



# The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

## Report of Finding and Sanction

**Case Reference: 2022/0133/D5**

Mr Ikeni Mbako-Allison

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, 2009.

### Disciplinary Tribunal

**Mr Ikeni Mbako-Allison**

1. In accordance with an appointment made by the President of the Council of the Inns of Court contained in a Convening Order dated 21 March 2024, I, HH Sara Staite, sat as Chair of a Disciplinary Tribunal on 25 July 2024 to hear and determine 1 charge of professional misconduct contrary to the Code of Conduct of the Bar of England and Wales against Mr Ikeni J Mbako-Allison, barrister of the Honourable Society of Gray's Inn.

### Panel Members

2. The other members of the Tribunal were:

Vince Cullen (Lay Member)

Rita Eaton (Lay Member)

Gilda Kiai (Barrister Member)

Paul Ozin KC (Barrister Member)

### Charges

3. The following charge was admitted:

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Registered Office:

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## Charge 1

### Statement of Offence

Professional misconduct, contrary to Core Duty 5 of the Conduct Rules (Part 2 of the Bar Standards Board's Handbook Versions 4.5-4.6).

### Particulars of Offence

Ikeni Mbako-Allison, a barrister, behaved in a way which is likely to diminish the trust and confidence which the public would place in him or in the profession in that, between 3 - 18 March 2021, he 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 her in that he sent multiple emails to Person A to an extent which was unreasonable. As a result of this conduct, on 10 February 2022 Mr Mbako-Allison was convicted of harassment contrary to section 2(1) and (2) of the Protection from Harassment Act 1997.

### Parties Present and Representation

4. The Respondent was not represented. The Bar Standards Board ("BSB") was represented by Mr David Welch.

### Preliminary Matters

5. Any evidence referencing the Facebook posts was deemed inadmissible following the amendment of the charges on 15 March 2024.

### Findings, Sanction and Reasons

6. On 25 July 2024 the Chair of the Tribunal announced the decision as follows:
7. On the 21st of December 2021 in Stratford Magistrates Court, you were found guilty following a summary trial before a District Judge of the following offence; namely that between the 13th of December 2020 and the 19th of March 2021, you pursued a course of conduct which amounted to harassment of a person and which you knew or ought to have known amounted to the harassment of her, in that you sent multiple emails and put

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up posts and pictures on social media relating to the victim (Person A) which were of a derogatory nature, contrary to Section 2, subsection 1 and subsection 2 of the Protection from Harassment Act 1997.

8. Having pleaded not guilty to the offence and subsequently found guilty, the District Judge put the matter over for sentence on the 10th of February 2022. You were represented at the criminal trial and included within the papers for the disciplinary hearing before us today (25th of July 2024) and at the instigation of the Bar Standard's Board were your Counsel's notes at the hearing in December 2021. Specifically the District Judge found (a) that the evidence of Person A was reliable and credible (b) that there had been significant inconsistencies in your evidence, including alleged stalking of you by Person A in advance of you sending her e-mails (c) that you sent emails to Person A intending that she should read them and (d) that while the District Judge did not believe that Person A had been stalking you or had hacked your computer, you sincerely held this belief, a belief which was objectively irrational and unsustainable and demonstrated a paranoia towards the complainant which bordered on the delusional. From the documents disclosed to us since this matter was last before the Tribunal in April 2024 (and which included the emails which were at the root of the criminal conviction) it is clear to us that emails sent during a period from the 3rd of March 2021 to the 18th of March 2021 and which comprised 48 in number were very abusive, insulting and irrational. They appeared to demonstrate an underlying belief on your part that your former partner, Person A, had been hacking or tampering with your computer during the relevant period which entitled you to make extremely derogatory comments about her character in the context of a personal relationship which had finished some three or four years prior. Some of the emails were sent late at night, some were incoherent and referred for example to 'stop gassing me to cut my leg'. Some were very offensive, referring, by way of example, to 'stop fucking with my computer dickhead' and 'bored of you fucking bullshit, get a clue'.
9. While the period during which the emails were sent was relatively short, their unpleasant nature was clear and, in our view, calculated to cause offence and distress. They led to the complainant (Person A) reporting matters to the police towards the end of March 2021.

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This in turn led to the police interviewing you with admissions made by you in relation to sending the emails. You also explained to the police that Person A had previously stalked you even though this had not been reported by you to the police. There was no evidence at any stage to confirm that Person A had sent you an email or series of emails in advance of the emails you sent to her between the 3rd March 2021 and the 18th March 2021. The criminal proceedings included reference to Facebook posts which were not the subject of the charge brought by the Bar Standards Board in the amended charge dated 15th of March 2024. In those circumstances, any Facebook evidence disclosed to us in advance of today's hearing was, at the outset of today's hearing, ruled inadmissible.

10. In the criminal court on 10<sup>th</sup> February 2022 you received by way of sentence a 12 month community order, attendance at an accredited programme known as 'Building Better Relationships', a restraining order for two years not to contact Person A and further financial penalties which totalled £695. In her sentencing remarks, the District Judge accepted that you genuinely believed Person A had been interfering with you, but in the Judge's opinion there was no sensible basis for this belief. In her judgement your reaction had been excessive. We have noted from disclosed documents that at the time of the sentence, your Counsel referred to your insight in terms of your behaviour having been wrong and that you were unlikely to repeat the behaviour again. In this context, we have noted and taken into account that the behaviour was not repeated again, whether towards Person A or any other individual. We also bear in mind that it is now nearly two and a half years since you received your criminal sentence. While you originally intended to appeal the conviction and subsequently withdrew the appeal, it is clear the criminal process and matters following on from the charge of professional misconduct has meant that you have not in fact practised as a barrister since January 2022 or thereabouts. We accept that these regulatory proceedings have taken a considerable time to reach a conclusion.
11. The one charge which you have admitted today relates to professional misconduct in that as a practising barrister and called to the bar in 2009, you were found guilty and sentenced to an offence of harassment on the 10th of February 2022. Adopting the words

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set out in the conduct rules, this represented behaviour which was likely to diminish the trust and confidence which the public would place in you or in the profession. The charge sheet for the regulatory proceedings referred only to multiple emails between the 3rd and the 18th of March 2021 and the unreasonable nature and number of these emails has been outlined above. We have considered very carefully the misconduct group applicable to your conduct and have concluded that misconduct Group C (Discrimination, non-sexual harassment and bullying) is applicable in respect of our determination today. We find that while the emails were very abusive and offensive and specifically directed towards Person A, they did occur over a relatively short period of two weeks or thereabouts and appeared to have arisen from a genuine but misguided belief that Person A was somehow involved in hacking your computer even though there was no direct evidence of this put before the criminal court or the Tribunal. Your behaviour by way of email communication to Person A was, as a District Judge found, excessive and unreasonable. We are satisfied that the emails sent were sent intentionally and that they were intentionally offensive. We have considered the general factors relating to culpability and harm in Annex 2 of the sanctions guidance, and the specific culpability and harm factors for Group C misconduct, and we have formed the unanimous view that the misconduct was or appeared to be a one-off incident which came to light after Person A went to the police and you were interviewed. At the time you sent the emails, you targeted Person A and we would concur with the express view of the District Judge that there was a degree of paranoia and/or a delusional content in respect of the emails which you sent. We accept that the emails had no bearing upon your professional status as a practising barrister in Chambers and we have factored this into our decision making today in determining the degree of culpability and harm.

12. Accordingly, and with this in mind, it is our view that, in the context of the period during which the emails were sent and their one-off nature, we are able to find that your overall culpability was low and that relatively limited harm was caused to person A even though she was sufficiently concerned by your behaviour to formally report matters to the police and subsequently to attend the Magistrates' Court to give evidence to support the prosecution. In relation to aggravating factors, we do not consider that there are any specific aggravating factors in addition to the matters set out above and we have

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noted that you had no previous criminal convictions of any sort, that you self-reported the conviction to the Bar Standards Board promptly and that there has been no repetition of your behaviour since March 2021, some three years ago. We have taken on board the written submissions which you made to us and specifically your acceptance in April 2024, that your conduct was capable of causing a degree of harm to the wellbeing and psychological and emotional state of Person A and that the language you used was abusive and insulting whatever your belief at the time about the conduct allegedly exhibited by Person A towards you. Accordingly, we are able to find that there is some relevant mitigation in this case and that in our judgement, the misconduct is unlikely to be repeated in circumstances where you now appear to have reflected upon your behaviour and have received a criminal conviction.

13. This has caused us to reflect very carefully on the appropriate sanction to be applied in this case. We have concluded that in all the circumstances your conduct can be properly included within the lower range of seriousness which carries an indicative sanction of over 12 months suspension. While we fully recognise the importance of indicative sanctions, we have nevertheless concluded that, in circumstances where you have not practised at the Bar since circa January 2022 following the criminal conviction, we can adjust the indicative sanction and impose a 9 month suspension to reflect the specific issues highlighted in this ruling. Moreover, we find that the impact on your financial circumstances during the extended period of delay before this matter could be concluded does not in our opinion justify a period of suspension of 12 months or more. We are well aware that the impact of the 9 month suspension from practice will be significant but we have tried to balance our serious criticism of your behaviour in 2021 - which necessarily includes the expectation of the public in relation to the behaviour of professionals and specifically of barristers - with the reality of your present circumstances. However, we are clear that no lesser penalty than one of suspension would be appropriate in the particular circumstances of your case.

14. Accordingly, the order of the Tribunal is that Mr Ikeni Mbako Allison be suspended for 9 months.

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## **Costs**

We have considered all matters, including the history of the case and the financial circumstances to which you have alluded to in your documentation, and the costs that we are going to order are the sum of £1200.

**Dated: 13<sup>th</sup> August 2024**

**Her Honour Sara Staite  
Chairman of the Tribunal**

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