



The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

Disciplinary Tribunal

DAVID OWUSU-YIANOMA

Called to the Bar by: Inner Temple, November 1992

Type of hearing: 5 Person Tribunal

Date of decision: 12 May 2023

In breach of:

Core Duty 1 and 5 and / or Rule rC3.3 of the Bar Standards Board's Handbook

Details of Offence:

David Owusu-Yianoma, a barrister, failed to observe his duty to the court in the administration of justice by completing and submitting a Form NG, together with an Advice on Appeal/Grounds of Appeal on 6 June 2019, which contained information that was incorrect and was knowingly and/or recklessly misleading in that: (a) Mr Owusu-Yianoma indicated on the Form NG that he had complied with his obligations under R v McCook (b) Mr Owusu-Yianoma had not complied with his McCook obligations in that as fresh appeal counsel he had not approached the solicitors and/or counsel who had acted at trial to ensure that the factual basis upon which the Advice on Appeal/Grounds of Appeal were advanced were correct, and/or had not taken steps to obtain objective and independent evidence in support of the Grounds of Appeal (c) Mr Owusu-Yianoma knew, or ought to have known, that he had not complied with his obligations as fresh appeal counsel.

David Owusu-Yianoma, a barrister, behaved in a way which is likely to diminish the trust and confidence which the public places in him or in the profession by completing and submitting a Form NG, together with an Advice on Appeal/Grounds of Appeal on 6 June 2019, which contained information that was incorrect and was knowingly and/or recklessly misleading in that: (a) Mr Owusu-Yianoma indicated on the Form NG that he had complied with his

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obligations under R v McCook (b) Mr Owusu-Yianoma had not complied with his McCook obligations in that as fresh appeal counsel he had not approached the solicitors and/or counsel who acted at trial to ensure that the factual basis upon which the Advice on Appeal/Grounds of Appeal were advanced were correct, and/or had not taken steps to obtain objective and independent evidence in support of the grounds of appeal (c) Mr Owusu-Yianoma knew, or ought to have known, that he had not complied with his obligations as fresh appeal counsel.

David Owusu-Yianoma, a barrister, failed to observe his duty to the court by failing to take reasonable steps to avoid wasting the court's time in that: (a) Mr Owusu-Yianoma submitted the Form NG and supporting Advice on Appeal/Grounds of Appeal on 6 June 2019 indicating that he had complied with his McCook obligations, which was incorrect and, in doing so, knowingly and/or recklessly misled the court (b) Mr Owusu-Yianoma failed to comply with his obligations as fresh appeal counsel to approach the solicitors and/or counsel who had acted at trial to ensure that the factual basis upon which the Advice on Appeal/Grounds of Appeal were advanced were correct, and/or had not taken steps to obtain objective and independent evidence in support of the Advice on Appeal/Grounds of Appeal.

Sanction: Suspended for 12 months. Costs of £,5000 to be paid to the BSB; time to pay to be agreed by arrangement with the BSB.

Status: Open to Appeal.