



The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

Report of Finding and Sanction

Case reference: PC

Jasraj Singh Sanghera

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

Jasraj Singh Sanghera

1. In accordance with an appointment made by the President of the Council of the Inns of Court in a Convening Order dated 26 October 2023 I sat as Chairman of a Disciplinary Tribunal on 13 November 2023 to hear and determine 2 charges of professional misconduct contrary to the Bar Standards Board Handbook against Mr Jasraj Singh Sanghera, barrister of the Honourable Society of Gray's Inn.

Panel Members

2. The other members of the Tribunal were:

Aaminah Khan (Barrister Member)

John Vaughan (Lay Member)

Ian Arundale (Lay Member)

Peter Causton (Barrister Member)

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9 Gray's Inn Square,
London
WC1R 5JD
T: 020 3432 7350
E: info@tbtas.org.uk

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3. In the week prior to the hearing commencing, Mr Causton recused himself from the hearing.
4. The Tribunal sat as a four-person panel as a result of Mr Causton's recusal. This was in accordance with rE149 of the Bar Standards Board Handbook. This decision was agreed by both parties at the outset of the hearing.

Charges

5. Charges 1 and 2 were admitted.

Charge 1

Statement of Offence

Professional misconduct, contrary to Core Duty 3 of the Bar Standards Board Handbook versions 4.3 and/or 4.4.

Particulars of Offence

Jasraj Singh Sanghera, an unregistered barrister, acted without honesty and integrity in that, on one or more occasions between December 2019 and June 2020, he knowingly (or alternatively, recklessly) misled (or alternatively, attempted to mislead) his manager at LPC Law and his instructing solicitors by submitting attendance notes in which he falsely stated he had made an application for a success fee which had been rejected by the court, knowing that he had made no such application.

Charge 2

Statement of Offence

Professional misconduct, contrary to Core Duty 5 of the Bar Standards Board Handbook versions 4.3 and/or 4.4.

Particulars of Offence

Jasraj Singh Sanghera, 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, on one or more occasions between December 2019 and June 2020, he knowingly (or alternatively, recklessly) misled (or alternatively, attempted to mislead) his manager at LPC Law and his instructing solicitors by submitting attendance notes in which he falsely

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stated he had made an application for a success fee which had been rejected by the court, knowing that he had made no such application.

Parties Present and Representation

6. The Respondent was present at the hearing and was represented by Mr Ian Croxford KC and Mr Kevin Brown. The Bar Standards Board (“**BSB**”) was represented by Mr Thomas Ogg.

Sanction

7. The Tribunal have heard and considered two charges of professional misconduct brought against the Respondent, Mr Sanghera.
8. The essence of each charge is that Mr Sanghera misled or attempted to mislead those who instructed him by representing in attendance notes that he had asked the Court to approve solicitors’ success fees as deductions from damages in infant settlement cases and that those applications had been refused by the Court, when in fact he had made no such application and the application accordingly had not been considered or refused by any Court.
9. The first charge alleges that in making false statements in attendance notes (effectively reports to his instructing solicitors) he acted without honesty and integrity.
10. The second charge alleges that it was behaviour likely to diminish the trust and confidence which the public placed in him or in the profession.
11. The Respondent has admitted the charges, and it is to his credit that from the outset he disclosed to professional colleagues what he had done, and he explained why.
12. He said that he had experienced judges disapproving of and criticising the practice of solicitors seeking the deduction of success fees from agreed damages payable to children and he had experienced judges refusing such applications to the extent that on occasion, Mr Sanghera (who, at the relevant time, was a very junior barrister who had not yet started his pupillage and was not attended at Court by the solicitors who sought the deduction of the success fees) felt intimidated and inhibited. In those circumstances, he had not pursued the applications for success fees, believing that they were likely to be

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refused, but he had wrongly reported that he did so and reported that the applications had been refused.

13. The extent of this misconduct in that respect is not wholly clear. The charges state that it had happened on one or more occasions between December 2019 and June 2020.
14. The Tribunal read the full candid statement by Mr Sanghera in which he said that he had acted in that way on at least a couple of occasions. It has not been established if it went any further than that.
15. It appears that his misconduct occurred just after his call to the Bar and before he had started pupillage (i.e. at a very early stage of his career, when he lacked experience or guidance and probably lacked the confidence to make unpopular applications, particularly if he felt they were likely to fail). There is no suggestion of any repetition of such misconduct or anything like it since June 2020.
16. Although a lack of honesty has been accepted, it is not suggested that Mr Sanghera himself derived any financial or other benefit from what he did beyond saving himself from making applications which he felt were likely to fail and which he believed would be difficult to deal with, meeting with strong judicial criticism. He also appreciated that such applications, if successful, would have meant the reduction of the Claimant's damages, which is why some judges were unhappy about it and that if unsuccessful, would deprive the solicitor of the success fee.
17. As submitted on behalf of Mr Sanghera, in the circumstances these applications, his failure to apply for the success fees only deprived the solicitors the chance of obtaining such fees rather than any certainty of doing so.
18. The panel find that Mr Sanghera's conduct was caused by naivety and a lack of confidence on his part at the relevant time. The panel also find that Mr Sanghera, who has been contrite as well as candid, has taken full responsibility for what he did now some three years ago. He sees it for the error of judgment it clearly was, something that would have been avoided by a more experienced practitioner.

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19. Against that background, the Tribunal must have regard to the Tribunal's sanctions guidance, which provides that sanctions are not to be imposed to punish, although it is recognised that they may have a punitive effect. The specified purposes of applying sanctions for professional misconduct are to:
- i. Protect the public and consumers of legal services.
 - ii. Maintain public confidence and trust in the profession and the enforcement system.
 - iii. Maintain and promote high standards of behaviour and performance at the Bar, and
 - iv. Act as a deterrent to the individual barrister or regulated entity, as well as the wider profession, from engaging in the misconduct subject to sanction.
20. In other words, the concern of the panel is primarily with the reputation of the profession rather than punishment. The fundamental principle behind the imposition of a sanction is that a sanction should be proportionate, weighing the interests of the public with those of a practitioner and must be no more than necessary to achieve the stated purposes.
21. The guidance proposes a six-step staged approach to sanctions which is set out in the guidance and in a flow chart. The first step involves the determination of the appropriate misconduct group. In this case there is no dispute that the appropriate group is that related to dishonesty. It is also clear that dishonesty is normally expected to result in disbarment unless there are shown to be exceptional circumstances.
22. Having read the evidence and heard submissions, the Tribunal find there to be exceptional circumstances in this case and that disbarment would not be necessary. The circumstances of importance are as follows:
- i. His frank admission before any complaint or charge and his cooperation thereafter.

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- ii. The low culpability in the terms of the guidance given the absence of experience or training or supervision.
 - iii. The low level of harm caused.
 - iv. Remorse and demonstration of insight which is apparent from the material within the bundle.
 - v. The delay. These charges and his concern about what might happen to him have hung over him for a long time.
 - vi. The progress he has made in the intervening period since 2020. That is shown through positive and supportive testimonials which have been produced. These show him to be a competent and well-regarded member of the profession.
23. We also accept the submission on behalf of Mr Sanghera that disbarment in his case would not be necessary or proportionate and it is certainly not the only reasonable option. In particular, it is not necessary to impose disbarment to maintain public trust and confidence in the profession. The BSB properly conceded that the misconduct in this case was likely to have very limited impact on the public's view of the profession. It is not necessary to address in this case any appreciable risk to the public. The Tribunal find there to be no ongoing risk and also disbarment in this case is not required to deter others.
24. Considering the alternative of suspension, the Tribunal do not consider that a suspension in this case would either be fair or appropriate or in accordance with the guidance.
25. The Tribunal therefore formally reprimand Mr Sanghera but find that he does not require any further warning as to his future conduct.

Costs

26. The costs claimed by the BSB are confined to Counsel's fees and VAT. To avoid doubt, the panel do not find there to have been any inordinate delay in this case and therefore order the Respondent to pay the costs of the BSB in the sum of £2,670.
27. The costs are payable within 28 days.

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HIS HONOUR JAMES MESTON KC

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