



# The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

## Report of Finding and Sanction

Case reference: PCLR 2018/0467/D5 and PCLR 2018/0259/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 05.01.2021 I sat as Chairman of a Disciplinary Tribunal on 26<sup>th</sup> May 2021 to determine the appropriate sanction following the findings that the Tribunal made of 9 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. The charges that the Tribunal found proven and the reasons for the Tribunal's decision are set out in report dated 20<sup>th</sup> May 2021.

#### Panel Members

2. The other members of the Tribunal were:

Tracy Stephenson (Lay Member)

Paul Robb (Lay Member)

Darren Snow (Barrister Member)

#### Parties Present and Representation

3. The Respondent was present but was not represented. The Bar Standards Board ("BSB") was represented by Miss Harini Iyengar of counsel.

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## Sanction and Reasons

4. Tribunal heard submissions from the BSB and from the Respondent and it sat in private to hear mitigation of a personal nature from the Respondent.
5. The Tribunal was of the view that previous findings against the Respondent show serious and recurrent problems in his life and a failure to respond to previous disciplinary proceedings and sanctions.
6. The Tribunal had concerns about the Respondent's lifestyle, his attitude, and his self-damaging behaviour.
7. The Respondent told the Tribunal that he quite often acts or says things without thinking of the impact or ramifications.
8. The Tribunal felt that a difficulty with the sanctions exercise is that of fitting the offences into categories in the guidelines but nevertheless the Tribunal found the sanctions guidance to be helpful in reaching a decision.
9. The Tribunal noted that the offences concern time when the Respondent was suspended. They comprise offences of knowingly breaching the terms of his suspension and sending threatening emails to a client. The nature of the offences show that the Respondent had at times displayed a deliberate disregard of his obligations towards the BSB and his code of conduct.
10. However, the Tribunal noted that these offences occurred in 2016 and 2017 and the returned to practice in May 2019. Since then there has been no further disciplinary allegations against him as far as the Tribunal is aware.
11. The Respondent told the Tribunal that he had done some public access work, some of which has been pro-bono.
12. The Tribunal was aware that a bankruptcy order was made 2021 against the Respondent which would render a financial penalty ineffective.
13. The Tribunal had to consider the gravity of the charges and the aggravating and mitigating factors. The Tribunal had to consider the need to protect the public and need to uphold the standards of the profession.

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14. The Tribunal noted that the Respondent is 40 years old and he is 15 years call.
15. The Tribunal felt that the Respondent has, at the hearing, shown some insight but he still has somewhere to go before he fully addresses all his problems in particular that of substance misuse. The Tribunal felt that it could not be confident that there would not be a relapse.
16. The Tribunal was of the view that cumulatively the charges justified a further suspension. However, it recognised that there had not been any further allegations of misconduct since 2019 and his return to practice. Therefore the Tribunal was of the unanimous view, that the sanction in this is case should not be one of a further suspension but there needed to be more effective control of the Respondent.
17. The Tribunal decided that a reprimand was justified on each charge. It is recorded that the Respondent is now reprimanded for each charge. On each charge the Respondent's conduct was unacceptable and demonstrated unprofessional behaviour. The Tribunal records that it expects no repetition of that conduct and the Respondent must now reflect on his behaviour.
18. The Tribunal decided to impose a prohibition on the Respondent accepting public access instructions directly or through any person or entity for a period of 2 years and the Respondent will also be subject to his first completing a public access training course before he can resume any public access work.
19. The Tribunal asked the BSB to allocate a named person at the BSB to deal with any further disciplinary or regulatory matters should they arise with the Respondent to deal so that gives continuity for the Respondent with his dealings with the BSB that might arise in the future.
20. The Tribunal considered the costs application from the BSB and the submissions from the Respondent. The Tribunal noted that rule E244 gave it a broad discretion on costs. The Tribunal considered the schedule of costs provided by the BSB and noted that it the costs derive from counsel's fees which have been incurred since beginning of the year. The Tribunal felt that these proceedings have been subject to considerable delay. The Tribunal did not have a detailed breakdown of the delays and it was not able to undertake a precise analysis for reasons for delay or apportion blame between the parties. Further, the Tribunal could not ignore that only half of the charges had been established. The

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Tribunal also feel that it was unrealistic to make any order for costs given that he has been made bankrupt. Accordingly, the Tribunal made no order as to costs.

21. Please see attached Report of the Finding and Reasons.

Approved: 01 June 2021

His Honour James Meston QC  
Chairman of the Tribunal

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