



The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

Disciplinary Tribunal

Ms Emma Smith

Called to the Bar by: Lincoln's Inn, October 2005.

Type of hearing: 5 Person Disciplinary Tribunal.

Date of decision: 8th April 2026.

Charges:

Charge 1

Statement of Offence

Professional misconduct, contrary to Core Duty 3 and/or rC8 of the Bar Standards Board Handbook (version 4.8).

Particulars of Offence

Emma Smith, a barrister, failed to act with honesty and with integrity and/or acted in a way which could reasonably be seen by the public to undermine her honesty and integrity, in that, on 19 June 2024, at a hearing in the Family Court, she advanced an application for an order to change the nursery of her client's child, which application gave the impression that the child was yet to move to an alternative nursery. This was misleading, as her client had already moved the child to an alternative nursery, in breach of an existing Specific Issue Order. Ms Smith knew this, as her client had told her in a conference on 5 June 2024. Ms Smith failed to draw this relevant fact to the Court's attention.

Charge 2

Statement of Offence

Professional misconduct, contrary to Core Duty 1 of the Bar Standards Board Handbook (version 4.8).

Particulars of Offence

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Emma Smith, a barrister, failed to observe her duty to the court in the administration of justice, in that, on 19 June 2024, at a hearing in the Family Court, she advanced an application for an order to change the nursery of her client’s child, which application gave the impression that the child was yet to move to an alternative nursery. This was misleading, as her client had already moved the child to an alternative nursery, in breach of an existing Specific Issue Order. Ms Smith knew this, as her client had told her in a conference on 5 June 2024. Ms Smith failed to draw this relevant fact to the Court’s attention.

Charge 3

Statement of Offence

Professional misconduct, contrary to rC6.1a of the Bar Standards Board Handbook (version 4.8).

Particulars of Offence

Emma Smith, a barrister, made submissions, representations or a statement which she knew or was instructed were untrue or misleading, in that, on 19 June 2024, at a hearing in the Family Court, she told the Court that her client had made an application to move her child to an alternative nursery, thereby giving the impression that the child was yet to move to the alternative nursery. This was misleading, as her client had already moved the child to an alternative nursery, in breach of an existing Specific Issue Order. Ms Smith knew this, as her client had told her in a conference on 5 June 2024. Ms Smith failed to draw this relevant fact to the Court’s attention.

Findings:

Charge 1	Admitted
Charge 2	Admitted
Charge 3	Admitted

Sanction:

Disbarment.

The Tribunal ordered costs in the sum of £3,210 payable to the BSB.