



The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

Report of Finding and Sanction

Case Reference: 2023/0747/D5

Henry Hendron

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

Henry Hendron

1. In accordance with an appointment made by the President of the Council of the Inns of Court contained in a Convening Order dated 18 June 2024, I sat as Chair of a Disciplinary Tribunal on 3 July 2024 to hear and determine 4 charges of professional misconduct contrary to the Code of Conduct of the Bar of England and Wales against Henry Hendron, barrister of the Honourable Society of Middle Temple.

Panel Members

2. The other members of the Tribunal were:

John Vaughan (Lay Member)

Clara Cheetham (Lay Member)

Hylton Armstrong (Barrister Member)

Desirée Artesi (Barrister member)

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Charges

3. The four charges faced by the Respondent were as follows:

Charge 1

Professional misconduct, contrary to Core Duty 5 of the Bar Standards Board's Handbook (version 4.6).

Particulars of Offence

Henry Hendron, a barrister, 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, between 1 March 2020 and 3 October 2021, Mr Hendron did acts, namely encouraged the supply of Class A and/or Class C drugs, by one of his clients to himself, intending to encourage or assist in the commission of an offence of supplying a Class A and Class C drugs. On 17 March 2023, Mr Hendron was convicted, on admission of the charges, of three counts of intentionally encouraging/assisting the commission of an either way offence, namely the supply of Class A and Class C drugs, for which offences (together with those referred to in Charges 3-4 below) on 13 June 2023, Mr Hendron received concurrent sentences totalling 14 months' imprisonment.

Charge 2

Professional misconduct, contrary to Rule C8 of the Bar Standards Board's Handbook (version 4.6).

Particulars of Offence

Henry Hendron, a barrister, behaved in a way which could reasonably be seen by the public to undermine his integrity and independence, in that, between 1 March 2020 and 3 October 2021, Mr Hendron did acts, namely encouraged the supply of Class A and/or Class C drugs, by one of his clients to himself, intending to encourage or assist in the commission of an offence of supplying a Class A and Class C drugs. On 17 March 2023, Mr Hendron was convicted, on admission of the charges, of three counts of intentionally

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encouraging/assisting the commission of an either way offence, namely the supply of Class A and Class C drugs, for which offences (together with those referred to in charges 3-4 below) on 13 June 2023, Mr Hendron received concurrent sentences totalling 14 months' imprisonment.

Charge 3

Professional misconduct, contrary to Core Duty 5 of the Bar Standards Board's Handbook (version 4.6).

Particulars of Offence

Henry Hendron, a barrister, 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, on or before 3rd May 2022, Mr Hendron had in his possession, a quantity of crystal methamphetamine, a controlled drug of Class A, in breach of s5(1) of the Misuse of Drugs Act 1971. On 17 March 2023, Mr Hendron was convicted, on admission of the charge, of the offence of possessing a controlled Drug of Class A. On 13 June 2023, Mr Hendron received concurrent sentences for this and other charges, referred to in Charges 1-2 above, totalling 14 months' imprisonment.

Charge 4

Professional misconduct, contrary to rule C8 of the Bar Standards Board's Handbook (version 4.6).

Particulars of Offence

Henry Hendron, a barrister, behaved in a way which could reasonably be seen by the public to undermine his integrity and independence, in that, on or before 3rd May 2022, Mr Hendron had in his possession a quantity of crystal methamphetamine, a controlled drug of Class A, in breach of s5(1) of the Misuse of Drugs Act 1971. On 17 March 2023, Mr Hendron was convicted, on admission of the charge, of the offence of possessing a controlled Drug of Class A. On 13 June 2023, Mr Hendron received concurrent sentences for this and other

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charges, referred to in Charges 1-2 above, totalling 14 months' imprisonment.

Parties Present and Representation

4. The Bar Standards Board ("BSB") was represented by Mr Gareth Tilley who had provided a skeleton argument. The Respondent, who appeared in person, had set out in careful detail the background to the charges and his personal circumstances in a letter to the BSB in October 2023 and in a document provided to the Tribunal at the hearing. Both Mr Tilley and the Respondent made oral submissions.

Preliminary Matters

5. There were no preliminary issues to be determined.

Pleas

6. The Respondent admitted all four charges. On the evidence in the BSB's bundle and on the basis of the Respondent's admissions, we are satisfied that all four charges are proved.

Sanction and Reasons

7. On 13 June 2023 the Respondent was sentenced to 14 months imprisonment following conviction on pleas of guilty to three counts of intentionally encouraging or assisting the commission of an offence, namely the supply of controlled drugs, and one count of simple possession of a class A drug. He has now served part of that custodial sentence under the normal early release rules. The charges on which he appears before the Tribunal all relate to those convictions. Charges 1 and 2 relate to encouraging the supply of drugs, including Class A drugs, and Charges 3 and 4 to the simple possession of a Class A drug.
8. We bear in mind at the outset the need to look at each charge separately and to apply the Sanctions Guidance Version 6 ("the Guidance"). We are mindful of the need to consider totality. We take account of certain health issues which the Respondent has raised, but which do not need to be set out here.

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9. The Guidance provides that, in principle, a conviction resulting in a custodial sentence of any length gives rise to consideration of disbarment and, in the case of a substantial custodial sentence, disbarment is inevitable. The sentence of 14 months is not a substantial sentence.
10. The circumstances which apply to Charges 1 and 2 are as follows. The Respondent was a barrister practising in the criminal jurisdiction. AB and CD were clients with whom he had had intimate relationships and from whom he had obtained drugs in the past. The offences underlying Charges 1 and 2 involved him contacting AB and CD on separate occasions to obtain drugs.
11. The Respondent told us that he has a long history of drug addiction which he has tried unsuccessfully to beat. He says he was driven to beg AB and CD to supply drugs to feed his addiction. There is a sense in which the Respondent feels that he was harshly dealt with by the authorities. He stresses that the purchase of illicit drugs per se is not an offence, although the consequent possession of such drugs is an offence. The point he makes is irrelevant. What matters is that he was convicted of serious drug offences.
12. As far AB is concerned, the Respondent described him as vulnerable. He was aware that AB had been “cuckooed” by drug dealers who knew where he lived and who used his premises for the purpose of drug dealing. During his police interview AB required the assistance of an appropriate adult, a role undertaken by the custody sergeant.
13. All 4 charges fall within Misconduct Group E – Convictions. In relation to Charges 1 and 2 in terms of seriousness, we consider first the issue of culpability within that Group. The BSB submit that the underlying criminal offences were serious and the Respondent does not suggest otherwise. We judge that the offences were serious because they involved the supply of Class A drugs.
14. Looking at the Annex 2 factors relating to culpability, the following factors apply to Charges 1 and 2:
 - a. The misconduct was intentional.

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- b. The misconduct was repeated.
 - c. The Respondent acted in breach of his position of trust – he was a lawyer in whom AB and CD placed trust, and he was in a position of authority.
 - d. The Respondent had control and responsibility for the circumstances giving rise to the misconduct.
 - e. In the case of AB, the Respondent took advantage of a vulnerable person.
 - f. The Respondent put his own interest above those of his clients by inducing them to commit criminal offences.
 - g. The harm, namely that AB and CD could be charged with the offence of supplying illegal drugs – was reasonably foreseeable.
 - h. As is obvious, the misconduct resulted in the commission of a criminal offence.
15. For all of those reasons we are amply satisfied that Charges 1 and 2 involved significant culpability.
16. As to harm, the single harm factor identified in Group E is the number of people affected. Mr Tilley argues that three people were involved, namely AB, CD, and the Respondent. We regard it as stretching the point to say that the Respondent was harmed and we do not consider that harm to 2 people satisfies the criterion of harm identified under Group E.
17. Turning to the Annex 2 factors concerning harm, the most significant factor is the impact on the public confidence in the legal profession. The Respondent himself candidly accepted today, as he has accepted in written documents previously, that public confidence would be adversely affected by his behaviour. We judge the impact of the misconduct to be very damaging to public confidence.
18. As far as aggravating factors are concerned, the following apply:

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- a. There have been previous disciplinary findings and convictions for similar offences. In March 2016 the Respondent was convicted of, we understood from the BSB's document, simple possession of Class B and C drugs, but the Respondent has told us that the conviction was for the more serious offence of possession with intent to supply. He was sentenced by way of a community order requiring him to undertake unpaid work. In the disciplinary proceedings in May 2017, he was suspended from practice for a period of 3 years. The Tribunal which imposed the suspension sounded a very clear warning to the Respondent that he needed to avoid further offending and that he needed to sort himself out. There followed further disciplinary findings of other matters, unrelated to criminal convictions. A total of nine charges were found proved in May 2021, all arising out of the Respondent's conduct during the period of the suspension imposed in May 2017. Although those findings have no direct bearing on the matters being considered now, they are relevant because they are part of a background of repeated serious misconduct. The Tribunal dealing with the case in May 2021 made clear that they expected better of him in the future.
- b. Drug misuse was linked to misconduct.
- c. The Respondent has significant professional experience.

19. The following mitigating factors apply:

- a. The Respondent admitted the misconduct. He pleaded guilty in the Crown Court (albeit not at the earliest opportunity). He admitted the facts which gave rise to the charges of misconduct, although it was not until today that he accepted that all of the charges were made out.
- b. He reported the misconduct promptly.
- c. He has expressed his remorse at bringing the Bar into disrepute.
- d. He has co-operated with the investigation.

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- e. His personal circumstances are difficult. He has a background of health issues and he is plainly addicted to drugs. The Respondent has explained, but not excused, his behaviour by attributing it to the need to obtain drugs to fuel his addiction.
20. We take all of those matters into account. We take the view that the seriousness of this offence is upper range – significant culpability and significant harm. The Respondent was given the opportunity to argue otherwise, but ultimately he accepted that this was the appropriate range. Our own conclusion, firmly and unanimously, is that this is the correct range.
21. The indicative sanction is suspension of more than 12 months to disbarment. We have taken everything into account very carefully. The aggravating features are that back in 2017 the Respondent appeared before the Tribunal having been convicted of possession of controlled drugs [he says with intent to supply]. The convictions underlying the charges with which we are concerned attracted a custodial sentence. The Respondent has a lengthy background of disciplinary findings. For all of those reasons, the unanimous view of this Tribunal is that the only just sanction on Charges 1 and 2 is one of disbarment.
22. Turning to Charges 3 and 4 – these arise out of the conviction for simple possession of a small amount of class A drugs. The certificate of conviction records that the Respondent was sentenced to 2 months imprisonment to be served concurrently.
23. Culpability is serious because it involved a Class A drug and because it led to an immediate sentence of imprisonment.
24. The following factors in Annex 2 relevant to culpability apply to Charges 3 and 4
- a. The misconduct was intentional.
 - b. The offence was similar to the offences that led to the 2016 conviction.
 - c. The Respondent had control and responsibility for what happened.
 - d. The misconduct resulted in a criminal conviction.

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25. As to harm, the only person harmed was the Respondent himself. However, there was harm to the public confidence in the legal profession – the fact that a barrister previously convicted for possession of a proscribed drug is in possession again would harm that confidence.
26. The aggravating factors are those set out above in relation to Charges 1 and 2. However, additionally, for Charges 3 and 4 there is a likelihood of repetition. In 2016 the Respondent told the Tribunal that he was still using drugs, and he said the same in his letter of October 2023 to the BSB. The tenor of his submissions today is that he continues to use illicit drugs. Given that he was convicted in 2016 and that he re-offended between 2020 and 2021 and that he admitted possession of Class A drugs in 2022, we are satisfied that there is a likelihood of repetition of the offence of simple possession.
27. The mitigating factors identified in relation to Charges 1 and 2 apply equally to Charges 3 and 4.
28. We are unanimous in our view that even though the resulting custodial sentence was short, Charges 3 and 4 fall within the upper range of seriousness. Had this been an isolated incident involving a barrister with no previous convictions or disciplinary findings, our view is that that disbarment would be disproportionate. But that is not the situation here. Our unanimous view is that given the overall background and all the circumstances including the fact this is a repetition of previous serious misconduct which a previous Tribunal had warned must not be repeated, the only just sanction is disbarment.
29. The application by BTAS for costs in the sum of £2,670 is not opposed. We are satisfied that the costs are reasonable and that the Respondent should pay them. Accordingly the Respondent is ordered to pay £2,670 within 28 days.
30. The BSB is required not to issue a practising certificate pending any appeal, pursuant to rE227.3 of the Disciplinary Tribunal Regulations
31. The Treasurer of the Honourable Society of Middle Temple is requested to take action on this report in accordance with rE239 of the Disciplinary Tribunal Regulations 2017.

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Dated: 25 July 2024

**HH Janet Waddicor
Chairman of the Tribunal**

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