The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

Report of Finding and Sanction

Case reference: PC 2013/0115/D5 + PC 2014/0405/D5

Respondent: Michael Shrimpton Esq

The Director-General of the Bar Standards Board

The Chair of the Bar Standards Board

The Treasurer of the Honourable Society of Gray's Inn

Disciplinary Tribunal

Michael Shrimpton Esq

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 July 2018, I sat as Chairman of a Disciplinary Tribunal on 19th and 20th September 2018 to hear and determine two charges of professional misconduct contrary to the Code of Conduct of the Bar of England and Wales against Michael Shrimpton Esq., barrister of the Honourable Society of Gray's Inn.

Panel Members

2. The other members of the Tribunal were:

   Alison Fisher (Lay Member)

   Deborah Spring (Lay Member)

   Jonathan Glasson QC (Barrister Member)

Charges

3. The following charges were found proven.

Charge 1

Statement of Offence

Professional misconduct contrary to paragraph 301(a)(i) and (iii) of the Bar Code of Conduct.

Particulars of Offence

Michael Shrimpton behaved in a way which was dishonest or otherwise discreditable and/or likely to diminish the public confidence in the legal profession or otherwise bring the legal profession into disrepute, in that between the 19-20 April 2012, he communicated information to persons which he knew or believed to be false, namely that a bomb was present in the London area for which he was convicted before the Crown Court at Southwark on the 25 November 2014 of two counts of communication false information with intent, contrary to section 51(2) of the Criminal Law Act 1977, for which offence Mr Shrimpton was sentenced to 12 months imprisonment on the 6th February 2015.

Charge 2

Statement of Offence

Professional misconduct contrary to paragraph 301(a)(i) and (iii) of the Bar Code of Conduct.

Particulars of Offence

Michael Shrimpton behaved in a way which was dishonest or otherwise discreditable and/or likely to diminish the public confidence in the legal profession or otherwise bring the legal profession into disrepute, in that between the 11th July 2011 and 20 April 2012, he made images or pseudo images of children for which he was convicted by East Berkshire Magistrates Court on the 20th February 2014 of an offence contrary to the Protection of Children Act 1978, for which offence Mr Shrimpton was sentenced to a 3 year Supervision Order, was made the subject of a 5 year Sex Offender Prevention Order, was ordered to be placed on the Sex Offender Register for 5 years and was ordered to pay costs.

Parties Present and Representation

4. The Respondent was present and represented himself. The Bar Standards Board ("BSB") was represented by Stephen Mooney Esq.

Preliminary Matters

5. With the agreement of the Respondent the Tribunal allowed the application from the BSB to amend the charges before they were put to the Respondent.

Pleas

6. The Respondent denied both charges.

Evidence

7. The Tribunal accepted that whilst the Respondent had been convicted of two criminal offences, on the facts of which the charges were based, the rules of natural justice applied to these proceedings which permitted the Tribunal to go behind those convictions where there were exceptional circumstances.

8. Having heard submissions from the Bar Standards Board and the Respondent, and having had regard to the authorities which each party had cited, the Tribunal found that there was no significant evidence that Mr Shrimpton could produce and no exceptional circumstances which would justify the Tribunal hearing oral evidence on behalf of Mr Shrimpton as he sought to go behind the fact of his criminal convictions.

Judgment on Exceptional Circumstances

THE CHAIRMAN: This is our ruling on the question of significant fresh evidence and exceptional circumstances. Mr. Shrimpton, who was called to the Bar by Gray's Inn in November 1983, is before this Disciplinary Tribunal facing two charges of professional misconduct which he denies.

The charges were amended on the first morning of this hearing (yesterday) without his opposition. He is acting in person. The amended charge sheet alleges professional misconduct contrary to paragraphs 301(a)(i) and (iii) of the Bar Code of Conduct, which apply to both charges and statements of offence. The particulars in Charge 1 are to do with the "bomb hoax matter", communicating information to two people which he knew or believed to be false, namely that a bomb was present in the London area. The second offence is concerned with his conviction for making images or pseudo images of children. That conviction was on 20th February 2014: the bomb hoax conviction was at Southwark Crown Court on 25th November 2014. I shall refer to these charges as the "bomb hoax" and the "image" charge respectively.

The history of the matter is that Mr. Shrimpton was arrested on 20th April 2012, some six and a half years ago. The conviction in respect of the images occurred before District Judge Vickers at East Berkshire Magistrates' Court on 20th February 2014, nearly two years later. He appealed that and at Aylesbury Crown Court, before Her Honour Judge Holt and Justices on 28th October 2014 the appeal was dismissed. He asked for a case to be stated. That was refused. The Divisional Court also were asked to hear that application and it was unsuccessful.

The bomb hoax allegation resulted in a conviction at Southwark Crown Court before His Honour Judge McCreath and a jury on 25th November 2014 after what, I think, was a two-week trial approximately. He sought leave to appeal his conviction which was refused by the single judge on 15th June 2015. Thereafter, a full hearing was directed and at the full hearing he again sought leave to appeal and again that was refused. There were some 20 grounds before the Judges in the Court of Appeal. Treacy LJ described the matter as a "hopeless" one. That was on 19th January 2016.

Meanwhile, he had, first of all, sought to have the Criminal Cases Review Commission review the images matter. That was brought before them, sent to them, on 25th September 2015. The bomb hoax matter also was referred to them on 21st March 2016. The CCRC did not refer either matter to the Court of Appeal and they stated that on 18th September 2017. Further submissions were put before the CCRC by Mr Shrimpton and it again refused to refer matters on 9th March of this year.

Back in 2016, in respect of the images matter, there was an application made by Mr. Shrimpton to the European Court of Human Rights. That was ruled by a Judge there to be "inadmissible". As recently as 26th June of this year Mr. Shrimpton, through his solicitors, Swain & Co., has applied to be granted a Royal Pardon in respect of these matters.

Earlier this year, this Tribunal, on 30th May, issued directions from His Honour Stuart Sleeman that the parties file written submissions concerning exceptional circumstances. Mr. Shrimpton provided a skeleton argument, some 40 pages in length, of 8th June. That is to be found in bundle B before us. At B7 he gives his executive summary of the matters, in paragraph 7 stating: "I am innocent of each charge and I can now demonstrate that on the balance of probabilities." That is what he seeks to do before this Tribunal.

His case is that the image conviction was used to obtain the bomb hoax conviction. With regard to the images he did not give evidence in the Magistrates' Court but did so on appeal to the Crown Court. His case is that he did not download any images and the hard drive may have been substituted a well as the memory stick. But at neither court did he call any expert evidence regarding the computer or matters pertaining to a memory stick. There are now three reports from Mr. Cufley, a forensic scientist, Mr. Shrimpton's expert. They are to be found as follows: at B672, the report by Mr. Cufley of 4th February 2015; page 684, his report of 21st September 2016; and page 694, his report of 13th October 2017. The bundle at page 702 also contains a fourth report by Mr. Cufley dated 31st August 2018 and hence it is not mentioned in the skeleton argument put forward by Mr. Shrimpton in June. Mr. Cufley described himself as a forensic scientist who specialises in the examination of computers and computer and other digital systems.

It is said by Mr Shrimpton in B9 of the bundle that there have been startling mistakes of law by the trial courts in each of these cases. At B26 to 33 he puts down his submissions about the image charges and at B33 to 40 the bomb hoax charges. He provided a second statement on 4th May this year and that is to be found from pages B41 to 125. He also has written down, and pages 127 to 144 contain his contentions, that he has been maliciously prosecuted. That is in a document dated 29th November 2017. The bundle before us in total has some 747 pages. From page 726 there are his solicitors' letters to various parties in 2018. Mr. Shrimpton yesterday informed us that he has instructed those solicitors to submit the fourth report of Mr. Cufley to the CCRC but that had not yet been done by the time of the hearing, apparently.

The Bar Standards Board provided a Skeleton Argument on exceptional circumstances in response to Mr. Shrimpton's, dated 18th June 2018. At a preliminary hearing ordered by the High Court Judge of 30th January 2017, Her Honour Judge Suzan Matthews QC made an order stated to be by consent. Paragraph 5, which is before the actual terms of the order, recites that Mr. Mooney (then acting for the BSB) stated that, "Rules of natural justice would always apply in Tribunal hearings and exceptional circumstances could be argued." The recital then continues. "There was common ground that the Respondent had the right to call evidence as to exceptional circumstances at a Disciplinary hearing."

- Before us, Mr. Mooney, whilst accepting responsibility for that recital, submitted that Mr. Shrimpton only has the right to argue for exceptional circumstances and

not a right to call evidence. It is for the Tribunal to decide whether he should be allowed to call evidence before it. Mr. Mooney, in his submissions, relies in particular on three authorities: the cases of **Stannard v BSB (unrep) 24/1/06; Hurnham v BSB (unrep) 6/2/2012** and **Shepherd v The Law Society (1996) LTA/96/5914/D.** He particularly relied on the case of Shepherd which was a decision of the Court of Appeal.

Furthermore, he (Mr. Mooney) referred the Tribunal to the **Disciplinary Regulations, rE169** which applies and also **rE165**. So far as they are concerned, **rE169** says:

"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:

".1 a copy of the certificate or memorandum of conviction relating to the offence shall be conclusive proof that the respondent committed the offence …"

It carries on at .2, .3 and .4 to deal with these matters.

As regards natural justice, reference to that is to be found in **rE165** which states simply this:

"The rules of natural justice apply to proceedings of a Disciplinary Tribunal."

For his part, Mr. Shrimpton produced a bundle of authorities which he had produced at the preliminary hearing, I understand, before Her Honour Suzanne Matthews QC. He in particular refers to the authority in **Re Weare, a solicitor**, going back to **(1893) 2 QB 439**. There are other cases in his bundle **Walter Annamunthodo v. Oilfields Workers Trade Union [1961] AC 945; Leary v. National Union of Vehicle Builders [1970] 2 All ER 713; Jerayetnam v. The Law Society of Singapore [1989] 2 All ER 193; and In Re A Solicitor [1993] QB 49.** All those authorities have been considered by this Tribunal whilst deciding upon the submissions that have been made by the parties.

So far as the Bar Standards Board is concerned, as I have said, they rely on **Stannard v. The General Council of the Bar [2006] LTL 30/1/2006**. In so far as that authority is concerned, I shall turn to it. It is found attached to the skeleton argument on exceptional circumstances provided by the BSB. It was a decision of the Visitors to the

Inns of Court on appeal from the Disciplinary Tribunal of the Council of the Inns of Court of a hearing dated in December 2005. I do not need to go into the facts of the matter in detail but it concerned Mr. Stannard being convicted of two matters concerning tax affairs. His appeal to the Court of Appeal against his conviction and sentence was dismissed. He also complained to the ECHR and that complaint was not determined in his favour. In paragraph 12 Hart J states:

"A central issue before us was the extent to which it was open to us to go behind the conviction. Mr. Stannard's submission was that the question of his honesty or dishonesty in relation to the events in question should be approached by us with an open mind and that, while we could pay regard to the jury's verdict, we should nevertheless come to an independent judgment on the whole of the evidence and take into account his expertise as a barrister with specialist knowledge of the workings of artificial tax schemes."

Mr Mooney then cited the then Regulations of 2000 which are different from those which I have cited from the latest Regulations because what they were saying in 2000 was that his conviction had been properly proved and thus constituted "prima facie evidence that he was guilty of the offence the subject thereof" as opposed to "conclusive proof" which is the wording under the latest regulations.

Hart J continued in his judgment at para 17, saying:

"On behalf of the Bar Council it was submitted that we should not seek to go behind the finding of dishonesty made by the jury" and the decision of **Shepherd v. The Law Society [1996] EWCA Civ 977** was cited. That was a finding by a Solicitors Disciplinary Tribunal where Mr. Shepherd, a solicitor, had been convicted of 15 offences of dishonesty and sentenced to three years' imprisonment. He had appealed to the Divisional Court on the ground the Tribunal erred in refusing to allow him to adduce evidence in support of his assertion that he was not in fact guilty of the offences of which he had been convicted. He referred to the applicable Regulations and the proof that the conviction constituted prima facie evidence. The Solicitors Disciplinary Proceedings Rules 1994, had incorporated section 11 of the CEA 1968, so that was guilty of the offence "unless the contrary is proved."

"The Divisional Court rejected his argument that the Tribunal had been in error for two reasons. The first is not relevant but "the second was that the Tribunal had been entitled

as a matter of law to refuse to go behind the conviction unless there were exceptional circumstances."

The case of **Hunter v. Constable of the West Midlands Police [1982] AC 529** was cited as was **Smith v. Linskill (A Firm) [1996] 2 All ER 253.** In the Divisional Court in Shepherd, the leading judgment was that of the Lord Chief Justice, Lord Taylor who stated:

"Public policy requires that save in exceptional circumstances a challenge to a criminal conviction should not be entertained by a Disciplinary Tribunal for the reasons quoted above from the Master of the Rolls' judgment."

That was a reference to Sir Thomas Bingham, the then Master of the Rolls, in the case of **Smith v. Linskill**:

"If this appellant's arguments were right he should have been allowed to challenge his conviction before the Tribunal even if he had appealed unsuccessfully to the Court of Appeal Criminal Division. That could, in theory, have led after a conviction by a jury on the criminal burden of proof, upheld by three Appeal Court Judges, to exoneration by a Disciplinary Tribunal on the civil burden of proof. Moreover, to achieve it, witnesses from the criminal case would have had to undergo the trauma of a rehearing. In the absence of some significant fresh evidence or other exceptional circumstances, such an outcome could not be in the public interest."

They found there were no exceptional circumstances. "What he wished to do was to have re-hearing of the criminal trial, it was said, in which he could conduct his own case as he submitted to us better than his legal counsel. We are in no doubt the Tribunal were right to refuse an adjournment and refuse the appellant an opportunity to mount such an operation."

The Court of Appeal, Leggatt and Hutchison LLJ held that that reasoning was correct, para 20:
"In **Smith v. Linskill**….Sir Thomas Bingham MR set out the main considerations of public policy underlying the rule that the use of a civil action to mount a collateral attack on the decision of a criminal court of competent jurisdiction was an abuse of process as being

three-fold: first, the affront to any coherent system of justice which must necessarily arise if there subsists two final but inconsistent decisions of courts of competent jurisdiction."

He pointed out that is why there was the Court of Appeal. And further, that there was also a body which would permit further examination of convictions and which has since been established. That was by **section 8 of the 1995 Court of Appeal Act** and that was the CCRC.

It was also observed that it may be virtually impossible to fairly try at a later date the issue which was before the court on an earlier occasion. The Master of the Rolls said that:

"That consideration plainly and equally applies to Disciplinary proceedings".

Thirdly, there was importance of finality in litigation.

Mr. Stannard had said that he could demonstrate exceptional circumstances even if his primary submission were rejected. The court said that "we were still entitled to look afresh at the evidence underlying his conviction if he could demonstrate exceptional circumstances." That was accepted as being consistent with **Smith v Linskill** and Shepherd. So, if it was a case where natural justice, or however one wishes to describe it, demands it, that is the situation.

The court went on to find in para 25 that:

"This was not a case where Mr. Stannard was seeking to adduce any new evidence such as might "entirely change the aspect of the case" (quoting **Smith v. Linskill**). The court decided that there were no circumstances to merit going behind the decision of the jury at the trial, confirmed as it was on appeal to the Court of Appeal. So, the charges were found to have been proved.

Therefore, the BSB relies upon those authorities. Mr. Shrimpton, in the course of his submissions to us, submitted that **Hunter v. Constable of West Midlands** was wrongly decided and he urged us to say that he has a right to call evidence. He put forward that the convictions were only a matter of prima facie evidence of matters.

So those are the submissions that we have had to consider. I should also mention there was one other authority which Mr. Shrimpton prayed in aid and that was from the House of Lords, the decision of **The General Medical Council v. Spackman [1943] AC 627.**

That concerned a co-respondent (a medical practitioner) to a divorce suit and it was found that while the Council was entitled to regard the decree in the divorce suit as prima facie evidence of adultery, it was bound to hear any evidence tendered by the practitioner. It had not made due enquiry under **section 29 of the Medical Act 1858** because it did not do that.

Mr. Shrimpton relies on that as supporting his arguments in this case. In the course of the judgment it refers to there "being a significant distinction between the case in which the impeached practitioner has been convicted of felony or misdemeanour and a case in which the allegation of infamous conduct is not connected with the criminal conviction. In the former case the decision of the Council was properly based on the fact of the conviction and the practitioner cannot go behind it and endeavour to show that he was innocent of the charge and should have been acquitted. On the latter case, the decision of the Council, if adverse to the practitioner, must be arrived at after due enquiry".

They went on in that authority to say: "The form in which this duty is discharged – e.g. whether by hearing evidence viva voce or otherwise – is for the rules of the tribunal to decide. What matters is that the accused should not be condemned without being first given a fair chance of exculpation. This does not mean that the Council has to rehear the whole case by endeavouring to get the previous witnesses to appear before it, though in special circumstances the recalling of a particular witness, in the light of what the accused or his witnesses assert, may, if feasible, be desirable. The council will primarily rely on the sworn evidence already given at the trial. It is not required to conduct itself as a court" – and so on.

I cite those passages as being of assistance as to how to proceed in matters of this nature. Of course, that case was back in 1943 and there are more recent authorities since, to which I have already referred. So those are the authorities which we find we have to bear in mind in considering this ruling.

Therefore, in our opinion, the Tribunal should proceed as follows: first of all, consider all the submissions of the parties carefully and fairly; secondly, consider all the papers in the case with an open mind; thirdly, consider the legal authorities and what is the applicable law; fourthly, have regard to Regulations 169 and 165. We have endeavoured and believe we have duly proceeded in that manner.

We conclude that:

(a) The proof of his conviction of the offences, both concerning the images and the bomb hoax, pursuant to rE169, amounts to conclusive proof that he committed those offences. It is no longer just to be regarded as prima facie evidence that he committed those offences.

(b) The convictions have been considered by appellate courts as appropriate, and by the CCRC and, in the case of the images offences by the ECHR.

(c) The only material not considered by an appellate court has been considered by the CCRC as recently as March 2018.

(d) The only material which this Tribunal finds has not been considered by the Court of Appeal or the CCRC is the fourth report of Mr. Cufley dated 31st August 2018. In our discussions and submissions Mr. Shrimpton accepted that this is the only evidence not considered by the CCRC. But he contends that the CCRC has not competently considered the material he has put before it so far, including Mr. Cufley's reports. He further maintains that much of the material in the bundle, and all of that which was submitted by him to the CCRC, should be considered by the Court of Appeal which to date it has not done. In other words, he is submitting that the CCRC had considerable material to justify a referral to the Court of Appeal, but it failed to refer it because of its incompetence.

(e) We note, however, that he has not sought to challenge by judicial review the decisions of the CCRC of 18th September 2017 and 9th March 2018 not to refer the matter to the Court of Appeal.

We therefore conclude that the only material which should be considered by this Tribunal, as to whether it amounts to significant fresh evidence or would justify a finding of exceptional circumstances, is the fourth report of Mr. Cufley. We reject Mr. Shrimpton's submissions that the CCRC is not a court of law and that we should not be bound or influenced by it. It is not a court as such, but it is a statutory body set up, as I have said, by section 8 of the Criminal Appeal Act 1995. It has found that there is not a real possibility that any of his convictions will be overturned if they were referred to the Court of Appeal. Having carefully read the statements of reasons in the letters from the Commissioner and bearing in mind Mr. Shrimpton's criticism of them, we have,

nonetheless, come to the opinion that the CCRC has thoroughly examined all the material before it. We see no reason not to accept its analysis and findings.

(f) We have to decide whether we should adjourn this Tribunal hearing to permit the CCRC to consider Mr. Cufley's fourth report, notwithstanding Mr. Shrimpton's trenchant criticisms of the CCRC. Mr. Shrimpton has urged us to do that. Mr. Mooney, for the BSB, said we should not and the fourth report, he contends is not "significant fresh evidence" and there is nothing in it which entirely changes the aspect of the case.

(g) We have asked ourselves whether we should hear evidence from Mr. Cufley solely to do with the contents of his fourth report and, in particular, concerning paragraph 5.6 which is what seems to be the material aspect in that fourth report or whether we should decide whether, on its face, it amounts to significant fresh evidence.

Yesterday, in the course of discussions we asked for clarification from Mr. Shrimpton and Mr. Cufley with regard to paragraph 5.6 of the report, in particular, because there was reference to an e-mail address from Dell Computers and it seemed that that was being cited as the source of the information for the matters stated in paragraph 5.6. We enquired about this and it emerged that it was no such authority and no evidence was provided to substantiate what Mr. Cufley wrote in paragraph 5.6. He said from the body of the court that he had made a typed note on his computer of what a person had told him and he also said he thought that the phone call had been recorded. But he was mistaken about that, it had not been recorded. That is what we understand to have been the situation and this, in our judgment, is far from satisfactory. In effect there is no corroborating evidence from Dell to back up paragraph 5.6.

(i) We have therefore come to the conclusion that we should not adjourn pending another possible further submission on behalf of Mr. Shrimpton to the CCRC, namely, with the supply to it of the fourth report. The fourth report was not the subject of any further written submission by Mr. Shrimpton although we accept it is only dated 31st August. But nor did he seek before this hearing, or at the start of this hearing, for any such adjournment for that reason, having received Mr. Cufley's fourth report and no doubt discussed it with his solicitor. It was only a possible way of proceeding which was raised by the Tribunal itself in discussions with the parties. Furthermore, after very careful consideration and those requests for clarifications, we do not find that the fourth report

amounts to significant fresh evidence and we do not find that there are exceptional circumstances to justify any oral evidence being given before us by Mr. Cufley.

There is no other material before us which could be said to satisfy the test for exceptional circumstances permitting this Tribunal to hear evidence on behalf of Mr. Shrimpton in his wish to prove, on the balance of probabilities, that he is innocent of all charges as he maintains. We have listened with care to his oral submissions noting them down and we have fully examined them in our Tribunal discussions in retirement.

Having done so, we find that there is no basis which justifies oral evidence before us on behalf of Mr. Shrimpton. We have borne in mind the principles of natural justice including the Guidance for Disciplinary Members dated August 2017.

So that, Mr. Shrimpton and Mr. Mooney, is the ruling of this Tribunal in regard to exceptional circumstances. That therefore leaves you to put your case before us as regards the charges.

9. The Respondent conceded without making any admission of the charges, that given the Tribunal's finding as to significant evidence and exceptional circumstances the Bar Standards Board would be able to prove the charges to the required standard.

10. Accordingly, the Tribunal did not hear evidence in relation to either charge.

Findings

11. The Tribunal found both charges proved.

Sanction and Reasons

12. For the reasons set out below, the Respondent was disbarred on both charges.

13. The conviction for the offence were proved. The Tribunal did not find there were grounds for any further evidence to be called on behalf of the Respondent, there being no significant fresh evidence or exceptional circumstances to justify that. The Tribunal heard full argument upon the legal issues involved and gave a reasoned judgement on the matters involved.

In relation to Charge 1 [Bomb Hoax Offence], this was an offence of dishonesty as it involved making a false statement. The starting point was therefore disbarment in

accordance with the Sanctions Guidance [Version 4], paragraph B2 and B5. There were aggravating features, namely, a lack of insight and premeditation. We had regard to his previous good character and that this was a single offence of this type; but concluded that the circumstances of the offence fully warranted disbarment.

In relation to Charge 2 Making Indecent Images [40 in total], although this was a single offence and the Respondent was of previous good character, and the guidance on sexual offences, B7, of the Sanctions Guidance [Version 4] indicated a starting point of a medium level suspension, there were aggravating factors since there was premeditation and lack of remorse. Those factors plus his further offences of a different category, a bomb hoax, caused the Tribunal to conclude that disbarment was justified.

Judgment

CHAIRMAN: Michael Shrimpton, you can remain sitting whilst the court passes sanction upon you in respect of the two charges which have been proved.

You are 61 years of age, I believe, having been called to the Bar as a Member of Gray's Inn in 1983, so therefore you have practised and had your professional career as a barrister for 35 years.

You have to be sanctioned for the two offences, one of which involved a bomb hoax shortly before the 2012 Olympic Games in London and the other which involved the making of some 40 images contrary to a provision of the Sexual Offences Act.

In respect of the bomb hoax matter, that is a type of offence which was false and therefore falls to be considered as being an offence of dishonesty. The Guidance given to members of such Tribunals as this, is that the starting point for that offence is disbarment. We have had to consider what is set out in paragraph 6.2 of the Guidance for dishonest offences. I am not going to rehearse them; they have been uttered already in this court. We also have had regard to paragraph B.5.

With regard to the other offence, misconduct of a sexual nature, that is set out in B.7 of the Guidance, page 42 of the latest Guidance, volume 4. For an offence of a sexual nature the Guidance is that there will be a medium level period of suspension from practice. That is subject to any aggravating features of the sexual offence. These images, we understand they involved males. I am not quite certain of their ages but

there are 40 images of them. Another aggravating factor that the BSB has urged us to find is a lack of remorse. We find that, which means that the medium level suspension will become a high level suspension.

The sentence for that offence in isolation might not have resulted in disbarment. We bear in mind also that you have been under suspension from practice for some four years. But, given the nature of the bomb hoax and having regard to the Guidance, having regard to what we find on the facts of this case, and having carefully examined them, we hold that there is, on the face of it, a lack of insight on your part into both the sexual offence and the bomb hoax matter. So far as the bomb hoax matter, we have unanimous agreement that there must be a sentence of disbarment. Having regard to the sentence for the sexual offences, because that is a second and different category of offence, we also consider that there should be disbarment for that.

So, the sentence of this Tribunal is that you, Michael Shrimpton, be disbarred forthwith. We have borne in mind any mitigating circumstances: that, so far as the bomb hoax was concerned, it was a single incident of such criminal behaviour. We have borne in mind that you are somebody who, before these matters were committed, was of previous good character. Aggravating circumstances, under the list of matters, means that there has to be a finding that these offences were premeditated and that they undermine the profession in the eyes of members of the public. As always, as a sentencing Tribunal of this nature, we are mindful of what has been quoted to us again from Lord Bingham in the case of **Bolton v The Law Society** and the importance of standing of members of the Bar in the public eyes and matters of that sort.

We conclude that such behaviour is not compatible with practice in the profession. There are no clear mitigating factors in our view that indicate that such a sanction is not warranted.

You, this morning, indicated that you wished to have a Queen's Counsel represent you at sentence, and that you might call witnesses as to mitigation. In the event, you chose not to pursue further any adjournment which we had, in fairness, indicated that we were not minded to adjourn beyond tomorrow. But you had the opportunity and tell us that you did speak to leading counsel after conviction and, having done so and having also considered the Guidance regarding any offences of dishonesty, you chose to go ahead and be sentenced this afternoon.

You did not wish to advance any mitigation regarding the matters. You maintain that you are innocent of all matters and that you will also be appealing the decision and ruling of the court as a matter of law.

We have borne in mind that the advocate on behalf of the Bar Standards Board does not pursue any order for costs against you and, accordingly, we do not make any such order.

Those are the sentencing remarks of the Tribunal.

MR. MOONEY: Sir, thank you. There is, consequent upon that finding, a further step to be taken. I refer to paragraph rE225 of the Handbook.

(Discussion followed)

THE CHAIRMAN: Having heard the representations under **rE227**.1 it would seem to follow that we require you, Mr. Shrimpton, to suspend your practice immediately and the Bar Standards Board must therefore suspend your practising certificate which we understand does exist, even though you were not aware of it.

THE RESPONDENT: I have a certificate that I was not aware of.

THE CHAIRMAN: And it is suspended until further order.

THE RESPONDENT: Thank you, sir.

Sir, may I respectfully thank the Tribunal for the courteous way in which I have been treated over the last two days?

THE CHAIRMAN: Thank you, Mr. Shrimpton.

THE RESPONDENT: When I was sentenced to imprisonment I actually bowed to the learned Judge before being taken down to the cells. I suppose it could be said that that is the test of a barrister's genuineness in terms of courtesy to a court. It is one thing to bow to a Judge who has just given you what you want; it is another thing to bow to a Judge who has just sent you down for 12 months!

THE CHAIRMAN: Thank you for your courtesy and for your recognition at certain times of the situation in which you find yourself.

THE RESPONDENT: Yes.

THE CHAIRMAN: Very well, I think that concludes the proceedings.

THE RESPONDENT: Thank you.

14. The Treasurer of the Honourable Society of Gray's Inn is requested to take action on this report in accordance with rE239 of the Disciplinary Tribunal Regulations 2018.

Approved: 03/10/2018

His Honour Christopher Critchlow DL
Chairman of the Tribunal