



The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

Report of Finding and Sanction

Case reference: PC

Miss Anisah Ahmed

The Director-General of the Bar Standards Board

The Chair of the Bar Standards Board

The Treasurer of the Honourable Society of the Middle Temple

Disciplinary Tribunal

Miss Anisah Ahmed

1. In accordance with an appointment made by the President of the Council of the Inns of Court contained in a Convening Order dated 25 January 2018, I sat as Chairman of a Disciplinary Tribunal on 26 and 27 February 2018 to hear and determine four charges of professional misconduct contrary to the Bar Standards Board Handbook and four charges of professional misconduct contrary to the Code of Conduct of the Bar of England and Wales against Miss Anisah Ahmed, barrister of the Honourable Society of the Middle Temple.

Panel Members

2. The other members of the Tribunal were:

Dr Manju Bhavnani OBE [Lay Member]

Mrs Kathryn King [Lay Member]

Robert Walton Esq [Barrister Member]

Charges

3. The following charges were found proven.

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PC 2014/0402/D5

Charge 1

Statement of Offence

Professional misconduct contrary to Core Duty 5 of the Bar Standards Board Handbook [1st Edition].

Particulars of Offence

Anisah Ahmed, behaved in a way likely to diminish the trust and confidence which the public places in a barrister or in the profession and in a way that could reasonably be seen by the public to undermine her honesty and integrity, in that between the 1 July 2014 and the 30 November 2014, she knowingly or recklessly misled or attempted to mislead the Membership and Pupillage Committee of Staple Inn Chambers, by submitting a CV in support of her application for a pupillage at that Chambers which was false in material particulars in that she represented that she: [1] had completed a LLM in Legal Practice at Cardiff University in 2013; [2] had been awarded a distinction; and [3] had written a dissertation on “Rights to die”; the same representations being untrue and the said conduct amounting to professional misconduct.

Charge 2

Statement of Offence

Professional misconduct contrary to Core Duty 5 of the Bar Standards Board Handbook [1st Edition].

Particulars of Offence

Anisah Ahmed, behaved in a way likely to diminish the trust and confidence which the public places in a barrister or in the profession and in a way that could reasonably be seen by the public to undermine her honesty and integrity, in that between the 1 July 2014 and the 30 November 2014 knowingly or recklessly misled or attempted to mislead the Membership and Pupillage Committee of Staple Inn Chambers, by submitting a CV in support of her application for pupillage at that Chambers which was false in material particulars in that she represented that she: [1] had completed a LLM in Legal Practice at Cardiff University in 2013; [2] had been awarded a Diploma in Forensic Medicine in 2013; [2] had been awarded a merit; the same representations being untrue and the said conduct amounting to professional misconduct.

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Charge 3

Statement of Offence

Professional misconduct contrary to Core Duty 5 of the Bar Standards Board Handbook [1st Edition].

Particulars of Offence

Anisah Ahmed, behaved in a way likely to diminish the trust and confidence which the public places in a barrister or in the profession and in a way that could reasonably be seen by the public to undermine her honesty and integrity, in that between the 1 July 2014 and the 30 November 2014 knowingly or recklessly misled or attempted to mislead the Membership and Pupillage Committee of Staple Inn Chambers, by submitting a CV in support of her application for pupillage at that Chambers which was false in material particulars in that she represented that she: [1] had worked for the Free Representation Unit between 2011 and 2012; [2] had successfully represented 8 clients in unfair dismissal claims; and [3] had cross examined respondents and dealt with judicial interventions and med submissions on her client's behalf; the same representations being untrue and the said conduct amounting to professional misconduct.

Charge 4

Statement of Offence

Professional misconduct contrary to Core Duty 5 of the Bar Standards Board Handbook [1st Edition].

Particulars of Offence

Anisah Ahmed, behaved in a way likely to diminish the trust and confidence which the public places in a barrister or in the profession and in a way that could reasonably be seen by the public to undermine her honesty and integrity, in that between the 1 July 2014 and the 30 November 2014 knowingly or recklessly misled or attempted to mislead the Membership and Pupillage Committee of Staple Inn Chambers, by submitting a CV in support of her application for pupillage at that Chambers which was false in material particulars in that she represented that she: [1] had worked at the Centre for Capital Punishment Studies in Lilongwe, Malawi in 2012; [2] had successfully argued 10 cases on behalf of prisoners and had the death penalty set aside; and [3] had enhanced her advocacy and analytical skills thereby; the same representations being untrue and the said conduct amounting to professional misconduct.

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PC 2015/0125/D5

Charge 1

Statement of Offence

Professional misconduct contrary to paragraph 301(a)(i) and pursuant to paragraph 901.7 of the Code of Conduct of the Bar of England and Wales [8th Edition].

Particulars of Offence

Anisah Ahmed, engaged in conduct which was dishonest or otherwise discreditable to a barrister in that she submitted to the Bar Standards Board Qualifications Committee an application for pupillage dated 1 October 2013 in which she: [1] falsely described herself as having relevant experience and carrying out legal work at a solicitors firm between 2003 to 2008 and 2008 to 2012, whereas she was employed between February 2008 to February 2009 as a secretary / receptionist carrying out mainly administrative functions and [2] produced a reference from a Principal Solicitor at that firm that was not authentic and was forged.

Charge 3

Statement of Offence

Professional misconduct contrary to paragraph 301(a)(i) and pursuant to paragraph 901.7 of the Code of Conduct of the Bar of England and Wales [8th Edition].

Particulars of Offence

Anisah Ahmed, engaged in conduct which was dishonest or otherwise discreditable to a barrister in that she submitted to the Bar Standards Board Qualifications Committee an application for reduction of pupillage dated 1 October 2013 in which she produced a reference from a former Assistant Solicitor at a firm of solicitors that was not authentic and was forged.

Parties Present and Representation

4. The Respondent was not present and was not represented. The Bar Standards Board (“BSB”) was represented by Kenneth Hamer Esq.

Preliminary Matters - Applications

5. The prosecution asked for leave to amend the four charges in PC 2014/0402/D5 substituting Core Duty 5 for Core Duty 3.

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The respondent in an email of 22/2/18 at 11.36, informed the Tribunal that she would be seeking the adjournment of the hearing on medical grounds. She said that she was again suffering from kidney stone pain and on drowsy pain relief again and suffered bouts of PTSD. She did not provide any medical evidence to support her application. On the first day of the hearing, 26th February 2018, the prosecution invited the Tribunal not to further adjourn the hearing but to put it back one day to 27th February, in order to give the respondent a final opportunity to attend. That is what HHJ Hamilton QC had done with regard to a hearing involving the respondent at Northampton County Court in 2016, and the respondent had appeared and given evidence on the second day. The Tribunal agreed to the suggestion and Miss Ahmed was informed on 26th February that the hearing would go ahead on 27th whether or not she attended.

The respondent not attending on 27th February the prosecution invited the Tribunal to proceed in her absence.

Decisions on the Applications

6.

(a) The Tribunal granted leave for the amendment, which had been served on the respondent on Friday 23rd February 2018 at 14.03. The Tribunal had regard to **rE161 of the Disciplinary Tribunal Regulations**. The amendment was allowed because:

- (i) The respondent had not responded to the application to amend, though invited to do so.
- (ii) The amendment, although late, did not, in the opinion of the Tribunal, cause the respondent any, or any significant prejudice.
- (iii) The amendment substituted Core Duty 5 for Core Duty 3 in each of the four charges. This was required because the respondent was an unregistered barrister.
- (iv) The particulars of the offence were not amended and the conduct alleged and the evidence did not alter because of the amendment.

(b) The case had previously been adjourned on 1/7/16, 29/3/17, and 12/6/17. Miss Ahmed did not attend the hearing on 26th or 27th February 2018. The Tribunal had been informed by her on 22 February 2018 that she would not be attending the hearing. The respondent was asked if she might attend the Tribunal by telephone or by Skype but she did not reply to that enquiry. In June 2017 she had been asked about such a method of conducting the hearing, but did not pursue it.

By the morning of 27th February 2018 she had still not produced any medical evidence to support her application to again adjourn the hearing on medical grounds. However, she informed the Tribunal that she had gone to A&E early that

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morning. The Tribunal had previously, with the respondent's consent spoken to her gp, Dr Wilson, by telephone link. This was in connection with her application to adjourn the hearing of 20th October 2017, (the date of which had been set at the abortive hearing on 12th June 2017 when Miss Ahmed did not attend). That hearing was adjourned after the Tribunal spoke to Dr Wilson and also read a report from the psychologist Dr Isaac, who advised a period of adjournment for three months. On 17th January 2018 and on 9th February Miss Ahmed did not keep her appointments with Dr Isaac for a follow-up report. The 26th February date had been fixed for the two day hearing. A further telephone conversation between the Tribunal and Dr Wilson took place on 26th February, again with the respondent's consent, given on 22nd February.

The respondent stated in an email she had to keep herself away "from the stress and anxiety and avoid the topics relating to my trauma". She said her health came first. In January she had made further appointments at the kidney renal clinic for early in March.

Dr Wilson informed the Tribunal on 26th February that Miss Ahmed had told him on 23rd February she would not be attending the Tribunal. She had also informed him of that when he had spoken to her earlier in February. She had said on 7th February that she had no worries but later said the kidney pain came on 9th February. She had not previously seen him or a gp since 30/5/17 nor had any prescription for painkillers during that time from a gp. She gave no explanation to him why she didn't see Dr Isaac on 17th January 2018. On 9th February she did not tell him she had failed to see Dr Isaac on that day or that the hearing was on 26th February. He was not aware of any reason why she could not have seen Dr Isaac on either 17th January or 9th February.

Dr Wilson did not support an adjournment of the hearing. He said breaks could be taken if she felt drowsy. He thought it would be in her interests to have the matter heard.

As the hearing continued the Tribunal received emails from the respondent. She had gone to A&E early on the morning of 27th February, saying she was unwell because of kidney stones. At about 10am she was asked to provide her mobile telephone number in case the Tribunal wished to speak to her, but did not do so. Later that

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afternoon, after the Tribunal had refused the adjournment and proceeded in her absence, the respondent informed the tribunal that a stone had been found at hospital. Evidence from the hospital was provided late on the afternoon of 27th February indicating that there was a 2mm residual fragment of a previous treated stone which has not changed since the previous scan in 2017. Everything else was clear.

Before refusing the adjournment and proceeding in her absence on the morning of 27th February, the Tribunal carefully considered all matters relating to the further application to adjourn. It considered the authority of **Sukul v BSB (2014) EWHC 3532 (Admin)** and **Tariq Rehman v The BSB (2016) EWHC 1229 (Admin)**. It distinguished the first case and it had regard to the observations of **Hickinbottom J** at paras 61-62 in **Rehman**, concerning the stress of litigation, and how in some cases it is better to bring the litigation to an end. It had regard to the history of the case and the number of previous adjournments. In that respect, the Tribunal bore in mind Dr Isaac's report and what Dr Wilson had said to the tribunal about Miss Ahmed's mental health,

The tribunal noted the lack of medical evidence to support the application. It concluded that the matter should proceed since Miss Ahmed had not sought to adjourn the case until, once more, very shortly before the hearing. There was no medical evidence of a kidney stone, nor of the 2mm remnant of a previous stone at the time the tribunal made its decision against an adjournment. In any event, there was no evidence that she would have been unable to attend the hearing. The hearing was about serious matters of alleged dishonesty that had happened in 2014 and they had to be resolved. There was no knowing whether or not the same situation would reoccur just before another hearing. Although she had intimated she was unwell in the previous week, she did not attend A&E until the morning of 27th February, after being informed the day before, on the 26th, that the case would go ahead in her absence if she did not attend the hearing. The importance of the matters and their being heard had been stressed to Miss Ahmed on a number of occasions in 2016-2018.

(c). The Tribunal, having decided against an adjournment, decided to proceed in the absence of Miss Ahmed. The prosecution produced a bundle of authorities, and all cases were considered. The Authorities bundle consisted of seven cases. The tribunal

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had particular regard to the case of Jones and the criteria set out therein (also conveniently set out in a separate page produced by the BSB i-x), and to the passages in **Chaudhari** at paras 84-88; in **Norton** at para 55; in Hayward at para 14; in **Adeogba** at paras 17-19.

The Tribunal bore in mind a court/tribunal should decide with great caution whether to go ahead in the absence of the respondent. The nature of the allegations and the fact that the evidence showed that Miss Ahmed in effect accepted most of the allegations of her behaviour and what she had done, was also a factor in the decision whether to proceed.

The Tribunal had read the papers and the evidence contained in them about the allegations.

Therefore, given all the circumstances, the history of the case, the age of the case, the number of previous adjournments, the likelihood that there would be future such applications and that in the opinion of the Tribunal Miss Ahmed appeared to be wanting to put off the hearing as often and for as long as possible, the Tribunal decided the hearing should go ahead in her absence.

Pleas

7. The Respondent denied the Charges.

Evidence

8. Prosecuting Counsel (PC) presented the case on behalf of the BSB, noting in opening that the Respondent is a member of Middle Temple Inn.

There were three Bundles:

- A PC 2014/0402/D5, the four allegations contrary to Core Duty 5;
- B PC 2015/0125 the four para 301 charges;
- C Supplementary Bundle.

In **PC 2015/0125** the Charge sheet contained four charges and charges 2 and 4 were alternatives to 1 and 3. The latter were considered and found proved and so charges 2 and 4 did not require consideration.

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Charges 1 and 3

The Tribunal found that the evidence showed that Miss Ahmed falsely described herself as having relevant experience when seeking a **Reduction in Pupillage** from the **Bar Standards Board Qualifications Committee** by a written application dated 1st October 2013. She had submitted two letters purporting to be signed by two solicitors, Mr K and Mr C, dated respectively 12/9/13 and 30/9/13, the contents of which were untrue and which each bore a forged signature. The tribunal heard oral evidence from Mr K who had been shocked by what had been written by Miss Ahmed in his name. She had been a secretary/receptionist and had mainly carried out administrative functions rather than legal work as she had written in the dishonest reference.

The BSB by letter of 12/11/13 (p23) granted her a reduction in pupillage of 3 months on the basis of the information provided by her to the Qualifications Committee, which it had mistakenly taken to be true.

In **PC 2014/0402/D5** the **Amended Charge Sheet** contained four charges contrary to Core Duty 5, each of which the tribunal was proved by the evidence in the papers. The respondent had behaved in each instance in a way likely to diminish the trust and confidence which the public places in her or in the profession and in a way that could reasonably be seen by the public as to undermine her honesty and integrity, and in each case she acted knowingly when misleading or attempting to mislead the membership and Pupillage Committee of Staple Inn Chambers to whom she submitted her fraudulent CV (p13 Bundle A) and by whom she was interviewed on 3rd September 2014, following upon her letter of 30/7/14 (p51). In that letter she referred to the fact that she had been given a three month reduction in pupillage.

Charge 1

The CV was false in that she had not completed a LLM in Legal Practice at Cardiff University in 2013, had not been awarded a distinction and had not written a dissertation on “Right to Die”.

Ms Tracey Evans of Cardiff University informed Mr Paul Jones, barrister of Staple Inn Chambers, that the respondent did not possess the LLM, although she was known to the University. Miss Ahmed in a letter to the BSB of 27/12/14 (p24) said that she had enrolled on the LLM course and proposed the “rights to die” dissertation, but dropped

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out of the course because of funding difficulties. She said she left the false statement on her CV by mistake. The tribunal did not understand how a false statement could be left on a CV by mistake.

Charge 2

The CV was false in that she was not awarded a Diploma in Forensic Medicine in 2013, nor did she receive a Merit.

The evidence of Adam Konstanciak at p16 (B) stated the respondent took a DipFMS course online and completed 21 short assignments which were not part of the Diploma examination, which is a complete separate entity, and she was not awarded a distinction.

Charge 3

The CV was false in that the evidence showed she had not worked for the FRU between 2011 and 2012, that she had not successfully represented 8 clients in unfair dismissal claims, and that she had not cross-examined respondents and dealt with judicial interventions and made submissions on behalf of clients.

On 7/1/15 the FRU, Miss Davies, informed the BSB staff member Denise Palmer that the FRU system showed nothing about the respondent and that individuals were not to hold themselves out as FRU reps if they were not ratified.

In a statement of 20/8/15 Mr Michael Reed, the Principal Legal Officer at the FRU said he had worked for FRU since 2005 and he had no recollection of the respondent and his full examination of their database showed no reference to Miss Ahmed, including no reference to her having completed the training days or a test, and there was no client and case information which mentioned her name.

Charge 4

The CV was false in that she had not worked for the Centre for Capital Punishment Studies in Malawi in 2012 and had not successfully argued 10 cases on behalf of prisoners and had the death penalty set aside, whereby she had not enhanced her advocacy and analytical skills as alleged.

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Mr Peter Hodgkinson OBE, of the said Centre, on 12/9/14 wrote that he did not recollect an intern with the respondent's name (p18) and he informed Mr Guy Fitzmaurice of Staple Inn Chambers that they had no record of the respondent.

In her letter of 27/12/14 (p24), Miss Ahmed explained that she applied for the Malawi death penalty internship but didn't go abroad because of lack of funds. She put in her CV that she had done what she claimed in order to enhance her application to chambers.

In the same letter, Miss Ahmed said "I'm not denying my CV was inaccurate...I just wanted to be like other applicants who come from more prestige backgrounds.."

In her email of 18/1/15 she wrote to the BSB that "this was the first time that I had sought to strengthen my application and tweaked my CV which wasn't a true reflection of my experience". "I just wanted a pupillage".

She did not at any time reply in correspondence with any reference to the two allegations concerning FRU and the Diploma.

In finding the six charges proved against the respondent the Tribunal bore in mind that the burden of proof rested upon the prosecution to prove the charges so that the tribunal was sure that each charge had been proved. Each charge was considered separately and the Tribunal was sure the respondent was guilty of each charge.

The Respondent's Formal response

As well as the matters recited above, the Tribunal carefully considered the formal response of the respondent to the charges, which she provided to the BSB on 15/4/15 (p42-52 Bundle B).

In that, Miss Ahmed referred to a barrister with whom she had a relationship, suggesting he advised her about what to include in her CV in order to make it stand out. She said "I was desperate to succeed that I actually did this" as he said "no one checks". At p50 she wrote "I am extremely traumatised and damaged due to the abuse at his hands. Despite this, I take responsibility for submitting the CV as my own...."

In an email to the BSB dated 21/7/15 Miss Ahmed wrote;

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“ I can confirm the reference letter and my entire application to the bsb for a pupillage reduction was submitted under duress. As for my CV I assisted me by providing me with details of the experience that I was to provide on my CV> I made these tweaks in his presence. We worked on this together.....I did amend CV to bolster application but this is what I said to do.....”

As Miss Ahmed had mentioned duress in that response, the Tribunal carefully examined all the evidence in the papers and considered the law of duress as it may apply in criminal or civil proceedings. Mr Hamer submitted that it may be that duress would not afford any defence in disciplinary proceedings. He had not been able to locate any authority upon that point of law.

In the judgment of the Tribunal there was no substance to any allegation that Miss Ahmed was under duress at the time she applied in 2013 for a three month reduction in her pupillage. Nor did the tribunal find that she was under duress at the time she applied for pupillage in 2014. The Tribunal was sure that she knew what she was doing when she dishonestly made her applications and drew up and submitted her CV. She may or may not have had suggestions made about what to include in her CV but there is no evidence to support any contention that she produced the CV under duress. She would have appreciated that the suggestions, if followed, would be dishonest. The issue having been raised in the papers, the Tribunal had decided to address the issue of duress. The prosecution proved that there was no evidence of duress to afford Miss Ahmed a defence to any of the charges.

It may also be, in any event, that duress would not apply as a possible defence in disciplinary proceedings, given the importance of maintaining high standards in the profession and public confidence in its practices and procedures. But we did not have to decide that.

Findings

9. In relation to PC 2014/0420/D5, the Tribunal found all four charges proved to the requisite standards; in relation to PC 2015/0125/D5, the Tribunal found charges 1 and 3 proved to the requisite standard. Charges 2 and 4 were alternative to Charges 1 and 3 and the Tribunal made no finding on those charges.

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Sanction and Reasons

10. The Tribunal imposed the sanction of disbarment in respect of each of the six charges. The Tribunal had first discussed whether or not to proceed to sentence in the absence of Miss Ahmed. The prosecution invited us to sentence her without an adjournment. The Tribunal decided that it had sufficient information about her, her history, her medical condition and difficulties, to go ahead without the need for an adjournment. The Tribunal did not believe any further report from Dr Isaac or any medical practitioner would affect sentence. Nor that anything further Miss Ahmed might say about her relationship with the barrister who allegedly influenced or advised her, which she had written about at length, would be of further assistance to the Tribunal.

The List of Mitigating and Aggravating circumstances produced by the BSB was examined.

Mitigating Circumstances

To some extent Miss Ahmed had cooperated with the investigation and she was a person of good character. At one point she had apologised for her behaviour.

Aggravating Circumstances

These included premeditation, motive of financial gain, gross deception, and breach of trust.

The Tribunal concluded that the charges were so serious that disbarment was the only appropriate sentence and it was justified in respect of each charge because of the deliberate dishonesty involved in each charge.

The matters had been contested and had had to be proved. This was despite Miss Ahmed making some admissions about her conduct in communications with the BSB and a purported apology about some of her behaviour. However, whilst she could not claim credit for guilty pleas, that did not affect the sentence. The tribunal noted that at one point she complained about Staple Inn Chambers and accused them of being motivated to cause her trouble as she had not provided them with work. But that suggestion had not been further pursued at any stage.

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The Tribunal was mindful of the various health difficulties she had suffered since 2014/15 and of the contents of Dr Isaac's report.

The Tribunal's reasons for disbarment were that in the Guidance dishonesty is to be regarded as the usual sanction where the dishonesty of a barrister is involved.

We have had regard to paragraph 6.2, page 19, under the paragraph "Dishonesty". It is there stated that, "Any dishonesty on the part of a member of the Bar, in whatever circumstances it may occur, is a matter of great seriousness. It damages the reputation of the profession as a whole. Public interest requires, and expects, that members of the Bar are completely honest and are of the highest integrity. Therefore, in cases where it has been proved that a barrister has been dishonest, even where no criminal offence has been committed, disbarment will almost always have to be considered." We bear that in mind and we bear in mind what is said at 6.3 about disbarment and maintaining confidence in the profession by removing from the profession those who cannot be trusted.

We look also at page 20, continuing paragraph 6.3 where it says, "Disbarment may be appropriate where the Tribunal is satisfied that one or more of the following factors apply: (a) the barrister has engaged in a serious departure or departures from professional standards" – in our opinion that is this case; "(d) the barrister has acted dishonestly regardless of whether it was in connection with a criminal offence" – that is this case; and "(e) the barrister has shown a persistent lack of insight into the seriousness of her actions or the consequences for her practice, the administration of justice or the reputation of the Bar". We consider that also applies in view of her behaviour towards the Bar Standards Board, her own professional body, and the set of chambers where she may have been mixing with other members of the Bar.

We look also at the question of proportionality and we do not think that in the circumstances this would be a disproportionate sentence. We have regard, at page 40, to dishonesty and the breach of a Core Duty 5 as it applies in this case. "Dishonesty is not compatible with practice in a profession which requires exceptional levels of integrity." So again it says, "The general starting point should be disbarment unless there are clear mitigating factors that indicate that such a sanction is not warranted."

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To two bodies, the BSB and the Staple Inn Chambers Pupillage Committee, Miss Ahmed deliberately behaved dishonestly. It was no excuse for her false representations that she felt she was disadvantaged for lack of funds. Nor was her behaviour justified because another may have caused her to believe she could lie and get away with it because she thought no one would check her references to courses completed and work allegedly done. If she was desperate for a pupillage, as she maintained, then resorting to dishonesty was totally inappropriate. Any aspiring barrister should be aware of the ethics of the Bar and so would appreciate that to resort to any form of dishonesty was to reveal the most serious failure to understand the essential integrity that is required of a member of the Bar. To dishonestly deceive the BSB, your professional body, by submitting forged letters purporting to be from solicitors, was most serious. To deliberately and dishonestly mislead members of the Bar on a pupillage committee, revealed a complete lack of respect for other members of the profession, among whom integrity and trust are essential.

Her conduct was so serious that in the view of the tribunal a sentence of disbarment was justified.

11. The Treasurer of the Honourable Society of Middle Temple is requested to take action on this report in accordance with rE239 of the Disciplinary Tribunal Regulations 2017.

Approved: 07 March 2018

**His Honour Christopher Critchlow
Chairman of the Tribunal**

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Registered Office:
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