

Determination by Consent Decision

Name of regulated person and call date

James Frederick Hankinson
24 July 2014

Case Reference

2025/0728/DC

Charges

Charge 1

Statement of Offence

Professional Misconduct contrary to Core Duty 1 of the Code of Conduct (Part 2 of the Bar Standards Board Handbook Version 4.8)

Particulars of Offence

James Hankinson, a self-employed barrister, behaved in a way contrary to his duty to the court in the administration of justice when, on 13 March 2025, he attended Maidstone Combined Court while under the influence of alcohol to the extent that he was drunk, collapsed while at court, and was unable to continue representing his client that day.

Charge 2

Statement of Offence

Professional Misconduct contrary to Core Duty 2 of the Code of Conduct (Part 2 of the Bar Standards Board Handbook Version 4.8)

Particulars of Offence

James Hankinson, a self-employed barrister, behaved in a way contrary to his client's best interests when, on 13 March 2025, he attended Maidstone Combined Court while under the influence of alcohol to the extent that he was drunk, collapsed while at court, and was unable to continue representing his client that day.

Charge 3

Statement of Offence

Professional Misconduct contrary to Core Duty 5 of the Code of Conduct (Part 2 of the Bar Standards Board Handbook Version 4.8)

Particulars of Offence

James Hankinson, a self-employed barrister, behaved in a way which is likely to diminish the trust and confidence which the public places in him or in the

profession when, on 13 March 2025, he attended Maidstone Combined Court while under the influence of alcohol to the extent that he was drunk, collapsed while at court, and was unable to continue representing his client that day.

Statement of Facts

1. On 13 March 2025, Mr Hankinson attended Maidstone Combined Court under the influence of alcohol to the extent that he was drunk at the court and collapsed. After Mr Hankinson collapsed, an ambulance was called, and he was taken to hospital.
2. Due to these events, Mr Hankinson was incapable of representing his client at the hearing which was scheduled to take place that day and the matter was adjourned.
3. Mr Hankinson informed his Chambers about what had happened. Mr Hankinson's client also reported to his Chambers that they had noticed a strong smell of alcohol from Mr Hankinson, he had exhibited red eyes, and he had slurred speech when they met him at the court earlier in the day.
4. On 17 March 2025, Mr Hankinson self-reported to the BSB, explaining the circumstances which led to his conduct outlined above, and the steps he and his Chambers were taking to address the matter.
5. In response to the BSB's allegation, arising from his self-report, Mr Hankinson accepted that his conduct amounted to a breach of CD1, CD2 and CD5. Mr Hankinson stated his deep regret for what had happened and said that he was incredibly ashamed of his actions.
6. Mr Hankinson provided mitigation, proof of his abstinence from alcohol since 13 March, and further set out the steps being taken by him to address his conduct. Mr Hankinson voluntarily ceased to carry out professional work as a barrister until suitable arrangements were put in place with Chambers for his return to work.

Previous disciplinary findings

7. Mr Hankinson does not have any previous findings of professional misconduct.

Plea and Mitigation

1. Mr Hankinson admits the charges.

2. By way of mitigation, Mr Hankinson submitted that the incident was an isolated, one-off occurrence. Until this incident, Mr Hankinson had a clean regulatory record since being called to the Bar in 2014.
3. Further, there has been no evidence of any lasting harm to Mr Hankinson's client. The client was able to obtain alternative more senior legal representation through Chambers, and the hearing was relisted four weeks after 13 March 2025. Mr Hankinson personally compensated the client for their loss of earnings due to attending the relisted hearing.
4. Mr Hankinson self-reported the incident to the BSB promptly and transparently, demonstrating remorse, personal insight and humility. He voluntarily stepped away from practice at great personal cost, effectively taking a five-month self-imposed suspension.
5. Mr Hankinson also voluntarily continued to supply toxicology test reports to Chambers at his own expense, to demonstrate his ongoing abstinence from alcohol. These reports evidenced continued abstinence until January 2026.
6. Chambers has provided a support network and assisted Mr Hankinson to enter a phased return to work with appropriate monitoring and support, including checks to ensure he does not consume alcohol when at court or when dealing with clients.
7. Mr Hankinson proactively and responsibly addressed the conduct and has shown his commitment to upholding the standards of the profession. It is submitted that there is a low risk of recurrence, supported by the comprehensive steps that he has taken since the incident to address any underlying issues which contributed to the conduct.
8. Mr Hankinson also provided several character references and further confidential mitigation to the BSB.

Decision of the IDP

Charges found proved: Charges 1, 2 and 3

Charges found not proved:

Reasons for the decision on why charges are proved/not proved

The matter was previously heard by an IDB Panel on 27 November 2025, following the BSB's investigation. This investigation resulted from Mr Hankinson's self-report of his conduct to the BSB on 17 March 2025. He accepted that he attended Maidstone Combined Court on 13 March 2025 while under the influence of alcohol to the extent that he was inebriated and collapsed within the courthouse. This required an ambulance to attend, and he was subsequently taken to Maidstone Hospital. As a

consequence of Mr Hankinson being incapable of representing his client, the client's matter was adjourned. This impacted on the administration of justice and wasted the court's time.

Given Mr Hankinson's admissions, that Panel concluded the facts of the allegations were capable of being made out and could amount to a breach of CD1, CD2, and CD5. Having considered all the circumstances, that Panel decided to refer the allegation to the Determination by Consent (DBC) procedure on charges of professional misconduct. Following this, the BSB drafted charges pursuant to the DBC Procedure and sent these to Mr Hankinson, providing him with an opportunity to respond.

Mr Hankinson's representatives responded to the BSB on 11 December 2025 consenting to the DBC procedure. On 17 February 2026, Mr Hankinson's representatives wrote to the BSB and confirmed that he accepted the facts as detailed in the "Statement of Facts" section of the DBC report and admits to the charges referred to in the DBC report.

The Panel considered all the evidence in the BSB's bundle including Mr Hankinson's response that he accepted the statement of facts and charges as presented under the Determination by Consent (DBC) procedure. In line with Paragraph 9.1 of the BSB Guidance on the DBC policy and procedure (LED10), the Panel formally found all three charges proved by reason of Mr Hankinson's admission and went on to consider sanction.

Sanction

In deciding the appropriate sanction, the Panel had regard to the Bar Tribunals & Adjudication Service (BTAS) Sanctions Guidance, January 2022 (the Guidance). The Panel determined that Mr Hankinson's conduct fell within 'Misconduct Group: G. Administration of Justice'.

Culpability and Harm

The Panel went on to assess the applicable culpability and harm factors set out in the Guidance including under Annex 2.

The Panel found that the conduct was within the lower range of Culpability, identifying the following relevant factors:

- the misconduct was reckless
- the misconduct was a one-off incident
- Mr Hankinson put his own interests above that of the client
- the harm could have reasonably been foreseen.

In considering the level of harm, the Panel also found the conduct to be within the lower range of Harm, based on the following relevant factors:

- the number of people/organisations adversely affected
- the misconduct resulted in an adverse impact on the administration of justice
- the impact on the public confidence in the legal profession.

Accordingly, the conduct fell into the lower range of seriousness with an indicative sanction of low to medium level fine.

Aggravating and Mitigating Factors

In deciding on the appropriate level of fine, the Panel took into account relevant aggravating and mitigating factors. The Panel noted that there were no aggravating factors in this case and identified a list of relevant mitigation factors. The mitigating factors were that Mr Hankinson:

- admitted the misconduct at an early opportunity
- promptly self-reported the misconduct
- demonstrated genuine remorse
- co-operated with the investigation
- attempted to prevent recurrence
- is unlikely to repeat the misconduct
- has previous good character/an absence of regulatory findings
- supplied good references.

Fine imposed

The Panel concluded that a fine was proportionate and in the public interest to reflect the seriousness of Mr Hankinson's conduct. In addition, whilst not intending to be punitive, this would send a clear message to the profession and the public that this type of conduct by a Barrister is not acceptable.

The Panel considered paragraph 6.16 of the BTAS Guidance which stated that a low-level fine can go 'Up to £5,000'. Having considered the nature and gravity of the misconduct (as set out above), the Panel initially determined that a fine of £2,000 would be appropriate.

The Panel then went on to consider the significant personal, including confidential, mitigation which Mr Hankinson had provided and decided that, in all the circumstances, the fine should be reduced to £1,000.

Confidential mitigation considered (Not for publication)

This section has been redacted as the original content is confidential.



