The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

Report of Finding and Sanction

Case Reference: 2024/2560/D5

Mr Hamish Hickey

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

Mr Hamish Hickey

1. In accordance with an appointment made by the President of the Council of the Inns of Court contained in a Convening Order dated 16 October 2025, I, HH Nicholas Ainley, sat as Chairman of a Disciplinary Tribunal on 04 November 2025 to hear and determine 1 charge of professional misconduct contrary to the Code of Conduct of the Bar of England and Wales against Mr Hamish Hickey, barrister of the Honourable Society of Lincoln's Inn.

Panel Members

2. The other members of the Tribunal were:

   Stephanie McIntosh (Lay Member)

   Janine Green (Lay Member)

   Helen Compton (Barrister Member)

   Brett Wilson (Barrister Member)

Charges

3. The following charges were admitted.

Charge 1

Statement of Offence

Professional misconduct, contrary to paragraph Core Duty 5 of the Code of Conduct of the Bar of England and Wales (9th Edition, Version 4.6).

Particulars of Offence

Mr Hickey engaged in conduct which was likely to diminish the trust and confidence which the public places in him or in the profession, contrary to Core Duty 5, in that on or about 26 July 2022, he:

1. Caused the death of another person by driving a mechanically propelled vehicle dangerously on a road or other public place contrary to s.1 of the Road Traffic Act 1988

to which he pleaded guilty before the Crown Court sitting at York on 1 November 2024.

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 Phillip Stott.

Pleas

5. Mr Hickey admitted the charge.

Evidence

6. The Tribunal considered the bundle of evidence which included a certificate of conviction, a transcript of His Honour Judge Morris' sentencing remarks and a conversation with counsel in open court that took place after the sentence has been handed down, a witness statement from Mr Hickey setting out his reflection on the offence for which he was convicted, a letter from HHJ Morris and a number of testimonials.

7. Having been informed that the charges were admitted, the Tribunal did not hear oral evidence. It considered the bundles before it and heard submissions from the parties.
8. A summary of events that gave rise to the charges is as follows.

9. On the 26th of July 2022 the respondent was driving his children home from school along a narrow country lane. Approaching a rise in the road, over which he could not see, he was travelling at 65 miles an hour and was in the middle of the road. The speed limit on this road was 60 mph. Because he could not see he did not know that on the other side of the rising in the road there was a car coming towards him; he was travelling far too fast to be able to stop in front of that car. He slowed to 57 mph immediately before the inevitable collision but hit the other car. The driver of the other car, Mr Lupton, was seriously injured and tragically died a few days later.

10. Drink was not involved, nor was racing. On 1 November 2024 the matter came before the Crown Court where the respondent pleaded guilty to causing death by dangerous driving. At no stage did he, or has he, sought to deflect blame away from himself for what happened. This was acknowledged by the judge in giving him full credit for his plea of guilty, but the judge also found that he did have what was described as a bad driving record. The judge could see no alternative to an immediate prison sentence which, after giving appropriate credit for plea at the first opportunity and also considering the delay that occurred before sentence, was of 23 months imprisonment.

11. The Crown Court hearing, as pointed out, was on the 1st of November 2024 and the respondent was immediately committed to prison. On the 17th of December 2024 he was moved to an open prison and from the 21st of March 2025 he had periods at home on a home detention curfew. On the 7th of August 2025 he was subject to conditional release but the licence period during which time he could be returned to prison, does not end until the 30th of September 2026.

Finding

12. After hearing submissions, the Tribunal considered the issue of sanction.

13. The Tribunal was of the view that the respondent has always admitted his guilt and his bitter remorse is plain. This, whilst it is not a crime of moral wickedness or dishonesty, was criminally dangerous driving that cost an innocent man his life.

14. The Tribunal's primary purpose in imposing sanctions is not to punish but to maintain public confidence and trust in the profession and its enforcement system

15. This requires the Tribunal to impose a sanction that is no more and no less than is just and proportionate in all the circumstances. One of these, which the Tribunal feltwas a matter of considerable importance is the fact that this crime, for it was a crime, merited an immediate custodial sentence of 23 months. That only part of this sentence has actually been served in prison is of less relevance to us than the length of the full term of the sentence itself.

16. Would public confidence be maintained if a barrister were to be permitted to practise while still subject to a sentence of imprisonment? The Tribunal was of the view that it would not, indeed it would be damaged. We have had in mind the cases of *Fleishman* and *Patel* which in the Tribunal's view give helpful guidance in enabling it to come to this conclusion.

17. On the other hand, the Tribunal did not consider, in the circumstances of this case, that any other sanction beyond that is necessary or would be proportionate. There is no suggestion of dishonesty in the offence or in the manner with which the respondent approached his responsibility for it. He made a full admission of his guilt. The Tribunal considered that is that it is sufficient sanction that for the full term of his present sentence he is not permitted to practise as a barrister.

Sanction and Reasons

18. Suspension from practice until the 30th of September 2026.

Dated: 19 November 2025

HH Nicholas Ainley

Chairman of the Tribunal