The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

Report of Finding and Sanction

Case Reference: 2022/1955/D5

Mr Kevin James Barry

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, 1997.

Disciplinary Tribunal

Mr Kevin James Barry

1. In accordance with an appointment made by the President of the Council of the Inns of Court contained in a Convening Order dated 08 October 2025, I, HH Martyn Zeidman KC, sat as Chairman of a Disciplinary Tribunal on 29 October 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 Kevin James Barry, barrister of the Honourable Society of Lincoln's Inn.

Panel Members

2. The other members of the Tribunal were:

   Robert Earl (Barrister Member)

   Rhona Stevens (Lay Member)

   Lyndsey De Mestre KC (Barrister Member)

Geoffrey Brighton (Lay Member)

Charges

3. The following charges were admitted.

Charge 1

Statement of Offence

Professional misconduct, contrary to Core Duty 5 of the Bar Standards Board Handbook (version 3.2)

Particulars of Offence

Mr Kevin James Barry, a practising barrister who was in a position of seniority, behaved in a way which was likely to diminish the trust and confidence which the public places in him or in the profession, in that, on 26 February 2018, at a post work drinks event at the Rosewood Hotel bar, on one or more occasions he placed his hand on Person A's upper thigh beneath her dress and edged it upwards towards her groin, and touched her hair whilst making comments about it which were of a sexual nature. Such touching, individually and/or cumulatively, was intentional, it was sexually motivated, Person A did not consent to it, and Mr Barry did not reasonably believe that Person A consented to it.

Charge 2

Statement of Offence

Professional misconduct, contrary to Core Duty 5 of the Bar Standards Board Handbook (version 3.2)

Particulars of Offence

Mr Kevin James Barry, a practising barrister who was in a position of seniority, behaved in a way which was likely to diminish the trust and confidence which the public places in him or in the profession, in that, on 16 March 2018, at a Chambers silk's party and whilst standing next to Person A he placed his hand on her bottom, where it remained for a couple of seconds. Such touching,

individually and/or cumulatively, was intentional, it was sexually motivated, Person A did not consent to it, and Mr Barry did not reasonably believe that Person A consented to it.

Charge 3

Statement of Offence

Professional misconduct, contrary to rC12 of the Bar Standards Board Handbook (version 3.2)

Particulars of Offence

Mr Kevin James Barry, a practising barrister who was in a position of seniority, harassed Person A on the grounds of her sex, in that, on 16 March 2018, at a Chambers silk's party and whilst standing next to Person A he placed his hand on her bottom, where it remained for a couple of seconds. Such touching, individually and/or cumulatively, was of a sexual nature, was unwanted by Person A, and had the purpose or effect of violating Person A's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for Person A.

Parties Present and Representation

4. The Respondent was present and was represented by Ms Lisa Judge. The Bar Standards Board ("BSB") was represented by Mr Winston Jacob.

Preliminary Matters

5. The BSB reminded the Tribunal that an anonymity order has been granted for the complainant. Therefore, they will be referred to as 'Person A' throughout these proceedings.

Pleas

6. The Respondent admitted all charges.

Introduction

7. We would like to express our gratitude to counsel on both sides and we intend no discourtesy if we deal with some of the points briefly. We confirm that we have read all the documents helpfully produced and we do not propose to summarise them all in detail.

The Sanctions Guidance

8. In the first paragraph of Ms Judge's excellent skeleton argument, she realistically 'acknowledges that the Tribunal views these matters seriously and that the Respondent's ability to practise is in the balance'. Our starting point is to identify where this case falls in the BTAS Sanctions Guideline.

9. It is common ground that we need to consider Misconduct of a Sexual Nature at B on page 41 of the guidelines.

10. In Step 1 the Guideline reminds us that *'misconduct of this type should attract serious sanctions not only to reflect the nature of the behaviour but (also) to send a clear signal that it is entirely inappropriate and will not be tolerated at the Bar.'*

11. This fits in with the general purpose of sanctions found in Section 2 of the guide which speaks of the need to *'maintain public confidence and trust in the profession and the enforcement system', to 'maintain and promote high standards of behaviour'* and *'to act as a deterrent to the individual barrister as well as the wider profession, from engaging in …. 'sexual misconduct'.*

12. In assessing the seriousness of the offence, we need to consider the general factors affecting culpability and harm as set out in Appendix 2 and we should also consider the specific factors which go towards determining the seriousness as set out in the left hand column on page 41 and 42 of the guideline.

13. The guideline must be construed in a non-pedantic manner - we must do so fairly. We need to look at the whole position appreciating that there is considerable overlap between some of the descriptions.

Findings

Professional Context

14. The misconduct did take place in a professional context within the meaning of the guideline but it is important to note that this was not 'in the 'context of the Respondent delivering professional services'.

Misconduct took place in front of others

15. The misconduct took place in front of others in the sense that there were others present but it is not suggested that any of the others actually witnessed the wrong-doing.

Specific Targeting of an individual person

16. Ms Judge for the Respondent submits that there was no specific targeting but we are unable to accept that submission. The sexual misconduct on the first occasion was persistent and it was then followed by the second incident just a couple of weeks later. In our view Person A was targeted.

Using position to pursue inappropriate relationship

17. The complainant in a general sense is not a vulnerable person but the circumstances in which the wrong-doing occurred need to be considered. This was wrong-doing on two occasions by a senior barrister in respect of a very junior tenant. It is obvious to us that the Respondent must have appreciated that he was in a position of power and importance in relation to Person A. She was shortly out of pupillage. He was the successful head of the Criminal department. She had no work of her own and was dependent upon chambers. In the words of the complainant *'I was in the position of not wanting to upset someone who had an ability to impact my career, both within Chambers and externally'*

18. We accept her evidence and this aggravating feature is fully satisfied.

Ignoring Requests to Stop

19. The misconduct occurred against a background of requests to stop. In respect of the first incident at the hotel, the complainant at Paragraph 8 of her statement of 25th May 2024 [B66 in the bundle] says that the *Respondent 'repeatedly placed his hand on my upper thigh close to my groin, beneath my dress and edged it upwards towards my groin* ***on at least three occasions if not more*****'.**

Touching under clothing

20. The incident in the hotel was under clothing – that is to say he put his hand under her dress albeit not making contact with actual flesh as she was wearing tights. In the second incident it was over clothes.

Harm suffered by the Complaint

21. It is important to note that in respect of both incidents the complainant was shocked and as she says: ' *I had not given him any indication that I was interested or that I wanted him to touch me'.*

22. We have no doubt that the complainant suffered fear and anxiety which has had an impact on her wellbeing. In addition it has had an effect her working life and career.

23. At paragraph 10 of her statement the complainant describes how upset she became immediately after the first incident. She was crying on the phone to her parents and (without repeating all the details) we are sure that she has suffered real distress.

24. In November 2021 she started therapy with a psychotherapist in an attempt to deal with the aftermath. The Respondent's actions have had an effect on the way she reacts to other people.

25. At Paragraph 42 she explains how it has made her feel uncomfortable when touched by others and it causes flashbacks.

26. At Paragraph 43 she explains that the short term impact of what he did was a huge physical transformation: *'I noticed in the months that followed I also became more anti-social, less active and began to gain weight.'*

Conclusion on Harm and Culpability

27. Although we have looked at matters individually in respect of the two incidents we have taken the view that we must also do so collectively.

28. We find that the first incident comes into the upper range of significant culpability and significant harm.

29. The second incident is somewhere between the upper and middle range; there is arguably moderate culpability (if assessed alone) and significant harm.

30. As with definitive guidelines in ordinary criminal matters cases often fall between the categories.

31. However we make it clear that we entirely reject the submission that either of these offences fall into the lower range. The culpability could not for one moment be regarded as low and similarly the harm could not come into that lower category.

Indicative Sanction Disbarment:

32. On the basis of those conclusions, for a single offence the indicative sanction would be disbarment. We now move to consider the specific aggravating and mitigating features as set out in the Guideline.

Aggravating Features

33. In terms of aggravation we need to avoid any double counting and confirm that we have had regard to the General Factors of Aggravation and Mitigation set out in Annex 2.

34. We have already referred to the disparity in seniority between perpetrator and victim. The Respondent's level of professional experience makes this all the worse. The Respondent was the head of crime; the victim was a very junior tenant who had only recently finished her pupillage. In addition, it is remarkable that the Respondent was a high-grade RASSO experienced criminal barrister, specialising in sexual offences as a major part of his practice. The concept of consent was well known to him. It is a point that we have already made and we of course ensure that there is no double counting.

35. He has committed this wrongdoing on the same person twice. This demonstrates a huge lack of insight on his part, and it may well have had an accentuated impact on the complainant in respect of the second act. In between the two events, the Respondent made no attempt to review his conduct.

36. It is convenient at this stage to say a word about totality as discussed in the Defence Skeleton at paragraph 57.

37. Ms Judge submits that the three charges arise from two incidents which occurred relatively close in time in relation to the single person.

38. That is factually correct, but it would be strange if the penalty for assaulting a person twice were the same as if it were done only once. There is no principle that because they are separated by two weeks or more that they should be treated as one single incident.

39. Of course, we accept that charges 2 and 3 literally arise from the same incident and that is merely two different ways of expressing the same wrongdoing.

40. In realistic terms we need to consider the totality of the wrong-doing and then determine the minimum appropriate sentence or sanction for the package of wrongdoing.

41. The third and very significant aggravating feature is the previous disciplinary finding for a very similar offence. The sexual conduct on Person A is not the first time that the Respondent has misbehaved sexually towards a young female barrister. Four years earlier he committed a similar offence against a different young female barrister. This was in respect of his pupil and the Tribunal Report (the details of which we do not set out) are to be found in the Report of Finding and Sanction bearing the reference number: PC2018/0094/D3.

42. The subtle point is made that at the time when he misbehaved with Person A, he had no inkling that he was facing charges or even a complaint in respect of the earlier victim (Miss X). Miss X had not at that point made a complaint. We see the point that is made and agree that it would be even worse if the charges against Person A were committed subsequent to the hearing in respect of Miss X, or even if it were after he had knowledge of a complaint by Miss X. We take those points into account to some degree but the reality is that at the time of assaulting Person A, he knew what he had already done four years earlier to a different young barrister. There is a great deal of similarity between the 2014 wrongdoing and the 2018 behaviour in respect of Person A.

The 4th Step in the Analysis

43. Of course, we accept that at this fourth step we need to balance the aggravating features against the mitigation, and we now turn to those points in summary.

Mitigation

Credit for Admitting the Charges

44. The first and best point is that the charges have all been admitted. That said, it was only a short time before this hearing that the complainant would have known that she did not need to give evidence and would as a result be cross examined. The position was this: on 13 March 2025, Mr Barry indicated that he would admit all three charged but denied one factual allegation. It meant at that stage that the complainant would still have had to give evidence and would have the continuing worry and stress of giving evidence in relation to these intimate matters. It was not until 30 September 2025, so just three weeks or so before this hearing, that it was indicated for the first time that the Respondent now admits all the Particulars of Offence and does not require the BSB to tender its witness for cross examination and also that he would not be giving evidence. It would have been better if the indication had come much earlier. But that having been said, we do accept that the Respondent must be given credit for his admitting the physical acts and for his later admitting of all the charges. He never suggested that the factual account given by Person A was wrong which is another point in his favour.

Apology March 2018

45. The second piece of mitigation that we highlight, is that the Respondent admitted and apologised for his misconduct a soon as the complaint was put to him by his Head of Chambers in 2018. In a text message to the complainant on 26th March 2018 he said: *'Hi… I want to apologise to you unreservedly. I am appalled. No pressure to speak on the phone. I will quite understand if you'd rather not. So sorry. Kevin.'* This was a good message and the Respondent then avoided attending chambers.

Offer to Leave Chambers

46. At some stage the Respondent offered to resign his place in chambers. This was not required of him by the Head of Chambers, but the point is that he offered to do so. Although having said that, he did not need the permission of anyone to leave chambers, and it would have always been open to him to have left chambers irrespective as to

whether it was required of him. Ms Judge for the Respondent makes the point that if he had resigned from chambers he would have found it very difficult to find a seat in other chambers bearing in mind the complaint that had been made by Ms X. We accept this point but nevertheless he must have realised that to resign from chambers would have been in the interests of Person A.

Belief in Consent even though unreasonable

47. In relation to each of the complaints, the Respondent contended and still does assert that he believed that the complainant was consenting. He acknowledges that this was not a reasonable belief but he says that it was his belief at the time, albeit perhaps affected by the drink that he had consumed. The BSB have not sought in effect a Newton Hearing (i.e. factual hearing) to determine this issue and accordingly we approach the matter on the basis that the Respondent believed that his actions were consensual even though they were not. That said, in the context of this case, his belief is not of the greatest relevance bearing in mind that the belief was unreasonable, as is rightly conceded.

An Irrelevant Factor not taken into account

48. There came a point at the chambers party when another member of the Bar suggested to the complainant that the Respondent had committed other similar acts of sexual touching. She told the complainant that *'This is what he does'* and went on to say that he has also done it to her. We are stating the obvious, but we most certainly do not have regard to this hearsay evidence. There is no formal complaint from this person, we do not know who this person was, and we do not work on the basis that any weight whatsoever can be attached to that separate accusation. It is to be absolutely ignored in our deliberation, and we only mention the point so as to discount it.

Delay

49. There has been a great delay between these events and this hearing today and that undoubtably has caused the respondent extra upset and of course extra upset, sadness and worry for his family- for whom we have the greatest sympathy.

Events since the Incidents

50. Since these events, the Respondent has gone to great lengths to rehabilitate himself.

51. We accept entirely that at the time of these offences the Respondent was feeling under great strain and was drinking to excess. He explained that in 2018 he was feeling as if he was suffering from a sort of mid-life crisis.

52. Since the shameful events, the Respondent has consulted experts with whom he has been conscientiously working. In particular we have studied the report from Ms Havelock-Scarle the psychotherapist and addiction counsellor with whom he engaged in a three-monthly course of therapy to address bouts of binge drinking. As a result of therapy (as is documented in the expert report) he stopped drinking all alcohol. That position has now changed, and we are told that he will drink at home with dinner in a moderate manner. We are sorry that he has not maintained total abstinence from alcohol, as, despite his progress, this must carry a risk of escalation in his drinking and the potential for repetition of his wrongdoing.

53. We have also studied the favourable report from Ms Sibanda, the cognitive behaviour therapist.

54. The Respondent also completed a training course to reinforce learning and best practice concerning workplace sexual harassment.

55. We accept that he now feels remorse, one person referred to him as 'a broken person', and indeed since these events he has done very valuable charitable work as set out in the documents and that is to his credit.

56. As the Respondent put it in his mitigation statement, he has a deep-rooted sense of personal shame and self-hatred for the harm done to the victim, to family, to chambers and loved ones. It has been extremely painful telling family and friends, and he feels he has lost their respect. His marriage has teetered on the brink of collapse and the publicity of the earlier assault on Miss X gave rise to a great deal of adverse publicity as we can understand.

57. This all has had a profound effect on his career. The disappointment is all the greater because it is clear that he was a person of ability and had succeeded at the Bar for twenty-seven years. He recognises that of course there is now no chance of promotion – he would not be able to take silk and could not obtain a judicial appointment. Since this all erupted he has kept a low profile, stopped using social media accounts and cut off social contact with many good friends in chambers not wanting to cause them any embarrassment. This of course means that his earnings have also been reduced significantly.

58. Within the impressive mitigation bundle there are many statements to the Respondent's credit. There is also a statement from his former chambers and a number of, in effect, character witnesses. There are of course many aspects of his character which are impressive.

Impressive References

59. We make it clear that each member of this tribunal have read all the documents and in this ruling, we merely quote a few of the references to give the flavour of them: A female head of Chambers, a highly respected KC, never saw any inappropriate conduct towards women and regards the conduct giving rising to the hearing as 'very much out of his usual character'. In terms of the effect on him, she put it strongly but we are sure realistically when she says 'Kevin is broken. A circuit judge and a former head of crime describe him as a 'hard working and clever lawyer'. He never received any complaints about the Respondent only 'compliments about the quality and professionalism of his work'. There is a very moving reference from the Respondent's wife and she describes the huge toll that the whole process has already taken upon her husband and we are sure it must be on her as well. His sister, also a lawyer, describes his genuine sense of shame; and has not sought to excuse his conduct, she says that he has 'approached this process with deep humility and acceptance'.

60. Those are all facts which must be brought into account when balancing the facts of the case, the aggravating factors, the mitigating factors and when putting it all together.

Sanction and Reasons

61. The real question is whether when reviewing the whole position it is necessary to impose the ultimate penalty of disbarment.

62. It is argued that in the circumstances justice can be done by a period of suspension.

63. We have reached the unanimous decision that this argument, although attractively presented, cannot be accepted.

64. In his statement Mr Kevin Barry is right when he says that membership of the Bar is a privilege requiring devotion to the very highest standards of behaviour, at all times.

65. On page 4 of the Sanctions Guidance the purposes of sanctions are set out:

The purposes of applying sanctions for professional misconduct are to;

[i] maintain public confidence and trust in the profession and the enforcement system

[ii] maintain and promote high standards of behaviour and performance at the Bar

[iii] act as a deterrent to the individual barrister as well as the wider profession, from engaging in the misconduct subject to sanction.

66. Sanctions Guidance (2022) Version 6 at 6.37 reminds us that' Disbarment is the most serious sanction that can be imposed and is reserved for cases where the need to protect the public or the need to maintain public confidence in the profession is of such a level that the only reasonable option is to remove the Respondent from the profession'.

67. In our view, this is clearly such a case. We are sure that a suspension would not be sufficient.

68. We are sure that the minimum appropriate sanction is an order of disbarment and that is the order that we make unanimously on each of the charges:that Kevin Barry be ordered to be disbarred.

69. We also order that the Respondent be immediately suspended.

70. The very modest request for costs is refused given the Respondent's lack of current income.

71. The Treasurer of the Honourable Society of Lincoln's Inn is requested to take action on this report in accordance with rE239 of the Disciplinary Tribunal Regulations 2017.

Appeal

72. The Respondent has 21 days to appeal from receipt of these written reasons.

Dated: 26 November 2025

HH Martyn Zeidman KC

Chairman of the Tribunal