



# The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

## Report of Finding and Sanction

**Case reference: PC 2019/0270/D5**

Oladipo Adelaja

The Director-General of the Bar Standards Board

The Chair of the Bar Standards Board

The Treasurer of the Honourable Society of Gray's Inn

### Disciplinary Tribunal

#### Oladipo Adelaja

1. In accordance with an appointment made by the President of the Council of the Inns of Court contained in a Convening Order dated 16 May 2023, I sat as Chairman of a Disciplinary Tribunal on 20 June 2023 to hear and determine 2 charges of professional misconduct contrary to the Code of Conduct of the Bar of England and Wales against Oladipo Adelaja, barrister of the Honourable Society of Gray's Inn.

#### Panel Members

2. The other members of the Tribunal were:

Paul Robb (Lay Member)

Tracy Stephenson (Lay Member)

Ella Schulster (Barrister Member)

Yusuf Solley (Barrister Member).

#### Charges

3. The following charges were found proven.

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## Charge 1

### Statement of Offence

Professional misconduct, contrary to Core Duty 5 of the Bar Standards Board Handbook (9<sup>th</sup> edition)

### Particulars of Offence

Mr Oladipo Adelaja, acted in a manner which was likely to diminish the trust and confidence which the public places in him or in the profession, in that he commenced unmeritorious applications against the London Borough of Islington, including claims for damages and judicial review during the course of court proceedings, which resulted in the High Court granting an Extended Civil Restraint Order ('ECRO') against him by a judgment dated 24 May 2019, the ECRO was further extended against him on 20 July 2021 until 23 May 2023.

## Charge 2

### Statement of Offence

Professional misconduct, contrary to Core Duty 5 of the Bar Standards Board Handbook (9<sup>th</sup> edition)

### Particulars of Offence

Mr Oladipo Adelaja, acted in a manner which was likely to diminish the trust and confidence which the public places in him or in the profession, in that he failed to comply with court orders to pay costs ordered against him to the London Borough of Islington in the total sum of £65,111.20, following the commencement of unmeritorious applications against the London Borough of Islington, including claims for damages and judicial review during the course of court proceedings.

### Parties Present and Representation

4. The Respondent was present (until he left the tribunal suite at around 4.05pm on 20 June 2023) and was not represented. He was not present or represented on 31 July 2023. The Bar Standards Board ("BSB") was represented by Mr Nicholas Bard.

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## Preliminary Matters

5. There were three preliminary matters.
6. First, immediately prior to the hearing, Mr Adelaja handed an N244 application notice to the Tribunal. At the start of the hearing Mr Adelaja sought an adjournment of the Tribunal proceedings until his court application had been determined. Mr Bard resisted the request for an adjournment.
7. Having retired to consider its decision, the Tribunal said that it was refusing the adjournment. The Tribunal did not take the view that Murray J was necessarily envisaging a positive outcome for the case. Mr Adelaja was to put in documents when making his appeal. It was his job to keep his eyes on the appeal and to file relevant documents. The Tribunal did not feel that the Tribunal proceedings should be affected by what happened.
8. Second, Mr Adelaja submitted that the BSB had no jurisdiction in law to bring these disciplinary proceedings. Mr Adelaja wanted to know what the underling authority of the BSB Handbook was. Mr Bard made submissions on jurisdiction.
9. The Tribunal said that it was satisfied that it had jurisdiction to hear the case. The jurisdiction came from the Legal Services Act 2007, the Enforcement Decision Regulations 2019 and the BSB Handbook.
10. Third, there was a preliminary issue about whether the BSB's witness, Ms Ousta- Doerfel, should attend to give oral evidence. Mr Bard submitted that she need not attend. Mr Adelaja wanted to cross-examine her.
11. Having retired to consider its decision, the Tribunal said that Ms Doerfel should attend for cross-examination. The Tribunal emphasised that she should be cross-examined about relevant matters only. The Tribunal said that it would intervene if Mr Adelaja strayed into irrelevant matters.

## Pleas

12. The Respondent denied both charges.

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## Evidence

13. Having opened the case for the BSB, Mr Bard called Ms Doerfel as a witness. Ms Doerfel confirmed the truth of her witness statement. Ms Doerfel was cross-examined by Mr Adelaja.
14. During the course of his cross-examination of Ms Doerfel, Mr Adelaja made an application to adjourn the proceedings so he could obtain an order from the Court of Protection. The Tribunal refused the application on the ground that it was too late.
15. The Tribunal retired between 2.15pm and 3.15pm on 20 June 2023.
16. On the resumption of the hearing, the Tribunal briefly questioned Ms Doerfel. Mr Adelaja had no further questions for Ms Doerfel. Mr Bard did not re-examine her.
17. Mr Adelaja made an application to adjourn the proceedings so that he could prepare a witness statement. Mr Bard resisted the application. The Tribunal refused the application for an adjournment. The Tribunal said that nothing had changed since the papers had been served. The Tribunal noted that, if Mr Adelaja wanted to give evidence, he could do so. The Tribunal dispensed with any requirement for Mr Adelaja to have a witness statement.
18. Mr Adelaja gave evidence on his own behalf. He was not cross-examined by Mr Bard.

## Closing Submissions

19. Mr Adelaja sought an adjournment of the proceedings to another day in order to prepare his closing submissions, to look up the law and to deal with jurisdiction. The Tribunal refused the application to adjourn. The Tribunal noted that it had dealt with the points as it had gone along. The Tribunal had already dealt with the question of jurisdiction. The Tribunal said that it was necessary to proceed.
20. Mr Adelaja said that he was not in a position to make submissions and would leave. He declined to hear the BSB's submissions. He left the tribunal suite at around 4.05pm on 20 June 2023.

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21. The Tribunal considered rE183. The Tribunal said that the relevant procedure had been complied with and that it was just to proceed in Mr Adelaja's absence. The adjournment application had been refused and there was no reason not to proceed.

22. Mr Bard made closing submissions on behalf of the BSB.

## Findings

23. Having retired to consider its decision, the Tribunal said that it would briefly announce its decision, with written reasons to follow.

24. On charge 1, the Tribunal said that there had been numerous court orders. Mr Adelaja had shown a wilfulness to litigate. The matter was sufficiently serious to amount to professional misconduct. Charge 1 was proved.

25. On charge 2, the Tribunal recorded Mr Adelaja's submission that it was the London Borough of Islington's duty to enforce the costs orders. The Tribunal rejected that submission. There was wilful ignorance. The matter was sufficiently serious to amount to professional misconduct. Charge 2 was proved.

26. The Tribunal confirmed that it wanted Mr Adelaja to be given an opportunity to attend the sanctions hearing.

27. Mr Bard said that there were no previous findings against Mr Adelaja.

28. The hearing was adjourned to a date to be fixed.

## Sanction and Reasons

29. The hearing resumed on 31 July 2023.

30. The Tribunal noted that Mr Adelaja was not present on 31 July 2023. Mr Bard said that Mr Adelaja had been sent the judgment and the statement of costs, with the date of the hearing in the covering letters. The Tribunal noted that the hearing could proceed in his absence in accordance with rE183.

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31. The Tribunal noted that, without the presence of one of its members (Ms Tracy Stephenson), it could still proceed in accordance with rE149.
32. Mr Bard addressed the Tribunal on sanction. Mr Bard said that he would mention the points which Mr Adelaja might have made if he had been present. Mr Bard noted that Mr Adelaja had no previous findings against him. Mr Bard said that: the first charge fell under G (Administration of Justice) and the second charge fell under H (Failure to Comply with Formal Orders) in the Sanctions Guidance. Mr Bard set out the factors relating to seriousness and highlighted the aggravating and mitigating factors and range of possible sanctions for each charge.
33. The Tribunal retired to consider its decision on sanction.
34. The Tribunal announced its decision on sanction: please see attached written judgment.

**Dated: 14 August 2023**

**Her Honour Judith Hughes  
Chairman of the Tribunal**

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Re Oladipo Adelaja

1. On 20<sup>th</sup> June a hearing took place in the case brought by the Bar Standards Board against Mr. Oladipo Adelaj. The hearing lasted the whole day at the end of which the Panel decision was announced by the Chair with the promise of a written judgment within 7 days. This judgment records the Panel's unanimous decision.
2. Mr. Adelaja was called to the Bar by the Honourable Society of Gray's Inn on 24<sup>th</sup> July 1080 and he was in practice as a barrister until 1993. Since 1993 he has been an unregistered barrister.

The charges

3. The charges relate to litigation commenced by Mr. Adelaja on behalf of himself and his wife against the London Borough of Islington. Both charges allege professional misconduct contrary to Core Duty 5 (CD5) of the Bar Standards Handbook. CD5 states "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."

COUNT 1: alleges that Mr. Adelaja acted in a manner which was likely to diminish the trust and confidence which the public places in him or in the profession in that he commenced unmeritorious applications against the London Borough of Islington including claims for damages and judicial review during the course of court proceedings, which resulted in the High Court granting an Extended Civil Restraint Order ("ECRO") against him by a judgment dated 24<sup>th</sup> May 2019, the ECRO was further extended against him on 20<sup>th</sup> July 2021 until 23<sup>rd</sup> May 2023.

Count 2: alleges that Mr. Adelaja acted in a manner which was likely to diminish the trust and confidence which the public places in him or in the profession, in that he failed to comply with Court orders to pay costs ordered against him to the London Borough of Islington in the total sum of £65,111.20 following the commencement of unmeritorious applications against the London Borough of Islington, including claims for damages and judicial review during the course of the proceedings.

4. At the hearing the Bar Standards Board ("BSB") was represented by Mr. Nicholas Bard of Counsel. Mr. Adelaja represented himself. He denied the charges.

The facts

5. Over many years Mr. Adelaja's wife ("the wife") has had mental health problems. There clearly were proceedings in the Court of protection prior to the litigation commenced by Mr. Adelaja (the subject of Count 1) on which Mr. Adelaja places reliance. This included what might have been said in the Court of Protection but in our view no evidence has been produced relating to those proceedings but in any event, they have no relevance to these proceedings as we are only concerned with the litigation which is the subject of Count 1.
6. Between June and August 2018, the London Borough of Islington made requests to the Bar Standards Board about the status of Mr. Adelaja (see B23, 26). It was aware he was or had been a barrister (E73).

7. On 11<sup>th</sup> September 2018 Mr. Adelaja was the 2<sup>nd</sup> Claimant and his wife the 1<sup>st</sup> Claimant and the London Borough of Islington and a member of their staff were 1<sup>st</sup> and 2<sup>nd</sup> Defendants respectively in an action under case HQ18X03223. This was a claim for damages limited to £1 million for allegedly attempting to defraud the claimants and conspiracy to cause them economic loss.
8. Eight days after the claim mentioned in Paragraph 6 was filed a further action was commenced in the High Court (HQ18CO3337) with the same parties and this was a claim for damages limited to £3 million for alleged breach of duty by the Local Authority under section 117(2) of the Mental Health Act 1983.
9. On 10<sup>th</sup> December 2018 Master Yoxall made an order that the Official Solicitors should be invited to act as the wife's litigation friend in proceedings numbered HQ18CO3337. On 14<sup>th</sup> December 2018 Master Cook made an Order in the same proceedings appointing the Official Solicitor as the wife's litigation friend.
10. On 14<sup>th</sup> December 2018 the London Borough of Islington successfully applied to Master Cook to strike out the action HQ18CO3337. By then it had been decided that the wife lacked capacity to conduct litigation and she was represented by the Official Solicitor. Leading Counsel instructed by the Official Solicitor had sought to discontinue the proceedings against the Local Authority and so permission for her to discontinue was granted and the claim by Mr. Adelaja was struck out. The Master found the action had been brought totally without merit and ordered Mr. Adelaja to pay costs of £11,204.
11. On 20<sup>th</sup> December 2018 Master Yoxall made an Order inviting the Official Solicitor to act as litigation friend to the wife in proceedings HQX03223.
12. On 28<sup>th</sup> February 2019 Master Cook appointed the Official Solicitor to act as the wife's litigation friend. He also on that day heard an application by the London Borough of Islington to strike out HQ18X0332. Again, the official Solicitor sought to discontinue these proceedings on behalf of the wife which was granted; Mr. Adelaja's claim was struck out as being totally without merit. Mr. Adelaja was ordered to pay £16,921.20 by way of costs to the London Borough of Islington.
13. On 14<sup>th</sup> March 2019 three applications for judicial review were determined together by Mr. Justice Julian Knowles who refused them all and, in each case, declared them to have been totally without merit. On those applications he ordered Mr. Adelaja to pay a total of £5091.25 costs to the London Borough of Islington.
14. On 8<sup>th</sup> May the case came before Mr. Justice Jeremy Baker J. who determined 5 applications for permission to appeal, three of which related to HQ18CO3337 including objection by Mr. Adelaja to the appointment of the Official Solicitor, and two related to HQ18X03223. Baker J. refused all five applications and determined each of them was totally without merit.
15. Consideration as to whether the Court should make an Extended Civil Restraint Order was due to be heard on 16<sup>th</sup> April. However, on 12<sup>th</sup> April Mr. Adelaja successfully applied to Mr. Justice William Davis for an adjournment of that hearing. The hearing was refixed for 2<sup>nd</sup> May but again Mr. Adelaja successfully applied to Mr. Justice Waksman for an adjournment for a week. On 9<sup>th</sup> May the matter came back before Mr. Justice Jeremy Baker. His judgment appears at B10-20 of the bundle. The wife was represented by Leading Counsel as was the London Borough of Islington and Mr. Adelaja represented



himself. He applied for a further adjournment and for the judge to recuse himself. Both applications were refused. Mr. Justice Jeremy Baker specifically refused the application for adjournment which was based on the Court of Protection hearing and what had allegedly been said there by DJ Mort upon which Mr. Adelaja relies. He did not consider that any of the documentation in the Court of Protection proceedings would be of “sufficient relevance to my consideration as to whether to make an extended civil restraint order in relation to the further court proceedings concerning the alleged financial abuse of [the wife] by Mr. Adelaja, pursuant to its duty under section 42 of the Care Act 2014.

16. Mr. Justice Baker reviewed the case law and then commented on the facts of Mr. Adelaja’s cases in the following terms: “None of these claims or applications had any discernible basis in law and each of them were accordingly either struck out as disclosing no reasonable ground for bringing the claim or refused as there was no arguable ground for judicial review.” He said as the result of the challenges of Mr. Adelaja there had been no less than 10 orders made in these various pieces of litigation which have been declared to be totally without merit.” He went on (Paragraph 35) “In these circumstances I am satisfied that there has been the requisite degree of persistent vexatiousness including a persistent and irrational refusal to take “no” for an answer, so as to necessitate the Court making an extended civil restraint order both to protect the interests of the Local Authority but also to protect the valuable resources of the civil justice system.” He made a two year order which expired in May 2021 (see D41-44). He ordered Mr. Adelaja to pay costs of £31,844 to the London Borough of Islington and the Official Solicitor and ordered these costs to be paid within 14 days of the Order.
17. On 20<sup>th</sup> May Her Honour Judge Coe at a hearing for judicial review on a further application by Mr. Adelaja determined that Mr. Adelaja had no prospect of establishing the Local Authority acted unreasonably or that it should have notified Mr. Adelaja of the invitation to the Official Solicitor to act, or they had acted in breach of legislation and she refused to allow the matter to be pursued further at a hearing (see D39). No order was made for costs.
18. On 13<sup>th</sup> August 2019 Mr. Adelaja wrote to the London Borough of Islington informing them of his intention to appeal the decision of Mr Justice Jeremy Baker. On 3<sup>rd</sup> September 2019 he filed an application for leave and a stay of the Extended Civil Restraint Order in accordance with the Judge’s order. Mr. Adelaja informed the BSB that he had been given leave to appeal by a High Court Judge, but he has never produced any document to verify that and nor did he successfully appeal Mr. Justice Jeremy Baker’s Order.
19. On 29<sup>th</sup> July 2021 The Extended Civil Restraint Order was extended by His Honour Judge Graham Wood QC sitting as a Judge of the High Court for the reasons set out in his judgment (see D 18-23). He referred to the threats by Mr. Adelaja to bring further proceedings (see D20). There was no order for costs. The two year order made by that Judge expired on 23<sup>rd</sup> May 2023.
20. On 6<sup>th</sup> September Mr. Adelaja informed the London Borough of Islington by letter that he intended to appeal that decision (B77). Mrs. Shadia Ousta-Doefel, a senior community services solicitor from the London Borough of Islington said in her statement dated 23<sup>rd</sup> January 2022 (see E1-2) that she received the letter but heard nothing further. It would appear from the correspondence from the Court of Appeal that Mr. Adelaja did not pursue any appeal (E6).

21. It is on these facts that the proceedings are brought before the Bar Standards Board.

#### Burden of Proof

22. The Bar Standards Board bring these proceedings and it is for it to prove each charge to the required standard. Mr. Adelaja does not have to prove anything. It is a fact that prior to 1<sup>st</sup> April 2019 the standard to which the allegations were required to be proved was the criminal standard namely sure and beyond reasonable doubt. After that date the lesser civil standard applies. We are dealing in part with the making of Orders prior to 1<sup>st</sup> April 2019 which were said to be “totally without merit” and which were the basis of the appeal application and the two ECROs determined after that date. In fairness to Mr. Adelaja we have adopted the criminal standard throughout. The BSB needs to prove so that we are sure that Mr. Adelaja acted in a manner which was likely to diminish the trust and confidence the public places in the profession by commencing unmeritorious applications against the London Borough of Islington (Count 1) and he failed to pay the costs when ordered to do so (Count 2).

#### In advance of the hearing

23. Each side prepared a full Skeleton Argument. Mr. Bard’s is dated 12<sup>th</sup> June 2023. In it he relies on the facts and the granting of the ECRO and the non-payment of costs and outlines his arguments for the proposition that Mr. Adelaja is subject to Core Duty 5 and how the allegation that Mr. Adelaja has behaved in a way to diminish the confidence which the public places in the barrister or his profession. Mr. Adelaja filed his skeleton argument which is undated in time for the hearing. He says in turn a) the regulations do not apply to him as he is an unregistered barrister b) these were private proceedings taken on behalf of himself and his wife although she was subsequently represented by the Official Solicitor c) no member of the public has expressed any lack of trust in his actions and without such a complaint or one from any judicial body the Bar Standards Board has no locus standi to bring a complaint in the absence of a specific statutory authority.

#### The hearing

24. At the commencement of the hearing Mr. Adelaja sought an adjournment as he had discovered in a bundle of documents served on him by the London Borough of Islington on 13<sup>th</sup> June in ongoing proceedings (which are not relevant to this judgment) an Order dated 2<sup>nd</sup> February 2021 made by Mr. Justice Stewart in proceedings brought by the wife (acting by her litigation friend Mr. Adelaja) against the Camden and Islington Health Trust. Seemingly Mr. Justice Murray had on 2<sup>nd</sup> January 2020 ordered an appeal bundle including a transcript of the Judgment “of the lower Court” to be filed and Mr. Justice Stewart had dismissed the appeal on failure to file the appeal bundle. Mr. Adelaja said he had only known of the existence of Mr. Justice Stewart’s order for a week and believed the matters should be investigated before any determination by us. We disagreed and declined his application for an adjournment as we could not see that Mr. Justice Murray had given his decision because there was prospect of success but rather because the application had been filed without an appeal bundle and he considered one was necessary to determine the prospects of success of the appeal. We did not think that over two years later it was likely the case would be reopened and we also thought it was up to Mr Adelaja acting on behalf of his wife to have prosecuted the appeal diligently and been aware of the Orders made. He also sought an adjournment because he said he did not understand the jurisdiction of the BSB, and he wished to make further investigation once

that he been explained. We refused that application as he had clearly been told the matters could be found in the BSB handbook and specifically P5 of the Enforcement Decision Regulations 2019 and this was online and he could have researched this himself prior to the hearing. The extensive correspondence in the bundle between Mr. Adelaja and the BSB (see B, B51, B64, B68 and B87) referred Mr. Adelaja to the relevant rules and regulations and how he could access them. The Chair of the Panel specifically explained the relevant law and regulations to him. In addition, he made an application that the BSB did not have jurisdiction, but we were unanimous in the ruling that we did.

25. During the first part of the hearing Mr. Adelaja was fixated with who was the complainant in the proceedings. It was explained to him on several occasions that there was no complainant, but the London Borough of Islington had communicated with the BSB and informed them of the existence of the first and subsequent ECRO. Ms. Shadia Ousta-Doerfel was the only witness on whom the BSB relied and it was clear from his skeleton argument that he wanted her to be available for cross-examination. Her statement (E1-2) refers to three matters: 1) the existence of the ECROs 2) the fact there were no appeal proceedings in respect of the ECROs and 3) the outstanding costs owed to the London Borough of Islington which she said in her statement were still outstanding in full. We allowed the witness to attend for cross examination but made it very clear to Mr. Adelaja that this was not an opportunity to widen the enquiry to matters which were not the subject of the charges. After Ms. Ousta-Doerfel had given her evidence in chief Mr. Adelaja asked for an adjournment to prepare his cross examination of her which we refused. He had had the statements for several months and must have known why he required her for cross-examination. Mr. Adelaja cross-examined her for one and a half hours and it was necessary for the Chair to remind him several times to stick to relevant matters. He was insistent he had to know who the complainant was and insistent he had to know whether the witness was the author of several of the redacted letters in the bundle (see, for example, B23 and B27). The Chair intervened to stop this line of cross-examination as it was felt irrelevant to the matters with which we had to deal. He did suggest to the witness that it was the responsibility of the London Borough of Islington to enforce a costs order if the litigant against whom it had been made did not pay but she disagreed and said in her view it was the litigant who should pay or take steps to find the money or deal with the situation. At least twice in his cross-examination he called the witness "a liar."
26. It was necessary to break the cross-examination at 2.15 pm as we had not stopped prior thereto for a lunch break. Mr. Adelaja objected to breaking his cross examination and said he had only 20 minutes of cross examination left but as he had said at 1.30, he had 15 minutes left and the Panel and Clerk needed a break we decided to break for lunch.
27. After lunch Mr Adelaja said he had no more questions after the Panel had ascertained from the witness that the costs schedule at B29 was accurate and that Mr. Adelaja had not paid anything since she made her statement. At the conclusion of her evidence the BSB closed its case.
28. When the Chair asked Mr. Adelaja what he wanted to say he said he wanted an adjournment to file a witness statement. We considered but then rejected his application as we felt he had had time to file a statement despite his contention that he only now understood who the complainant was and under what legislation and regulation the case was brought and we also considered he could tell us what he wished to say in evidence. He accepted the chance to give his evidence and in much more moderated tones than he had adopted in the morning session he told the Panel of his personal difficulties with his

wife's health which had caused him to give up practice as a barrister in 1993 in order to care for her. He told the history of his relationship with the London Borough of Islington and how he felt that whatever he had done was to get justice for his wife. He said he had only acted in a private capacity and was not thinking of the Bar and how his actions could reflect. He had not acted in a malicious way, and he had only brought actions when he felt it was justified. He had not paid the costs because he had not the means to do so and the London Borough of Islington had not pursued the costs. Mr. Bard had no questions and that was the end of his evidence.

29. It was pointed out to him that it was now his right to address the Panel. At this point he said he wanted an adjournment to consider everything which had been said at the hearing. He said he wanted a copy of the Regulations and said he should have been given one and he wished to formulate submissions. The Panel declined to allow this and at this point he said he had nothing further to say and he would be leaving the hearing which he then did.
30. The Panel considered the BSB Handbook and whilst regulation E183 dealt with a Respondent not turning up and was clearly not on all fours with the situation we felt it was fair and just to continue the hearing and the relevant procedure had been complied with and Mr. Adelaja had left voluntarily. Mr. Bard made his submissions and the panel retired to consider its decision. The decision was announced prior to the conclusion of the hearing. The decision and findings were unanimous in relation to each charge.
31. The panel accepts the evidence of Ms. Ousta-Doerfel and in particular there has been no change in the costs position since she made her statement in January 2023 and no appeals are outstanding. Clearly there was a long history between herself and Mr. Adelaja but we found her evidence was considered and measured.

#### Jurisdiction

32. The first matter we have to determine is whether the regulations extend to Mr. Adelaja as an unregistered barrister. The BSB says they do, he says they do not. Core Duty 5 says "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." It is clear from the Handbook that an unregistered barrister is required to comply with the Core Duties and in particular CD5 (see the BSB Handbook). It is clear from Part 2: Code of Conduct that the core duties apply to all BSB regulated persons and unregistered barristers except where stated otherwise and it is clear from Part 2B that the Core Duties 5 and 9 apply at all times. Accordingly, it is clear to the Panel that CD5 applies to all barristers including unregistered barristers at all times.
33. Mr. Adelaja's next point is that he was not acting as a barrister in the litigation in the sense he was not being paid or acting on behalf of a client, but it was a personal matter on behalf of himself (and his wife). We accept this. Mr. Justice Jeremy Baker pointed out in the first two lines of his judgment that Mr. Adelaja "is understood to be a member of the Bar of England and Wales having practised as such between 1980 and 1994." The London Borough of Islington was asking the BSB about Mr. Adelaja's standing as a barrister between June and August 2018. His Honour Judge Wood QC in his judgment was aware that Mr. Adelaja had a legal qualification."
34. The fact is that Mr. Adelaja was not represented but rather represented himself in the litigation. He was acting as a barrister to himself and initially also on behalf of his wife.

He instigated the various proceedings, drafted the pleadings, prepared witness statements and draft Orders and appeared in Court and made submissions.

35. We are quite prepared to accept Mr. Adelaja's submission that no member of the public has come forward with objections to his conduct but in our view that misses the point. In our view there does not have to be an actual member of the public affected by this conduct but rather an evaluation of the conduct. In our view any member of the public hearing this litigant was a barrister would be likely to have little confidence in his judgment or the profession when considering the number of totally without merit and therefore unmeritorious claims he commenced. He has had to be restrained by the imposition of injunctions to discontinue issuing unmeritorious applications.

### Findings

36. The fact there are 10 orders adjudging applications to have been made without merit in proceedings demonstrates in our view a willingness to commence proceedings which are totally without merit. This is underpinned in the judgment of Mr. Justice Jeremy Baker setting out the history. We are sure this conduct is sufficiently serious to breach Core Duty 5 and amount to professional misconduct. We accordingly find Count 1 proved to the criminal standard.
37. We heard Mr. Adelaja say it was the duty of the London Borough of Islington to enforce the costs orders before any Core Duty 5 is engaged. We reject that submission. The fact is that these six costs orders were the cumulative effect of all of them remaining unpaid demonstrates a wilful ignorance of obligations under Court orders for unsuccessful litigants in unmeritorious applications. In addition, he has flouted the Court orders that he should pay costs to the London Borough of Islington. A Court order once obtained should be obeyed. It is a serious matter for anyone but particularly a barrister registered or unregistered to fail to comply with a Court judgment because it shows a level of contempt for the legal process which is not compatible with the standards expected of professionals. We find this amounts to professional misconduct contrary to Core Duty 5 and the allegation proved to the criminal standard.
38. In respect of both Counts in our judgment for a barrister even an unregistered one to behave in this way unquestionably are matters which are likely to diminish the trust and confidence which the public places in the profession.
39. It is our next task to consider the sanctions to impose. As Mr. Adelaja had left the hearing at 4.05 and it was 4.30 when we announced the decision, we unanimously agreed to adjourn the hearing to another date when we will deal with sanctions. The date has been set for 31<sup>st</sup> July and we express the hope that Mr. Adelaja will attend.

### Hearing on 31<sup>st</sup> July 2023

1. On 20<sup>th</sup> June we adjourned Mr. Adelaja's case until 31<sup>st</sup> July to deal with sanctions following our findings as set out in the first part of this document. That document and the costs schedule were sent to Mr. Adelaja by e-mail and/or by letter and each recorded today's date and its purpose. We are satisfied from the fact that previous e-mails sent to his e-mail address reached Mr. Adelaja that he received the notifications of today's date and has chosen not to attend. We note in passing that Mr. Adelaja chose to walk out of the 20<sup>th</sup> June hearing and it would have been open to us to continue to proceed in his absence to include the passing of sanctions.

2. Only 4 members of the original panel could attend today. We are satisfied that we could proceed without Ms. Stephenson under RE 149 and we did so.
3. The hearing is to deal with sanctions and this document records our unanimous decision with regard thereto.
4. Charge I:  
We find this falls into Category G. We have considered the culpability and harm as follows:

Culpability:

- i) Wasting the Court's time and potentially blocking the Court lists;
- ii) Imposing unnecessary obligations on the London Borough of Islington, the Local Authority.

We do not find the level of culpability to be serious.

Harm:

The proceedings were struck out so no real harm occurred.

We find the aggravating feature was the volume of actions taken out in a short period of time. The mitigating features are that 1) the conduct has not reoccurred since 2019 whether or not because of the existence of the Civil Restraining Orders and 2) we accept it was done for personal reasons.

5. Charge 2  
We find this falls into category H.

Culpability:

Mr. Adelaja was obliged by various Courts to meet them or to negotiate with the Local Authority which he failed to do. We take into account his evidence he had no money but we still take the view the responsibility was his to face up to his obligations under the Court Order.

Harm:

No harm occurred to any individual and we take this into account. However, there would obviously be harm to the Local Authority and its council tax payers.

We conclude on Count 2 the level of seriousness is low to medium.

6. We also take into account at the time the matters in Counts 1 and 2 arose Mr. Adelaja was not a practising barrister and had not been for many years. He is a man of good character; he is an unregistered barrister. We also accept you were not acting for gain and were only trying to get what you considered the best outcome for your family.
7. On Count 1 having considered all the evidence including the aggravating and mitigating circumstances and having determined the level of seriousness is low the guidelines suggest the sanction should be a low to medium level of fine. In your case we find the appropriate sentence is a reprimand.
8. Doing the same test in respect of Count 2 to the sanction recommended would be a low to higher level fine and taking into account the factors already mentioned the appropriate sentence is a Reprimand.

9. We recognise we have departed from the recommended level of sanction because of the particular facts of this case.
10. The reprimand is as follows: Mr. Adelaja is reprimanded for failing to adhere to the rules requires of all barristers including unregistered ones. The rules are important as the public confidence and trust in the profession need to be maintained.
11. We direct a written version of the reprimand be sent to Mr. Adelaja both by post and e-mail.
12. Mr. Adelaja must understand that the rules continue to apply to him and if he is found to have breached them in the future the consequences are likely to be far more serious.
13. **Costs:** The BSB sought their costs. We have seen the schedule and we do not make any order for costs because we accept the evidence Mr. Adelaja gave as to his impecuniosity.
14. Finally, we make no criticism of the Bar Standards Board for bringing these proceedings.

Judith Hughes KC

Paul Robb

Ella Schulster

Yusuf Solley

