



The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

Report of Finding and Sanction

Case reference: PC 2016/0328/D5

Mr Godwin Okri

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

Mr Godwin Okri

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 January 2021, I sat as Chairman of a Disciplinary Tribunal on 1st March 2021 to hear and determine 3 charges of professional misconduct contrary to the Code of Conduct of the Bar of England and Wales against Mr Godwin Okri, barrister of the Honourable Society of Lincoln's Inn.

Panel Members

2. The other members of the Tribunal were:

Ms Hayley Firman (Barrister Member)

Mr Stephen Harpum (Lay Member)

Ms Siobhan Heron (Barrister Member)

Mr Jonathon Monk (Lay Member)

Charges

3. The following charges were, it was understood, admitted, but on the basis of Mr Okri's absence and no written document from him confirming this position, the BSB were asked to prove the charges as follows:

The Bar Tribunals & Adjudication Service

9 Gray's Inn Square,
London
WC1R 5JD
T: 020 3432 7350
E: info@tbtas.org.uk

The Council of the Inns of Court. Limited by Guarantee
Company Number: 8804708
Charity Number: 1155640
Registered Office:
9 Gray's Inn Square, London WC1R 5JD

Charge 1

Statement of Offence

Professional misconduct contrary to paragraph 301(a)(i) and/or 301(a)(iii) and pursuant to paragraph 901 of the Code of Conduct of the Bar of England and Wales (7th Edition).

Particulars of Offence

Godwin Okri engaged in conduct that was dishonest or otherwise discreditable to a barrister and/or was likely to diminish public confidence in the legal profession or the administration of justice or otherwise bring the profession into disrepute, in that, while he was in practice as a solicitor, he acted in a conveyancing transaction between around 19 August 2004 and around 10 September 2004 during which he:

- (a) acted for seller and buyer without the written consent of both parties, contrary to rule 6(a)(i) of the Solicitors Practice Rules 1990; and/or
- (b) acted for seller and buyer where a conflict of interest existed, contrary to rule 6(a)(ii) of the Solicitors Practice Rules 1990; and/or
- (c) dishonestly proceeded with a transaction knowing that the consideration passing was at an undervalue; and/or
- (d) dishonestly ignored the Solicitors Regulation Authority's green card warning on property fraud; and/or
- (e) breached the Money Laundering Regulations 2003 by failing properly to ascertain the identity of his client; and/or
- (f) dishonestly failed to ensure that his client gave her instructions freely and without undue influence from others; and/or
- (g) dishonestly assisted a third party in securing property at a substantial undervalue;

for which conduct, on 10 December 2008, he was ordered to be struck off the roll of solicitors pursuant to a finding of the Solicitors Disciplinary Tribunal that he was guilty of conduct unbefitting a solicitor.

The Bar Tribunals & Adjudication Service

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

The Council of the Inns of Court. Limited by Guarantee
Company Number: 8804708
Charity Number: 1155640
Registered Office:
9 Gray's Inn Square, London WC1R 5JD

Charge 2

Statement of Offence

Professional misconduct contrary to paragraphs 905(b)(v) and 901.7 of the Code of Conduct of the Bar of England and Wales (8th Edition).

Particulars of Offence

Godwin Okri failed to report to the Bar Standards Board the findings of professional misconduct made against him by the Solicitors Disciplinary Tribunal on 10 December 2008 promptly or at all from 10 December 2008 to 5 January 2014.

Charge 3

Statement of Offence

Professional misconduct contrary to Core Duty 9 and/or rule rC65.3 of the Code of Conduct of the Bar of England and Wales (9th Edition).

Particulars of Offence

Godwin Okri failed to co-operate with the Bar Standards Board and/or failed to report to it the findings of professional misconduct made against him by the Solicitors Disciplinary Tribunal on 10 December 2008 promptly or at all from 6 January 2014 to November 2016.

Service of Documents

1. The Panel found that the Convening Order had been properly served on the Respondent, and that it had been proper to proceed in his absence, and that the three charges were proved.
 - a. Mr Okri was represented by Mr Bueno QC who has not sought to argue a contrary course.

The Bar Tribunals & Adjudication Service

9 Gray's Inn Square,
London
WC1R 5JD
T: 020 3432 7350
E: info@tbtas.org.uk

The Council of the Inns of Court. Limited by Guarantee
Company Number: 8804708
Charity Number: 1155640
Registered Office:
9 Gray's Inn Square, London WC1R 5JD

- b. Document compiled by Mr Bueno QC and bearing today's date in which he says on behalf of Mr Okri that Mr Okri will admit the charges in their amended form.
- c. Mr Bueno QC has not, when I indicated how we were minded to proceed, sought to argue for a different course.
- d. There has been considerable delay in these proceedings so far and in the interests of justice that we should at least record the finding that the charges are proved. We have found the charges outlined by Mr Jacob, with reference to the relevant documents, proved. We are satisfied that there is no injustice caused to Mr Okri.

Parties Present and Representation

2. The Respondent was not present but was represented by Mr Tony Bueno QC. The Bar Standards Board ("BSB") was represented by Mr Winston Jacob.

Preliminary Matters

3. There was an application made by the BSB to amend the charges – this had been notified to Mr Bueno QC and the Panel on 26th February 2021. The application was unopposed and the amendment was allowed. The charges set out above are as amended.

Pleas

4. Mr Okri was not present, and although it had been indicated in advance in writing to the Panel and the BSB that he would be accepting the charges he faced, this was by way of skeleton arguments, and no direct communication from Mr Okri himself.
5. Therefore, the Panel took the view that the BSB had to prove their case. Mr Bueno QC indicated that none of the facts were contested, only the inferences that could or should be drawn from them.
6. The charges were read into the record by Mr Jacob, at the request of the Panel Chair.

Evidence

7. Mr Jacob opened the case for the BSB. The case was contained almost entirely on the face of documentation. Mr Bueno QC did not contest any part of the case, consistent with indications from the Respondent that he accepted the facts of the charges.

The Bar Tribunals & Adjudication Service

9 Gray's Inn Square,
London
WC1R 5JD
T: 020 3432 7350
E: info@tbtas.org.uk

The Council of the Inns of Court. Limited by Guarantee
Company Number: 8804708
Charity Number: 1155640
Registered Office:
9 Gray's Inn Square, London WC1R 5JD

Application to Adjourn

8. Mr Bueno QC then made a foreshadowed application to adjourn on the basis that for his mitigation to have its full force, Mr Okri needed to be present. He had indicated in advance that this application would be made, and it had been directed that any such application would need to be made to the Panel at today's hearing.
9. Mr Bueno QC noted that Mr Okri was not currently in a circumstance where he was able to attend the hearing, and that this would hamper his ability to convince the Tribunal to impose the most favourable sanction upon him. He made a number of submissions regarding delay, the regrettable fact that a portion of that delay had been caused by errors made by the BSB, resulting in review by the Administrative Court that declared the original decision void, and difficulties obtaining instructions on the recent unredacted witness statement that he gave at the time of the prosecution by the Crown Prosecution Service [CPS] of Mr X, who was the beneficiary of the relevant transaction, known as 'big fish'.
10. The BSB strenuously opposed the application to adjourn as the redacted statement was obtained by November 2020 – some 5 months in advance of this hearing. The redactions did not, the BSB submitted, hamper preparation on the basis of the limited nature of the information that was redacted.
11. The Panel retired to consider the application for an adjournment. They received the unredacted statement and associated exhibits. They then returned briefly to ascertain the period of adjournment sought and the exact purpose of it – that Mr Okri wishes to provide a witness statement commenting on the Solicitors Disciplinary Tribunal's [SDT] decision and the evidence he gave to the CPS.
12. The Panel ruled as follows:

'This is an application by Mr Bueno QC who represents Mr Okri to adjourn today's hearing for 28 days following the finding of the charges proved against Mr Okri which was based upon the various documents to which I referred in my ruling. Mr Okri seeks to re-open (used neutrally) the findings of the SDT that were made a good many years ago and that

The Bar Tribunals & Adjudication Service

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

The Council of the Inns of Court. Limited by Guarantee
Company Number: 8804708
Charity Number: 1155640
Registered Office:
9 Gray's Inn Square, London WC1R 5JD

in particular, looking at charge sheet, that he had not acted dishonestly in relation to any of those transactions. In support of this application Mr Bueno has submitted a note, running to 16 paragraphs and dated with today's date and in particular he relies on para 7 of that note. And this is in the context of the proceedings having been commenced found to be incorrect, subject to judicial review and then once back on track again; drawn to BSB's attention that Mr Okri had made a statement to the CPS for an offence by Mr X and Mr Okri's evidence was accepted. The first difficulty is that (I have read the witness statement made in March 2007, sometime after the finding before the SDT), that statement and any evidence that Mr Okri might give would be in some way quite inconsistent with a finding by the SDT that he had acted dishonestly. We do not think, unanimously, that that necessarily follows: that is because he gave evidence before a jury and Mr X was convicted by the jury, that he was not acting dishonestly. It is quite possible for an accomplice to act dishonestly in a fraud and give evidence believed by the jury that both were involved in the fraud. It was perfectly true that he was cross-examined on the basis that he was not an honest witness. But the jury returns only a general verdict; we don't know the full extent of the evidence, we think it unlikely, given the nature of the case, that the only evidence against Mr X was that of Mr Okri. No doubt there was a wealth of documents as there usually are in a fraud of this sort to show his dishonesty and Mr Okri's evidence was only a small point. It does not follow in our view that because of that he was not acting dishonestly, and we bear in mind that the SDT made those findings. They were not appealed at the relevant time, though we are told there were good grounds for appeal but his wife was seriously ill, but no attempt was made in the years since to seek a rehearing or judicial review or anything of that nature. We also have to consider the more recent history of the case: The Directions given in Sept 2019 and again in Sept 2020. We make allowance for constraints of coronavirus, one being that this has taken place remotely instead of us all being present in the hearing room. We also have to bear in mind that Mr Okri, for reasons which do not persuade us at all, has not seen fit to attend today's hearing. We are told that he has not found it possible to provide detailed instructions (we wonder what those could be) and that he was in no frame of mind to appear as a witness. He has had ample opportunity to appear. The time difference between the UK and Nigeria is one hour. We bear in mind he was recently arrested (on charges on which he may be entirely innocent) and spent time in police custody and is on bail in Nigeria. His bail is being reviewed on 11th March. If we concentrate on the recent history since February 2019, further delay is not justified, not

The Bar Tribunals & Adjudication Service

9 Gray's Inn Square,
London
WC1R 5JD
T: 020 3432 7350
E: info@tbtas.org.uk

The Council of the Inns of Court. Limited by Guarantee
Company Number: 8804708
Charity Number: 1155640
Registered Office:
9 Gray's Inn Square, London WC1R 5JD

in interests of justice and we are satisfied that Mr Okri has had ample opportunity to deal with these matters, and the application for an adjournment is denied. We are willing to provide an adjournment of 30-60 minutes if Mr Bueno wishes to seek any further instructions now before we hear his mitigation.’

13. Mr Bueno accepted this offer, and an adjournment of 1 hour followed.

14. At 13:30 the Panel reconvened. Mr Jacob assisted the Panel with the Sanctions’ Guidelines (though the earliest versions were not available), and made an application for costs. Mr Bueno QC, who had been able to speak with his client, mitigated on Mr Okri’s behalf.

Sanction and Reasons

15. The Panel imposed the following sanction:

‘The Respondent in this case, Godwin Okri is an unregistered barrister Called to the Bar in 1995. In 1998 he was admitted as a solicitor and thereafter became partner in the firm in question. As result of his activities, in 2004 he engaged in a conveyancing transaction which led on 10th December 2008 to his being struck off by the SDT. At the hearing this morning, through his counsel Mr Bueno QC, he admitted the 3 charges that he faced.

The main charge, Charge 1, arises out of a conveyancing transaction in which he took part between Aug and Sept 2004 – a very long time ago. It is important to set out with some particularity what it is that he actually did, as per the charge sheet. First particular of Charge 1 – something everyone knows you should not to do. Second particular is an obvious breach of professional rules. He admitted some but not others before the SDT, but having heard evidence, including from Godwin Okri himself, they found all charges proved against him, and particularly they found that he had acted dishonestly. On his behalf at today’s hearing, whilst Mr Bueno accepts that we cannot go behind the finding of dishonesty, he submits that it was not so serious that it merits disbarment. We shall examine that submission in due course. At this stage it suffices to say that the combination of all these factors shows that this transaction was shot through with dishonesty from start to finish. It was not a minor or technical breach of practice rules

The Bar Tribunals & Adjudication Service

9 Gray’s Inn Square,
London
WC1R 5JD
T: 020 3432 7350
E: info@tbts.org.uk

The Council of the Inns of Court. Limited by Guarantee
Company Number: 8804708
Charity Number: 1155640
Registered Office:
9 Gray’s Inn Square, London WC1R 5JD

of failing to keep proper records or anything of that nature. It was aggravated by the fact the client in question was an elderly woman. She and her daughter lost substantially as a result of the dishonest activities of the respondent. When we look at the sanctions' guidelines, we look at general aggravating and mitigating factors. Aggravating features are as follows. Pre-meditated – this could not have been done on the spur of the moment due to a whole series of different breaches. Mr Bueno said that he made no profit from the transaction. Be that as it may, and accepting it, something of this nature must have been done with a view to financial profit either for himself or for some other person. This was not an isolated occurrence as he persisted in it and a number of steps had to be taken. I have referred already to the vulnerability of V and clearly this was a most serious breach of trust engaged in as a solicitor. He said his was not the primary responsibility as there was another man who worked for the firm. He was a subordinate but did most of the work, it was submitted. It was said that E, that man, should have been supervised by another partner, A. He said that there was a disparity as E was suspended for 2 years and A was fined. It is submitted that Godwin Okri was really a scapegoat for the misdeeds of A and E, and he was visited with an undue level of culpability. We are unable to accept that submission. It is quite apparent from nature of the findings of the SDT that this Respondent played a very important part in it. It is then submitted as further mitigation that he was not prosecuted for any offence arising out of that. Be that as it may, we do not know the reasons for that, and we do not think that it is a helpful exercise in any way to speculate about those reasons.

Mr Bueno QC in his note pointed out that Mr Okri had given evidence in the trial of the Mr X, known as 'big fish', who was in due course convicted. One of the submissions made when Mr Bueno sought an adjournment was that Mr Okri was regarded as an honest witness as the main defendant was convicted. But there could be a whole variety of reasons why that was done. The fact that his evidence was accepted, at least in part, and contributed to the conviction of the main offender does not detract from his own levels of dishonesty. This was a very serious breach of which he was guilty.

We looked at the general mitigating features and there are very few that we can find. This was not an isolated incident, not done on spur of the moment, no steps taken to rectify it. One of the things that has struck us is a very real lack of insight into the harm that he caused, and very little remorse has been shown on his part. We look at those findings and whether we should in any way depart from the conclusions drawn by the

The Bar Tribunals & Adjudication Service

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

The Council of the Inns of Court. Limited by Guarantee
Company Number: 8804708
Charity Number: 1155640
Registered Office:
9 Gray's Inn Square, London WC1R 5JD

SDT. We cannot go behind them and Mr Bueno accepts that. But even when we attempt to put the best construction on it that we can, it remains a very serious matter. We are told that he never appealed the SDT finding as he didn't have sufficient funds, though we are told he was advised that he had good grounds for appeal. His wife was seriously ill at the time and that acted as a distraction to him. That finding nonetheless stands. Mr Bueno said Mr Okri wishes to resume legal practice. He relatively recently applied to the Solicitors Regulatory Authority [SRA] to be allowed to be re-admitted as a solicitor to be able to gain paid employment as a solicitor. In fairness to him it is said that the matters that might have been pertinent and put before this Panel were not before the SRA in support of the application. Nonetheless the SRA declined the application for that permission. The other feature that Mr Bueno draws to our attention aside from disparity is the age of these events. It is true that the transaction causing him to be struck off happened 17 years ago and it has been hanging over him for some years due to the false start in 2017 when the BSB failed to follow the correct procedure, the proceedings were quashed and had to be started all over again. It has now been going on since 2019. Mr Bueno submits in those circumstances disbarment would be too harsh a penalty. We looked first of all at the Sanctions Guidelines. They suggest that for any matter that involves dishonesty, as this clearly did, the starting point should be one of disbarment. It's worth reminding ourselves of what it is was that Lord Bingham said. Mr Okri conspicuously and egregiously failed to act honestly on that occasion.

When set these things one against another – age, admission of offence, previous good character, albeit that that is of limited value in the context of this case and we ask ourselves taking the most charitable view that we can, whether there is any alternative to disbarment in this case. We have anxiously considered it, but the unanimous view of the Panel is that there is no alternative to disbarment for a charge as serious as charge 1. Charges 2 and 3 are part and parcel and merely aggravate the matter. Having decided that Mr Okri must be disbarred on charge 1, the right course is to impose disbarment for the other charges in interests of totality. Failing to report professional misconduct merits disbarment. The period of time covered by charge 2 means we are unable to accept the explanation of Mr Okri that he thought the matter would be sorted out between the two professional bodies. He could not have overlooked or made a minor mistake about it as it was a serious breach and that has only made it worse. The sentence therefore is that he be disbarred on all 3 charges.

The Bar Tribunals & Adjudication Service

9 Gray's Inn Square,
London
WC1R 5JD
T: 020 3432 7350
E: info@tbta.org.uk

The Council of the Inns of Court. Limited by Guarantee
Company Number: 8804708
Charity Number: 1155640
Registered Office:
9 Gray's Inn Square, London WC1R 5JD

Costs

On costs, we have considered the application by the BSB and we think that in all the circumstances, regarding that Mr Okri pleaded guilty and having regard to the previous history of this matter that the fair and just outcome is that he pay one half of the costs sought, being £1000 plus £200 VAT, making a total of £1200.

16. The Treasurer of the Honourable Society of Lincoln's Inn is requested to take action on this report in accordance with rE239 of the Disciplinary Tribunal Regulations 2017.

Approved: 03 March 2021

His Honour Andrew Goymer
Chairman of the Tribunal

The Bar Tribunals & Adjudication Service

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

The Council of the Inns of Court. Limited by Guarantee
Company Number: 8804708
Charity Number: 1155640
Registered Office:
9 Gray's Inn Square, London WC1R 5JD