



The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

Report of Finding and Sanction

Case Reference: 2024/0036

Mr Henry King

The Director-General of the Bar Standards Board

The Chair of the Bar Standards Board

The Treasurer of the Honourable Society of: Middle Temple, 2018

Disciplinary Tribunal

Mr Henry King

1. In accordance with an appointment made by the President of the Council of the Inns of Court contained in a Convening Order dated 7 February 2025, I, HH Janet Waddicor, sat as Chair of a Disciplinary Tribunal on 28 February 2025 to hear and determine 2 charges of professional misconduct contrary to the Code of Conduct of the Bar of England and Wales against Mr Henry King, barrister of the Honourable Society of Middle Temple.

Panel Members

2. The other members of the Tribunal were:

Vince Cullen (Lay Member)

Stephanie McIntosh (Lay Member)

Kane Simons (Barrister Member)

Elahe Youshani (Barrister Member)

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Charges

3. The following charges were admitted.

Charge 1

Statement of Offence

Professional misconduct contrary to Rule rC8 and/or Core Duty 5 of the Code of Conduct of the Bar of England and Wales (9th Edition), contained in Part 2 of the Bar Standards Board Handbook (Version 4.7)

Particulars of Offence

Henry King, a barrister and BSB regulated person, behaved in a way which could reasonably be seen by the public to undermine his integrity, and/or behaved in a way which was likely to diminish the trust and confidence which the public places in him or in the profession, in that, during the Chambers' Christmas party on 15 December 2023, he touched Person A inappropriately, under her skirt on the thigh/bottom and/or also on the breast, and the touching was unwanted and/or amounted to harassment.

Charge 2

Statement of Offence

Professional misconduct contrary to Rule rC8 and/or Core Duty 5 of the Code of Conduct of the Bar of England and Wales (9th Edition), contained in Part 2 of the Bar Standards Board Handbook (Version 4.7)

Particulars of Offence

Henry King, a barrister and BSB regulated person, behaved in a way which could reasonably be seen by the public to undermine his integrity, and/or behaved in a way which was likely to diminish the trust and confidence which the public places in him or in the profession, in that, during the Chambers' Christmas party on 15 December 2023, he said the words set out in Schedule A paragraph 1 towards Person A, such conduct was unwanted and/or amounted to harassment.

Parties Present and Representation

4. The Respondent was present and was represented by Mr Lewis MacDonald. The Bar Standards Board ("BSB") was represented by Ms Laura Nash.

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Preliminary Matters

5. Person A will remain anonymous and any reference to her protected characteristics shall be referenced as such in order to avoid the possibility of jigsaw identification.

Pleas

6. The Respondent had admitted the charges at the outset, and he entered formal admissions to both charges at this hearing.

Evidence

7. The evidence consisted of a 100-page bundle of documents prepared by the BSB and an 87-page bundle of documents prepared by the Respondent. Included in the bundles were a number of witness statements and references. None of the witnesses was required to attend the hearing. There was no challenge by either party to the content of any of the statements or the references. The Tribunal accepted all of the written evidence and the references.

Findings

8. The Respondent was called to the Bar in July 2018. The misconduct took place at Chambers Christmas party in December 2023. The Respondent and Person A were among many members of Chambers and staff who attended the party. The Respondent began dancing with Person A and touched her sexually without her consent. He touched her once under her skirt on the top of her thigh and once over clothing on her breast and he made reference to her protected characteristic. The Respondent was under the influence of alcohol at the time. Person A was upset by the Respondent's behaviour and was disappointed because she liked and trusted him and had worked well with him in Chambers. Person A confided that night in Person C, another member of Chambers. Person C informed Person A quite properly that the matter would have to be reported. Person A did not want the matter to be reported because she did not want to cause trouble for the Respondent. She felt anxious, awkward, and embarrassed and she was worried that she would have to leave Chambers if the matter were reported. Person A did

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not want to make a formal statement, but she provided a detailed account of what had happened, and the matter was investigated by Chambers.

9. The Respondent's Head of Chambers informed the Respondent of the allegation and met with him. The Respondent did not contest the allegation and wrote a letter of apology to Person A. Chambers held a disciplinary hearing a week of the incident and found that there had been gross misconduct. The Respondent was suspended from Chambers for 4 weeks and was given a formal written warning. The Respondent accepted the sanctions. He apologised in person to Person A and his apology was accepted. The Respondent self-reported to the BSB and his Head of Chambers also made a referral.
10. The Respondent has always admitted the allegation and that it amounts to serious misconduct. His account, which was uncontested and which the Tribunal accepted, was that he had no recollection of the incident because he was extremely drunk at the time. He had no reason to doubt the truth of Person A's account. He liked Person A and considered her a good friend and valuable colleague. He has always regretted his behaviour and the upset and stress it has caused Person A. He drew attention to the fact that Person A did not want to take part in the BSB investigation, preferring to put the matter behind her. Both Person A and the Respondent wished to be able to resume their friendship and professional relationship.
11. The Tribunal found both charges proved.

Sanction and Reasons

12. The Tribunal applied the Sanctions Guidance version 6 1 January 2022. The misconduct fell within Group B – Misconduct of a sexual nature. In its assessment of seriousness, the Tribunal identified the following relevant factors with regard to culpability and harm.
13. The misconduct was a one-off incident of short duration, but it was intentional, and the Respondent had sole responsibility for it. It took place in a professional context and in front of others. It was directed at a person in a vulnerable situation. It involved sexual touching. Alcohol misuse was linked to the misconduct. The sexual touching could have

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amounted to the commission for a criminal offence. The misconduct caused Person A to feel anxious, upset and stressed. The harm could have been reasonably foreseen. The harm was of short duration.

14. The Tribunal was unanimous in judging that the misconduct fell within the lower range of seriousness. The indicative sanction for lower range misconduct of a sexual nature is suspension for over 12 months to 24 months.
15. The Tribunal then considered aggravating and mitigating factors. The Tribunal was unanimous in judging that there were no aggravating factors whereas there were many compelling mitigating factors. The Respondent admitted the misconduct immediately and offered sincere apologies to Person A who received them well. He self reported promptly to the BSB. He co-operated fully with the investigation by Chambers and by the BSB. This was a one-off incident and was completely out of character. The Respondent has demonstrated and continues to demonstrate insight and genuine remorse. He has taken voluntary steps to prevent recurrence. He has recognised and has taken appropriate steps to address his own problem with alcohol misuse and he has contributed to a support group to assist other barristers to deal with addiction. He is committed to this work. The Tribunal judged it unlikely that the misconduct will be repeated.
16. He is a man of good character not just in the sense of there having been no previous disciplinary findings against him, but also in the sense that he has worked hard for the benefit of his Chambers and for the profession generally was attested by his referees. He has devoted a lot of his own time to his previous role on the pupillage committee and to his work for the Sutton Trust Programme with the aim of encouraging wider participation at the Bar.
17. Although the Guidance sounds a note of caution when it comes to personal mitigation in sexual misconduct cases, the Tribunal was unanimous in its view that the personal mitigation in this case was exceptional. It was clear from the evidence about the Respondent's background that he has had to overcome significant adversity in order to

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achieve great success academically and in order to qualify at the Bar. Since qualifying he has gained a reputation as a hardworking, respected, and talented lawyer. He has devoted considerable time to encouraging and mentoring aspiring barristers from non-traditional backgrounds. All of this at a time when his personal circumstances were extremely difficult. To date his achievements and contributions to the profession have been outstanding. He has a great deal to offer the profession in the future.

18. The Tribunal concluded unanimously that the indicative sanction would be unjust and disproportionate. By a majority of 4 to 1 the Tribunal concluded that the only just sanction was a term of suspension, but that the case required a significant reduction in the indicative term. The majority decision was that a suspension of 3 months was proportionate. The minority view was that the appropriate sanction was a reprimand coupled with a fine, but the majority view was that this would not reflect the seriousness of the misconduct. Accordingly, the decision was a suspension of 3 months.
19. The Tribunal exercised its discretion to postpone the commencement of the suspension to 1 April 2025.
20. The Tribunal ordered the Respondent to pay costs in the sum of £2,000 plus VAT.

Dated: 8 April 2025

HH Janet Waddicor
Chair of the Tribunal

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