

46. The net effect is that the tribunal applied a more rigid test than that laid down in the authorities. The language in *James* of "must relate in some way to the dishonesty itself" must be read in its context. The immediate context is the recognition that what amounts to exceptional circumstances "is in no sense prescribed" and (drawing on *Imran*) that the nature of the dishonesty is "the most significant factor carrying most weight" (as opposed to the only possible relevant factor). Attaching weight to the nature of the dishonesty itself does not justify leaving other factors out of account (albeit personal mitigation needs to be treated with particular care). The sanctions guidance, up to a point, recognises this because it says that mental health issues should be considered. Although it says that mental health issues are unlikely, without more, to amount to exceptional circumstances, this language suggests that they may be capable of doing so in some cases, particularly if they are accompanied by other factors. More generally, it shows that the assessment of whether there are exceptional circumstances to justify a lesser sanction is not entirely limited to an analysis of the dishonesty itself.

47. This nuance and context are not present in the tribunal's formulation. It has taken the phrase "exceptional circumstances must relate in some way to the dishonesty" literally and in isolation, divorced from its original context. That has meant that it proceeded on the basis that it was not permitted to give any material weight to the passage of time and the exemplary conduct of Mr Mohindru's professional career for over a decade since the dishonesty. However understandable this was in the light of the sanctions guidance, this was a misdirection. Nothing in the authorities indicates that a very long passage of time since the dishonesty is entirely irrelevant to the question of sanction, or that where there is such a long passage of time the exemplary conduct over that period is also entirely irrelevant.

48. The passage of time has consequences for personal mitigation. Mr Mohindru's exemplary good reputation is in part due to the period of time over which he has been able to develop that reputation. The impact of disbarment is likely to be all the more devastating at this stage of his career than it may have been at a much earlier stage. These are all, however, aspects of personal mitigation that carry limited weight in the light of the need to maintain public confidence. The personal mitigation consequences of the passage of time were not capable of making a material difference to the tribunal's decision. To that extent, the misdirection was not material.

49. However, the relevance of the passage of time is not limited to personal mitigation. It is also more directly a feature of the dishonesty that it took place many years ago. The passage of time is something that relates to the dishonesty itself. Accordingly, even if the requirement that "exceptional circumstances must relate in some way to the dishonesty itself" is taken literally, the passage of time must be taken into account as a

circumstance that does relate "in some way" to the dishonesty itself. It is, moreover, relevant to the impact on public confidence that a practising lawyer was dishonest many years ago, in a very particular context, at a completely different stage of their life, and that they have shown the highest integrity ever since, such that they cannot now be said to be a dishonest person. Although the nature and extent of the dishonesty is ordinarily the primary consideration, that does not require a tribunal to exclude from consideration other factors which may bear on the assessment of what sanction is now necessary to maintain public confidence, including, in an appropriate case, the antiquity of the misconduct and the practitioner's subsequent record. Thus, the passage of time is something that is capable of making a material difference. The point is not that delay by itself mitigates sanction, still less that the regulator is to be penalised for the delay. The point is that the antiquity of the dishonesty, and the subsequent professional record, is relevant to what sanction is now required to maintain public confidence.

50. Although the tribunal referred to these matters, its reasoning indicates that it treated the passage of time and Mr Mohindru's subsequent conduct as legally incapable, or at least practically incapable, of having a material impact on whether there were exceptional circumstances. This is because it treated them as personal mitigation rather than as matters bearing on the effect of historic dishonesty on present public confidence.

Ground 2 (exceptional circumstances)

51. The tribunal was required to analyse the nature and extent of the dishonesty. It did so. It said: "the lie was perpetrated twice over a period of a few days, once in a written CV to bolster a lie that had already been told orally. In other words, one lie was supporting another." That is all entirely accurate.

52. As the underlying evidence and the tribunal's careful findings in respect of the allegation of misconduct show, and quite apart from the passage of time, there is more to it than that. Neither of the lies were told in a domestic or social setting. They were both told in a professional context. They were not, however, told in the course of the provision of regulated legal services. Neither of the lies involved the commission of a criminal offence. Neither of them related to the handling of money. Nor did they result in any tangible or material gain: Mr Mohindru withdrew his application for tenancy. Most lies are told for a reason. Usually, they are told to secure some form of benefit, if only to avoid an awkward situation. Here, the tribunal did not make any finding that they were directly motivated by a desire to increase the prospect of a successful application or that they were told for the purpose of any other tangible benefit.

53. The first lie was the answer "yes" to the question "did you get your blue." Mr Mohindru could not have foreseen, or planned for, that question. His answer was not pre-meditated. Nor did it relate to anything that was remotely material to his application for tenancy. It was a response to what was intended to be a "warm up" question to put Mr Mohindru at his ease at the start of the interview. The premise for the question was the false assumption (not based on anything Mr Mohindru had said) that he had attended Oxford University. He was, at the time, an accomplished and well-regarded junior barrister, but he had come to the Bar by an unconventional route and did not fit "the plummy-voiced white Oxford-educated barrister" stereotype: *Bennett v Southwark London Borough Council* [2002] EWCA Civ 223 *per* Sedley LJ at [14]. In his witness statement, Mr Mohindru says, of this time, that he kept thinking that he "would not be good enough." In this context, questioning that was intended to put Mr Mohindru at his

ease and provide a platform for him to showcase his cricketing prowess may well instead have caused him considerable discomfort. Of course, he should not have lied. But it is far from the most egregious dishonesty.

54. Having told that lie, and having then been asked for his CV, Mr Mohindru was in a quandary. Again, of course, he should not have lied. He should have admitted and explained the first lie. If he felt unable to do that then, at the very least, he should have withdrawn from the application process and not told a further lie. But, having trapped himself in one lie, he told another. This was more serious. It was not a spur of the moment panicked answer. It was a deliberately false entry on his CV. However, it was still something that was done within a short period of time. The tribunal said it was within a few days of the interview. It may, in fact, have been the very next day and so less than 24 hours after the interview. The creation or editing and sending of the CV took place over a short period, measured in minutes rather than days. In the context of a career spanning 20 years, the two lies within a short space of time, possibly less than 24 hours, can properly be regarded as an isolated incident.

55. The tribunal made no finding that the false entry on the CV was designed for any purpose other than to bolster the original lie. The tribunal did not find that it was designed to improve his prospects of being offered a tenancy. That is unsurprising. Mr Mohindru was not a 21-year-old new entrant to the Bar where his educational background (for want of broader life experience) may have been a critical feature in an application for tenancy. He was in his late 30s and had been practising successfully at the criminal bar for 8½ years. One line in his CV which said that he had been at Oxford University for 1 year (which in itself might have raised further questions) was not something that would materially improve his prospects of securing a tenancy.

56. None of the members of the interview panel considered it necessary to report Mr Mohindru to the Bar Standards Board at the time. Nor did anybody else. Nor did anyone consider it necessary to do so over the following 8½ years. During that lengthy period, Mr Mohindru developed a highly successful career, conducting himself with the utmost professional integrity. The head of Mr Mohindru's current chambers at the time Mr Mohindru joined is able to point to a profile he provided in April 2013 for a chambers guide, which was entirely honest and accurate. He says that he never had any cause for concern regarding Mr Mohindru's honesty and integrity, that he has no reservations about him as a professional or otherwise, and that the allegation against him came as a considerable surprise.

57. The motivation to submit a complaint 8½ years afterwards cannot be known with any certainty, but there is no reason to believe that it was due to Mr Mohindru doing anything wrong, far less anything dishonest, in those 8½ years. Although the context is different, the recognition in *Bolton* that rehabilitation may matter when considering reinstatement is consistent with the broader proposition that public confidence is assessed by reference to present circumstances, not just the original act of dishonesty: 519C-D, G-H, 520C-D.

58. The nature and extent of the dishonesty in this case, taken together with the passage of time, were capable of amounting to exceptional circumstances. The tribunal's narrow approach to the exceptional circumstances test, which seemingly excluded consideration of relevant factors, was a material misdirection.

Ground 3 (Reliance on Mr Mohindru's defence)

59. Where a lawyer admits a disciplinary charge, and shows insight and remorse, that is all relevant to mitigation and may in principle support the imposition of a lesser sanction than that which would otherwise be imposed. Where the lawyer does not admit the charge and does not show insight and remorse, then that mitigation is unavailable. But that does not mean that a tribunal can take account of the way in which disciplinary proceedings have been conducted as an aggravating feature to justify the imposition of a more serious sanction. Instead, if the conduct of the disciplinary proceedings itself involves a breach of the Code of Conduct then the Bar Standards Board may institute a separate investigation into that. That is reflected in the Bar Standards Board's sanctions guidance:

> "A panel must only sanction the respondent on the charges currently before it…
>
> Where the barrister has been, or may have been, dishonest during the course of proceedings, the panel may refer the matter to the BSB to consider raising a fresh allegation but should not take this into account as part of the sanctioning decision."

60. There are two aspects of the tribunal's decision that are relevant in this respect. The first is the reference to Mr Mohindru denying the charge: "We cannot exclude from our consideration… the fact that he denied the charge… He is entitled to do that…" That is consistent with the tribunal correctly recognising that because Mr Mohindru had denied the charge, the mitigation that would flow from an admission was unavailable. It is also consistent with the way in which mitigation had been advanced on Mr Mohindru's behalf where this was expressly acknowledged. The wording used by this experienced tribunal does not support a suggestion that it impermissibly treated the denial as an aggravating factor. It expressly observed that Mr Mohindru was entitled to deny the charge.

61. The second is that immediately following the sentence "He is entitled to do that", the tribunal said, "But the defence that was run involved alleging far more serious dishonesty than was charged against him against unknown others, and one person who was named." This sentence, and particularly the introductory "But" as a counterpoint to the recognition that Mr Mohindru was entitled to deny the charge, might suggest that the tribunal regarded this factor as relevant to sanction.

62. Mr Counsell points out that the sanctions guidance lists factors that may be taken into account by a tribunal, and that these include: "Whether the respondent attempted to… lay the blame elsewhere." That may be a fair description of some of the answers that Mr Mohindru gave at the hearing. However, this is a factor that is described as being relevant to the assessment of the culpability of the underlying misconduct. It follows that it must relate to an attempt to lay the blame elsewhere, at the time of, or in the aftermath of, the misconduct. It does not relate to the conduct of the disciplinary proceedings. The conduct of the disciplinary proceedings is irrelevant to the seriousness of the underlying misconduct.

63. The sanctions guidance also lists aggravating factors which may be taken into account and which are distinct from the underlying misconduct itself. These include a failure to

attend the tribunal, and a failure to cooperate or engage. They do not, however, include the conduct of a defence which involves blaming others.

64. Aside from the answers he gave in the course of the proceedings, there is no evidence that Mr Mohindru has ever sought publicly to blame anyone else. Insofar as he did so during the tribunal, that was largely in response to (entirely proper) cross-examination. The tribunal made no finding that Mr Mohindru was dishonest in his account that he could not remember the detail of the interview or editing his CV, and that he genuinely did not believe that he had acted in the way that was alleged against him. It follows that he genuinely believed that someone else must have fabricated the entry on his CV in order to frame him for a disciplinary offence. When the detail of the expert evidence is properly understood, that is not a realistic possibility, and it was rightly rejected by the tribunal. But on the facts as Mr Mohindru believed them to be it was not a completely outlandish suggestion. What is, on any view, clear is that somebody made an anonymous complaint about him years after the relevant events. Mr Mohindru understandably believes that there was a degree of malice in the making of the complaint. It is therefore unsurprising that he linked the making of what he regards as a malicious complaint to the fabrication of his CV. All that being the case, it was a necessary part of his defence that somebody other than him fabricated the entry in his CV. When pressed to speculate as to who that might be, he gave answers as best he could. There was an internal logic to his case. It did not involve a gratuitous attempt unfairly to besmirch anyone else. None of this means that his case was realistic. It was not, for the reasons the tribunal gave. However, it was a case based on his honest belief as to what had happened.

65. For all these reasons, the way in which Mr Mohindru conducted his case could not properly have been regarded as an aggravating feature of the misconduct. If it was, then that was wrong.

Ground 4 (disbarment disproportionate)

66. For the reasons given in respect of grounds 1, 2 and 3, the tribunal's conclusion as to sanction was based on material misdirections. It follows that the appeal should be allowed. It is not helpful separately to assess whether, on the approach taken by the tribunal, the sanction of disbarment was disproportionate. Instead, it is necessary to address the appropriate disposal of the appeal.

Disposal

67. There were material errors of principle in carrying out the evaluation as to the appropriate sanction. I have not considered it necessary to decide whether to hold a re-hearing rather than a review. Notwithstanding the weight to be given to the views of the tribunal, the decision was wrong and the appeal must be allowed. The court may then make such order as it thinks fit: section 24(6) of the 2013 Act. There is no reason to remit the case back to the tribunal. Neither party suggested I should do so. The evidence that was before the tribunal, and the factual findings that were made by the tribunal, provide a sufficient platform to assess the appropriate sanction. The court has all the powers of the tribunal: CPR 52.20(1). Remitting the case would only cause further delay. The court can, and should, determine the appropriate sanction on the material that is before it.

68. That conclusion does not involve substituting my own view merely because I would have weighed the factors differently. It follows from the material errors of principle identified above. Once those errors are identified, the court must determine the appropriate disposal, giving such weight as remains appropriate to the tribunal's evaluative assessment.

69. I consider that, focussing primarily (but not exclusively) on the dishonesty itself, there are exceptional circumstances such that a sanction of disbarment would now be disproportionate. They are that:

(1) The two instances of dishonesty each took place within a short period of time: the first lasting at most a few seconds, the latter involving a period of around 30 minutes. Together, they amount to an isolated instance of dishonesty.

(2) The dishonesty did not concern the conduct of regulated legal services. Nor did it concern money. Nor did it amount to a criminal offence.

(3) Mr Mohindru did not secure any material gain from the dishonesty. Nor did he intend to secure any material gain.

(4) The initial lie was likely a panicked answer to an uncomfortable question. The subsequent lie merely bolstered the initial lie.

(5) The lies did not cause any material harm to anyone, aside from Mr Mohindru and his family.

(6) Nobody at the time considered it was sufficiently serious to report the lies to the Bar Standards Board.

(7) This all took place 13½ years ago.

(8) No complaint was made for 8½ years, and there is no evidence of what precipitated the decision to make the complaint.

(9) Mr Mohindru is not dishonest. He has shown over a two decade career that he has personal and professional integrity and that he is a highly regarded and successful silk.

(10) Mr Mohindru has been greatly punished. He has suffered the mortification and humiliation of a public finding that he was dishonest in 2013, with a resultant considerable fall from grace. He has been suspended for 8½ months with significant consequential loss of income. He has to pay costs of £36,155.

70. Dishonesty by a lawyer ordinarily strikes at the foundation of the relationship of trust on which the administration of justice depends. Save in exceptional circumstances, the public interest in maintaining confidence in the profession requires removal from practice. But the principle is not a mechanical rule. The question remains what sanction is necessary, now, to maintain public confidence in the profession and in the administration of justice. The lapse of time does not excuse the dishonesty. Nor does subsequent good conduct expunge it. But those matters are relevant to an assessment of what is required to maintain public confidence in providers of regulated legal services. The public is capable of understanding the difference between a practitioner who has

recently acted dishonestly, or whose dishonesty forms part of a continuing pattern, and one whose misconduct occurred many years ago, has not been repeated, and whose subsequent conduct has demonstrated a sustained record of integrity. In such a case, public confidence may be maintained by a sanction which marks the gravity of the dishonesty without permanently excluding the practitioner from the profession.

71. The question is thus not whether the passage of time and Mr Mohindru's subsequent good conduct excuses or expunges an isolated instance of dishonesty. It is whether, viewed in the round, disbarment is the minimum sanction required to uphold confidence in the profession. On the exceptional facts of the case, a lesser sanction can adequately mark the misconduct, protect the public, and maintain the reputation of the profession. That being the case, it would be wrong to impose the ultimate sanction merely because dishonesty is present. Mr Mohindru has been suspended from practice for 8½ months. That is a sufficient sanction.

72. I therefore vary the tribunal's sanction of disbarment by substituting a suspension from practice from 7 October 2025 until the date of this judgment. That period has already been served. No other period of suspension or other sanction is imposed.

Outcome

73. I allow Mr Mohindru's appeal. His disbarment is quashed. I substitute a suspension from practice which has now been served. I do not impose any further sanction.