



The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

Report of Finding and Sanction

Case reference: PC 2021/6708/D5

Jourdan Penrice

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

Jourdan Penrice

1. In accordance with an appointment made by the President of the Council of the Inns of Court contained in a Convening Order dated [Date], I sat as Chairman of a Disciplinary Tribunal on 14th December 2022 to hear and determine 15 charges of professional misconduct contrary to the Code of Conduct of the Bar of England and Wales against Jourdan Penrice, barrister of the Honourable Society of Lincoln's Inn.

Panel Members

2. The other members of the Tribunal were:

Stephen Harpum (Lay Member)
Hayley Firman (Barrister Member)
Janine Green (Lay Member)
Josephine Davies (Barrister Member)

Charges

3. The following charges, charges 4, 7, 10 and 13 were admitted by Mr Penrice at the outset of the hearing, this having previously been indicated to the BSB and the tribunal.

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Those pleas were acceptable to the Bar Standards Board, and therefore the remaining charges were dismissed.

Charge 4

Statement of Offence

Professional misconduct contrary to Core Duty 3 and/or rC9.1 of the Bar Standards Board Handbook.

Particulars of Offence

Jourdan Penrice, an unregistered barrister, failed to act with honesty and with integrity, and he knowingly misled or attempted to mislead another, in that, on 1 June 2021, while a pupil in Chambers, he submitted to a member of Chambers a draft letter in response to a letter of claim, prepared for the purposes of assessing his capability within pupillage, as his own work, when Mr Penrice knew that the work was not his own and had been taken or substantially taken from the work of that member of Chambers and from the work of a pupil, such work being draft letters written by each of them that Mr Penrice had previously obtained from the room of the member of Chambers without their knowledge or consent.

Charge 7

Statement of Offence

Professional misconduct contrary to Core Duty 3 and/or rC9.1 of the Bar Standards Board Handbook.

Particulars of Offence

Jourdan Penrice, an unregistered barrister, failed to act with honesty and with integrity, and he knowingly misled or attempted to mislead another, in that, on 19 May 2021, while a pupil in Chambers, he submitted to a member of Chambers a draft opinion, prepared for the purposes of assessing his capability within pupillage, as his own work, when Mr Penrice knew that the work was not his own and had been taken or substantially taken from the work of that member of Chambers and from the work of a pupil, such work being draft opinions written by each of them that Mr Penrice had

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previously obtained from the room of the member of Chambers without her knowledge or consent.

Charge 10

Statement of Offence

Professional misconduct contrary to Core Duty 3 and/or rC9.1 of the Bar Standards Board Handbook.

Particulars of Offence

Jourdan Penrice, an unregistered barrister, failed to act with honesty and with integrity, and he knowingly misled or attempted to mislead another, in that, on 12 May 2021, while a pupil in Chambers, he submitted to a member of Chambers a skeleton argument as part of his practice advocacy exercise, prepared for the purposes of assessing his capability within pupillage, as his own work, when Mr Penrice knew that the work was not his own and had been taken or substantially taken from the work of a member of Chambers, such work being a skeleton argument that the member of Chambers had submitted for his own advocacy exercise while a pupil in 2018, that Mr Penrice had previously obtained by searching the emails of the Head of the Pupillage Committee without the knowledge or consent of the Head of the Pupillage Committee or the author of the skeleton argument.

Charge 13

Statement of Offence

Professional misconduct contrary to Core Duty 3 and/or rC9.1 of the Bar Standards Board Handbook.

Particulars of Offence

Jourdan Penrice, an unregistered barrister, failed to act with honesty and with integrity, and he knowingly misled or attempted to mislead another, in that, on 4 June 2021, while a pupil in Chambers, in a meeting with the Head of the Pupillage Committee, he stated that he had not seen a draft letter written by a member of Chambers before he wrote his own draft letter for the purposes of assessing his capability within pupillage,

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which statement he knew to be false as he had previously obtained the draft letter written by the member of Chambers from his room without his knowledge or consent.

Parties Present and Representation

4. The Respondent was present and was represented by Mr Alan Jenkins, of counsel. The Bar Standards Board (“BSB”) was represented by Mr Winston Jacob, of counsel.

Evidence

5. Mr Jacob summarised the case against Mr Penrice. The charges concerned Mr Penrice’s conduct whilst he was a pupil in a set of London chambers. Three of the charges relate to the submission of work. During his pupillage he was required to complete pieces of work for the purposes of chambers assessing his ability and suitability to become a tenant in chambers. In order to complete these pieces of work, he obtained, without their consent, versions of the piece of work done by previous pupils. He then used this, submitting as his own work, work previously done by others. These pieces of work were supposed to be his own work, completed for the purpose of assessing him whilst a pupil in chambers.
6. The fourth charge relates to Mr Penrice’s conduct in a meeting with the Head of the Pupillage Committee when he was faced with allegations of his wrongdoing and lied about what had happened.
7. Mr Jenkins mitigated on behalf of Mr Penrice, focussing particularly on the medical evidence and Mr Penrice’s professional life before and since the period of poor mental health during which these incidents occurred.
8. The Panel retired to consider their decision on sanction.

Background

9. Mr Penrice has admitted 4 charges, each involving dishonest conduct by him when he was a pupil in chambers.

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10. His pupillage started in October 2020, and he was one of two pupils in chambers. He was required from time to time to submit work of various kinds for assessment by members of chambers. The detail of that work does not matter for our purposes, but the purpose of the requirement was obviously so that an assessment could be made of his abilities and suitability to become a tenant.
11. On 12 May 2021 (Charge 10) he submitted a skeleton argument as part of an advocacy exercise. It was not his work; it was the work of a member of chambers who had submitted it in 2018 when in pupillage. He had obtained it by gaining unauthorised access to the emails of the head of the pupillage committee.
12. On 19 May 2021 (Charge 7) he submitted an opinion which again was not his work; in part it was the work of his fellow pupil.
13. On 1 June 2021 (Charge 4) he submitted a draft response to a letter of claim. As before, this was not his work but was the work of another.
14. On 4 June 2021 he had a meeting with the head of the pupillage committee and was asked about the authorship of the 1 June 2021 document. He lied about it in an obvious attempt to exculpate himself.
15. So, within about 3 weeks he had committed 3 dishonest acts of plagiarism and had lied about the most recent one.
16. Matters very quickly unravelled and it is fair to say that he admitted his guilt to chambers shortly after and has never sought to deny either what he did or that it was dishonest since.
17. As the Sanctions Guidance makes plain, and as would be obvious even if it did not, this level of dishonesty must lead to disbarment unless the circumstances are truly exceptional, and it is to the background circumstances that we now turn.
18. Mr Penrice was born on 21 May 1991. At school and at university he was an academic highflyer, gaining a first class degree in law from Oxford University in 2015. He trained

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as a solicitor and was employed by a “magic circle” firm as a junior commercial litigator. He soon developed an interest in company and insolvency law but despite being highly thought of and performing well at his firm decided that he wanted to leave and join the independent bar. He completed the Bar Transfer Test successfully and applied for pupillage to various sets of chambers including the set that took him on.

19. As pointed out above, his pupillage began in October 2020 and, we should point out here, throughout his time in chambers the quality of the work that he honestly produced was entirely satisfactory.
20. To understand how matters came to turn out as they did in May and June 2021 we have had the great benefit of being able to rely on the material submitted by three psychiatrists, Drs Cremona, Powell and Sanikop. What follows is distilled from what all three have concluded.
21. On 22 December 2020 Mr Penrice saw his GP who was sufficiently concerned about his anxiety state to refer him to Dr Cremona who saw him on 25 January 2021. She noted that he was depressed and having suicidal thoughts and prescribed anti-depressants.
22. At the time, the second lockdown was in force and Mr Penrice, who lived alone was leading an isolated life. He was going into chambers but not many other people were, and he was unable, for reasons that were no one’s fault, to participate in the normal personal and professional interactions that would ordinarily have been open to him.
23. Lockdown gradually eased but this does not seem to have helped his mental state because he was also becoming increasingly ill. He had begun obsessively overworking, putting in 16-to-18-hour days when there was no need. He was having paranoid delusions that his neighbours meant him harm; he had constant feelings of worthlessness and that he did not belong in chambers.
24. By April and May he was hearing voices telling him that he was worthless and would die if he did not pass pupillage. By mid-May, very much the time with which we are concerned, he was hallucinating that his neighbours were trying to kill him and that people in chambers were out to do him physical harm.

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25. No one in chambers would have known that he was in the condition he was but that he was suffering from a serious mental disorder is beyond doubt. The diagnosis is of a severe depressive illness with psychotic features.
26. After his interview his condition further deteriorated. He was admitted as an inpatient at the Nightingale Hospital where he remained until discharge on 8 July 2021. We stress that we do not place any blame for this on his chambers and in particular we do not blame his interviewer.
27. It has been submitted to us, and we accept, that the true explanation for what he did in May and June 2021 is not that he was calculatedly deceitful, but rather that his mental illness impelled him to behave in a way that was entirely out of his character when well. There are many testimonials to his competence and probity, a number of them also refer to how disturbingly changed he was in early 2021. It is plain to us that, had he not been as ill as he was, it is vanishingly unlikely that the behaviour that he engaged in in May and June 2021 would have occurred.
28. It is for these reasons that we consider this to be a wholly exceptional case and do not consider that it would be just to order that he be disbarred, but we do consider that if he is to practise some safeguards should be in place.
29. He is now back working with the same solicitors as before; they are fully aware of what has happened, and his condition is very much improved but there must be no risk of a recurrence of the matters we have had to deal with.

Sanction and Reasons

30. The Panel returned and stated that they would give brief reasons to be followed by a full reasoned judgment at a later date.
31. The sanction decision is as follows: 'Dishonesty must result in disbarment unless there are exceptional circumstances, whether someone is a practising member of the Bar or a pupil and whether it concerns conduct in court or chambers. We consider, however, that in light of the medical evidence that we have seen, in light of the various testimonials

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that have been placed before us on behalf of Mr Penrice, and in light of what he has said and in light of the submissions we have heard. We take the view there are truly exceptional circumstances in this case, as it is fair to say that what lay behind the admitted dishonesty in this case was the mental illness which, without argument, he was suffering at all material times. No blame for this is placed on anyone – it was an illness. An appropriate sanction is one that can protect public and profession from any repetition of this conduct – Mr Penrice is on medication, actively seeking help and the risk of repetition is very low but we wish to minimise it. So, our conclusions are that the appropriate sanction is this – concurrent on each count:

- A. BSB do not issue practising certificate to Mr Penrice for 3 years from today's date;
- B. In any event he must complete a further 6 months of pupillage before any practising certificate can be issued;
- C. That pupillage should not start within 2 years from today's date.

The BSB's application for £1800 costs is unopposed and so that order is made; to be paid at a time to be agreed between Mr Penrice and the BSB.

Approved: 15 December 2022

HH Nicholas Ainley
Chairman of the Tribunal

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