



The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

Report of Finding and Sanction

Case reference: PC: 2017/0460/D5

Ms Satvir Aujla-Sahota
The Director-General of the Bar Standards Board
The Chair of the Bar Standards Board
The Treasurer of the Honourable Society of Lincoln's Inn

Disciplinary Tribunal

Ms Satvor Aujla-Sahota

1. In accordance with an appointment made by the President of the Council of the Inns of Court contained in a Convening Order, dated 29th August 2019, I sat as Chairman of a Disciplinary Tribunal on 21st October 2019 to hear and determine one charge of professional misconduct contrary to the Code of Conduct of the Bar of England and Wales against Satvir Aujla-Sahota ("the Respondent") a barrister of the Honourable Society of Lincoln's Inn.

Panel Members

2. The other members of the Tribunal were:

Louise Clements (Lay Member)

Colin Wilby (Lay Member)

Isabelle Watson (Barrister Member)

Lee Gledhill (Barrister Member)

Charges

3. In accordance with rE161, (by order of Judge Arran, dated 8th October 2019), the following amended charge was read out to the Respondent as follows:

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Charge 1

Statement of Offence

Professional Misconduct contrary to Core Duty 3 and Rules rC9.1 of the Bar Standards Board Handbook.

Particulars of Offence

Satvir Aujla-Sahota a self-employed barrister (“the Barrister”) on 4 July 2017 deliberately and dishonestly attempted to mislead Mark Jackson, then her Head of Chambers at No 8 Chambers, Birmingham at a meeting attended by the Barrister and Mr Jackson, who was investigating a complaint made against the Barrister by Hayes Law, by stating that:

- a. A document attached to an email she had sent on 28 June 2017 to her then senior clerk in response to a complaint made on 27 June 2017 by a firm of solicitors on whose instructions the barrister had acted in relation to a domestic violence case for her law client “N” had sent by the Barrister to Hayes law on or about 8 June 2017 and was her attendance note relating to her appearance for N on the instructions of the solicitors at a hearing on 6 June 2017; when
- b. (as the Barrister knew) the document she had attached to her email to the senior clerk had not been sent by the Barrister to the solicitors; and
- c. (as the Barrister knew) that the document was materially different to her attendance note as sent to the solicitors by email at 09.42 on 8 June 2017, in that the barrister had changed the date of a further hearing in ‘N’ case, which the `Barrister had wrongly recorded in her original attendance note sent on 8 June 2017 as being on 26 July 2017 had been changed to the correct date 21 June 2017; and
- d. In circumstances where part of the complaint made against the Barrister was that she had failed to inform the solicitors that a further hearing in ‘N’s case had been directed to take place on 21 June 2017.

Parties Present and Representation

4. The Respondent was present and was represented by Sailesh Mehta Esq. The Bar Standards Board (“BSB”) was represented by Mark Hubbard Esq.

Pleas

5. The Respondent denied the charge of professional misconduct contrary to Core Duty 3 and Rules rC9.1 of the Code of Conduct of the Bar of England and Wales of the Bar Standards Handbook.

Evidence

6. In accordance with rE140 of the Disciplinary Tribunal Regulations 2017 ("the Regulations") a five person panel was appointed to determine one charge of professional misconduct. The Respondent was called to the Bar by the Honourable Society of Lincoln's in July 2003.
7. The BSB relied upon an Opening Note, dated 17th October 2019. In essence, a brief summary is as follows: the Respondent, on 4th July 2017, deliberately and dishonestly attempted to mislead her Head of Chambers. The Respondent had doctored an attendance note following a complaint by her then instructing solicitors. The Respondent had only sent one attendance note to solicitors on 8th June 2017 relating to her appearance for 'N' on the instructions of a firm of solicitors at a hearing on 6 June 2017. The attendance note was materially different to her attendance note as sent to the solicitors by email at 09.42 on 8th June 2017 in that the Respondent had changed the date of a further hearing in N's case which the Respondent had wrongly recorded in her original attendance note sent on 8th June 2017 as being on 26th July 2017. The Respondent had deliberately changed the note to the corrected date of 21st June 2017 and that the Respondent had failed to inform the solicitors that a further hearing in N's case had been directed to take place on 21st June 2017.
8. The panel heard from the Head of Chambers in respect of the investigation that was conducted and a meeting that was held with the Respondent on 4th July 2019. The Panel was not concerned with any findings of fact from the Head of Chambers. As a result of this meeting with the Respondent, the Head of Chambers undertook enquires with his chamber's external IT services, namely, City Business Solutions ("CBS").
9. The panel heard from Mr S of CBS. CBS are responsible for the support of the Chambers email server. The BSB had taken Mr S to page 43 of the BSB's bundle in respect to the email trail of the Respondent. Mr S identified that he had accessed the email server remotely. Mr S identified that he made some notes and comparison of the emails at pages 43 and 48 of the BSB's bundle. He concluded that there is only one email on the

tracking server. The original email was rounded upon to 43 seconds. There is no other evidence that there is any other email that was sent. The panel heard detailed evidence from Mr S in respect of the email trail from the Respondent Chambers emails account to the solicitors on 8th June 2017 with a time range between 09.43 hours and 13.00. The panel heard that upon a date range check of the emails that was sent between 09.00 to 13.00 on the 8th June 2017 identified two emails that were sent to the solicitors from the Respondent's Chamber's email account. The first email was sent at 09.42 and the second email was sent at 11.53, both with a subject line of "Re Attendance `Note".

10. Mr S was cross examined upon the date stamp of the emails that was sent on the server. The panel heard that the server can have two different date stamps. Mr S was invited to compare and contrast two date stamp emails of the 8th June 2017 at 9.42. Mr S made an assumption that they are the same email. That the file log only shows one email. If there are two emails, there would have been two file logs. It was submitted by the Respondent that if you compare the attachments the second email was different from the first email. If you compare the two emails on page 43 and page 48 of the bundle as being sent twice, they would have exactly the same meta data; two separate emails. Mr S disagreed with this proposition. Mr S gave an example that if you sent an email to 10 different email addresses, they would all have the same time stamp.
11. The panel heard from Respondent. In respect of the email on 8 June 2017 at 09:42 and the Attendance Note, she spoke to a para-legal from Hayes solicitors on the phone and gave the para-legal a brief summary of the hearing and informed the para-legal of the next hearing date. She gave the solicitors the next hearing date and informed the clerks of the next hearing date. On 8th June 2017, the attendance note was emailed to the solicitors, copied to the clerks whilst at the same time drafting two other attendance notes. On the attendance note that was sent there was an error. The para-legal pointed out the error and the corrected attendance note was sent to the solicitors. It was accepted that the attendance note was drafted in a rush as she had an hospital appointment.
12. Under cross examination the panel heard that the Respondent did not edit the attendance note as there was no reason to do so. There were emails that had gone missing from the Respondent's account. The Respondent disagreed that there was only one email that was sent to solicitors. It was denied that the Respondent had produced a document to pass off something which was not true. On 28th June 2017 no changes

were made to the attendance note. The panel subsequently heard closing submissions from Mr Mehta.

13. In accordance with rE201 the Panel found, unanimously, charge 1 was proved. The Panel heard mitigation from the Respondent. This was a one-off incident that appeared to have snowballed. It is an internal document. It was a momentary lapse of judgment. The Respondent has suffered through physical health and mentally since this incident. She is currently not in practise at the Bar. There has not been any previous misconduct against the Respondent.

14. The panel identified aggravating and mitigating features associated with the conduct. These are as follows:

Aggravating Factor:

- a) Persistent conduct/conduct over a lengthy period of time;
- b) Undermining of the profession in the eyes of the public.

Mitigating Factor:

- a) Cooperation with the investigation;
- b) Previous good character.

Sanction and Reasons

15. In accordance with rE206 of the Regulations, the panel's decision was unanimous. The misconduct arises out of one charge of professional misconduct pursuant to Core Duty 3 and rule RC9.1 of the Bar Standards Board Handbook. The misconduct is at the lower end of the spectrum of dishonesty in terms of the impact on the public, however, it is relevant to public confidence in the profession.

16. Turning to the 'Sentencing Guidance: Breaches of the BSB Handbook, Version 3', in reaching an appropriate sanction, the panel took account of the overriding principles of proportionality, deterrence, upholding standards and protecting the public.

17. The Guidance sets out the general approach to be taken towards dishonesty within the profession. The panel noted that this guidance catered for a wide range from the technical to the wilful and deliberate breaches. The panel noted that the starting point

should be disbarment unless there are clear mitigating factors that indicate that such a sanction is not warranted. The panel took the view that the dishonesty was persistent and the length of time of the dishonesty was an aggravating factor. The panel took the view that this was a serious breach of the requirements albeit at the lower end of the spectrum of dishonesty in terms of the impact on the public but is relevant to the public confidence in the profession.

18. Taking all of the above factors into account, the panel imposed the following sentence in accordance with rE157:

- a) 12 months suspension;
- b) The 12 months suspension to take effect as from 21st October 2019;
- c) The provisions of rE220.1.a.b. in respect to suspension comes into immediate effect.

Approved: 15 November 2019

**His Honour Graham Arran
Chairman of the Tribunal**