The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

Report of Finding and Sanction

Respondent	Mr Chandra Sekar
Case reference	2024/2684/D3
Inn of Court	Gray's Inn (March, 1996)
Status at hearing	Unregistered
Hearing date/s	8, 9, 10 September 2026
Tribunal Type	3 Person Tribunal

Tribunal members

Chair	Tom Cosgrove KC
Barrister member	Kane Simons
Lay member	Clara Cheetham

Representatives

Bar Standards Board	Nazmeen Imambaccus
Respondent	James Counsell KC

Outcome

Findings	Charges 1, 2 and 3 PROVEN. Charges 4 and 5 DISMISSED
Sanction	Fine in the sum of £500 for each Charge proven (£1,500 total) and written advice as to future conduct to be paid within one month of the expiry date of any appeal period
Costs	£6,188.40 to the Bar Standards Board to be paid within one month of the expiry date of any appeal period

1. In accordance with an appointment made by the President of the Council of the Inns of Court contained in a Convening Order dated 20/08/2026 The Tribunal sat on 8th - 11th September 2026 to hear and determine 5 charges of professional misconduct contrary to the Code of Conduct of the Bar of England and Wales against, Mr Chandra Sekar, barrister of the Honourable Society of Gray's Inn.

Charges

2. The respondent faced five Charges as follows:

Charge 1

Statement of Offence

Professional misconduct, contrary to Core Duty 1 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 4.8).

Particulars of Offence

Chandra Sekar, a barrister, did not observe his duty to the court in the administration of justice in that, between 3 July 2024 and 10 July 2024, he was rude to HHJ Elizabeth Smaller and/or misbehaved in one or more of the following ways:

a. On 3 July 2024, inferred that HHJ Smaller was biased by stating that HHJ Smaller had sought to ask questions that were designed to shore up the prosecution case, or words to that effect.

b. On 3 July 2024, informed the jury of a ruling that HHJ Smaller had made in the jury's absence, with regard to Mr Sekar asking a prosecution witness if they were lying, stating *"I was not going to ask you this question, but the judge has insisted"* or words to that effect.

c. Between 4 July 2024 and 9 July 2024, repeatedly sought to re-argue a point on which HHJ Smaller had ruled, with regard to asking further questions of the officer in the case.

d. On 10 July 2024, raised his voice to and/or was argumentative with HHJ Smaller when making submissions on a point of law, as follows:

"I*s there any point your honour? Because you're going to rule against me anyway aren't you… I've made submissions, make your ruling, just say no Mr Sekar, as before"* or words to that effect."

Charge 2

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 4.8).

Particulars of Offence

Chandra Sekar, a barrister, behaved in a way which was likely to diminish the trust and confidence which the public places in him or in the profession in that, between 3 July 2024 and 10 July 2024, he was rude to HHJ Elizabeth Smaller and/or misbehaved in one or more of the following ways:

a. On 3 July 2024, inferred that HHJ Smaller was biased by stating that HHJ Smaller had sought to ask questions that were designed to shore up the prosecution case, or words to that effect.

b. On 3 July 2024, informed the jury of a ruling that HHJ Smaller had made in the jury's absence, with regard to Mr Sekar asking a prosecution witness if they were lying, stating *"I was not going to ask you this question, but the judge has insisted"* or words to that effect.

c. Between 4 July 2024 and 9 July 2024, repeatedly sought to re-argue a point on which HHJ Smaller had ruled, with regard to asking further questions of the officer in the case.

d. On 10 July 2024, raised his voice to and/or was argumentative with HHJ Smaller when making submissions on a point of law, as follows:

"I*s there any point your honour? Because you're going to rule against me anyway aren't you… I've made submissions, make your ruling, just say no Mr Sekar, as before"*

or words to that effect."

Charge 3

Statement of Offence

Professional misconduct, contrary to rC3.2 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 4.8).

Particulars of Offence

Chandra Sekar, a barrister, abused his role as an advocate, in that, between 3 July 2024 and 10 July 2024, he was rude to HHJ Elizabeth Smaller and/or misbehaved in one or more of the following ways:

a. On 3 July 2024, inferred that HHJ Smaller was biased by stating that HHJ Smaller had sought to ask questions that were designed to shore up the prosecution case, or words to that effect.

b. On 3 July 2024, informed the jury of a ruling that HHJ Smaller had made in the jury's absence, with regard to Mr Sekar asking a prosecution witness if they were lying, stating *"I was not going to ask you this question, but the judge has insisted"* or words to that effect.

c. Between 4 July 2024 and 9 July 2024, repeatedly sought to re-argue a point on which HHJ Smaller had ruled, with regard to asking further questions of the officer in the case.

d. On 10 July 2024, raised his voice to and/or was argumentative with HHJ Smaller when making submissions on a point of law, as follows:

"I*s there any point your honour? Because you're going to rule against me anyway aren't you… I've made submissions, make your ruling, just say no Mr Sekar, as before"* or words to that effect."

Charge 4

Statement of Offence

Professional misconduct, contrary to Core Duty 1 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 4.8).

Particulars of Offence

Chandra Sekar, a barrister, did not observe his duty to the court in the administration of justice in that, between 1 July 2024 and 12 July 2024, he spent an excessive and/or unnecessary amount of time conducting examination in chief and/or cross examination of witnesses.

Charge 5

Statement of Offence

Professional misconduct, contrary to rC3.3 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 4.8).

Particulars of Offence

Chandra Sekar, a barrister, did not take reasonable steps to avoid wasting the court's time in that, between 1 July 2024 and 12 July 2024, he spent an excessive and/or unnecessary amount of time conducting examination in chief and/or cross examination of witnesses.

Parties Present and Representation

3. The Respondent was present and was represented by Mr James Counsell KC. The Bar Standards Board ("BSB") was represented by Ms Nazmeen Imambaccus.

Preliminary Matters

4. At the outset, the Tribunal was informed that the BSB did not intend to proceed with Charges 4 and 5. As a result, those Charges were dismissed and were not put to the Respondent.

5. The Tribunal directed that it wished to hear the audio recordings of the relevant portions of the criminal trial which was the subject matter of the Charges when the BSB presented its case. All parties agreed that this was appropriate.

Pleas

6. The Respondent denied Charges 1, 2 and 3.

Evidence

7. The burden of proving the charges lay upon the BSB throughout. The Respondent did not have to prove his innocence or any particular fact. The standard of proof was the civil standard so that the Tribunal could not find any matter proved unless it was satisfied on the balance of probabilities that the conduct occurred as alleged. The Tribunal had before it an evidence bundle of 164 pages which comprised of the complaint of HHJ Smaller, transcripts of selected portions of the July 2024 criminal trial at which the misconduct was alleged to have occurred (the "Trial"), a witness timetable for the same, a witness statement from the Respondent and other documents. An additional witness timetable was provided to the Tribunal during the course of the proceedings [and referred to as Exhibit R1]. The Tribunal also had before it and considered the Skeleton Arguments of both Parties and supporting Bundles of Authorities.

8. The BSB did not call any witnesses. Instead, the BSB relied on selected audio recordings of the Trial and certain parts of a transcript of the trial. The Tribunal was directed to and heard recordings of portions of the Trial from 3, 8, 9 and 10 July 2024.

9. The Respondent gave evidence and was cross-examined by the BSB.

Findings

10. The Tribunal considered each of the sub-charges (a to d) of Charges 1, 2 and 3 separately. The sub-charges were the same for each Charge. Sub-charge b occurred before sub-charge a chronologically. However, for the purposes of these findings they are considered in the order pleaded by the BSB.

11. The Tribunal found that sub-charge (a) of each Offence was not proven.

12. The Tribunal found that sub-charges (b), (c) and (d) of each Offence and the related stems were proven and that the conduct amounted to professional misconduct.

13. Accordingly, Charges 1, 2 and 3 were found proven in relation to sub charges (b) – (d) only. The Tribunal's reasons are as set out below. The findings relating to sub charges (a) – (d) (which are identical in each of Charges 1 - 3) are addressed first of all in the reasoning below.

14. By way of context in relation to sub charges (a) – (d) most of the facts were admitted. Elements of dispute remained in particular in relation to whether it could be said that the comments made on the 3rd July 2024 (set out in sub allegation (a)) could be taken to be inferring HHJ Smaller was biased.

15. In general terms R accepts he acted inappropriately and that his exchanges with the judge may have crossed the line (as he puts it), but denied his conduct amounted to Professional Misconduct

16. The Tribunal considered all matters in relevant context. The Tribunal accepted that the trial within which the events occurred lasted several days and that it had seen and/or heard only very small parts of it. The context was one of a criminal trial where much was at stake, the matters were complex, with an evolving prosecution case, and where the Respondent's client had concerns about the approach of the Judge and where all were under time pressure.

Sub-charge (a)

17. Sub-charge (a) alleged that during the Trial on 3 July 2024, the Respondent had inferred that HHJ Smaller was biased in that she had asked questions to shore up the prosecution's case, or words to that effect.

18. The Tribunal heard the audio recordings of the exchanges between the Respondent and HHJ Smaller which were the subject of sub-charge (a) and the Respondent was cross-examined extensively by the BSB on the point.

19. There was no factual dispute as to the remarks which were the subject of sub-charge (a). The Respondent disputed the intention and effect of his remarks. The Respondent's evidence was that he had never intended to accuse HHJ Smaller of bias and that, had he intended to do so, he would have made this clear at the time. He stated that, at their highest, his comments were intended to suggest that HHJ Smaller was in danger of 'stepping into the arena' (i.e. taking on the role of an advocate) during the Trial.

20. It was put to the Respondent during cross-examination that, given HHJ's Smaller's response to the Respondent's remarks, the Judge had clearly understood him to be accusing her of bias. The Tribunal noted HHJ Smaller had requested the Respondent to provide examples of questions which demonstrated she had been partial or had an

agenda to assist the prosecution. The Respondent had not taken this opportunity to clarify to the Judge that he was not accusing her of bias.

21. The Tribunal considered that, whatever the Respondent had intended, considered objectively, his language could be understood objectively and viewed in context to be inferring the Judge was biased. Accordingly, the factual basis of sub-charge (a) was found proven.

22. However, on balance, the Tribunal considered that the Respondent's behaviour in this regard did not constitute misbehaviour or rudeness and, accordingly, found that in respect of sub-charge (a), Core Duties 1 and 5 and rC3.2 of the Code of Conduct had not been breached and sub charge (a) read in conjunction with the stem of the Charge had not been proved in relation to any of Charges 1-3. While no doubt unadvisable we do not consider in context that the matters alleged in (a) sufficiently constituted misbehaviour or rudeness so as to amount to breaches of the Core Duties/rules as alleged.

Sub-charge (b)

23. Sub-charge (b) was that, on 3 July 2024, during the Trial, the Respondent had informed the jury of a ruling made in its absence by which HHJ Smaller had initially required the Respondent to put a question to a prosecution witness.

24. The Tribunal was directed to audio recordings of the relevant portions of the Trial on 3 July 2024. The factual elements of sub-charge (b) were not in dispute. The Tribunal heard that, having been required to put a question to this witness, the Respondent had strongly disagreed with the Judge's approach, namely the appropriateness of defence counsel being directed to put a question to a witness where this was not part of their case and where they considered it was not in their client's best interests to do so.

25. The Tribunal heard submissions from the Respondent as to the correctness of the Judge's approach. The Tribunal did not consider that it was necessary to rule on whether the Judge was correct as a matter of law. The Respondent had deliberately placed a judge's ruling before a jury. Whilst the Respondent was entitled to robustly disagree with the Judge's approach and to make submissions, having done so he was required to accept the Judge's ruling. The Respondent's conduct had disrupted proceedings and caused the jury to be sent out. The Respondent had admitted in his witness statement and evidence that this conduct was inappropriate.

26. The Respondent further accepted in cross-examination that, although not his intention, his conduct could be seen as undermining the Judge and that he had gone 'over the line'. The Tribunal agreed that his conduct had the effect of undermining the Judge. The Tribunal considered that this conduct was highly inappropriate.

27. Accordingly, the Tribunal found that sub-charge (b) was proven and that it amounted to a breach of Core Duties 1 and 5 and rC3.2 of the Code of Conduct as alleged in the Charges.

Sub-charge (c)

28. Sub-charge (c) was that the Respondent had repeatedly sought to reargue a point relating to cross-examination of the prosecution's key witness during the Trial. Although the sub-charge referred to matters between the 4 and 9 July 2024, the Tribunal heard audio recordings relating to this conduct limited to 8 and 9 July 2024 and the BSB confirmed that its case alleged misconduct on those days only.

29. Again, the facts of sub-charge (c) were not in dispute. The Tribunal heard evidence, supported by contemporaneous trial timetable evidence, regarding the length of time the Respondent had taken to cross-examine the prosecution witness. During this cross-examination in the Trial, the Judge had exercised her case management powers to bring the Respondent's cross-examination to a close and require that any further questions be provided to the Court in writing. The Respondent had robustly challenged HHJ Smaller's ruling that he do so.

30. The Respondent argued that it was unfair, if not unheard of, for defence counsel to be interrupted in the closing stages of their cross-examination, particularly where they would ordinarily save certain of their strongest points to last. Nonetheless, the Respondent admitted that his language and approach in challenging the Judge in this regard was inappropriate. Under cross-examination, the Respondent further accepted that his conduct had 'gone over the line' and had the potential, if not the intention, to undermine the Judge.

31. As with the other sub-charges, the Tribunal had careful regard to an advocate's duty to advance their client's case fearlessly. However, the Tribunal considered that the Respondent's approach to this issue had been unduly rude, inappropriate and, as had been accepted, persistent despite the fact that the Respondent had been asked to consider his behaviour and conduct earlier in the Trial. On the 8th July he spoke over

the Judge and repeatedly and aggressively challenged her even when he was invited to stop doing so. He persistently interrupted her. On the 9th July his conduct was similarly unacceptable. The Tribunal found the facts proved.

32. The Tribunal found that this conduct amounted to misbehaviour and therefore that Core Duties 1 and 5 and rC3.2 had been breached as alleged in the Charges.

Sub-charge (d)

33. Sub-charge (d) was that on 10 July 2024, the Respondent was rude and / or argumentative and had raised his voice when making submissions to HHJ Smaller on a point of law regarding the use of a no-comment interview.

34. Again, the facts of the sub-charge were not in dispute and the Tribunal was directed to listen to the relevant audio recording from the 10 July 2024.

35. The Respondent accepted that his conduct was unwarranted and rude both in admissions and during cross-examination.

36. The Tribunal agreed with this characterisation. The Respondent had cut-off the Judge and indicated, indeed predicted, what she would do in a disrespectful way. Whatever the legal correctness of the Respondent's submissions (and the Tribunal was not required to decide the point) the conduct of the Respondent was unacceptable and could reasonably be taken to undermine the role of the Judge.

37. The Tribunal found that this conduct was rude and unwarranted and therefore that Core Duties 1 and 5 and rC3.2 had been breached.

Serious professional misconduct

38. Having found that Charges 1, 2 and 3 were proven in respect of sub-charges (b) to (d), the Tribunal considered whether the Respondent's conduct amounted to professional misconduct having regard to *Bar Standards Board v Khan* [2018] EWHC 2184 (Admin) in particular. The guidance provided in Khan by Warby J at paragraph 36 was particularly useful in our view. The Tribunal heard written and oral submissions from the Parties on this point and considered all of the various authorities put before it with care. The Tribunal accepted that a person is not to be regarded as guilty of professional misconduct unless a high threshold is passed as explained in Khan.

39. The Tribunal considered that the matters which were the subject of sub-charges b to d were sufficiently serious in the circumstances to constitute professional misconduct. Applying the language used in the relevant case law, the Respondent's conduct was seriously reprehensible.

40. The Tribunal was mindful to take into account the full context of the Trial; being a complex, time-pressured criminal trial involving a nervous client who had a mistaken perception of bias. Nonetheless, the Tribunal considered that the Respondent's misconduct could not be said to be trivial or inconsequential. Nor was it a single, temporary lapse. The Tribunal accepted that not every heated exchange or ill-chosen remark by a barrister will cross the seriousness threshold. The Tribunal also accepted that, in broad terms, the Respondent had acted, as he saw it, to ensure that his client had a fair trial and that his instances of misconduct had stemmed from what he perceived to be incorrect judicial rulings. Even allowing for that subjective belief though, the Tribunal found that the Respondent's behaviour looked at in the round over the course of several days was disproportionate and unacceptable. The Tribunal accepted that effective advocacy requires putting forward a client's case fearlessly, using all proper means and that it is critically important an advocate be able to make robust and/or unpopular arguments. However, in this particular case that did not excuse the Respondent's clear and repeated failure to act appropriately. Although his motivation may have been understandable, his conduct was disproportionate and plainly unacceptable. The Respondent's conduct marked a serious departure from the professional standards expected of a barrister.

41. Accordingly, the Tribunal found that the Respondent's breaches of Core Duties 1 and 5 and rC3.2 amounted to professional misconduct. The decision was unanimous.

Sanction and Reasons

42. Following its Findings, the Tribunal was provided with a Sanctions Bundle by the Respondent and considered submissions from the BSB. The sanctions bundle contained information on the Respondent's career, experience and on-going matters, character references and financial information. In addition, the Tribunal had before it and considered the BSB's Sanctions Guidance (Version 6, 2022 Edition), relevant submissions in the Parties' Skeleton Arguments and oral submissions from the Respondent.

43. Applying the Sanctions Guidance, the Tribunal first determined at Step 1 the appropriate Misconduct Group. The Tribunal considered Misconduct Groups G (Administration of Justice) and I (Behaviour towards others). Whilst no Misconduct Group was a comfortable fit to describe the Respondent's misconduct, the Tribunal considered that Misconduct Group I was the most appropriate fit in the circumstances given the reference in that section to 'serious rudeness in professional life'.

44. At Step 2, the Tribunal determined the seriousness of the misconduct, having regard to the Culpability and Harm factors set out at Annex 2 of the Sanctions Guidance. The Tribunal found that the matters were not a 'one off incident' albeit they were contained within one trial. The conduct could have theoretically at least resulted in an adverse impact on the administration of justice especially as it took place in a court/public place.

45. At Step 3, the Tribunal determined the indicative sanction level of the proved misconduct. The Tribunal considered that, broadly, the misconduct fell within the lower range of seriousness – either for Misconduct Group G or I. The indicative sanction level for misconduct of this type and seriousness referred to a lower level fine and / or advice as to future conduct or a reprimand.

46. At Step 4, the Tribunal considered whether any aggravating or mitigating factors were present. There were no previous disciplinary findings. We considered the references received with care and the submissions from Counsel. Having done so, it considered the Respondent's misconduct remained at the lower range.

47. Finally, at Step 5, the Tribunal considered the totality principle, having regard in particular here to the fact that Charges 1, 2 and 3 related to the same underlying instances (sub-charges b to d) of misconduct.

48. The Tribunal determined (Step 6) that the appropriate sanction in the present case was a fine in the sum of £500 in respect of each Charge (being £1,500 in total) to be payable within one month of the expiry of any appeal period. This was a proportionate sanction which the Tribunal considered reflected and upheld the purpose of sanctions as explained in the Guidance it had applied. It was an unanimous decision. The Tribunal also considered that it would be appropriate to provide advice as to the Respondent's future conduct. The Tribunal accordingly advise the Respondent to take care as to his future conduct and to act to ensure his actions do not undermine public confidence.

He must not going forward abuse his role as an advocate and must remain fully alive to his duty to the Court.

Costs

49. Having received an updated Schedule of Costs from the BSB, the Tribunal heard that there was no dispute as to the reasonableness of those costs. Accordingly, the Tribunal awarded the BSB costs in the amount of £6,118.40 to be paid within one month of the expiry of any appeal period.

Dated: 29th September 2026.

Tom Cosgrove KC
Chairman of the Tribunal