



The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

Report of Finding and Sanction

Case Reference:

Naseem Ahmed Bajwa

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

HH Judge Sara Staite

1. In accordance with an appointment made by the President of the Council of the Inns of Court contained in a Convening Order dated 19 December 2023, I sat as Chairman of a Disciplinary Tribunal on 9 January 2024 to hear and determine 6 charges of professional misconduct contrary to the Code of Conduct of the Bar of England and Wales against Naseem Ahmed Bajwa, barrister of the Honourable Society of Gray's Inn.

Panel Members

2. The other members of the Tribunal were:
 - Janine Green (Lay Member)
 - Ian Arundale (Lay Member)
 - Ella Schulster (Barrister Member)
 - James Potts (Barrister Member)

Charges

3. The following charges were found proven:

Charge 2 (In the alternative to charge 1)

Statement of Offence

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Professional misconduct, contrary to Core Duty 3 and/or rC8 of the Code of Conduct of the Bar of England and Wales (9th Edition) Bar Standards Board's Handbook (Version 4.6).

Particulars of Offence

Naseem Ahmed Bajwa acted without integrity and/or undermined his integrity in such a way that could be seen in that on 11 January 2022 and/or on 14 January 2022, he recklessly misled (or alternatively, attempted to mislead) the Bar Council and/or the Bar Standards Board, by providing false information as part of his authorisation to practise application by stating:

- (1) He was a door tenant at Martin Burr Chambers; and
- (2) He would start practising as a self-employed barrister at Martin Burr Chambers on 12 January 2022 and/or on 17 January 2022, respectively.

When at such time, he had not made an application for tenancy at Martin Burr Chambers and was not a door tenant.

Charge 4 (In the alternative)

Statement of Offence

Professional misconduct, contrary to Core Duty 5 of the Code of Conduct of the Bar of England and Wales (9th Edition) Bar Standards Board's Handbook (Version 4.6).

Particulars of Offence

Naseem Ahmed Bajwa, behaved in a way that was likely to diminish the trust and confidence that the public places in him or the profession in that, on 11 January 2022 and/or on 14 January 2022, he recklessly misled (or alternatively, attempted to mislead) the Bar Council and/or the Bar Standards Board, by providing false information as part of his authorisation to practise application by stating:

- (1) He was a door tenant at Martin Burr Chambers; and
- (2) He would start practising as a self-employed barrister at Martin Burr Chambers on 12 January 2022 and/or on 17 January 2022, respectively.

When at such time, he had not made an application for tenancy at Martin Burr Chambers and was not a door tenant.

4. The following charges were dismissed:

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Charge 1

Statement of Offence

Professional misconduct, contrary to Core Duty 3 and/or rC8 of the Code of Conduct of the Bar of England and Wales (9th Edition) Bar Standards Board's Handbook (Version 4.6).

Particulars of Offence

Naseem Ahmed Bajwa acted without honesty and integrity and/or undermined his honesty and integrity in that on 11 January 2022 and/or on 14 January 2022, he knowingly misled (or alternatively, attempted to mislead) the Bar Council and/or the Bar Standards Board, by providing false information as part of his authorisation to practise application by stating:

- (1) He was a door tenant at Martin Burr Chambers; and
- (2) He would start practising as a self-employed barrister at Martin Burr Chambers on 12 January 2022 and/or on 17 January 2022, respectively.

When at such time, he had not made an application for tenancy at Martin Burr Chambers and was not a door tenant.

Charge 3

Statement of Offence

Professional misconduct, contrary to Core Duty 5 of the Code of Conduct of the Bar of England and Wales (9th Edition) Bar Standards Board's Handbook (Version 4.6).

Particulars of Offence

Naseem Ahmed Bajwa behaved in a way that was likely to diminish the trust and confidence that the public places in him or the profession in that, on 11 January 2022 and/or 14 January 2022, he knowingly misled (or alternatively, attempted to mislead) the Bar Council and/or the Bar Standards Board, by providing false information as part of his authorisation to practise application by stating:

- (1) He was a door tenant at Martin Burr Chambers; and
- (2) He would start practising as a self-employed barrister at Martin Burr Chambers on 12 January 2022 and/or on 17 January 2022, respectively.

When at such time, he had not made an application for tenancy at Martin Burr Chambers and was not a door tenant at Martin Burr Chambers.

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Charge 5

Statement of Offence

Professional misconduct, contrary to Core Duty 9 of the Code of Conduct of the Bar of England and Wales (9th Edition) Bar Standards Board's Handbook (Version 4.6).

Particulars of Offence

Naseem Ahmed Bajwa failed to be open and co-operative with his regulator, in that between 20 January 2022 and 31 January 2022, he knowingly misled (or alternatively, attempted to mislead) the Bar Council and/or the Bar Standards Board, by creating the impression that he had applied for tenancy at Martin Burr Chambers and was awaiting a decision, when in fact he had only submitted his application for tenancy on 15 February 2022.

Charge 6 (In the alternative to charge 5)

Statement of Offence

Professional misconduct, contrary to Core Duty 9 of the Code of Conduct of the Bar of England and Wales (9th Edition) Bar Standards Board's Handbook (Version 4.6).

Particulars of Offence

Naseem Ahmed Bajwa failed to be open and co-operative with his regulator, in that between 20 January 2022 and 31 January 2022, he recklessly misled (or alternatively, attempted to mislead) the Bar Council and/or the Bar Standards Board, by creating the impression that he had applied for tenancy at Martin Burr Chambers and was awaiting a decision, when in fact he had only submitted his application for tenancy on 15 February 2022.

Parties Present and Representation

5. The Respondent was not represented. The Bar Standards Board ("BSB") was represented by Ms Elizabeth Fox.

Preliminary Matters

6. The Tribunal directed Mr Bajwa to explain why his respondent bundle was delivered to the panel so late in proceedings. Mr Bajwa acknowledged that these documents should have reached the Panel fourteen days prior to his hearing. He put this delay down to ill health. He stated to the Panel that he had not been sure in advance of the hearing that he

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would be fit enough to attend but had decided to attend in order to avoid prolonging anxieties about the case. The Panel accepted his bundle of documents in order to ensure that there was no further delay in the determination of the case.

Pleas

7. Mr Bajwa denied all charges.
8. Charge 4 was amended later in the proceedings to substitute the words “behaved in a way that was likely to diminish the trust and confidence that the public places in him or the profession” in place of the words “acted without integrity”, and Mr Bajwa also denied this amended charge.

Evidence

9. The Tribunal was provided with a bundle of documents prepared by the BSB. Mr Bajwa’s bundle included a written witness statement from himself and a witness statement prepared by his son, Faisal, who was unable to attend the hearing.
10. The Tribunal heard oral evidence from Mr Bajwa who was cross-examined by Ms Fox.

Findings

11. The Tribunal considered the charges which had been laid against Mr Bajwa and noted that there were alternative charges as set out above. Having been presented with the factual matrix of the case and the written evidence contained in the many emails which spanned the period January - March 2022 the Panel members considered that the charges were serious. Their decision as to outcome was unanimous.
12. The Tribunal were satisfied that Charge 2 was proven in that contrary to Core Duty 3 and/or rC8 of the Code of Conduct of the Bar of England and Wales, Mr Bajwa acted without integrity and/or undermined his integrity in such a way that it could be seen that on the 11th January 2022 and/or 14th January 2022 he recklessly misled and/or attempted to mislead the Bar Council and/or the BSB by providing false information as part of his authorisation to practice application by stating:
 - 1) That he was a door tenant at Martin Burr Chambers

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2) He would start practising as a self-employed barrister at Martin Burr Chambers on 12th January 2022 and/or on 17th January 2022, respectively

when at such time, he had not made an application for tenancy at Martin Burr Chambers and was not a door tenant.

13. The Panel members were entirely satisfied that at the time of submitting two written online applications for a practising certificate in January 2022, whether drafted by his son (as alleged by Mr Bajwa) or otherwise, Mr Bajwa acted recklessly in that he had previously received no communication whatsoever from Martin Burr Chambers when submitting the practising certificate applications that he would be offered a door tenancy at those chambers. Indeed no such confirmation of his status as a door tenant at the chambers was ever received following submission of the practising certificate applications. Moreover, the recklessness on the part of Mr Bajwa - which the Tribunal considered to be at a high level - was compounded by the fact that within the two practising certificate applications which were submitted (one of which was withdrawn in relation to an error on the form concerning Rights of Audience) Mr Bajwa signed a declaration of truth in circumstances where he was reckless as to the truth or otherwise of the contents of those submitted applications.

14. The Tribunal's judgement was that this was a serious matter. While the Panel accepted that the lack of certainty about Mr Bajwa becoming a door tenant at Martin Burr chambers was clarified to some extent in an email from the Mr Bajwa to the Bar Council dated 21st January 2022, this was sent only after the practising certificate had been granted. The Panel members did not consider that this militated against the seriousness of Mr Bajwa seeking to obtain a practising certificate from the Bar Council and specifically declaring the truth of an online application which wrongly misrepresented his professional status at the time.

15. The Tribunal concluded that Mr Bajwa's conduct led directly to the grant of a practising certificate on the 17 January 2022 against a background of erroneous and inaccurate information provided to the Bar Council which could not be construed as careless or trivial

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conduct falling short of professional misconduct. The Tribunal noted that the reference to the start date of practice in each of the applications added an appearance of credibility to Mr Bajwa's applications for the practising certificate and this erroneous information led the Bar Council to update their records and to show that Mr Bajwa was qualified to practise as a self-employed door tenant at Martin Burr Chambers with effect from 17th January 2022.

16. The Tribunal has considerable concerns about Mr Bajwa's integrity and objectives in making the applications in the manner in which he did. This extended to his evidence that he left his son to complete these applications on his behalf on the 11th and 14th January 2022 respectively without instructions from himself. Moreover, the Tribunal has further difficulty with Mr Bajwa's integrity following his assertion on the 31 January 2022 (in the course of communication with the Bar Council) that he was at that date in the process of preparing his formal application to Martin Burr chambers to be accepted as a door tenant and saw '*no difficulty in being accepted as a full member of these chambers in the next week*'. Moreover his position in terms of credibility was further compromised by information given to the Bar Council on 31st January 2022 indicating that it would be safe to say that his current position at said chambers could be said to be that of a squatter which was patently not the case, with the formal application for tenancy not being made until 15th February 2022 (which was rejected on 13th March 2022). Furthermore, Mr Bajwa referenced that a member of Martin Burr Chambers had kindly agreed to be his supervisor and erroneously asserted that this arrangement was independent of his membership of chambers, when membership of chambers and the confirmation of a qualified person (the supervisor) was an essential prerequisite for the practising certificate.

17. In relation to the remainder of the charges, the Tribunal found that the amended Charge 4 was also proven based on the same set of facts but included a finding that the respondent's behaviour had been likely to diminish the trust and confidence in which the public places on him or the profession (Core Duty 5 of the Code of Conduct of England and Wales). The Tribunal found this charge proved based on Mr Bajwa's recklessness at the

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time that the application for a practising certificate was submitted. The Tribunal considered that the accuracy of the applications made by Mr Bajwa in January 2022 provided a crucial benchmark for professional conduct and that it was essential for these applications to be entirely transparent, clear and accurate. Any member of the public would also find that the presence of two flawed and unsupported applications for a practising certificate validated by the Bar Council on the basis of inaccurate information provided by Mr Bajwa represented an obvious issue in respect of the trust and confidence placed in Mr Bajwa and/ or in the profession. The Tribunal's judgement is that Mr Bajwa's conduct would properly be viewed as bringing the profession to disrepute and that the amended Charge 4 was therefore made out against Mr Bajwa.

18. The Tribunal considered Charges 5 and 6 and after careful reflection found that these have not been proved, these being alternative charges.

19. The Tribunal took on board the evidence that Mr Bajwa provided late in the day (in the form of an email dated 8th February 2022) that he had appeared to make an application for a tenancy to the chambers on or before 8th February 2022 which was then supplanted by a formal application dated 15th February 2022. In Mr Bajwa's email to the Bar Council on 31st January 2022, he expressly stated that he had not yet submitted an application to Martin Burr Chambers. In those circumstances the Tribunal were not satisfied on the evidence that Mr Bajwa failed to be open and cooperative with his regulator during the period 20th January 2022 to 31st January 2022 on the basis alleged in Charges 5 and 6, despite observations set out above about the recklessness of his conduct in January 2022. The Charges were not framed so as to address the misleading statement in Mr Bajwa's 31st January 2022 email that it would be safe to say that his current position at Martin Burr Chambers was that of a squatter. As noted above, that statement was patently untrue. The Tribunal considered that Mr Bajwa must have known that it was untrue. However, since that was not the conduct charged by the BSB, the Tribunal found Charges 5 and 6 not proved.

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20. The Tribunal also concluded that Charges 1 and 3 were found not proved, because of the absence of sufficiently cogent evidence that the misleading statements in the two practising certificate applications were made deliberately and dishonestly by Mr Bajwa, rather than being the result of gross recklessness on his part when instructing his son to complete the online applications.

Sanction and Reasons

21. After the Tribunal delivered their findings on charges, the Tribunal heard further submissions on sanctions from both the BSB and Mr Bajwa. The BSB did not positively advance any submissions in respect to appropriate sanctions but referenced Paragraph 44 of their skeleton argument which mentioned potential aggravating factors in the case as well as the need for the Tribunal to provide written reasons concerning sanctions. In light of the Tribunal's findings, the BSB suggested that Code F of the Sanctions Guidance might be appropriate and noted that aggravating factors in this case might include attempts to conceal and/or giving misleading information. It was suggested that mitigating factors, which included an immediate apology, an immediate attempt to correct misleading impression and an isolated incident in difficult or unusual circumstances, did not apply in this case.

22. In addition the BSB brought to the Tribunal's attention Mr Bajwa's previous disciplinary history and findings which were not known to the Tribunal when their decision was made in relation to the charges. Specifically Mr Bajwa appeared before a disciplinary hearing in 2019 and was suspended from practice for a specified period afterwards in relation to a false declaration on an application or admission to Gray's Inn.

23. The BSB made a final submission to the Tribunal that it should consider any personal mitigating factors.

24. Mr Bajwa requested that the Panel consider his health and ability to handle correspondence via e-mail as part of his mitigating circumstances.

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25. The Tribunal considered the sanctions guidance carefully. The Panel members looked at the various relevant factors in the particular case. The Tribunal considered that the misconduct should be sanctioned under misconduct groups F and L, with misconduct group F being the most relevant.
26. The Tribunal found that in terms of seriousness, the misleading information given by Mr Bajwa was in a professional context and with view to personal gain. There was a sustained act of misleading evidenced by two practising certificate applications which were made and it is relevant that Mr Bajwa had an opportunity to withdraw the second application after the first application had been rejected. The Tribunal found that this could not be considered as a momentary lapse of judgment on the part of Mr Bajwa in the presentation of the applications.
27. In relation to harm, the Tribunal found a risk of harm as a result of Mr Bajwa's conduct but accepted that there was no evidence that actual harm was caused. However the risk of harm by making misleading applications for a practising certificate impacted on public confidence and upon confidence in the legal profession.
28. In relation to seriousness, the Tribunal found this to be in the upper range with significant culpability and moderate harm.
29. As to aggravating factors, the Tribunal considered these to be the disclosure of Mr Bajwa's previous disciplinary findings of a similar nature, the lack of remorse and the lack of any insight on the part of Mr Bajwa as to the significance of his conduct. The Tribunal also found that, in light of his history and previous disciplinary matters, there was a likelihood of repetition of the behaviour.
30. As to mitigating factors, the Tribunal took into account Mr Bajwa's age and health, but did not accept that these were relevant to his conduct at the material time. They accepted that Mr Bajwa has had a long career in law but noted that this career has not been unblemished.

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31. The Tribunal considered that the aggravating factors indicated higher culpability and a sanction at the top of the upper range.
32. The Tribunal found Charges 2 and 4 proven based on the balance of probabilities.
33. Accordingly, in respect to the seriousness of the charges and in relation to each count the Tribunal disbarred Mr Bajwa. The Tribunal considered that there was no less severe sanction that would be proportionate to the misconduct proved. Having regard to the multiple charges proved, no adjustment was required to ensure that the totality of the sanctions is proportionate.
34. The Tribunal further made an order for costs in the sum of £2670. As to the date for payment of this amount, that may need to be negotiated between Mr Bajwa and the BSB, but the Tribunal saw no reason not make an order at the hearing for the costs to be payable. the Tribunal did not consider that this amount of costs was unreasonable or disproportionate and found that it reflected the gravity of the charges and work required to prepare and present the case.
35. The Treasurer of the Honourable Society of Gray's Inn is requested to take action on this report in accordance with rE239 of the Disciplinary Tribunal Regulations 2017.

Dated: 24 January 2024

HH Sara Staite
Chair of the Tribunal

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