



# The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

## Disciplinary Tribunal

**Mr John McLanachan**

**Called to the Bar by: Gray's Inn, 1980**

**Type of hearing: 5 Person Disciplinary Tribunal**

**Date of decision: 9-10 January 2025**

**In breach of:**

**Charge 1**

### **Statement of Offence**

Professional misconduct, contrary to Conduct Rules rC3.3 and/or Core Duty 1, Core Duty 5 and Core Duty 7 of the Bar Standards Board Handbook (8th Edition).

### **Particulars of Offence**

John McLanachan failed to take reasonable steps to avoid wasting the court's time, when he appeared on behalf of a direct access client before Judge Canavan in the Upper Tribunal (Immigration and Asylum Chamber) on 24 April 2019 in case JR6679/2018 and

(a) placed reliance on an unarguable Ground for Judicial Review (paras. 2.1 and 6 to 17 of the written Grounds) and/or

(b) attempted to rely on a submission that was not founded in the Grounds for Judicial Review or other pleadings in the proceedings in question (relating to *Ahsan v SSHD* [2017] EWCA Civ 2009), and without making an application to amend the Grounds.

### **The Bar Tribunals & Adjudication Service**

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## **Charge 2**

### **Statement of Offence**

Professional misconduct, contrary to Conduct Rule rC3.4 and/or Core Duty 1, Core Duty 5 and/or Code Duty 7 of the Bar Standards Board Handbook (8th Edition).

### **Particulars of Offence**

John McLanachan failed to take reasonable steps to ensure the court had before it all relevant decisions and legislative provisions when he appeared on behalf of a direct access client before Judge Canavan in the Upper Tribunal (Immigration and

Asylum Chamber) on 24 April 2019 in case JR6679/2018 and handed up to the Tribunal a partial and selective extract of the authority on which he relied (*Ahsan v SSHD* [2017] EWCA Civ 2009).

## **Charge 3**

### **Statement of Offence**

Professional misconduct, contrary to rC3.1 and/or Core Duty 1, Core Duty 3 and/or Core Duty 5 of the Bar Standards Board Handbook (8th Edition).

### **Particulars of Offence**

John McLanachan recklessly misled or attempted to mislead the court when he appeared on behalf of a direct access client before Judge Canavan in the Upper Tribunal (Immigration and Asylum Chamber) on 24 April 2019 in case JR6679/2018 and stated that that he had only '*had the case for a week*' when in fact the client had been introduced to him in early October 2018.

## **Charge 4**

### **Statement of Offence**

Professional misconduct, contrary to rC3.1 and/or Core Duty 1, Core Duty 3 and/or Core Duty 5 of the Bar Standards Board Handbook (8th Edition).

### **Particulars of Offence**

John McLanachan recklessly misled or attempted to mislead the court when he appeared on behalf of a direct access client before Judge Canavan in the Upper Tribunal (Immigration and

Asylum Chamber) on 24 April 2019 in case JR6679/2018 and stated that that he assumed that the original Grounds for Judicial Review were drafted by previously instructed solicitors when in fact he was aware that Salem Hosein, a person connected with his Chambers, had drafted the grounds, and he only qualified his first statement on close questioning by Judge Canavan.

## **Charge 6**

### **Statement of Offence**

Professional misconduct, contrary to rC3.1, Core Duty 1, Core Duty 3 and/or Core Duty 5 of the Bar Standards Board Handbook (8th Edition).

### **Particulars of Offence**

John McLanachan recklessly misled or attempted to mislead the court when he appeared on behalf of a direct access client before Judge Canavan J in the Upper Tribunal (Immigration and Asylum Chamber) on 24 April 2019 in case JR6679/2018 and stated that Salem Hosein was formerly a member of the Bar, when he knew or ought to have known that this statement was untrue.

## **Charge 7**

### **Statement of Offence**

Professional misconduct, contrary to Core Duty 1, Core Duty 5, and/or Core Duty 7 of the Bar Standards Board Handbook (8th Edition).

### **Particulars of Offence**

John McLanachan failed to observe his duty to the court in the administration of justice, behaved in a way which was likely to diminish the trust and confidence the public placed in him or the profession and/or did not provide a competent standard of work to each and every client when he appeared on behalf of a direct access client before Judge Canavan in the Upper Tribunal (Immigration and Asylum Chamber) on 29 August 2019 in case JR/2388/2019 and relied on grounds which were incoherent and failed to particularise any arguable public law errors in the decision of which judicial review was sought.

## **Charge 9**

### **Statement of Offence**

Professional misconduct, contrary to rC3.1 and/or Core Duty 1, Core Duty 3 and/or Core Duty 5 of the Bar Standards Board Handbook (8th Edition).

### **Particulars of Offence**

John McLanachan recklessly misled or attempted to mislead the court, having appeared on behalf of a direct access client before Judge O’Callaghan in case JR/2949/2019 in the Upper Tribunal (Immigration and Asylum Chamber) on 24 September 2019 in case JR6679/2018 and having been asked by the Judge to provide a note concerning the history of his client’s representation (a point which was relevant to the issue of who caused the client to be responsible for the costs of the adjourned hearing), he wrote a letter dated 3 October 2019 to Judge O’Callaghan J which failed to provide all of the information available to him which was relevant, in that it failed to say that, or explain why, Cadogan Chambers had signed a detailed representations document for the client on 24 October 2018 (ref: CAD/SAL/0101/AYNA) and had remained on the record regarding the client so that the Home Office sent its decision concerning the client to Cadogan Chambers on 11 April 2019.

### **Findings:**

Charge 1	Admitted
Charge 2	Admitted
Charge 3	Admitted
Charge 4	Admitted
Charge 6	Admitted
Charge 7	Admitted
Charge 9	Admitted
Charge 10	Admitted

### **Sanction:**

Disbarment- BSB not to issue a practicing certificate pending any appeal. Costs of £3,510 payable to the BSB.