



The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

Report of Finding and Sanction

Case reference: PC 2019/0386/D5 and PC 2019/1512

Richard Anthony Gibbs

The Director-General of the Bar Standards Board

The Chair of the Bar Standards Board

The Treasurer of the Honourable Society of Inner Temple

Disciplinary Tribunal

Richard Anthony Gibbs

1. In accordance with an appointment made by the President of the Council of the Inns of Court contained in a Convening Order dated 7th November 2022, I sat as Chairman of a Disciplinary Tribunal on 6th December 2022 to hear and determine 9 charges of professional misconduct contrary to the Code of Conduct of the Bar of England and Wales against Richard Anthony Gibbs barrister of the Honourable Society of Inner Temple.

Panel Members

2. The other members of the Tribunal were:

Josephine Davies (Barrister Member)

Isabelle Watson (Barrister Member)

Stephanie McIntosh (Lay Member)

Steven Harpum (Lay Member)

Charges

3. The following charges were admitted:

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

PC2019/1512

Charges relating to Mr Gibbs' application for pupillage at St Ives chambers

Charge 1

Statement of Offence

Professional misconduct, contrary to paragraph 301(a)(i) and/or 301(iii) and pursuant to paragraph 901.7 of the Code of Conduct of the Bar of England and Wales (8th Edition).

Particulars of Offence

Richard Gibbs, a barrister, in 2011, when applying for pupillage at St Ives chambers, engaged in conduct which was dishonest and/or likely to diminish public confidence in the legal profession or the administration of justice or otherwise bring the legal profession into disrepute in that on his application for pupillage form he made one or more of the following statements that were not true, including that:

- (i) He had been commissioned by the Royal Military Academy at Sandhurst;
- (ii) He had given evidence in support of members of his troop and at inquests into deaths that had occurred during training exercises and/or;
- (iii) He had been in the regular Army.

PC2019/0386

Charges relating to Mr Gibb's application for tenancy

Charge 2

Statement of Offence

Professional misconduct, contrary to paragraph 301(a)(i) and paragraph 301(a)(iii) and pursuant to paragraph 901.7 of the Code of Conduct of the Bar of England and Wales (8th Edition).

Particulars of Offence

Richard Gibbs, a barrister, in 2013, when applying for tenancy at No5 chambers engaged in conduct which was dishonest and/or likely to diminish public confidence in the legal profession or the administration of justice or otherwise bring the legal profession into disrepute in that he submitted a CV with one or more of the following statements which he knew to be untrue including that:

- (i) Between January 2001 and November 2006, he had been a British Army Officer and/or;
- (ii) He had sold his company Haven Search and Selection Limited, in April 2010.

Charge 3

Statement of Offence

Professional misconduct, contrary to rC65.7 and CD9 of the Bar Standards Board Handbook (version 4.2)

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

Particulars of Offence

Richard Gibbs, a barrister, on or around September 2019, when corresponding with the BSB and self-reporting failed to fully report the extent of the serious misconduct committed by him and failed to be open and cooperative with the BSB as his regulator in that he did not provide the BSB with all the relevant details regarding the inaccuracies of his CV and No5 Chambers' findings against him.

Parties Present and Representation

4. The Respondent was present and was represented by Mr Minihan of counsel. The Bar Standards Board ("BSB") was represented by Mr Holdcroft of counsel.

Preliminary Matters

5. The BSB applied to amend the charges which was in effect the substitution of the original charges with those set out above. The application was not opposed by the Respondent. The Tribunal application granted the application.

Pleas

6. The charges set out above were admitted by the Respondent.

Evidence

7. Upon the Respondent's admissions no live evidence was given. The Tribunal heard submissions on behalf of the BSB and the Respondent and considered the character references that had been provided on behalf of the Respondent.

Findings

8. Upon the admissions of the Respondent, the Tribunal found charges 1, 2 and 3 to be proven.

Sanction and Reasons

9. The Tribunal noted that the Respondent had admitted the 3 charges of professional misconduct which appear on the reformulated charge sheet. The Tribunal noted that the first 2 charges relate to misrepresentations made in an application for pupillage in 2011 and tenancy in 2013. The Tribunal noted that the Respondent made untruthful assertions about his career in the army and the disposal of a business. The Tribunal noted that the Respondent had admitted those dishonest statements.

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

10. The Tribunal noted that the 3rd charge related to the Respondent's failure to report fully to the BSB which he did report matters.
11. The Tribunal considered the current sanctions guidance and reminded itself that the purpose to professional regulation is the maintaining of public trust and confidence and it noted that the guidance expressly states that sanctions should be proportionate.
12. The Tribunal was of the view that the appropriate group into which the Respondent's misconduct fell to be considered was that of 'dishonesty'. The guidance is clear that where a barrister is proven to have been committed acts of dishonesty the appropriate sanction is one of disbarment unless there are exceptional circumstances.
13. The Tribunal concluded that the circumstances that the Respondent has pleaded in mitigation were not exceptional. The Tribunal has found that the dishonesty was deliberate and repeated. The Tribunal considered what effect the dishonesty had on others. It was of the view that it could not make findings as to whether the false representations had disadvantaged any other candidate but it concluded that the misconduct plainly would have an effect of harming trust and confidence.
14. The Tribunal considered the evidence in the bundle before it and the submissions that had been made in mitigation. The Tribunal heard that the Respondent had been successful in his career as a barrister and that he had contributed to the profession in a number of ways. The Tribunal considered the references from those who had knowledge of the Respondent and who think highly of him.
15. However, the Tribunal was of the view that the Respondent did falsify his career record to secure a pupillage and a tenancy.
16. The Tribunal noted that the Respondent had expressed great remorse and it was aware that disbarment would have a significant impact on him personally and financially but it concluded that the reasons set out above, the appropriate sanction in this case is disbarment on charges 1 and 2. There would be no separate sanction in respect of the charge 3.
17. The Tribunal considered the BSB's application for costs. There would be no order as to costs.

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

18. After the hearing, the Tribunal invited written representation as to when the disbarment would be effective. The Tribunal have read and considered the emails from the Respondent and the BSB and have noted the intention of the Respondent to appeal. In the circumstances, the Tribunal agree, and now direct, that the Respondent should be permitted to continue practice pending determination of his proposed appeal against the decision of the Tribunal on 6th December 2022, on condition that:

- (i) his proposed appeal is pursued with all due expedition;
- (ii) he informs the BSB and BTAS promptly if the proposed appeal is not pursued or is discontinued;
- (iii) he informs the BSB and BTAS promptly of the outcome of the appeal; and
- (iv) such permission to continue practice extends only to the 7 matters referred to in his e-mail to the Tribunal of 7th December 2022.

19. The Treasurer of the Honourable Society of Inner Temple is requested to take action on this report in accordance with rE239 of the Disciplinary Tribunal Regulations 2017.

Dated: 14 December 2022

HH James Meston KC
Chairman of the Tribunal

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