



The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

Report of Finding and Sanction

6 July Case reference: PC 2019/0079/D5

Mohammed Tamij Uddin

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

Mohammed Tamij Uddin

1. In accordance with an appointment made by the President of the Council of the Inns of Court contained in a Convening Order dated 1 June 2021 I sat as Chairman of a Disciplinary Tribunal on 30 June 2021 to hear and determine five charges of professional misconduct contrary to the Code of Conduct of the Bar of England and Wales [8th Edition] and the BSB's Handbook, against Mohammed Tami Uddin, barrister of the Honourable Society of Lincoln's Inn.

Panel Members

2. The other members of the Tribunal were:

Lakshmi Ramakrishnan – Lay Member

Andrew Ward – Lay Member

Siobhan Heron – Barrister Member

Brian McCluggage – Barrister Member

Charges & Pleas

3. Mr Uddin being absent, the charges were deemed denied. The following charges were found proved in his absence.

The Bar Tribunals & Adjudication Service

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Charge 1 (Criminal Standard)

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

Mohammed Uddin, an unregistered barrister, engaged in conduct which was dishonest or otherwise discreditable to a barrister, in that between 2010 and 2013 he conspired to defraud by supplying false documentation to a number of people for the purposes of obtaining visas from the Home Office, for which conduct on the 16 November 2018 he was convicted at Southwark Crown Court and sentenced to 30 months imprisonment.

Charge 2 (Criminal Standard)

Statement of Offence

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

Particulars of Offence

Mohammed Uddin, an unregistered barrister, engaged in conduct which was prejudicial to the administration of justice, in that between 2010 and 2013 he conspired to defraud by supplying false documentation to a number of people for the purposes of obtaining visas from the Home Office, for which conduct on the 16 November 2018 he was convicted at Southwark Crown Court and sentenced to 30 months imprisonment.

Charge 3 (Criminal Standard)

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

Statement of Offence

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Professional misconduct contrary to Conduct Rules rC65.1 and rC65.2 of the 9th Edition of the Code of Conduct of the Bar of England and Wales (Versions 3 and 3.4).

Particulars of Offence

Mohammed Uddin, an unregistered barrister, engaged in conduct which was likely to diminish public confidence in the legal profession or in the administration of justice or otherwise bring the legal profession into disrepute, in that between 2010 and 2013 he conspired to defraud by supplying false documentation to a number of people for the purposes of obtaining visas from the Home Office, for which conduct on the 16 November 2018 he was convicted at Southwark Crown Court and sentenced to 30 months imprisonment.

Charge 4 (Criminal Standard)

Statement of Offence

Professional misconduct contrary to Core Duty 9 and/or Rule rC65.1 of the Bar Standards Board Handbook [4th Edition].

Particulars of Offence

Mohammed Uddin, an unregistered barrister, failed to be open with his regulators when he did not report promptly, or at all, that he was charged with an indictable offence.

Charge 5 (Criminal Standard)

Statement of Offence

Professional misconduct contrary to Core Duty 9 and/or Rule rC65.2 of the Bar Standards Board Handbook [4th Edition].

Particulars of Offence

Mohammed Uddin, an unregistered barrister, failed to be open with his regulators when he did not report promptly, or at all, that on the 23 November 2018 he was convicted of a criminal offence.

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Parties Present and Representation

4. The Respondent was not present and was not represented.
5. The Bar Standards Board (“BSB”) was represented by Nicholas Bard of counsel.

Preliminary Matters

6. Mr Bard applied to for the proceedings to take place in the absence of the Respondent and outlined the reasons which he had provided in a written document prior to the hearing taking place. The Tribunal were invited to consider the correspondence in the service bundle of documents and emails from Mr Uddin to the BSB which clearly showed that he was aware of the date of the Tribunal hearing.
7. He had applied for an adjournment some weeks prior to the hearing citing his application for a Criminal Case Review [CCR].The application was rejected but he was advised that he could renew the application at the beginning of the hearing.He did not attend to do so. The CCR is a long process and it was considered that the chance of success was limited, as they could only refer the matter back to the Court of Appeal. It was also noted that there had already been an unsuccessful appeal.
8. Following retirement to consider the application, the Tribunal announced that they would proceed in the absence of the respondent as it appeared to them that he was aware of the proceedings taking place and had voluntarily absented himself. He is not a practising barrister and there was no indication that he would practise again, therefore it was unlikely to impact upon him in the way that it would if he was a practising barrister.

Evidence

9. The BSB presented the case on behalf of the BSB.

Findings

10. Following retirement to consider the matter, the Tribunal found that all the charges had been proved to the requisite standard of proof, namely the criminal standard of proof.
11. The BSB drew the Tribunal’s attention to the relevant paragraphs in the Sanctions Guidance which related to Dishonesty and Failing to co-operate with his Regulator.

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Sanction and Reasons

12. Following retirement to consider sanction, the unanimous decision of the Tribunal was that Mr Uddin be disbarred on all charges.
13. The Tribunal also made an order in accordance with rE227.3 that *“where a respondent has been sanctioned to be disbarred or to be suspended, and where the respondent does not currently hold a practising certificate, require the Bar Standards Board not to issue any practising certificate to him”*.
14. The misconduct was of a very serious breach of trust, it was dishonest and a sophisticated enterprise over a long period of time using an illegal process. This behaviour is not compatible with the honesty and integrity expected of a barrister.

Costs

15. Mr Bard mde an application for costs in the sum of £1200. Following retirement to consider the matter, the Tribunal were concerned that they had no information as to Mr Uddin’s financial position, however, they awarded that amount of costs to the BSB and gave the respondent 3 months in which to pay or come to an agreement with the BSB on a payment plan.

Action by the Inn

16. The Treasurer of the Honourable Society of Lincoln’s Inn is to take action in accordance with rE239 and rE240 of the Bar Standards Board’s Handbook.

Approved: 6 July 2021

HH Alan Greenwood
Chairman of the Tribunal

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