



The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

Report of Finding and Sanction

Case reference: PC 2020/1843/D5

Stuart Eric Dodd

The Director-General of the Bar Standards Board

The Chair of the Bar Standards Board

The Treasurer of the Honourable Society of: Middle Temple

Disciplinary Tribunal

Stuart Eric Dodd

1. In accordance with an appointment made by the President of the Council of the Inns of Court in a Convening Order dated 21 July 2023 I sat as Chairman of a Disciplinary Tribunal on 2 October 2023 to hear and determine 8 charges of professional misconduct contrary to the Bar Standards Board Handbook against Stuart Eric Dodd, barrister of the Honourable Society Middle Temple.

Panel Members

2. The other members of the Tribunal were:

Helen Norris (Lay Member)

John Vaughan (Lay Member)

Monica Stevenson (Barrister Member)

Kane Simons (Barrister Member)

What follows are our unanimous decisions made at the hearing.

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Charges

3. The charges were found proven.

Charge 1

Statement of Offence

Professional misconduct, contrary to rQ117 of the Bar Standards Board Handbook (version 3.3).

Particulars of Offence

Mr. Stuart Eric Dodd, an unregistered barrister, engaged in conduct before call which was discreditable to a barrister and which was not, before his call on 22 November 2018, fairly disclosed in writing to the benchers of the Inn calling him, namely Middle Temple in that:

- (a) On 18 September 2018, in the Family Court at Worcester, Mr Dodd was made subject to a Non-Molestation Order which provided that he would not approach or attempt to communicate with Person A and/or Child 1 or Child 2, save for as provided by a Child Arrangement Order. On 30 September 2018, Mr Dodd breached the Non-Molestation Order, by sending a WhatsApp message to Child 2, for which Mr Dodd was convicted on 16 May 2019 of breach of a Non-Molestation Order contrary to Section 42A of the Family Law Act 1996.
- (b) Between 11 September 2018 and 3 October 2018 Mr Dodd pursued a course of conduct which amounted to the harassment of Person A, and which he knew or ought to have known amounted to the harassment of Person A, by repeatedly attending Person A's address, removing Child 1 from Person A and refusing to return him despite police instructions for him to return Child 1, contacting Child 2, and making inappropriate enquiries of third parties about Person A, for which Mr Dodd was convicted on 12 November 2019, of harassment contrary to s2(1) & (2) of the Protection from Harassment Act 1997.

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Charge 2

Statement of Offence

Professional misconduct, contrary to CD5 of the Code of Conduct of the Bar of England and Wales (9th Edition).

Particulars of Offence

Mr. Stuart Eric Dodd, an unregistered barrister, behaved in a way which is likely to diminish the trust and confidence which the public places in him or in the profession in that:

- (a) He was convicted on 16 May 2019 of breach of a Non-Molestation Order contrary to Section 42A of the Family Law Act 1996, for which he was sentenced on 14 November 2019 to 4 months imprisonment suspended for 18 months, and was required to undertake 250 hours of unpaid work, to pay £500 compensation, and made subject to a restraining order until further order.
- (b) He was convicted on 12 November 2019 of harassment contrary to s2(1) & (2) of the Protection from Harassment Act 1997, for which he was sentenced on 14 November 2019 to 4 months imprisonment (concurrent to the above) suspended for 18 months and was required to undertake 250 hours of unpaid work (again concurrent to the above).

Charge 3

Statement of Offence

Professional misconduct, contrary to rC8 of the Code of Conduct of the Bar of England and Wales (9th Edition).

Particulars of Offence

Mr. Stuart Eric Dodd, an unregistered barrister, behaved in a way which could reasonably be seen by the public to undermine his integrity in that:

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- (a) He was convicted on 16 May 2019 of breach of a Non-Molestation Order contrary to Section 42A of the Family Law Act 1996, for which he was sentenced on 14 November 2019 to 4 months imprisonment suspended for 18 months, and was required to undertake 250 hours of unpaid work, to pay £500 compensation, and made subject to a restraining order until further order.
- (b) He was convicted on 12 November 2019 of harassment contrary to s2(1) & (2) of the Protection from Harassment Act 1997, for which he was sentenced on 14 November 2019 to 4 months imprisonment (concurrent to the above) suspended for 18 months and was required to undertake 250 hours of unpaid work (again concurrent to the above).

Charge 4

Statement of Offence

Professional misconduct, contrary to Core Duty 5 and rC65.1 of the Code of Conduct of the Bar of England and Wales (9th Edition).

Particulars of Offence

Mr. Stuart Eric Dodd, an unregistered barrister, called to the Bar on 22 November 2018, behaved in a way which is likely to diminish the trust and confidence which the public places in him or in the profession in that he failed to report promptly to the Bar Standards Board that he had been charged on 9 October 2018 with an indictable offence namely breach of a Non-Molestation Order contrary to Section 42A of the Family Law Act 1996.

Charge 5

Statement of Offence

Professional misconduct, contrary to rC8 and rC65.1 of the Code of Conduct of the Bar of England and Wales (9th Edition).

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Particulars of Offence

Mr. Stuart Eric Dodd, an unregistered barrister, called to the Bar on 22 November 2018, behaved in a way which could reasonably be seen by the public to undermine his honesty and/or integrity in that he failed to report promptly to the Bar Standards Board that he had been charged on 9 October 2018 with an indictable offence namely breach of a Non-Molestation Order contrary to Section 42A of the Family Law Act 1996.

Charge 6

Statement of Offence

Professional misconduct, contrary to CD9 and rC65.1 of the Code of Conduct of the Bar of England and Wales (9th Edition).

Particulars of Offence

Mr. Stuart Eric Dodd, an unregistered barrister, called to the Bar on 22 November 2018, failed to be open and cooperative with his regulator in that he failed to report promptly to the Bar Standards Board that he had been charged on 9 October 2018 with an indictable offence namely breach of a Non-Molestation Order contrary to Section 42A of the Family Law Act 1996.

Charge 7

Statement of Offence

Professional misconduct, contrary to CD5 of the Code of Conduct of the Bar of England and Wales (9th Edition).

Particulars of Offence

Mr. Stuart Eric Dodd, an unregistered barrister, called to the Bar on 22 November 2018, behaved in a way which is likely to diminish the trust and confidence which the public places in him or in the profession by virtue of his conduct at a) to f) of this charge, individually or cumulatively, as found by Mr Justice Keehan in his judgment of 1 August 2019, in that during family court proceedings on or around 29, 30, 31 July 2019, Mr Dodd:

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- (a) Submitted questions to the judge for the purposes of cross examination of the mother, which were abusive and/or of no forensic value.
- (b) Used bad language.
- (c) Described the court as a Kangaroo Court.
- (d) Was aggressive and intimidating in his behaviour and his manner, in general and/or towards a witness, namely [REDACTED], psychologist.
- (e) Was coercive and controlling.
- (f) Was abusive towards the judge.

Charge 8

Statement of Offence

Professional misconduct, contrary to rC8 of the Code of Conduct of the Bar of England and Wales (9th Edition).

Particulars of Offence

Mr. Stuart Eric Dodd, an unregistered barrister, called to the Bar on 22 November 2018, behaved in a way which could reasonably be seen by the public to undermine his integrity by virtue of his conduct at a) to f) of this charge, individually or cumulatively, as found by Mr Justice Keehan in his judgment of 1 August 2019, in that during family court proceedings on or around 29, 30, 31 July 2019, Mr Dodd:

- (a) Submitted questions to the judge for the purposes of cross examination of the mother, which were abusive and/or of no forensic value.
- (b) Used bad language.
- (c) Described the court as a Kangaroo Court.
- (d) Was aggressive and intimidating in his behaviour and his manner, in general and/or towards a witness, namely [REDACTED], psychologist.

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- (e) Was coercive and controlling.
- (f) Was abusive towards the judge.

Parties Present and Representation

- 4. The Respondent was not present and was not represented. The Bar Standards Board was represented by Mr Philip Stott.

Preliminary Matters

- 5. Mr Dodd has not attended today's hearing and in various emails to the Bar Standards Board throughout the year, including the latest written on 19 September 2023, has said he has no intention of doing so.
- 6. Counsel for the Bar Standards Board invited us to conduct the hearing in his absence and we agreed to do so for the following reasons:
 - (a) We were satisfied he had been served with all the relevant documents, both on 24 March 2023 to comply with rE102 and rE103 and the convening order on 12 August 2023.
 - (b) We were satisfied Mr Dodd had voluntarily absented himself from the proceedings.
 - (c) We were satisfied that if the matter were adjourned, it is unlikely Mr Dodd would attend.
 - (d) In all his emails, Mr Dodd indicated an intention not to attend and said that the Bar Standards Board could proceed in his absence.

Findings

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Introduction

7. Mr Dodd faces an eight-count charge sheet as set out in Paragraph 2 hereof. . We allowed an amendment to the dates in Paragraph 5 and 6 of the charge sheet simply to reflect the facts. We do not believe the case was changed in any way by these amendments and therefore it was not necessary to consult Mr. Dodd with regard thereto.
8. Mr Dodd is not here. He has not pleaded to any of the charges.
9. The burden of proving the charges falls on the Bar Standards Board throughout. The Respondent does not have to prove his innocence. The standard of proof in force at the time of the matters with which he was charged was the criminal standard on count 1, but subsequently, in April 2019, the standard became the civil standard.
10. We cannot convict the respondent on charge 1 unless we are satisfied that the Bar Standards Board has established its case beyond reasonable doubt or, on the other counts, on the balance of probabilities.
11. Mr Philip Stott represented the Bar Standards Board. In the absence of Mr Dodd, he took us through his opening note and made submissions. He referred to the evidence of his witness, Miss Sally Yorke.

Background

12. We find the brief background of the case to be as follows:
 - (a) On 20 September 2017, Mr. Dodd applied for student membership at the Middle Temple and became a student. He signed a declaration that he had not been convicted of any criminal offences. In that document, of which there's a copy in the bundle at B9, he undertook to *"inform the [Middle Temple] immediately if any statement made in this Declaration ceases to be true before I have been admitted to the Inn and while I am applicant for admission to the Inn."*
 - (b) On 20 August 2018, he signed a Call Declaration, which is found in the bundle at H9.

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- (c) He remained a student member until he was called to the Bar on 22 November 2018.
- (d) His circumstances changed in September or October 2018:
- (i) On 18 September 2018, Mr Dodd's partner, Miss A, obtained a non-molestation order preventing communication with her or her two children.
 - (ii) On 9 October 2018, he was charged with breaking the non-molestation order by contacting one of his A's children and harassment.
 - (iii) The harassment charge related to conduct on the 11, 12 and 13 September 2018, which occurred prior to the obtaining of the non-molestation order.
- (e) The witness, Sally Yorke, alludes to the fact the Middle Temple was unaware of the position at the time of his call. Had they been made aware they would have referred the matter to the Inns Conduct Committee, and he would have been unlikely to be called to the Bar in November 2018.
- (f) On 5 April 2019, he informed the Bar Standards Board by email that he had been arrested and charged with three offences and informed them that the trial would be at Gloucester Crown Court on 14-16 May 2019. We are aware that Mr Dodd claims to have telephoned the BSB hotline, but there is no evidence to support this.
- (g) On 16 May 2019, at Gloucester Crown Court, he was convicted of breach of the non-molestation order. There is no document in the papers before us that indicates he informed the Bar Standards Board of his conviction. He was not sentenced for this until November 2019.
- (h) On 12 November 2019, Mr. Dodd was convicted of harassment. On 19th November he was given concurrent sentences of four months imprisonment for harassment and the breach of the non molestation order and these were suspended for 18 months. He was given an unpaid work requirement of 250 hours, he was ordered

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to pay compensation of £500 and a restraining order was made. Mr. Dodd's appeal against sentence was dismissed on 18 February 2020.

- (i) On 29 July 2019, Mr Dodd and his former partner appeared in family proceedings before Mr Justice Keehan at the Royal Courts of Justice. There is a full transcript of the hearing (see B180-396) and the judgement (B397-416) in the bundle. At the hearing, it was agreed the Judge would ask the complainant (Mr Dodd's ex-partner) questions. It is a matter of record that Mr Dodd submitted 738 questions and then over lunch, when he was asked to consider whether he had any re-examination, he submitted a further 62. He told the Judge, inter alia, that when his patience was gone, *"you could question my judgement."* The Judge said this was at the heart of the case and went on to say his behaviour in the case with which he was dealing was nothing short of appalling. Mr Dodd had been loud, animated, aggressive and intimidating in his behaviour and manner. The Judge said he had never witnessed such prolonged and appallingly bad behaviour in his Court before.

In his judgement, at B407, the Judge said:

"I also take account of the emotionally charged nature of this case but his use of bad language and swearing increased as time went on. He was often rambling and incoherent either in giving evidence or cross-examining witnesses or when he made submissions."

Mr Dodd subsequently referred to the Court as a *"Kangaroo Court."*

- (j) Throughout the papers there is evidence Mr Dodd has used abusive language and been very disrespectful, both in his communications with the Bar Standards Board and in the Court before Mr Justice Keehan.

Charges

13. We now turn to the charges in turn.

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Charge 1

14. Charge 1 alleges professional misconduct, contrary to rQ117 of the Bar Standards Board Handbook, in that he failed to disclose either the breach of the non-molestation order in September 2018, prior to his Call on 22 November 2018 and that between September and October 2018, he pursued a course of harassment against his former partner.

15. rQ117 states:

“Where it is alleged that the call declaration made by a barrister on call was false in any material respect or that the barrister has engaged before call in conduct which is dishonest or otherwise discreditable to a barrister and which was not, before call, fairly disclosed in writing to the Inn calling them or where any undertaking given by a barrister on call to the Bar is breached in any material respect that shall be treated as an allegation of a breach of this Handbook and will be subject to the provisions of Part 5.”

16. We are satisfied from the evidence of Miss Yorke, which was not challenged, that Mr Dodd failed to disclose the breach of the non-molestation order and his subsequent arrest in October 2018 to the Middle Temple prior to his Call. We also accept he could not have disclosed the conviction in May 2019, as this post-dated his Call. In our view his conduct falls squarely into behaviour which was discreditable to a barrister and should have been disclosed. Accordingly we find this proved.

Charge 2

17. Charge 2 alleges professional misconduct contrary to CD5 of the Code of Conduct of the Bar.

18. 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.”

19. What is alleged here is that by his conviction in May 2019 for breaking the non-molestation order, and in November 2019 for harassment, he behaved in a way which is likely to

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diminish the trust and confidence which the public places in him or the profession. Mr Stott very properly drew our attention to *Garnham v Bar Standards Board* [2017] EWHC 1139 (Admin), and in particular paragraph 29 thereof. In that case, Mostyn J said:

“I cannot accept that if you are convicted of matters which occurred before you were called to the Bar that that the conviction per se can constitute professional misconduct, but I do not need to go that far for the purposes of my decision today.”

Mr Stott sought to persuade us that Mostyn J’s remarks were obiter, and this should not be taken as anything other than remarks. We find it cannot be the case, for example, that a practising barrister whose behaviour has come to light post-Call (such as, for example, historical sexual abuse), which he’s been convicted of post-Call, cannot be brought before the Bar Standards Board. We are satisfied that Mr Dodd’s behaviour under charge 2 – behaving by breaching a court injunction and harassing another – would diminish the trust and confidence that the public places in the profession and we find it proved to the appropriate standard. A barrister is expected to abide by the law and failure to do so would, in our view, be likely to diminish the trust and confidence which the public places in him and the profession.

Charge 3

20. Charge 3 alleges breach of rC8 of the Code of Practice of the Bar of England and Wales. That rule states you must not do anything which could reasonably be seen by the public to undermine your professional integrity.
21. Here, what is alleged is that Mr Dodd was convicted in May 2019 for breach of the non-molestation injunction, and in November 2019 for harassment. Clearly, in our view, the convictions would undermine his professional integrity and we make the same observations as under charge 2. We find charge 3 proven to the requisite standard.

Charge 4

22. Charge 4 alleges professional misconduct contrary to CD5 and rC65.1 of the Code of Conduct of the Bar of England and Wales.

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23. This requires a barrister to report promptly to the Bar Standards Board if you're charged with an indictable offence in the jurisdiction of England and Wales. It is correct that Mr Dodd sent an e-mail to the Bar Standards Board on 5 April 2019, in which he said he'd been arrested and charged with three offences, namely breaching an injunction, assault and harassment. However, he had been charged in October 2018 and only notified the Bar Standards Board on 5 April 2019. We find that the notification was therefore not prompt and we have no doubt he is in breach of rC65.1. We find this charge proven for the reasons given.

Charges 5 and 6

24. Charges 5 and 6 allege the same as charge 4 in respect of 14 November 2019 of harassment, namely the failure to notify the Bar Standards Board promptly of the charge, and then misconduct, contrary to CD9 and rC65.1 of the Code of Conduct. CD9 requires a barrister to be open and cooperative with the regulators. There is no record that Mr Dodd ever reported to the Bar Standards Board the November hearing or conviction. We find these charges proven to the required standard.

Charges 7 and 8

25. Charges 7 and 8 relate to Mr Dodd's conduct in the High Court in proceedings before Keehan J in July 2019. Here the charges relate to behaving in a way which is likely to diminish the trust and confidence which the public places in you or the profession, and not to do anything seen by the public to undermine your integrity. These charges arise out of referrals to the Bar Standards Board by the other barristers involved in the case.
26. We take into account these were private proceedings in which Mr Dodd was a litigant in person. The panel considered these facts, but considered we could take Mr Dodd's behaviour into account. This clearly was behaviour which, in the Judge's view, was nothing short of appalling. In our view, these charges are proven even with the caveats we have given. The Judge said it was the worst behaviour he thought he had ever experienced, and we take into account that he was in a very good position to judge this.

Sanctions

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Charge 1

27. On the first charge, charge 1 – professional misconduct contrary to rQ117 – Mr. Dodd failed to notify Middle Temple of the fact he was charged with criminal offences in October 2018, one month before his Call. This was contrary to his undertaking to disclose in writing to the Middle Temple any conduct which was dishonest or discreditable to a barrister prior to his Call.
28. If this case had only related to charge 1, we would find it was in the middle range and we would have given a fine. However, we have come to the conclusion that we should take into account what we say with regards to charges 4, 5 and 6. In our view, this falls most closely under L, as a failure to report information. In our view the culpability is high because he concealed the fact that he had been charged with criminal offences from the Middle Temple. It is a failure to report information as required by the BSB. At best, it is a serious failure of administration and poor management. In our view, it is very serious oversight and might amount to deliberate concealment, but we cannot be sure about this. It caused harm to the public confidence as post-Call, he could hold himself out to be a barrister, whereas if he had told Middle Temple the truth, we are satisfied that he would not have been called in November 2018. We find the conduct falls into the upper range and therefore merits suspension, with the imposition that the BSB does not issue a practising certificate to him for three months.

Charges 2 and 3

29. We take charges 2 and 3 together. We find significant culpability, directed at a vulnerable person in a vulnerable place, causing humiliation, fear and anxiety. The misconduct involves breach of Court orders in May 2019 and of course conduct found to be harassment in November 2019. It caused fear and humiliation, which we take into account was short lived and therefore it caused moderate harm. We find that this falls into the middle range of category C. We impose a sanction of 24 months' suspension. This will be consecutive to the sanction imposed under charge 1.

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Charges 4, 5 and 6

30. Counts 4, 5 and 6 concern failures to report to the regulator and cooperate with them. We take them together.
31. We've taken into account category L. It was not prompt reporting. It only occurred in April 2019, six months after he had been charged. He never reported the fact of his convictions. We find this to be serious misconduct that is somewhere between the middle range and upper range of sanction. We do not find a fine appropriate in this case and are agreed that the appropriate sanction is a three month suspension on each count to run concurrently with each other, consecutively to counts 1, 2 and 3.

Charges 7 and 8

32. On charges 7 and 8, we take into account this arose in the family court in his own personal proceedings. However, the culpability is high. There was serious rudeness in his professional life. It occurred against the background of the judge repeatedly asking him to stop. We find that his intention was to intimidate the witness and his former partner. There was harm, with injury to the feelings of his former partner and disrespect to the judge. We find it must have caused the proceedings to be prolonged and must have disrupted court procedure. The public would be appalled, in our view, by a barrister behaving in this way. The behaviour is so extreme, we find the only appropriate sanction is for us to order that he be disbarred. We understand disbarment is the most serious sanction that can be imposed. However, in this case, taking all the conduct we have found into account, it is our view that this is the only appropriate sanction to protect the public and maintain public confidence in the profession. We take into account here the lack of remorse, the Respondent's lack of insight, the continuing discourtesy as he responded to the Bar Standards Board, his failure to cooperate and the likelihood of repetition of bad conduct if he remains a member of the profession.

Additional matters

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33. Mr Stott drew our attention to the Tribunal's requirement under rE225-rE233 to consider whether it is necessary to suspend and/or withdraw the Respondent's practising rights pending the hearing of any appeal. Mr Stott did not seek such an order.
34. As the Respondent is currently unregistered, the Tribunal did not consider it necessary to impose any immediate suspension and/or withdrawal of the Respondent's practising rights pending the hearing of any appeal under r.E225-rE233.

Costs

35. We considered it appropriate that the Respondent pay the applied for costs of the Bar Standards Board in the sum of £3,662.71.

HER HONOUR JUDITH HUGHES KC

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