



## Report of Finding and Sanction

<b>Respondent</b>	Miss Shivani Jegarajah
<b>Case reference</b>	2020/0536/D5
<b>Inn of Court</b>	Middle Temple, 1993.
<b>Status at hearing</b>	Self-Employed
<b>Hearing date/s</b>	9 March 2026
<b>Tribunal Type</b>	5 Person Tribunal

### Tribunal members

<b>Chair</b>	HHJ Martyn Zeidman KC
<b>Barrister member</b>	Amanda Weston KC
<b>Barrister member</b>	Naomi Ryan
<b>Lay member</b>	Ian Arundale
<b>Lay member</b>	Clara Cheetham

### Representatives

<b>Bar Standards Board</b>	Leo Davidson
<b>Respondent</b>	Present and not represented

### Outcome

<b>Findings</b>	All charges admitted
<b>Sanction</b>	The Tribunal ordered a fine in the sum of £10,000 to the Bar Standards Board.
<b>Costs</b>	£7,758 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 23 February 2026 The Tribunal sat on 09 March 2026 to hear and determine 4 charges of professional misconduct contrary to the Code of Conduct of the Bar of England and Wales against Miss Shivani Jegarajah, barrister of the Honourable Society of Middle Temple.

## Charges

2. The following charges were admitted.

### Charge 1

#### Statement of Offence

Professional misconduct, contrary to Core Duty 2 and/or rC15.1 of the Bar Standards Board's Handbook (9th Edition)

#### Particulars of Offence

Ms Shivani Jegarajah, a barrister, failed to act in the best interests of her client and/or to promote fearlessly and by all proper and lawful means her client's best interests, in that on 11 September 2019 she disclosed to the NewJurist journal, without her client's consent and/or any other legitimate basis for doing so, documentation relating to her client at a) to f) below, which she should have kept confidential:

- a) General Case Information Database (GCID) – Case Record Sheet for the period 15 July 2019 to 06 September 2019 and created on 10 September 2019 at 10.26
- b) General Case Information Database (GCID) – Case Record Sheet for the period 03 July 2019 to 22 August 2019 and created on 10 September 2019 at 10.32
- c) General Case Information Database (GCID) – Case Record Sheet for the period 03 September 2019 to 06 September 2019 and created on 10 September 2019 at 10.34
- d) Response to Rule 35 Report (Annex B: part 2)
- e) Detention & Case Progression Review dated 27 August 2019
- f) Detention & Case Progression Review dated 4 September 2019

### Charge 2

#### Statement of Offence

Professional misconduct, contrary to Core Duty 3 of the Bar Standards Board's Handbook (9th Edition)

#### Particulars of Offence

Ms Shivani Jegarajah, a barrister, failed to act with integrity, in that on 11 September 2019 she disclosed to the NewJurist journal, without her client's consent and/or any other legitimate basis for doing so, documentation relating to her client at a) to f) below, which she should have kept confidential:

- a) General Case Information Database (GCID) – Case Record Sheet for the period 15 July 2019 to 06 September 2019 and created on 10 September 2019 at 10.26
- b) General Case Information Database (GCID) – Case Record Sheet for the period 03 July 2019 to 22 August 2019 and created on 10 September 2019 at 10.32

- c) General Case Information Database (GCID) – Case Record Sheet for the period 03 September 2019 to 06 September 2019 and created on 10 September 2019 at 10.34
- d) Response to Rule 35 Report (Annex B: part 2)
- e) Detention & Case Progression Review dated 27 August 2019
- f) Detention & Case Progression Review dated 4 September 2019

### Charge 3

#### Statement of Offence

Professional misconduct, contrary to Core Duty 5 of the Bar Standards Board's Handbook (9th Edition)

#### Particulars of Offence

Ms Shivani Jegarajah, a barrister, behaved in a manner which is likely to diminish the trust and confidence which the public places in her or in the profession, in that on 11 September 2019 she disclosed to the NewJurist journal, without her client's consent and/or any other legitimate basis for doing so, documentation relating to her client at a) to f) below, which she should have kept confidential:

- a) General Case Information Database (GCID) – Case Record Sheet for the period 15 July 2019 to 06 September 2019 and created on 10 September 2019 at 10.26
- b) General Case Information Database (GCID) – Case Record Sheet for the period 03 July 2019 to 22 August 2019 and created on 10 September 2019 at 10.32
- c) General Case Information Database (GCID) – Case Record Sheet for the period 03 September 2019 to 06 September 2019 and created on 10 September 2019 at 10.34
- d) Response to Rule 35 Report (Annex B: part 2);
- e) Detention & Case Progression Review dated 27 August 2019
- f) Detention & Case Progression Review dated 4 September 2019

### Charge 4

#### Statement of Offence

Professional misconduct, contrary to Core Duty 6 and/or rC15.5 of the Bar Standards Board's Handbook (9th Edition)

#### Particulars of Offence

Ms Shivani Jegarajah, a barrister, failed keep the affairs of her client confidential and/or protect the confidentiality of her client's affairs, in that on 11 September 2019 she disclosed to the NewJurist journal, without her client's consent and/or any other legitimate basis for doing so, documentation relating to her client at a) to f) below, which she should have kept confidential:

- a) General Case Information Database (GCID) – Case Record Sheet for the period 15 July 2019 to 06 September 2019 and created on 10 September 2019 at 10.26
- b) General Case Information Database (GCID) – Case Record Sheet for the period 03 July 2019 to 22 August 2019 and created on 10 September 2019 at 10.32
- c) General Case Information Database (GCID) – Case Record Sheet for the period 03 September 2019 to 06 September 2019 and created on 10 September 2019 at 10.34
- d) Response to Rule 35 Report (Annex B: part 2);
- e) Detention & Case Progression Review dated 27 August 2019

- f) Detention & Case Progression Review dated 4 September 2019

### Parties Present and Representation

3. The Respondent was present and was not represented. The Bar Standards Board (“BSB”) was represented by Mr Leo Davidson.

### Findings

#### Background

4. On 11<sup>th</sup> September 2019, in the context of immigration matters, the Respondent sent an email to a journalist which had attachments disclosing confidential information in relation to her client, without his permission. The case has proceeded on the basis that although the sending of the email was deliberate the attachments were sent by mistake. We sentence on the basis (not challenged by the BSB) that the Respondent did not realise that her email had these attachments. However, the Respondent accepts (rightly so) that the sending of these attachments was an act of recklessness and that it had the effects set out in each of the admitted charges.

#### The Issue

5. We need to determine the minimum appropriate sanction in respect of the charges brought. We have had regard to the BTAS Sanctions Guideline (the current version of which is dated 1<sup>st</sup> January 2022.) It is useful to begin by setting out the purpose of a sanction as set out in Section 2 of the Guideline at page 4:-

#### Purpose of Sanctions

6. 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.

#### First Step

7. We need to determine the appropriate applicable Misconduct Group for the misconduct. It is common ground that our case falls into Category K ‘Formal Obligations to Clients’ and in particular ‘Failing to comply with client confidentiality obligations’

#### Second Step

8. We need to assess the seriousness by considering both Culpability and Harm and we are further assisted by applying the non-exhaustive factors on p63 of the guide.

#### Culpability

9. Confidentiality is an essential part of a barrister’s duty. The fact that the attachments were sent in error does not negate the seriousness of this extensive breach of duty. There is no dispute that the Respondent intended to send an email to a journalist and it follows that she was under a particular obligation to ensure that no other material

was attached to her email. The Respondent in her written defence sent to the BSB on 3<sup>rd</sup> June 2024 [Our Bundle B92-95]said:

10. *'I did not know that the documents were attached to the email sent. I did not do that deliberately at all. But in the circumstances, given the history of the case and given the critical circumstances during the day going into the night, it was inevitable that a mistake like this would happen.'*

#### Harm

11. P75 of the Sanctions Guide reminds us that in relation to harm we should have regard not just to the actual harm caused to the client but we also have to bear in mind 'the risk of harm'. In addition we have to assess not only the harm or risk of harm to the lay client but also *'the impact on the public confidence in the legal profession'*. A member of the public would be appalled to discover that a barrister has shared with third parties very sensitive material albeit inadvertently. The nature of the communication (to a journalist) and the very high degree of sensitivity of the information sent are all factors that must be brought into account. Although no actual harm was caused to the client we agree with the assessment made by the recipient (the journalist/ complainant) that 'leaking this sort of information and to the wrong sort of people, could also endanger the [lay client's] life.'

#### **Conclusion on Step 3**

12. In our view this case falls into the middle range of moderate culpability and moderate harm yielding an indicative sanction of a 'Medium level fine (i.e. a fine between £5,000 and £15,000) to a suspension of less than 12 months.

#### **Step 4**

13. Our next task is to balance the aggravating and mitigating features and as a result to reach a conclusion on the appropriate sanction within the range set out in Step 3.

#### Aggravating Factors

14. [A] This was not an error of an inexperienced barrister. The Respondent was called in 1993. She understands the importance of confidentiality and asserts that *'issues of confidentiality were (and are) always uppermost in my mind'*. She is a pupil supervisor and founder of her own chambers.
15. [B] Her response to the BSB's investigation was aggressive. At D1 of the Bundle she wrote:- *'I'm always surprised at how readily the BSB entertain complaints against BAME barristers.'* However, later that same day (D1 of Bundle) she changed her position saying *'I recognise now that the issue concerns disclosure of documents and that the allegation is indeed serious.'*
16. [C] The Respondent has two previous disciplinary findings, one of which also involved a breach of confidentiality. In the context of a dispute within chambers the Respondent in May 2015 accessed the computer of another member of chambers without authority, obtained an email from the computer and distributed the email to other members of chambers. This finding, albeit relating to an event 11 years ago is a serious aggravating feature. There is also an earlier disciplinary finding of professional misconduct in that between 1<sup>st</sup> January 2010 to 9<sup>th</sup> July 2010 the

Respondent practised as a barrister without a practising certificate. In our view this old finding does not aggravate the present matter.

### Mitigating Factors

17. [i] The case has proceeded upon the basis accepted by the BSB that the sending of the attachments was not a deliberate act – it was a mistake.
18. [ii] The Respondent two days before the hearing emailed the BSB indicating that she would admit the charges and on the first day before us, she did so.
19. [iii] At the time of sending the attachments the Respondent was in a passionate emotional and stressed state.
20. [iv] We do not set out the effect of reports that we have read speaking as to the emotional and family difficulties faced at the time by the Respondent but we take them all into account.

### Respondent' Evidence before the Tribunal

21. We have read and absorbed points in the Respondent's two statements, the first dated 8<sup>th</sup> September 2025 (pages W1 to W9 including exhibited report dated 4<sup>th</sup> July 2025) and the second statement dated 9<sup>th</sup> March handed to us on the morning of the hearing.

#### Extract from First Statement: 8<sup>th</sup> September 2025

22. In Paragraph 7 the Respondent speaks of personal and emotional pressures (which we do not repeat).

#### Paragraph 34:-

23. *'I really believed that my client might die in detention.'*

#### Paragraph 47:-

24. (I was) *'working from about 8pm through the night. I did not get any sleep because I was struggling to get through to my client and make sure he knew what case papers had been served and that he was receiving treatment.'*

#### Extract from Second Statement: 9th March 2026

25. *'I lost sight of the need for balance and allowed myself to become overworked and frustrated by what I perceived as injustice. As a result, I failed to act in a measured, detached and professional manner and committed serious misconduct. I am deeply sorry to my client, to my community, to my current clients and solicitors and to the Bar as a whole. I recognise that I have contributed to undermining the trust that potential clients and the wider community place in the safety, privacy, confidentiality and most importantly the trust between lawyer and client. It was utterly egotistical and arrogant of me to behave like a crusading, wilful superhero for justice. It was ridiculous. I became a caricature of an activist lawyer who believed they were fighting injustice everywhere.'*
26. Later in the last couple of lines of Paragraph 16 the Respondent says:-
27. *'I should never again allow myself to become so emotionally involved in a case.'*
28. Paragraph 20:- *'Much of my misconduct was rooted in ego and the belief that I could change things through sheer force of will.'*

29. Finally at Paragraph 24:-

30. *'In summary, these last few years have brought fundamental change. I fully recognise the seriousness of my offence and I take complete responsibility for it with deep shame.'*

### Oral Evidence

31. The Respondent was not represented at the hearing before us but chose to give evidence in mitigation and in short made the following points:-

32. I accept that I sent the email B19 but did not appreciate that there were these attachments to this email. Sending those attachments was a big mistake and I accept that it was done recklessly. I did not realise that those documents were attached to the email. In relation to my state of mind at the time *'It was done at a time when I was pretty desperate. I was in a distressed state on behalf of my client. I was fighting fire. I believe in justice and believe in law I knew that if he did not get released he could die.'* The lay client had told the Respondent that he had chest pains and she believed that he might be having a heart attack. *'I'm asked what was going on in my head at the time, I had to do what is right for a human being for my client – this is part of God's Higher Law.'* But *'I should not have sent the email – should have stopped. It had been a really long day. I was at the time sleeping in chambers for days – it was really intense. I am so ashamed at what happened. All things were done for my faith.'*

### Our Conclusions

33. Balancing the mitigating and aggravating features we are left with the unanimous view that this was a very serious breach of a barrister's duty as set out in the charges. Each charge representing the breach of a different core duty but of course all arising from the same act – we of course apply the principle of totality.

### Majority View

34. The **majority** view is that in the circumstances of this case, the serious wrongdoing can be sanctioned by the imposition of a fine rather than a period of suspension.

35. For the admitted breaches of these charges, we make an order that Shivani Jegarajah pay a total fine of **£10,000** to the Bar Standards Board.

### Costs

36. In addition, we order the payment of Costs of **£7,758** as set out in the schedule dated 5<sup>th</sup> March 2026

37. It follows that the total amount to be paid by the Respondent is **£17,758**.

**Dated:** 10<sup>th</sup> March 2026.

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