



# The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

## Report of Finding and Sanction

Case reference: PC 2018/0490/D3

Sami Ur Rahman

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

#### Sami Ur Rahman 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 19 February 2020, I sat as Chairman of a Disciplinary Tribunal on the 18 March 2020 to hear and determine one charge of professional misconduct contrary to the Bar Standards Board Handbook against Sami Ur Rahman Esq. barrister of the Honourable Society of Lincoln's Inn.

#### Panel Members

2. The other members of the Tribunal were:

Lackshmi Ramakrishnan(Lay Member)

Hayley Firman (Barrister Member)

#### Charge

The Respondent admitted the following charge:

#### Charge 1

#### Statement of Offence

Professional Misconduct contrary to Core Duty 5 of the Bar Standards Board Handbook.

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9 Gray's Inn Square,  
London  
WC1R 5JD  
T: 020 3432 7350  
E: [info@tbts.org.uk](mailto:info@tbts.org.uk)

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Registered Office:  
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## Particulars of Offence

Sami Rahman, behaved in a way which was likely to diminish the trust and confidence which the public places in a barrister or in the profession in that he twice breached a non-molestation order made by the Family Court in Uxbridge on 27 March 2018 and served on him on or around 6 April 2018, by, without reasonable excuse: a] on 16 April 2018 attending a property in Wembley, Middlesex and speaking to someone whose name is known to the Tribunal but who has been called Ms X; and b] on 17 April 2018, attending a property in Northholt, Middlesex and again speaking to that woman; which acts were prohibited by the order. As a result of the conduct, on 14 June 2018, he was convicted on his admission of acting in breach of the non-molestation order and, on 11 March 2019, was sentenced by the Crown Court at Isleworth to a] a 12 month community order with a requirement to perform 80 hours of unpaid work within that period; b] a restraining order not to contact directly or indirectly Ms X until further order; c] pay a victim surcharge of £85 and d] to pay £340 in prosecution costs.

## Parties Present and Representation

3. The Respondent was present and was represented by Giles Colin Esq. The Bar Standards Board (“BSB”) was represented by Winston Jacobs Esq.

## Preliminary Matters

4. There were no preliminary matters, save that we agreed that mitigation in relation to the Respondent’s medical evidence should be heard in private, while the rest of the case including the opening by the BSB and further mitigation was heard in public.

## Submissions

5. Mr Jacobs presented the case on behalf of the BSB, setting out the background to the offence.
6. Mr Colin responded on behalf of the Respondent.

## Evidence

7. We read the documents contained in the BSB bundle and correspondence bundle. We also read the documents provided by the Respondent, namely:

- a. references; and

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- b. the supplementary mitigation document which was submitted by him.

## Sanction and Reasons

8. The Tribunal unanimously agreed that the sanction should be a 3 month suspension and £1000.00 fine to be paid within 28 days of the end of the appeal period [21 days].
9. The circumstances of the offence are that the Respondent entered into an extra marital relationship with a woman who has been recalled during this hearing Ms X, although her name was actually known to the Tribunal. The relationship came to an end, according to the Respondent's own statement made on 27 April 2018, on 11<sup>th</sup> February in that year. On 27 March 2018 she obtained a non-molestation order against him. The terms which are most relevant to the hearing today are numbers 3 and 4 which read that he "is forbidden to enter or attempt to enter [a named address] in Northolt or any address at which he knows or believes [the applicant] to reside or go within 100 m of that address" and, secondly, the Respondent "is forbidden to communicate or attempt to communicate with [the applicant Ms X ] except through her solicitor."
10. That order was made in Mr Rahman's absence, but it came to his notice on 6th April 2018. A few days later, on 16th April, he breached the court order. He went to an address identified and, by subterfuge, contacted the complainant to secure a meeting which he attended. He breached the order again on the following day. As a consequence, he was arrested and charged. He pleaded guilty at Isleworth Crown Court to two charges of breaching the non-molestation order and he was sentenced to the sentence referred to above.
11. It is worth recording in these reasons the sentencing remarks, or some of them, that the Recorder made when he passed sentence. They are to be found the Bar Standards Board bundle of documents that we have. The Recorder said to the Respondent, "you appear in this court today having pleaded guilty, and what I accept is the 1<sup>st</sup> realistic opportunity for you to do so, to 2 breaches of a non-molestation order made against you in the Family Court not to contact the complainant. You are 49 years of age. You are not in the best health either physically or mentally. You have a family and, as I understand it, are estranged from your wife who lives with 3 children in Ireland. You are also a practising barrister and you therefore know full well the importance of

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compliance with orders of this or any other court in order to ensure public confidence in the administration of justice. Now, the order that you breached arose as a consequence of the ending of your relationship with the complainant works, as I understand it, in part at least, as an escort. On 16<sup>th</sup> April last year whilst the non-molestation order was in force you used subterfuge to contact the complainant to secure a meeting which you subsequently attended. She made clear that she did not want to see you and evidently you left. The following day, I accept, after she has sent you a message, you again attended her address and spoke to her and after that, as you well know, you were arrested. The breach of these protective orders has caused the complainant, I read in her witness statement, some distress and these breaches were deliberate by you and they came shortly after the orders had been made. It seems to me to be clear within the guidelines that I have to apply, that this is a category 2 case in terms of harm and your culpability. Be assessed at Level B. Those guidelines indicate a starting point of 12 weeks custody with a range of medium level community order to one year in custody. In excellent mitigation that I have heard, your health difficulties, along with the fact that you are, nonetheless, of previous good character has been stressed to me and I have also read a detailed report from a doctor who has examined you and points to the depressive illness which you suffered, which arose out of the breakdown of this relationship with the complainant. Those are powerful factors, but they do not affect the fact that these are 2 serious offences and that they must be met accordingly. Taking all those factors into account as well as your early guilty plea, I am just persuaded that a custodial sentence is not, on this occasion, appropriate.” Then the Recorder went on to make the orders of sentence referred to above. He concluded, “I suspect you well know how foolish you behaved on these occasions. I also suspect that it is somewhat out of character and would not have occurred but for the health difficulties from which you are suffering”.

12. As a practising barrister, the Respondent’s practice, he told us through his counsel, is 50% family, 20% employment and 30% general civil law. That he does a large amount of family work does seem to us something of an aggravating factor when what he has done is to breach of a Family Court injunction. Mr Colin, on his behalf has accepted, as we think he had to, that what he had done was very serious and inexcusable and that he had let down both the profession and the public. He accepted also that the fact that the Respondent is a Family practitioner makes it more serious in the particular circumstances of this case

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13. We also take into account that the breach of the non-molestation order occurred very shortly after the respondent had notice of it and he breached it twice. The breaches also were deliberate, not inadvertent, and apparently caused distress to the complainant.
14. The most relevant guidelines in our view is to be found at p.51 of version 5 of the guidelines, which insofar as is material, is in identical terms to the previous guidance which was applicable at the time of this offence. The description of a failure to comply with a court judgment is put in these terms:

“It is a serious matter for a barrister... To fail to comply with a Court judgment because it shows a level of contempt for the legal process which is not compatible with the standard expected of professionals with a responsibility to the Court. Therefore, a barrister’s non-compliance with a Court judgment should be considered to be more serious than that of a lay person.” Of the possible circumstances, subparagraph b is relevant and refers to “deliberate disregard for the authority of the court combined with a significant impact on the complainant”. The starting point for that is a medium level fine and/or medium suspension.
15. There is one of the listed mitigating factors which is relevant, which is that the breach is due to illness.
16. We have seen evidence that the Respondent had health issues at the time of this offence although at that time he had not reported them to a Doctor or sought any help in relation to them. We take account the contents of the two medical reports we have read. We also take into account that the Respondent has expressed his remorse which we accept as genuine and that this offence was out of character. He cannot now understand why he acted as he did. He self-reported his conviction and we take into account the references provided and that he apparently has support of his Head of Chambers. We also appreciate the fact that his wife, from whom he is separated, has come from Ireland to support him.
17. In the end, however, we are of the clear view that the Respondent has let down the profession and, more importantly, the public. What he did gives a very poor example to the public. We also note that the Respondent has twice before been before the Bar Council for disciplinary offences in 2002 and 2004. They were different and less

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serious offences and now some time ago. We do not place great emphasis on these; but they do suggest a lack of concern by him as to his professional obligations as set out in the Code of Conduct.

18. We feel it is important to mark the seriousness of this offence and we are unanimous in taking the view that a suspension must follow. Having regard to the mitigation put forward, a 3-month suspension is appropriate and there should also be a relatively modest fine of £1000 fine having regard to his current financial commitments. In fixing this level of fine we take into account that he will be suspended for 3 months and that will that affect his income.
19. We have been concerned that he has professional commitments in the next few days and next month. We are told that tomorrow he has a case at an Employment Tribunal. There would obviously be significant problems in returning that at this late stage and he has a part heard matter on 23<sup>rd</sup> April at Brentford County Court. There would be obvious difficulties if he was not able to do that. We were told subsequent cases could be returned. In the circumstances therefore we direct that the suspension shall start on 1<sup>st</sup> May this year, and so it will end on 31<sup>st</sup> July 2020. The order therefore is a suspension for 3 months from 1 May 2020 and a fine of £1000. That is our unanimous decision.

**Approved: 27 March 2020**

**John Foy QC**

**Chairman of the Tribunal**

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