The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

Report of Finding and Sanction

Case Reference: 2024/0099/D5

Miss Georgie Dibbo

The Director-General of the Bar Standards Board

The Chair of the Bar Standards Board

The Treasurer of the Honourable Society of Middle Temple

Disciplinary Tribunal

Miss Georgie Dibbo

1. In accordance with an appointment made by the President of the Council of the Inns of Court contained in a Convening Order dated 20 November 2024, I, HH Janet Waddicor, sat as Chairman of a Disciplinary Tribunal on 17 December 2024 to hear and determine 3 charges of professional misconduct contrary to the Code of Conduct of the Bar of England and Wales against Ms Georgie Dibbo, barrister of the Honourable Society of Middle Temple.

Panel Members

2. The other members of the Tribunal were:

   Helen Norris (Lay Member);

   Lakshmi Ramakrishnan (Lay Member);

   Ashley Serr (Barrister Member);

   Hayley Firman (Barrister Member).

Charges

3. The following charges were admitted.

Charge 1

Statement of Offence

Professional misconduct, contrary to Core Duty 5 and/or rC8 of the Code of Conduct of the Bar of England and Wales (9th Edition, Version 4.7)

Particulars of Offence

In November 2023, Georgie Dibbo, a First-Six pupil barrister, behaved in a way likely to diminish the trust and confidence that the public places in her and/or the profession, and/or behaved in a way which could reasonably be seen by the public to undermine her integrity, when, whilst preparing a skeleton argument based on one of the past cases of her pupil supervisor, she:

a. accessed the file for that past case in her pupil supervisor's office and read confidential material (including her pupil supervisor's actual skeleton argument for that case) without permission to do so;
b. submitted a piece of work (namely a skeleton argument) for assessment, passing it off as exclusively her own, when it had been influenced by her pupil supervisor's actual skeleton argument;
c. did not, after the fact and by her own volition, promptly inform her pupil supervisor that she had seen and been influenced by his skeleton argument.

Charge 2

Statement of Offence

Professional misconduct, contrary to Core Duty 5 and/or rC8 of the Code of Conduct of the Bar of England and Wales (9th Edition, Version 4.7)

Particulars of Offence

Between 23 November 2023 and 8 December 2023, Georgie Dibbo, a First-Six pupil barrister, behaved in a way likely to diminish the trust and confidence that the public places in her and/or the

profession, and/or behaved in a way which could reasonably be seen by the public to undermine her honesty and integrity, when she repeatedly denied and/or misrepresented to her Chambers the way in and extent to which she had read and been influenced by her pupil supervisor's actual skeleton argument in completing her own skeleton argument and submitting it for assessment.

Charge 3

Statement of Offence

Professional misconduct, contrary to Core Duty 5 and/or Core Duty 9 and/or rC8 of the Code of Conduct of the Bar of England and Wales (9th Edition, Version 4.7)

Particulars of Offence

On 29 November 2023, Georgie Dibbo, a First-Six pupil barrister, behaved in a way likely to diminish the trust and confidence that the public places in her and/or the profession, and/or failed to be open and co-operative with her regulator, and/or behaved in a way which could reasonably be seen by the public to undermine her honesty and integrity, when she misrepresented to the BSB in her self-report the way in and extent to which she had read and been influenced by her pupil supervisor's skeleton argument in completing her own and submitting it for assessment.

Parties Present and Representation

4. The Respondent was present and was represented by Mr Marc Beaumont. The Bar Standards Board ("BSB") was represented by Mr Nicholas Bard. The Tribunal was assisted by a very fair and helpful Skeleton Argument and Opening Note by Mr Bard. The Tribunal was grateful to both advocates for their assistance.

Preliminary Matters

5. The Tribunal raised as a preliminary issue the fact there was a very recent witness statement from the Respondent's mother, Mrs Dibbo, which was highly critical of the Chambers at which Ms Dibbo had been a pupil and yet the Chambers had not had a chance to respond. The Tribunal was concerned about the potential serious unfairness to the Chambers if the statement were to be relied upon. Having heard submissions on the matter from the parties, the Tribunal rose to allow Mr Beaumont to take instructions. On the resumption of the hearing,

Mr Beaumont confirmed that he relied on the statement for the description of the Respondent's presentation during the material time and subsequently would not rely on or refer to any of Mrs Dibbo's criticisms of the Chambers.

Pleas

6. The charges were put. The Respondent admitted all three charges.

Evidence

7. The Tribunal had two bundles of documents. The BSB's bundle included witness statements from members of the Respondent's Chambers, transcripts of interviews between the Respondent and members of Chambers, correspondence between the Respondent and Chambers and between the Respondent and the BSB. The Respondent's bundle included a medical report, the statement by Mrs Dibbo, and several references.

8. The hearing proceeded on the basis of submissions. Mr Beaumont said he did not propose to call any live evidence. The Tribunal indicated that it might assist them to hear directly from the Respondent but made it clear that it was a matter for the Respondent whether she wished to give evidence. In the event, the Respondent did give brief evidence after Mr Beaumont had completed his mitigation.

Factual Background

9. The Respondent was called to the Bar in July 2023. At the time of the misconduct in November and December 2023 she was a first-six pupil in Chambers. She had started her pupillage on 2 October 2023. Her pupil supervisor was DW. In November DW set the Respondent a piece of written work to be completed within a few days while he was working abroad on a case. The work involved drafting a skeleton argument in support of an application for summary judgment. The Respondent was told that the exercise was based on a previous real case in which DW had been instructed. DW provided the Respondent with the necessary documents in a pdf file and asked her to email her work to him once completed. The Respondent asked DW whether she should print a set of papers for him, but he said this was not necessary. It was customary for DW to keep old files of completed cases in his room and he had done so in this case. The Respondent was not given permission to access the file; nor was she given express instructions not to do so.

10. While the Respondent was working on the exercise, she accessed the file. She said she did so in order to check where the tabs were within the papers. In the file she came across DW's skeleton argument ("the Original"). She did not tell DW that she had accessed his file and that she had seen the Original. The Respondent completed the drafting exercise and emailed it on Friday 24 November to DW who immediately noted many similarities between the Respondent's work and the Original. DW communicated his concerns to the pupillage co-ordinators.

11. When DW returned to Chambers on Monday 27 November he met with the Respondent, but neither of them mentioned the drafting exercise. An interview was set up for that afternoon with two members of Chambers and the Respondent. The purpose of the interview was to ask the Respondent about the drafting exercise, but the Respondent was not aware of this beforehand. In the interview the Respondent said she had noticed the Original on the file and had *"flicked through*" it. She was asked about the striking similarities between her work and the Original but maintained that she had done the work without reference to the Original.

12. On 28 November Chambers sent the Respondent a transcript and a summary of the interview and said that it appeared that the Respondent was in breach of the Code of Conduct and that she was required to self-report to the BSB. The Respondent made a first report to the BSB the following day. She was later to admit that this self-report understated the extent to which she had referred to the Original.

13. On 1 December, the Respondent sent a detailed response to Chambers in which she again understated the extent to which she had referred to the Original. On 6 December there was a further interview, this time with four members of Chambers, including DW. At the end of the interview, the Respondent was provided with a full set of documents from the original file and was asked to take them away and reflect on them and to notify Chambers of the outcome of her reflection. On 8 December, the Respondent replied admitting that she had misled Chambers at the two interviews and in her letter of 1 December. She apologised for having done so. She was unable to say exactly how much time she had spent looking at the Original but said that she had returned to it between 5 and 10 times for under 5 minutes on each occasion. That same day Chambers replied saying they were minded to terminate her pupillage and that she should make a further self-report to the BSB. The Respondent was

asked to provide a formal response by 11 December which she duly did, saying she understood and accepted the decision to terminate her pupillage and again apologising. The Respondent subsequently made her second self-report.

14. On 11 March 2024, the BSB wrote setting out the allegations and on 14 March the Respondent accepted them all.

BSB's Opening

15. Mr Bard opened the case for the BSB by reference to his detailed Skeleton Argument and Opening Note. He referred the Tribunal to the Sanctions Guidance and submitted that the offences fell within Group A which covers findings (and admissions) of misconduct involving dishonesty. The indicative sanction for any misconduct involving dishonesty, regardless of the degree of seriousness, is disbarment, and there is a presumption that, save in exceptional circumstances, the sanction of disbarment will be imposed.

Mr Beaumont's Plea in Mitigation

16. In the course of mitigation Mr Beaumont disputed the categorisation of the offences. He contended that they fell within Group F – misleading the court and others. The description of Group F includes the following: *"It is intended to cover misleading statements or behaviours which fall short of dishonesty or have not been charged as dishonesty."* Mr Beaumont pointed out that the Respondent had not been charged with a breach of CD 3 i.e. a breach of the duty to act with honesty and integrity. He submitted that it followed that she had not been charged with dishonesty. Instead the Respondent had been charged with and had admitted three breaches of CD 5, the second and third of which were pleaded as follows: *"(The Respondent)…. behaved in a way which could reasonably be seen by the public to undermine her honesty and integrity*." Mr Beaumont argued that the Respondent had not admitted dishonesty; she had admitted that she had behaved in a way that the public might reasonably consider undermined her honesty. Accordingly, the offences did not fall within Group A. The indicative sanctions for Group F ranged from a medium to high level fine up to suspension of over 12 months or disbarment, depending on the degree of seriousness.

17. It was not clear whether the BSB had been put on notice that this point would be raised. The Tribunal invited Mr Bard to respond. Mr Bard explained that the reason the Respondent had not been charged with breach of CD3 was because CD3 does not apply to non-practising pupils.

He repeated his submission that the offences were clearly offences of dishonesty and that accordingly they fell within Group A. The description of Group A offences begins as follows: "*This Group covers findings of misconduct which involve dishonesty."* The Respondent had admitted offences involving dishonesty. It was simply wrong to suggest that a finding of breach of CD 3 was a pre-requisite for an offence to come within Group A.

18. Neither advocate drew the Tribunal's attention to any relevant authorities.

19. Mr Beaumont continued his mitigation. The Respondent had outstanding academic records, a great future ahead of her, but a curious and inexplicable lack of self-confidence. Her brief experience of pupillage was lonely. She did not adjust well. She was young and inexperienced and had felt out of her depth. She compared herself unfavourably with other pupils and suffered from "imposter syndrome." She was not a fundamentally dishonest person; she had acted out of character and had already paid a high price. A number of factors had come together as a perfect storm resulting in an aberration in the life of this young barrister. It would be disproportionate and harsh to terminate the Respondent's career before it had started.

20. If this were a Group F case, Mr Beaumont argued that the just and proportionate sanction would be a reprimand. He did not address the Tribunal on whether the misconduct under Group F should be judged to be with the Upper, Medium, or Lower Range of seriousness. When it was pointed out that a reprimand was outside the range of indicative sanctions for even the Lower Range of seriousness within Group F, Mr Beaumont responded that the indicative sanctions were for guidance only. A reprimand would not be too lenient. The Respondent had already suffered the ordeal of two sets of proceedings (Chambers and the BSB). She had already suffered a loss of reputation and the publication on the internet of the findings and decision on sanctions would add to her shame and act as further punishment.

21. If, contrary to his primary submission on categorisation, the Tribunal were to decide this was a Group A case, Mr Beaumont urged the Tribunal to exercise clemency. The factors already highlighted in mitigation amounted to exceptional circumstances. The Respondent was already one year behind her contemporaries. A fine would be a proportionate sanction.

Evidence from the Respondent

22. Although there was no witness statement from the Respondent, the Tribunal had the benefit of seeing her letters to Chambers and her responses to the BSB. It was notable that at no stage did the Respondent seek to blame anyone other than herself for her conduct. She regretted the difficulty she had caused for Chambers and the time that many members had had to spend to deal with this case.

23. After hearing mitigation, at the request of the Chair, the Respondent agreed to answer questions from the Tribunal. The Respondent was obviously extremely upset throughout the hearing. It was clear that she was embarrassed and ashamed to find herself before the Tribunal. Notwithstanding her distress, the Respondent agreed to give evidence informally (not under oath) about whether she had felt able to talk to anyone in Chambers at the relevant time. In the few minutes that the Respondent spoke directly to the Tribunal she said all that needed to be said about the circumstances of her misconduct and the devastating impact this case has had on her. She explained that she had felt alone, isolated, and ultimately inadequate in Chambers. She said that all her pupillage applications had been to Chambers specialising in commercial law and that that was the area of law that had interested her most, but at present she did not see herself returning to the Bar. She had gone from loving the law to no longer wishing to have anything to do with it. She could not even bear to listen to anything about the law on the radio and she now hated being in London.

24. The Tribunal retired to consider its decision.

Sanction and Reasons

25. On the resumption of the hearing, the Tribunal gave its decision on sanction as follows.

26. The Sanctions Guidance Version 6 dated 1 January 2022 applies. The Tribunal was unanimous that the offences in Charges 2 and 3 fell within Group A – Dishonesty. Not only does the description of this Group cover misconduct involving dishonesty, but the examples given of dishonest conduct include two examples which apply in this case: lying and dishonesty in connection with disciplinary proceedings.

27. Before determining the issue of seriousness in accordance with the Guidance, the Tribunal took account of the following general points.

- Any dishonesty by a member of the Bar is inherently serious. Public interest requires that barristers conduct themselves with honesty and the highest integrity.
- The profession requires that its members be completely trustworthy.
- Members of the same set of chambers may be instructed on opposite sides of the same case. It is damaging to the reputation of the individual barristers and to chambers as well as to the profession generally if a member of chambers cannot be trusted to behave honestly and with the highest integrity and not to access the work or instructions of another member of chambers.

28. **Seriousness**

Culpability under Group A

The following factors apply:

- The dishonesty continued over several days when the Respondent repeatedly denied to Chambers that she had consulted the Original and or deliberately understated the extent to which she had done so. The dishonesty was repeated and continued in the first report to the BSB.
- The dishonesty was not sophisticated in that it was highly likely that the Respondent would be found out – as indeed she was.
- The Respondent intended to benefit from the dishonesty in that she was aware that she was going to be assessed on the work she was submitting as her own work

Culpability under the Annex

The following additional factors apply:

- The Respondent was in breach of a position of trust towards her pupil supervisor and towards Chambers as a pupil barrister.
- The Respondent had control over the circumstances giving rise to the misconduct.

Harm under Group A

- The misconduct had a limited adverse effect on others.

Harm under the Annex

Public confidence in the profession would be undermined if the misconduct were known.

Aggravating and Mitigating Factors

There are no aggravating or mitigating factors under Group A. There are no applicable aggravating factors in the Annex. The following mitigating factors from the Annex apply:

- The Respondent admitted the allegations of misconduct at an early stage and admitted the charges immediately upon receipt.
- The Respondent self-reported promptly, albeit not fully on the first occasion.
- The Respondent co-operated fully with the investigation.
- The Respondent is genuinely remorseful.
- There is no likelihood of repetition.
- The Respondent was very young, inexperienced and lacking in confidence and self-belief.
- There are excellent character references from people who know the Respondent very well and who confirm that the misconduct was completely out of character.

29. Having balanced all the above factors the Tribunal concluded unanimously that there were exceptional circumstances such as to justify a departure from the indicative and presumed sanction of disbarment. Of particular importance were the Respondent's youth, inexperience, feelings of inadequacy at the time, previous exemplary conduct, and the high esteem in which she was and is still held by the referees, her deep and genuine remorse, and the limited harm caused.

30. The Tribunal had in mind that one of the purposes of applying sanctions to professional misconduct was to maintain public confidence and trust in the profession. The public expects members of the Bar to be completely honest. All of the Charges arose from the same underlying facts. Charge 1 involved lack of integrity. Charges 2 and 3 involved dishonesty. Neither a reprimand nor a fine would suffice to mark the gravity of the misconduct. The Tribunal concluded unanimously that the only just sanction was one of suspension. The

Tribunal considered the length of the suspension and concluded that lowest proportionate sentence taking into account all the circumstances including mitigation and the early plea was a term of 18 months. The Tribunal imposed a global sanction of suspension for a period of 18 months.

31. After the Tribunal announced its decision, Mr Beaumont invited the Tribunal to reduce the length of suspension to reflect the Respondent's early admission of guilt and other mitigation. He relied on the case of Forz Khan v Bar Standards Board [2018] EWHC 2184 (Admin) in which Warby J (as he then was) allowed an appeal against a sanction of 7 months' suspension and substituted a sanction of 3 months' suspension. Copies of the Khan case had been provided to the Tribunal prior to the start of the hearing. The facts of Khan were very different from the instant case and it serves no purpose to set them out here. The Tribunal understood Mr Beaumont's submission to be that the Tribunal was required to grant a reduction of one third of the term of a suspension (or, if applicable, the amount of a fine) to reflect the plea and mitigation.

32. Having considered the Khan case with care, it is impossible to conclude that it is authority for the proposition that credit of one third must be given for an early guilty plea to professional misconduct. Moreover, Khan was decided in 2018 when the applicable guidance was Sanctions Guidance 4. In the two iterations of the Sanctions Guidance issued since the Khan case, there is no mention of credit that must be given in terms of a reduction in the length of term of the suspension or the amount of any fine. Furthermore, the case of Khan is easily distinguishable on its facts. Firstly, Mr Khan was not charged with any offences involving dishonesty for which disbarment was the indicative sanction. Secondly, Warby J, having been invited by both parties to reassess the position and to substitute a lesser sentence, in the event that he concluded that the Tribunal's sanction was clearly inappropriate, did <u>not</u> say that in all cases dealt with by BTAS it was mandatory to allow and express a specific discount for plea and mitigation, let alone a discount of one third. Warby J followed the approach of the Tribunal which had been to arrive at a global starting figure and then to discount it for plea and mitigation. He disagreed with the Tribunal on both the appropriate global starting figure and the appropriate discount for plea and mitigation. He did so entirely on the facts of that case. Warby J arrived at a starting point of 5 months as opposed to the Tribunal's figure of 9 months. He disagreed with the Tribunal for allowing a discount of only 2 months which he said was *"a mere 20%".* (For what it is worth, Warby J's arithmetic was incorrect. The

discount given by the Tribunal in fact amounted to 22.22%). Warby J concluded that, on the facts of that case, *"it would be hard to justify credit of less than one third."* He then reduced the term of suspension from 5 months to 3 months (which amounted in fact to a discount of 40%). Finally, and most importantly, this Tribunal had taken into account all the mitigation and the early plea in arriving at the conclusion that there were exceptional circumstances such as to justify not imposing disbarment and in concluding that the only just sanction was suspension and that the lowest proportionate term was a term of 18 months.

33. Mr Beaumont made a further request to reduce the term of suspension to reflect the fact that these proceedings had had the practical effect of leaving the Respondent *"out of circulation"* for 12 months. He submitted that the Respondent was already 12 months behind her contemporaries and that the suspension would mean she would be a further 18 months behind them. The Tribunal noted that a gap of 12 months between an offence and a disciplinary hearing was not unusual. The fact that the Respondent had been *"out of circulation"* was a result of the (understandable) decision of Chambers to terminate her pupillage. The sanction imposed by the Tribunal was necessary to mark the gravity of the offence. The request to reduce the period of suspension was refused.

34. The Tribunal ordered the Respondent to pay costs in the sum of £1,560 within 28 days.

Dated: 15 January 2025

HH Janet Waddicor

Chair of the Tribunal