



## Report of Finding and Sanction

<b>Respondent</b>	<b>Jonathan BLACK-BRANCH</b>
<b>Case reference</b>	2024/2440/D5
<b>Inn of Court</b>	Lincoln's Inn (1998)
<b>Status at hearing</b>	Unregistered
<b>Hearing date</b>	2 February 2026
<b>Tribunal Type</b>	5 Person Tribunal

### Tribunal members

<b>Chair</b>	HH Martyn Zeidman KC
<b>Barrister member</b>	Matthew McGhee
<b>Barrister member</b>	Jade Bucklow
<b>Lay member</b>	Ian Arundale
<b>Lay member</b>	Vince Cullen

### Representatives

<b>Bar Standards Board</b>	Barnaby Hone
<b>Respondent</b>	Not present and not represented

### Outcome

<b>Findings</b>	All charges proved
<b>Sanction</b>	Disbarred BSB not to issue practising certificate pending any appeal
<b>Costs</b>	£2,670 payable to the Bar Standards Board

1. In accordance with an appointment made by the President of the Council of the Inns of Court contained in a Convening Order dated 14 January 2026 The Tribunal sat on 2 February 2026 to hear and determine 5 charges of professional misconduct contrary to the Code of Conduct of the Bar of England and Wales against Jonathan Black-Branch barrister of the Honourable Society of Lincoln's Inn.

## **Charges**

2. The following charges were proved

### **Charge 1**

#### **Statement of Offence**

Professional misconduct, contrary to Core Duty 5 and/or rC8 of the Code of Conduct of the Bar of England and Wales (9th Edition), contained in Part 2 of the Bar Standards Board Handbook (version 3.0 – 4.4).

#### **Particulars of Offence**

Jonathan Black-Branch, a barrister, behaved in a way which could reasonably be seen by the public to undermine his honesty and/or integrity, and such conduct was likely to diminish the trust and confidence which the public places in him or in the profession, in that, on 15 December 2023, the Discipline Committee of The Law Society of Manitoba, the regulatory body for lawyers in Manitoba Canada, of which he was a member, found that between 20 April 2017 and February 2020 he misappropriated approximately

\$600,000 (CDN) from the University of Manitoba (the University) and/or the Marcel A. Desautels Centre for Private Enterprise and the Law (the Centre), when he was the dean of the Law School at the University and/or the Chair and Director of the Centre.

### **Charge 2**

#### **Statement of Offence**

Professional misconduct, contrary to Core Duty 9 and/or rC65.3 of the Code of Conduct of the Bar of England and Wales (9th Edition), contained in Part 2 of the Bar Standards Board Handbook (version 4.6).

#### **Particulars of Offence**

Jonathan Black-Branch, a barrister, failed to be open and co-operative with his regulator, the Bar Standards Board, in that he did not report promptly or at all to the

Bar Standards Board that he was the subject of disciplinary proceedings by The Law Society of Manitoba, the regulatory body for lawyers in Manitoba Canada, of which he was a member, after being made aware of the proceedings on or around 18 August 2021.

### **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), contained in Part 2 of the Bar Standards Board Handbook (version 4.6).

#### **Particulars of Offence**

Jonathan Black-Branch, a barrister, behaved in a way that was likely to diminish the trust and confidence which the public places in him or in the profession, in that he did not report promptly or at all to the Bar Standards Board that he was the subject of disciplinary proceedings by The Law Society of Manitoba, the regulatory body for lawyers in Manitoba Canada, of which he was a member, after being made aware of the proceedings on or around 18 August 2021.

### **Charge 4**

#### **Statement of Offence**

Professional misconduct, contrary to Core Duty 9 and/or rC65.3 of the Code of Conduct of the Bar of England and Wales (9th Edition), contained in Part 2 of the Bar Standards Board Handbook (version 4.7).

#### **Particulars of Offence**

Jonathan Black-Branch, a barrister, failed to be open and co-operative with his regulator, the Bar Standards Board, in that he did not report promptly or at all to the Bar Standards Board that he was the subject of enforcement action by The Law Society of Manitoba, the regulatory body for lawyers in Manitoba Canada, of which he was a member.

### **Charge 5**

#### **Statement of Offence**

Professional misconduct, contrary to Core Duty 5 of the Code of Conduct of the Bar of England and Wales (9th Edition), contained in Part 2 of the Bar Standards Board Handbook (version 4.7).

### **Particulars of Offence**

Jonathan Black-Branch, a barrister, behaved in a way that was likely to diminish the trust and confidence which the public places in him or in the profession, in that he did not report promptly or at all to the Bar Standards Board that he was the subject of enforcement action by The Law Society of Manitoba, the regulatory body for lawyers in Manitoba Canada, of which he was a member.

### **Parties Present and Representation**

3. The Respondent was not present and was not represented. The Bar Standards Board (“BSB”) was represented by Barnaby Hone.

### **Introduction**

4. The Respondent was called to the Bar in 1998. He was initially a registered barrister but became unregistered in 2023. In 2016 he was admitted as barrister and solicitor by the Law Society of Manitoba Canada [‘LSM ’]. He was employed as the Dean of the Law School in the University of Manitoba and also chair and director of Marcel A Desautels Centre for Private Enterprise and the Law (‘the Centre’). The Respondent had access to funds that were intended to support the Centre. Following an audit it was alleged that between April 2017 and February 2018 the Respondent obtained wrongfully 600,000 Canadian dollars for his own benefit. Charges were brought against him by the Law Society and following a five day hearing the disciplinary tribunal found the charges proved. At the ‘consequence hearing’ on 23rd January 2024 he was disbarred. It is on the basis of those decisions that charges are now brought against him by the Bar Standard Board.

### **Bar Disciplinary Tribunal Burden and Standard of Proof.**

5. The burden of proof on all these charges rests on the Applicant.
6. In terms of the standard of proof there is a difference between Charge 1 and the other charges.
7. In Charge 1 the allegations of wrong-doing relate to the period from April 2017 to February 2020 and by virtue of those dates we must apply the criminal and not the civil standard of proof.
8. In respect of the other charges, the alleged mis-conduct was in 2021 and they are subject to the civil standard of proof.

## **Preliminary Matters**

### **Proceeding in Absence: Our Preliminary Question**

9. The Respondent is not present and is not represented and the preliminary question is whether we should proceed in his absence. We find it helpful to apply the criteria set out in the authority of R -v- Jones [2002] UKHL 5R.
10. First, we need to investigate whether the Respondent has voluntarily and plainly waived his right to be present.
11. It came as no surprise that he was absent as he has not engaged in the process leading to this hearing. Indeed there is a pattern of non-engagement as seen in the previous Canadian proceedings.
12. He did not attend on 18th, 20th, 21st September 2023 and on 21st and 23 November 2023. In addition he failed to attend the consequences hearing (what we refer to as the sanction hearing) and that was on 23rd January 2024.
13. There had been representation from him asserting that he was unwell but no or no sufficient medical evidence was provided in support of those submissions. The LSM had reached the conclusion that he waived his right to attend.
14. Ms Marris is the senior case officer for the Bar Standards Board and in her statement dated 27th October 2025 she sets out the steps that she has taken to seek engagement with the Respondent.
15. By an email sent to the Respondent on 3rd February 2025 she sought confirmation that information could be sent to that email address and helpfully the Respondent replied the on the same day that this was the correct email address to send the material.
16. The following day Ms Marris informed the Respondent of the allegation and sought his comments in response.
17. On 19th February 2025 she sent a reminder seeking his comments.
18. On 6th March 2025 she asked if he would prefer the material to be sent to him by post.
19. On 24th March the Bar Standards Board (BSB) sent an email attaching a version of the bundle of evidence.
20. There has been no response by the Respondent to these allegations.

21. It has not been suggested by the Respondent that there is any health or other issue that prevents him from attending or having representations. In the course of the Canadian proceedings he had referred to his mental health but there has been no explanation whatsoever to the BSB in respect of the non-response.
22. We have concluded that he has voluntarily waived his right both to attend and to be represented.
23. The next question is whether an adjournment would resolve the matter.
24. We cannot see how this would help; there has been no indication that the present date presents a specific difficulty and an adjournment would achieve no purpose.
25. We acknowledge that there is a disadvantage to the Respondent in our proceeding in his absence in that we will have no evidence from him casting doubt on previous findings but that is a necessary and obvious consequence of his non-attendance. It is something that necessarily will be appreciated by the Respondent barrister who is a very experienced lawyer.

**Our conclusion on continuing in absence of respondent and without representation.**

26. We have no doubt that all pre-hearing procedures have been followed and that documents have been properly served on the Respondent and there is no suggestion to the contrary.
27. It is our duty to stand back and reach a judgment as to whether the proceedings can fairly proceed in his absence and whether we should exercise our discretion to do so.
28. It is our unanimous view that the hearing should proceed today and that it is fair to do so.
29. That said, we have reminded ourselves that the Respondent's decision not to appear or be represented is not a point against him.
30. It is an entirely neutral factor.
31. It has the practical effect that there is no new testimony from the Respondent to contradict, clarify or explain evidence already before us but it most certainly should not be viewed as any admission of wrongdoing and no adverse inference is to be drawn against him.

**The Significance of the Decisions Reached by the Law Society of Manitoba**

32. Before coming to any detail, we consider the issue as to our proper approach in circumstances where a different tribunal [the LSM] have found their charges proved against the Respondent.

33. The BSB itself now wishes to rely upon those previous findings in support of their case. At Paragraph 8 of their opening note it is submitted that:-

*The BSB do not seek to retry the allegations of dishonest..... The BSB rely upon the case of Peckitt -v- GDC [2016] EWCA 1803 for the submission that the findings of the Law Society Manitoa should be adopted by the BSB.*

34. In the course of the hearing we raised the question as to the applicability of procedural rule E169 which provides:-

*'In proceedings before a Disciplinary Tribunal which involve the decision of a court or tribunal in previous proceedings to which the respondent was a party... the following Regulations shall apply:*

*'the finding and sanction of any tribunal in or outside England and Wales exercising a professional disciplinary jurisdiction may be proved by producing an official copy of the finding and sanction and the findings of fact upon which that finding or sanction was based shall be proof of those facts, **unless proved to be inaccurate.**'*

35. In addition to the authority of Peckitt relied upon by the BSB we have had regard to two other authorities to same or similar effect.

36. In ***Ukiwa -v Bar Standards Board [2021] EWHC 2830 (Admin)*** Mrs Justice Collins Rice at Paragraph 28 of her judgment explained that:-

*'Disciplinary proceedings should not be thought of as providing an opportunity for an informal collateral appeal against past court decisions, or requiring unnecessary re-proving of fact where all the relevant facts have already been found, either by a jury or by a court, in proceedings bound by principles of justice and rules of evidence at least as exacting as those binding a disciplinary tribunal if not more so.*

37. We need to bear in mind that at the hearing before the LSM the civil (not criminal) standard of proof was applied in respect of all charges and we bear that distinction in mind.

38. The court in Ukiwa went on to explain at Paragraph 33 that :

*‘inaccurate’ for the purpose of rebutting the default evidential position is that the findings are shown to be ‘untrue or wrong, so that it would be unfair for the findings to be relied upon..... it is likely to be rare, at any rate where no significant new evidence is adduced and routes of appeal against the earlier findings have lapsed or been exhausted.’*

39. In **Sky Bibi -v- Bar Standards Board [2022] EWHC 921 (Admin)** Mrs Justice Hill reiterated that the Ukiwa dicta in relation to rE169 was not a jurisdictional provision but a rule of evidence and that a barrister would have to *‘establish exceptional circumstances which could justify going behind’* the fact of a conviction (as it was in that case) or proving the facts of a charge.

### **Not too Broad a Brush**

40. We appreciate that the hearing before us is not a de facto second appeal against the decision of the LSM.
41. On the other hand, we need to avoid a too broad a brush approach.
42. We ask ourselves this question:

**Has the Respondent proved, that it is more likely than not, that the LSM decision(s) is ‘inaccurate’ in that it is untrue or wrong, such that it would be unfair for the findings to be relied upon?**

### **Separate Consideration**

43. We remind ourselves that each charge must be considered separately. This does not mean that we should view the evidence in sealed compartments but it is not a case of all or nothing.

## **Evidence and Findings**

### **Evidence Against the Respondent**

44. For the reasons that we have set out we do not repeat the details of the LSM decision. We begin with a short summary of the allegation taken from their summary contained within their Report to the BSB. At our B9 in the bundle they explain that:

*‘While employed as Dean of the Law School at University of Manitoba, he was also the chair and director of the ..centre for private enterprise and the law. In those capacities he had access to significant funds, both operating funds and specific endowment funds. As is apparent from the attached documents and internal*



*University of Manitoba audit a whistleblower complaint uncovered significant abuse of his authority. In particular he manipulated the University's system so as to apply \$600,000 of its monies for his own benefit and the benefit of an organisation of which he was an officer and director.'*

45. We have considered all the evidence adduced in support of the allegation and do not repeat it fully in this ruling but rather allude to those parts that place the matter into context.
46. At B26 the LSM refer to the fact that the Respondent routed his expense claims through a programme that paid invoices received from the university with approval from the Dean. *It meant that 'only he approved his own expenses. They were processed by staff who reported to him and who faced a significant power imbalance if they had any concerns about the expenses being processed.....'*
47. The effect was to circumvent the scrutiny of the approval process. *'The panel heard live evidence from two of the faculty staff and an affidavit from a third which indicated among other things 'that when they questioned (him) about his expenditure, he told them to 'stop asking questions and to just pay the amounts.'*
- The Panel drew 'the clear inference that based on these facts, (he) knowingly improperly used university and Desautels funds exclusively for his personal benefit.'* (He) *'made no attempt in any form to assert ..a justification.'*
48. The Panel expressed the view that *' it is difficult to even imagine what such a justification would be. This is the behaviour of a person who was clearly attempting to avoid detection for improper spending.'*
49. The affidavit before the Panel at Paragraph 55 (as set out in paragraph 42 of their ruling at our B27) *'outlines several examples where (his) courses included accommodations and meals. Yet he claimed and received reimbursement for credit card and per diems in the same time frame during the relevant courses. This meant that the University of Manitoba was paying twice for meals.'*
50. At Paragraph 44 of the Panel decision they allude to evidence that demonstrated claims were made for expenses that were entirely false. *'It was evidence that for the most part (he) dined at the Manitoba Club alone, yet claimed the meal charges as a hospitality expense for the benefit of the University of Manitoba or the Desautels Centre which was false.'*
51. On other occasions the Respondent would order a meal to eat immediately and then order other items as a take-away.

52. The Panel determining the allegations accepted the submission from the prosecutor that there was ‘a persistent and pervasive failure of integrity’

**Conclusions of the LSM Panel**

53. Although the Panel were applying (as they were required to do) the civil standard of proof, they observed that:

*‘we simply add that even if the standard had been the criminal standard of beyond reasonable doubt, the Panel would have been satisfied that proof was sufficient. For all of the above reasons this Panel finds that Jonathan Black-Branch has on many occasions breached his duty of integrity and has therefore committed professional misconduct and/or engaged in conduct unbecoming a lawyer.’*

**Answering the Question that we have posed**

54. We have asked ourselves whether the Respondent has proved that it is more likely than not that the LSM decision(s) is ‘inaccurate’ in that it is untrue or wrong, such that it would be unfair for the findings to be relied upon.
55. It is our unanimous view that the Respondent has not proved any inaccuracy. There is no basis for saying that their conclusion is untrue or wrong or that it would be unfair for the findings to be relied upon.
56. In our view they approached the matters with great care and fairness and their conclusion was on the evidence inevitable.

**Our Conclusions**

57. We are sure that each element of the charges brought are proved.

**Charge 1: Professional Misconduct: Diminishing Trust and Confidence in the Bar**

58. In relation to our Charge 1 we are sure that the Respondent has acted in a way which could reasonably (and indeed easily) be seen by the public to undermine his honesty. We are sure that such conduct was likely to diminish the trust and confidence the public places in him due to his misappropriation of the large sums of money in the region of \$600,000 CDN.

**Charges 2 and 3 :Professional Misconduct: Failing to Report**

59. The failure to inform the BSB of the proceedings brought by the LSM is clear and obvious. He knew of the charges against him on 18<sup>th</sup> August 2021 but made no

report to the BSB and there is no suggestion from him that he did so. The charges are proved.

**Charges 4 and 5: Professional Misconduct: Failing to Report**

60. He had a duty to inform the BSB in relation to the enforcement action that the LSM took but he failed to do so and it follows that, as with charges 2 and 3, the charges are proved. There is no argument to the contrary.

**Sanction and Reasons**

61. We now come to the second stage of the proceedings in relation to sanction. We once again consider at this different stage whether we should proceed in the absence of the Respondent. We see no reason to adjourn the proceedings. He must have understood that if the charges were proved that there would be a sanctions hearing but has chosen not to submit any mitigating features or provide any further information.

62. We therefore proceed with the sanction hearing.

63. It is helpful to remind ourselves of the purpose of imposing a sanction as set out in Section 2 of the Version 6 'Sanctions Guidance' at page 4.

**Purpose of sanctions. It is 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*

*[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.*

**Appropriate Misconduct Group**

64. Our next step is determine the appropriate applicable Misconduct Group for the proved misconduct.

65. This case falls into Category 'A' which involves dishonesty.

66. The seriousness as set out in Step 2 *'indicates that, for legal professionals, proved findings of dishonesty should result in disbarment except where there are exceptional circumstances...'*

*'In deciding whether there are exceptional circumstances that would not result in disbarment the most important factor to be given the most weight in determining sanction is the nature and extent of the dishonesty and the degree of culpability.'*

67. We need to consider in this Step 2 process the culpability and harm.

68. In relation to culpability: this was not a *fleeting or momentary act/lapse of judgment*; it was sustained over a period of time.

69. It was both 'calculated' and 'sophisticated' and did involve 'significant planning'.

70. In terms of harm, large sums of money were obtained by fraud.

71. There also was an aspect of bullying staff when they raised queries as to the expenses claimed.

**Indicative Sanctions Range: Step 3**

72. Both culpability and harm are in the upper range and the indicative sanction is disbarment.

**Apply Aggravating Factors: Step 4**

73. We need to take care to avoid any double-counting. All the relevant factors have led us to the Step 3 decision and there are no extra matters to be brought into account.

**Apply Mitigating Factors: Step 4**

74. Although no evidence has been submitted on behalf of the Respondent we are sure that he must have suffered stress from the proceedings.

75. In relation to the hearings in Canada he had sought a number of adjournments and reference had been made by him to his mental health.

76. On 18<sup>th</sup> September 2023 he had asserted that he was 'medically unable to participate in the hearing.' In a later email he asked for an adjournment 'until I am able and fully capable to participate appropriately'.

77. [PRIVATE]

78. The Respondent was asked by the Law Society to produce evidence of these conditions but no such evidence has been supplied.

79. However, we have no doubt that the Respondent must have suffered great stress from the proceedings and for the purposes of sentence work on that basis.

**Our Conclusion on Sanction**

80. In our view there is no doubt that the Respondent's actions amount to blatant and sustained dishonesty.

81. Our duty is to impose the minimum sanction appropriate for this degree of wrongdoing.

82. Sadly, we have reached the decision that there are no exceptional factors which would warrant anything other than a disbarment.

83. In our unanimous view for this degree of sustained and deliberate dishonesty, the only possible sanction on all charges is disbarment and it follows that we order that Dr Jonathan Black-Branch be ordered to be disbarred.

84. The Treasurer of the Honourable Society of Lincoln's Inn is requested to take action on this report in accordance with rE239 of the Disciplinary Tribunal Regulations 2017.

85. We confirm that the relevant procedure under rE183 has been complied with, that the findings and sanction were made in the absence of the respondent in accordance with rE183.

**Immediate order**

86. We also make an order under rE227.3 that the BSB not issue Mr Black-Branch a practising certificate pending any appeal.

**Costs**

87. We award costs of £2,670 payable to the Bar Standards Board.

**Fresh Hearing**

88. We remind Mr Black-Branch that he is able to apply for a Fresh Hearing under rE185 – 187 given his absence at the hearing.

**Dated: 13 February 2025**

**HH Martyn Zeidman KC**  
**Chairman of the Tribunal**