



# The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

## Report of Finding and Sanction

**Case reference: 2024/1825/D3**

Benedicte Mabika

The Director-General of the Bar Standards Board

The Chair of the Bar Standards Board

The Treasurer of the Honourable Society of: Inner Temple

## Disciplinary Tribunal

### Benedicte Mabika

1. In accordance with an appointment made by the President of the Council of the Inns of Court contained in a Convening Order dated 8<sup>th</sup> May 2025 I, David Brooke KC, sat as Chairman of a Disciplinary Tribunal on 29 May 2025 to hear and determine one charge of professional misconduct contrary to the Code of Conduct of the Bar of England and Wales against Ms Benedicte Mabika, barrister of the Honourable Society of Inner Temple

### Panel Members

2. The other members of the Tribunal were:

Stephanie McIntosh (Lay Member)

Brett Wilson (Barrister Member)

### Charges

3. The following charge was found proved she having admitted it.

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## Charge 1

### Statement of Offence

Professional misconduct, contrary to Core Duty [CD] 5 and/or rC8 of the Code of Conduct (the Bar Standards Board's Handbook – Version 4.7).

### Particulars of Offence

**Ms Benedicte Mabika**, a barrister and BSB regulated person, behaved in a way which is likely to diminish the trust and confidence which the public places in her or in the profession and/or in a way which could reasonably be seen by the public to undermine her integrity, in that on 23 December 2023, she assaulted Person A thereby occasioning Actual Bodily Harm, contrary to Section 47 of the Offences Against the Person Act 1861. Ms Mabika was convicted at Nottingham Magistrates Court on 18 July 2024 and received a financial penalty.

## Parties Present and Representation

4. The Respondent was present and was not represented. The Bar Standards Board ("BSB") was represented by Allegra Enefer.

## Preliminary Matters

5. There should be no reporting or reference to any health condition suffered by the Respondent.

## Pleas

6. Ms Mabika admitted the charge.

## Evidence

7. On the 18<sup>th</sup> July 2024 Ms Mabika pleaded guilty to assault occasioning actual bodily harm (section 47 Offences Against the Person Act 1861) at Nottingham Magistrates Court. The offence was committed on the 23<sup>rd</sup> December 2023 at 27 Broad Street, Nottingham. Ms Mabika was fined £858 and ordered to pay £100 compensation to the victim. Ms Mabika was also ordered to pay the victim surcharge of £343 and £85 costs, a total of £1386.
8. The Respondent self-reported the conviction to the BSB on the 25<sup>th</sup> July 2024.

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9. The incident occurred at 02.45am 23<sup>rd</sup> December 2023 in the Wax Bar, Broad Street, Nottingham when the victim was assaulted by the Respondent (then aged 25 years) who was known to her from school. The Respondent, who had been out with her sister, was alleged to have thrown a bottle at the victim hitting her above her left eye and causing a cut which bled. Having been arrested at the scene, the Respondent told the police in interview that at the time of the incident, the victim was threatening her sister. The Respondent said that she admitted throwing a bottle in response but that her intention had been to throw only the contents of the bottle over the victim. She said that the bottle had slipped out of her hand and hit the victim. She said that her actions were reckless. That appears to be the way that the Magistrates Court dealt with the matter.

## Findings

10. By her own admission, the Respondent behaved in a way which was likely to  
11. diminish the trust and confidence which the public places in her or in the profession and/or in a way which could reasonably be seen by the public to undermine her integrity. We find that to be the case. She now has a criminal conviction for assault.

## Sanction and Reasons

12. The purpose of disciplinary proceedings such as these is to protect the public, to maintain public confidence in the integrity of the profession and to uphold proper standards of behaviour. Any sanction is not imposed as a punishment but to promote those purposes. Any sanction should be proportionate and in reaching our decision we also take account of all the matters raised by the Respondent in mitigation.
13. We have had regard to the BTAS Sanctions Guidance (Version 6) and determine that the applicable Misconduct Group for the misconduct is “Criminal Convictions” or “Behaviour towards others”. The culpability here was low to moderate in that it included the use of violence towards another with a bottle albeit recklessly but in unusual circumstances. Physical harm (a cut) was caused to another.
14. We find that the indicative sanction level is in the Lower Range – which includes a Reprimand/Low level fine (£0-£5,000)

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15. The only aggravating factor is that the misconduct led to a criminal conviction. That pushes up the starting point.
16. There is considerable mitigation. We note her admissions made in interview, her plea of guilty at the first opportunity in the Magistrates Court and the prompt admission of the charge before this Tribunal. The Respondent has expressed complete remorse and regret for her actions both to the Court and to the Tribunal. This is the only matter recorded against the Respondent and we accept that this was an isolated incident and out of character.
17. She is still a young woman and at the time of incident had only very recently been called to the Bar following the successful completion of the Bar Course.
18. She is currently an unregistered barrister and not currently in employment as a barrister. We consider this to be a significant factor in our consideration of the purpose of the disciplinary proceedings.
19. We have also been provided with a detailed breakdown of her income and outgoings which we accept leave her little disposable income. She is still paying the fine imposed by the Magistrates at a rate of £77 pcm. Finally, she has also provided the Tribunal with both professional and personal character references which speak very highly of her.
20. As the guidance explains, the imposition of a fine is appropriate where the conduct is serious but where the circumstances of the respondent or the facts of the misconduct in question do not indicate an ongoing risk to the public. We are confident that there is little or no ongoing risk to the public. We are also very conscious that for someone in her position (as someone aspiring to go into practice as a barrister) this incident may have a long-term effect on her future career. Having considered the matter in the round, we do not think that a fine is necessary taking into account all the matters that we have heard.

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21. However, we do consider that she receive a Formal Reprimand – she behaved in a way which was likely to diminish the trust and confidence which the public places in her or in the profession. It was a very foolish and potentially dangerous thing to do. However, we are as confident as we can be that this is a one-off incident and very much out of character.
22. Having considered her means, we do not order her to pay the full costs, but we do order that she make a contribution in the sum of £500 to the BSB – the payment of which we suggest should follow at the end of the Magistrates Court fine (due to be completed in the next 6 months).

**Dated: 29<sup>th</sup> May 2025**

**DAVID BROOKE KC**  
**Chairman of the Tribunal**

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