



The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

Report of Finding and Sanction

Case Reference: 2019/0329/D5

Mr James Boyle

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

Mr James Boyle

1. In accordance with an appointment made by the President of the Council of the Inns of Court contained in a Convening Order dated 24 June 2025, I sat as Chairman of a Disciplinary Tribunal on 15 July 2025 to hear and determine 3 charges of professional misconduct contrary to the Code of Conduct of the Bar of England and Wales against Mr James Boyle, barrister of the Honourable Society of Middle Temple.

Panel Members

2. The other members of the Tribunal were:

Mr Andrew Ward (Lay Member);

Ms Helen Norris (Lay Member);

Mr Peter Causton (Barrister Member);

Ms Hayley Firman (Barrister Member).

Charges

The Bar Tribunals & Adjudication Service

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3. The following charges were admitted.

Charge 1

Statement of Offence

Professional misconduct, contrary to Core Duty 5 and/or rC8 of the Bar Standards Board's Handbook

Particulars of Offence

James Boyle, a barrister, acted in a manner which was likely to diminish the trust and confidence which the public places in him or in the profession and/or acted in a manner which could reasonably be seen by the public to undermine his integrity, in that, on 19 April 2023, he was convicted at Cambridge Crown Court of a rape of a girl under 16 years, indecent assault of a female under 16 years and a rape of a female aged between 16 and 19 years contrary to the Sexual Offences Act 1956 and was sentenced on 26 June 2023 to sixteen years imprisonment.

Charge 2

Statement of Offence

Professional misconduct, contrary to Core Duty 9 and/or rC65.1 of the Bar Standards Board's Handbook

Particulars of Offence

James Boyle, a barrister, failed to report promptly, to his regulator, the Bar Standards Board, that he had been charged, with indictable offences contrary to the Sexual Offences Act 1956, by way of a postal requisition which was served on him by first class post on 23 July 2019 and/or failed to be open and cooperative with his regulator regarding the same.

Charge 3

Statement of Offence

Professional misconduct, contrary to Core Duty 9 and/or rC65.2 of the Bar Standards Board's Handbook

Particulars of Offence

James Boyle, a barrister, failed to report promptly to his regulator, the Bar Standards Board, that on 19 April 2023, he was convicted at Cambridge Crown Court of a rape of a girl under 16 years, indecent assault of a female under 16 years and a rape of a female aged between 16 and 19 years contrary to the Sexual Offences Act 1956 and sentenced to sixteen years imprisonment and/or failed to be open and cooperative with his regulator regarding the same.

Parties Present and Representation

4. The Respondent was present via videolink and was represented by Mr James Sutherland. The Bar Standards Board (“BSB”) was represented by Mr Philip Stott.

Preliminary Matters

5. There were no preliminary matters.

Pleas

6. The Respondent admitted the charges.
7. The Chair made the following remarks on the plea:

‘You admitted all three of the charges and Mr Sutherland in his preliminary remarks made it helpfully clear to us that there was nothing that he disputed in relation to the matters to be raised by Mr Stott.

Although out of sequence, parenthetically we say that we have carefully considered all the cases that have been provided to us in Mr Stott’s very helpful and thorough, and I don’t mean by that prolix, skeleton argument, and we have particularly considered the cases of *Garnham v BSB* [2017] EWHC 1139 (Admin) and *Shepherd v Law Society* [1996] EWCA Civ 977. As we made clear during the course of the hearing, we preferred *Shepherd* over *Garnham*, with great respect to Sir Nicholas Mostyn, so, as we say, dealing with the pleas, all three of the charges were admitted by you.’

Evidence

8. There was no oral evidence. By reference to his skeleton argument, Mr Stott opened the case for the BSB. Mr Sutherland made submissions on behalf of the Respondent.

9. The Tribunal retired to consider its decision.

10. The Chair announced the following:

‘On 23rd July 2019 you were criminally charged by means of the issuing of a postal requisition, with 11 offences that are all set out at paragraph 9 a - k of Mr Stott’s skeleton argument, and unless Mr Sutherland requires it or Mr Stott does himself, we would not propose to rehearse those clear parts of the paragraph, nor would we in subsequent parts of these remarks slavishly rehearse other particular aspects of the skeleton argument to which we will refer, unless required to do so.

Under rC 65.1 you were required, personally, to report the fact of being charged with such indictable offences promptly to the BSB. We do not need to set out those parts of the rule.

There is, as Mr Stott set out and as Mr Sutherland doesn’t dispute, no exception from complying with the rule on the basis that one believes the BSB are already aware of the information. On 30th July 2019 the BSB was first informed in summary form of the charges by Essex Police. Your Crown Court trial duly took place, heavily delayed by the pandemic. On 22nd March 2023, you sent a letter via e-mail to the Bar Standards Board stating for the first time, as we understand it, that you’d been charged on 23rd July 2019, apologising for not doing so beforehand and stating that you’d failed to do so because you’d been under the misapprehension that you did not need to if the BSB was already aware of the matter.

On 19th April 2023, you were convicted after trial of three counts, and they are two of rape and one of indecent assault as set out at paragraph 15 a- c of Mr Stott’s skeleton argument. They, it needs hardly be said by us, are horrendous offences of some of the most serious kinds.

You were acquitted of the other counts by the jury.

A certificate of conviction from the Crown Court at Cambridge confirms that you were convicted of those two rapes and one indecent assault. There are no further details to that, but we know that they were all involving the same young teenage female: in relation to counts 1 and 2, when she was under 16, and in relation to count 3 when she was 16 or over. It appears from the carefully redacted sentencing remarks – and, with respect to the learned sentencing judge, they are careful and balanced – that His Honour Judge Grey took care to set out how “egregious” (that was his word, reproduced by Mr Stott) was

your breach of trust. We do not and cannot understand the full details of those convictions because, understandably, they are not detailed in their underlying facts by the learned sentencing judge. But we come back to the fact that it was in relation to the same female who was obviously, so to speak, under your charge. It was a gross breach of trust.

That's the extent to which we reproduce or comment upon the learned sentencing judge's remarks; there needs no more to be said.

The fact of your conviction is therefore conclusively proved under the rules by the provision of the certificate of conviction. And under another rule, another provision, you were required personally to report the fact of your conviction of such indictable offences promptly to the BSB and that's enshrined in rC65, which we don't need to repeat. There is no exception to the duty on the basis that the barrister believes the BSB are or will be separately aware of the conviction.

It appears that the first time that you yourself reported the fact of your convictions to the BSB was in a handwritten letter dated 10th October 2024 from His Majesty's Prison Littlehey, where you are currently incarcerated.

You are and have been sentenced in total to 16 years imprisonment.

How did you respond? Well, Mr Sutherland, as we've already said, took care to inform us that he'd read Mr Stott's skeleton argument and so I can say, or we can say, as Mr Stott sets out at paragraph 22, that you responded to the allegations in a letter dated 10th October 2024.

You did, as you first did this morning when the first charge was put to you, seek to maintain your innocence as regard the convictions. We know from the documentation that the Court of Appeal has refused – in fact dismissed – an appeal against your conviction and you tell us in documentation that you are preparing for the matter to be considered by the Criminal Case Review Commission. I asked Mr Sutherland if he could help us with the basis upon which you appealed to the Court of Appeal against your conviction, but quite understandably he was not able to help us. That cannot be and mustn't be taken as a point of criticism by us of Mr Sutherland who has sought to paint the picture of your mitigation in its best possible light.

So, in respect of the particular breaches of the Conduct rules raised by the BSB, you said as follows in relation to Core Duty 5.

'As mentioned above, the allegations precede my Call to the Bar in 1999...'

We'll pause there for a moment.

We've dealt with the *Garnham* and *Shepherd* point. We do not need to dwell on it. Mr Sutherland, with great respect, very realistically, did not seek to argue that aspect.

Core Duty 9

'...during the course of my trial it was brought to my attention that I had failed to notify the BSB of the matter. Please see my letter, which is in the bundle you supplied, for a full explanation.'

Rule rC 65.1

'I don't think I can add anything further at this time.'

Rule 65.2

'Ditto.'

You again wrote to the BSB on 9th November 2024 in handwriting from His Majesty's Prison Littlehey expanding on some of the detail of your proposed appeal against conviction, setting out your straightened financial circumstances following your conviction. Again parenthetically, that and your health aspects and all the other matters that Mr Sutherland put before us to seek to determine our view upon Charges 2 and 3, we will come to when we deal with sanction and reasons.'

Findings

11. The Chair announced the Panel's decision on findings as below:

'We turn to findings; we hope that we can take this briefly given the detail which we have already set out.

There's a date of conviction, which was 19th April 2023, and, as we've already said, there was a certificate of conviction dated 11th April 2024. We've relied upon those matters

and all the others, namely that you were sentenced on 26th June 2023, and that is in relation to Charge 1. For Charges 2 and 3, there is the postal requisition, your letter, to which we refer and to which you haven't so far referred, undated at supplementary bundle page one, and your letter at B95 to 97 of the original bundle - the letter dated 10th October 2024 to the BSB.'

Sanction and Reasons

12. The Chair announced their decision on sanction as below:

'We turn to sanctions and reasons.

In our view in relation to Charge 1 there is only one realistic sanction. When we impose it, as we will in a moment, we make reference to what are referred to as the applicable purposes of sanctioning in an individual case. For example, to protect the public, to maintain public confidence in the profession and the enforcement system, to maintain and promote high standards at the Bar, and to act as a deterrent from engaging in misconduct.

Mr Stott in his skeleton, to which we will come in a moment or two, in essence submits that in relation to Charge 1, there is only one realistic sanction, and that is disbarment. Mr Sutherland, nodding at me now, as he does while we deliver these remarks, did not disagree with that and we're grateful to him for that realism. In the circumstances of your criminal conviction, its type is an aggravating feature in and of itself. The length of your sentence, 16 years, that in itself and your being on the sexual offences register, those are all aggravating factors. Contributing to our view are mitigating circumstances. In our view, they are not that weighty, but they are nonetheless there: your cooperation and your admission of the charges. I'm instructed that there's no formal sliding scale of percentage or credit for guilty plea in relation to these tribunals, but we nonetheless take into account the fact that you've admitted these charges, although in reality there was no alternative for you to do that. We take into account as another mitigating factor your health, which is documented.

Now it's important when we come to sanction that we have reference to the current sanctions guidance. Section 2 sets out the purpose and principles of sanction. Section 3 sets out the correct approach to taking sanctioning decisions and Section 4 the important issues to be considered.

We turn to Charge 1.

Mr Stott draws our attention, correctly in our view, to paragraph 4.17 of the sanctions guidance, and it is worthwhile rehearsing that for the purposes of this serious case.

‘Sanctions for conduct which resulted in a criminal conviction or caution should be imposed by reference to the “Criminal convictions” Group section only where the conduct could not be appropriately dealt with under another Misconduct Group. For example, a finding in relation to a criminal conviction for a sexual offence should be covered by the “Misconduct of a sexual nature” Group.’

We remind ourselves that there were three serious sexual offences in this case.

I go back to the guidance:

‘Where a custodial sentence of any length has been imposed in relation to conduct falling under any of the Misconduct Groups, serious consideration should be given to ordering that the barrister be disbarred. Where the custodial sentence is substantial, ordinarily disbarment should be ordered.’

We are in agreement with Mr Stott when he writes that your very grave offending in relation to Charge 1 and, of course, that's where we are at the moment, constitutes a case of upper range seriousness in Misconduct Group B, that is misconduct of a sexual nature, indicating a sanction of disbarment, after the checks and balances are done.

Your convictions similarly constitute a case of upper range seriousness in Misconduct Group E, criminal convictions generally, also indicating a sanction of up to disbarment.

That is what we do. We disbar you and in technical language we order that you be disbarred or ordered to be disbarred. That's Charge 1.

We don't need to go into much detail in relation to Charges 2 and 3. We accept the underlying details. They were, ordinarily and freestanding, as Mr Stott put it, serious charges. But, in the context of this particular case where the lead offence is so serious, even taking into account all the other circumstances that we do and the contents of paragraphs 31 and 32 to which we refer and upon which we rely, that is of Mr Stott's skeleton argument, and taking into account the submissions of Mr Sutherland, we impose no separate penalty.

We turn to suspension or withdrawal of your practising rights. We do consider whether or not to require the BSB not to issue a practising certificate to you under Rule 227.3. Having considered it, we recommend to the BSB, if that is the right vocabulary, that you not be issued with a practising certificate for all the reasons that we've set out above and we don't rehearse them.'

13. 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.

Costs

14. No order for costs was sought by either party or awarded by the Tribunal.

dated: 28 July 2025

HHJ Simon Davis

Chairman of the Tribunal