



The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

Report of Finding and Sanction

Case reference: PC 2019/0197/D5

Felix Evans

The Director-General of the Bar Standards Board

The Chair of the Bar Standards Board

The Treasurer of the Honourable Society of Inner Temple

Disciplinary Tribunal

Felix Joel Evans

1. In accordance with an appointment made by the President of the Council of the Inns of Court contained in a Convening Order dated 9 September 2020, I sat as Chairman of a Disciplinary Tribunal on the 12 October 2020 to hear and determine five charges of professional misconduct contrary to the Bar Standards Board Handbook against Felix Joel Evans, unregistered barrister of the Honourable Society of Inner Temple.

Panel Members

2. The other members of the Tribunal were:

Sarah Baalham (Lay Member)

Paul Robb (Lay Member)

Sadia Zouq (Barrister Member)

Naomi Davey (Barrister Member)

Parties Present and Representation

3. The Respondent was present and represented himself. The Bar Standards Board (“BSB”) was represented by Ben Mitchell.

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Charge and Plea

4. The Respondent, Mr Felix Evans, faced five charges of professional misconduct three of which were admitted and two of which (2 and 5) were not proceeded with by the BSB. In the circumstances it is not necessary to set those out.

5. Charge 1 was contrary to Core Duty 5 which provides:

“You must not behave in a way which is likely to diminish the trust and confidence which the public places in you or in the profession”

6. The particulars of the offence were that:

“Felix Evans, an unregistered barrister, acted in a way likely to diminish the trust and confidence which the public places in him or in the profession in that on 12 February 2017 he caused wounding/grievous bodily harm to another person. For this conduct he was on 3 January 2018 convicted of an offence contrary to section 20 Offences Against the Person Act 1861 and sentenced to 24 months in custody, suspended for 24 months, and ordered to pay £5000 compensation and £140 victim surcharge”.

7. Charge 3 was contrary to rC65.1 of the Bar Standards Board Handbook version 2.2 which provides:

“You must report promptly to the Bar Standards Board if...you are charged with an indictable offence in the jurisdiction of England and Wales or with a criminal offence of comparable seriousness in any other jurisdiction”

8. The particulars of the offence were that:

“Felix Evans, an unregistered barrister, did not report promptly to the Bar Standards Board that he was on 12 June 2017 charged with an indictable offence.

9. Charge 4 was contrary to rC65.2 of the Bar Standards Board Handbook version 3.1 which provides:

“You must report promptly to the Bar Standards Board if...subject to the Rehabilitation of Offenders Act 1974 (as amended) you are convicted of, or accept, a caution, for any criminal offence in any jurisdiction, other than a minor criminal offence.

10. The particulars of the offence were that:

“Felix Evans, an unregistered barrister, did not report promptly to the Bar Standards Board that he was on 3 January 2018 convicted of causing grievous bodily harm contrary to section 20 Offences Against the Person Act 1861.”

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Preliminary Matters

11. I raised with the BSB the necessity of proceeding with all five charges, and they did not proceed on charges 2 and 5, as indicated above.

Submissions

12. Ben Mitchell presented the case on behalf of the BSB, setting out the background to the offences.
13. Mr Evans admitted the allegations (which we accordingly found proved to the criminal standard) and put forward several matters in mitigation.

Evidence

14. We considered the documents put forward by the BSB and Mr Evans which we had received in advance, and Mr Evans' answers to questions posed by the panel, albeit that they were not given in evidence under oath or affirmation.

Sanction and Reasons

15. The Respondent is Felix Joel Evans, who is now 29. He was admitted as a member of the Inner Temple on 28 May 2012 and called to the bar on 31 July 2014.
16. He was and remains an unregistered barrister and has never started a pupillage.
17. On the 12th February 2017 he assaulted a member of staff at an hotel where he and a friend were staying. At the time he had been playing hockey and he and his friend had been drinking heavily. The Respondent accepts that prior to this incident he was an alcoholic. He was charged on 12 June 2017 with section 18 and 20 offences contrary to the Offences Against the Person Act 1861. He pleaded guilty to the section 20 offence on 3 January 2018, and a jury subsequently acquitted him of the more serious offence. On 12 February 2018 he was sentenced to 2 years' imprisonment suspended for 2 years. The sentencing judge said as follows:
18. *There is no need for me to go into the background facts. They have been opened and we have had extensive evidence about them. In short, you got very, very drunk and then set about a hapless hotel receptionist in the early hours of the morning with a hockey stick. Your behaviour was completely unforgivable. In my mind it matters not, in fact, it only exacerbates things, that you were drunk, and you ought to be thoroughly ashamed of yourself.*

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19. *It seems to me that, despite your high academic achievements and your qualification to the bar, that career is now utterly lost to you, and I bear that in mind. The sentence I propose to pass is one of two years' custody. I take this to be the top end of category 2, so it would be three years, but after a discount for the plea you entered at the first opportunity, it is now two years. I am going to suspend those two years for a period of two years. You understand that if you breach my order and you commit any further criminal offence then you will go to prison.*
20. *In addition, that I propose to make an order of compensation of £5,000 in favour of the victim – which, I might add, has now long since been paid.*
21. The circumstances of the assault were particularly egregious – the Respondent hit the hotel receptionist with a hockey stick three times, once in the face breaking his jaw and twice on his back. After his arrest, he told police “I’m very guilty for what I did. I’m upset I harmed him and shaken by what I’ve done. I regret it”. The Respondent was very drunk at the time.
22. After the incident the Respondent paid for counselling from July 2017 until January 2018, and again in 2019, and also attended Alcoholics Anonymous, which he continues to do. He says he no longer drinks alcohol and we accept that. He has married and has a child. He now works for a firm of solicitors, has qualified as a solicitor, and is due to be admitted to the roll in March 2021.
23. The Solicitors Regulation Authority were told of the conviction and allowed him to start a Period of Recognised Training notwithstanding. The firm employing him is aware of his conviction and of this hearing. However, it was only as a result of his disclosure to the SRA that he self-reported his conviction to the BSB on 10 May 2019. Hence the two charges of failing to report promptly his being charged and then being convicted. We accept that he was ashamed and devastated by what he did in carrying out the assault.
24. The Sanctions Guidance indicates that disbarment should follow a conviction for an act of serious violence which this undoubtedly was, however, it goes on to say that in exceptional circumstances a long suspension can be imposed.
25. Were it not for the efforts the Respondent has made to put his life in order we would not have hesitated to disbar him. However, we do consider all that he has done since the incident to repair his life to amount to exceptional circumstances and we have

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decided that on charge 1 – acting in a way likely to diminish the trust and confidence which the public would place in him or in the profession – he should be suspended from practice for 3 years.

26. In relation to charges 3 and 4, the failures to report, we accept that as an unregistered barrister who had not even started pupillage it may not, as he says, have occurred to him that he should report the charge and the conviction. However, he should have known and done so.
27. In relation to each of those charges, the sanction imposed is a fine of £1,000 on each. Having regard to the current situation we feel that he should have at least to 31 January 2021 to pay the fines but that will be a matter for the BSB to resolve with the Respondent.
28. The relevant mitigating and aggravating factors set out in Annex 1 of the Sanctions Guidance (subject to our observations above as to the extent to which they apply and as to the additional relevant factors that apply on the particular facts of this case) were as follows:

Mitigating Factors

- a. The Respondent admitted the charge;
- b. The Respondent showed genuine remorse;
- c. The Respondent had limited experience within the profession;
- d. The breach was unintentional;
- e. Co-operation with the investigation;
- f. Voluntary steps taken to remedy or rectify the breach;
- g. Evidence of attempts to prevent reoccurrence; and
- h. Previous good character.

Aggravating Factors

- a. Undermining the profession in the eyes of the public.

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29. The Tribunal unanimously agreed on sanction.

30. On the presentation of a statement of costs by the BSB in the amount of £1,000 plus VAT, but in the absence of any submissions by either party, the Tribunal ordered that the Respondent should pay £250+VAT to the BSB on account of costs by 31 January 2021.

Approved: 13 October 2020

**His Honour Witold Pawlak
Chairman of the Tribunal**

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