



The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

Report of Finding and Sanction

Case reference: PC 2021/4989/D5

Rashvinderjeet Panesar

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

Rashvinderjeet Panesar

1. In accordance with an appointment made by the President of the Council of the Inns of Court contained in a Convening Order dated 30 October 2023, I sat as Chairman of a Disciplinary Tribunal on 23 November 2023 to hear and determine two charges of professional misconduct contrary to the Code of Conduct of the Bar of England and Wales against Rashvinderjeet Panesar, barrister of the Honourable Society of Lincoln's Inn.

Panel Members

2. The members of the Tribunal were:

HH James Meston KC - Chair

Desiree Artesi – Barrister Member

Peter Causton – Barrister Member

Tracy Stephenson – Lay Member

Rhona Stevens – Lay Member

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Parties Present and Representation

1. The Respondent was present and was represented by Martin Forde KC. The Bar Standards Board (“BSB”) was represented by Philip Stott.

Charges

2. The following charges were admitted.

Charge 1

Professional misconduct, contrary to Conduct Rule 8 (integrity only) of the Code of Conduct of the Bar of England and Wales (9th Edition) Bar Standards Board Handbook (Version 4).

Particulars of Offence

Rashvinderjeet Panesar behaved in a way which could reasonably be seen by the public to undermine his integrity when, between 30 December 2020 and 4 March 2021, he sent to Person A Instagram messages which were of a grossly offensive nature for the purpose of causing distress or anxiety to Person A.

Charge 2

Professional misconduct, contrary to paragraph Core Duty 5 of the Code of Conduct of the Bar of England and Wales (9th Edition) Bar Standards Board Handbook (Version 4).

Particulars of Offence

Rashvinderjeet Panesar behaved in a way which is likely to diminish the trust and confidence which the public places in him and/or or in the profession, when he, between 30 December 2020 and 4 March 2021, sent to Person A Instagram messages which were of a grossly offensive nature for the purpose of causing distress or anxiety to Person A.

Preliminary Matters

3. The BSB made an application under Re174 that the identity of Person A should not be revealed in the public domain. No objection was raised by the Respondent or his representative. The application was granted.

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Pleas

4. Both charges were admitted by the Respondent

Evidence

5. The Panel were presented with a bundle of evidence from the BSB, which included copies of and screenshots of the messages that the Respondent sent to Person A.
6. The Respondent provided testimonials to the Panel.
7. The Panel heard live evidence from the Respondent, where he explained the reasoning and circumstances behind his behaviour towards Person A.
8. The Respondent was questioned by Martin Forde KC, and then briefly cross-examined by Mr Stott. The Respondent also answered questions from the Tribunal.

Findings and Sanction

9. Below is the decision and reasoning on both Findings and Sanction as read out by the Chair of the tribunal;

“The tribunal have heard and considered two charges of professional misconduct brought against the Respondent, Mr Panesar. It is alleged that between the 30th December 2020 and the 4th of March 2021, he sent grossly offensive Instagram messages to another person for the purpose of causing distress or anxiety to that other person. In fact, the Instagram messages were all sent about the same time in early January 2021, and they were sent directly to a person with whom the Respondent had formerly been in a relationship. The first charge alleges that to have been behaviour which could reasonably be seen by the public to undermine his integrity. The second charge alleges it to have been behaviour likely to diminish the trust and confidence which the public places in him and/or the profession. The Respondent has admitted both charges. He had earlier submitted to a conditional police caution and then promptly self-referred to the Bar Standards Board. The Tribunal have been provided with a bundle of documents containing copies of the Instagram messages,

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together with some further, unpleasant, but rather less offensive comments posted by him on TikTok, also in January 2021, which were also directed at the same person. The Tribunal have heard evidence from Mr Panesar and read supporting statements and references on his behalf. We have also had helpful submissions on his behalf from Mr Forde KC. The bundle contains full statements made by the Respondent himself, explaining the context in which he was, as he would put it, provoked into sending the messages. It is clear that the relationship between the Respondent and the recipient of the messages had severely deteriorated and that there were difficult proceedings relating to matters consequential upon the breakdown of that relationship. There is also evidence that at the time the Respondent had spent a period with a low mood and heightened anxiety, from which he has since recovered with resolution of the proceedings and revival of his professional practice. It is necessary to assess the nature and extent of such misconduct and, in this case, to note the content and tone of the offensive messages. They were, as described in the charges, grossly offensive. But, in this case it was not a prolonged course of misconduct in that the messages did not persist. The tribunal accept that the Respondent was reacting, albeit wrongly, to public and private denigration of him by the recipient of the messages, and also accept that what he did was essentially out of character. While that explains his behaviour, it does not justify or excuse it. It was not behaviour that the public would expect from a professional, although it was the product of a private dispute rather than anything relating to his professional practice.

“The Tribunal should have regard to the current sanctions guidance under which the concern of the Tribunal is with the reputation of the profession rather than with punishment. The guidelines set out the purposes of applying the sanctions for professional misconduct. These include maintaining public confidence in the profession, maintaining high standards of behaviour and deterring the individual barrister and others. Any sanction should be proportionate, not more than necessary to achieve those stated purposes. The guidance proposes a staged approach, which the Tribunal have undertaken. The first stage is to determine the appropriate misconduct group. The conduct in this case does not fit exactly within any specific group. Inappropriate communications of this sort are a form of behaviour towards others covered by group I. These communications resulted in a formal caution nearer the time and they did not continue. There is no direct evidence of their

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effect on the recipient, who herself used social media to cause upset. The relevant communications were not placed by the Respondent in the public domain. There are several points in mitigation which have been properly adduced. The communications occurred when the relationship was clearly toxic and the Respondent was affected by it and its breakdown. Secondly, and importantly, he has made an apology which appears genuine and sincere. Thirdly, he immediately self-reported to the Bar Standards Board and cooperated with the Bar Standards Board. Fourthly, these events occurred two and a half years ago. Fifthly, the respondent has no previous disciplinary record and there has been no repetition of any such behaviour. The Tribunal do not consider there to be any real risk of a repetition and there is in this case no need to address any other risks to the public. Accordingly, the Tribunal have unanimously decided that Mr Panesar should be reprimanded. The Tribunal have considered whether or not to impose a financial penalty. Having heard evidence about his financial position, including his outstanding liabilities and commitments, a fine will not be imposed. He will pay the costs claimed by the Bar Standards Board in the sum of £2,100, including VAT, within 28 days or as may be agreed between him and the Bar Standard Board.”

Dated: 23 November 2023

HH James Meston KC
Chairman of the Tribunal

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