

BEFORE THE SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974 (as amended)

AND IN THE MATTER OF:

SOLICITORS REGULATION AUTHORITY LIMITED

Applicant

and

LEWIS BRADY

Respondent

**STATEMENT PURSUANT TO RULE 12 (2) OF THE SOLICITORS (DISCIPLINARY
PROCEEDINGS RULES) 2019**

I, Louise Culleton, am a Barrister, employed by Capsticks Solicitors LLP, 1 St George's Road, London, SW19 4DR and instructed by the Solicitors Regulation Authority Limited of The Cube, 199 Wharfside Street, Birmingham, B1 1RN. I make this Statement on behalf of the Applicant, the Solicitors Regulation Authority Limited ("SRA").

The allegations

1. The allegations against the Respondent, Lewis Brady, made by the SRA are that, while in practice as a Solicitor at Orrick Herrington & Sutcliffe (UK) LLP ("the Firm"), he:

- 1.1. Acted towards Person A, a Paralegal at the Firm, in a manner which was unwanted and/or inappropriate and/or sexually motivated as set out in Schedule A and in doing so breached any or all of Principles 2 and 5 of the SRA Principles ("the Principles") and Paragraph 1.2 of the SRA Code of Conduct for Solicitors, RELs and RFLs ("the Code for Solicitors").

The facts and matters relied upon in support of this allegation are set out in paragraphs 7 – 90 and 148 - 176 below.

- 1.2. Acted towards Person B, a Managing Associate at the Firm, in a manner which was unwanted and/or inappropriate and/or sexually motivated as set out in Schedule B and in doing so breached any or all of Principles 2 and 5 of the Principles and Paragraph 1.2 of the Code for Solicitors.

The facts and matters relied upon in support of this allegation are set out in paragraphs 7 – 10, 97 – 133 and 148 - 176 below.

Appendices and Documents

2. I attach to this Statement the following appendices:

Appendix 1: Schedule A
Appendix 2: Schedule B
Appendix 3: Relevant Rules and Regulations
Appendix 4: Anonymisation Schedule

3. I attach to this statement a bundle of documents, marked [LC1] to which I refer in this statement. Unless otherwise stated, the page references ("LC1 p []") in this statement relate to documents contained in that bundle.

4. The bundle is divided into the following sections:

Section A: Notice dated
Section B: Witness statements
Section C: Respondent's submissions
Section D: SRA's communications with the Respondent
Section E: Other key documents (witness statement, case law and guidance)

Professional Details

The Respondent

5. The Respondent was born on 16 April 1992 and is a solicitor having been admitted to the Roll on 15 March 2017.
6. The Respondent does not hold a current practising certificate and his last practising certificate ended on 8 December 2022.

The facts and matters relied upon in support of the allegations

Background

7. The conduct in this matter came to the attention of the SRA on 11 April 2022, when a report was received from Orrick Herrington & Sutcliffe (UK) LLP (“the Firm”) in respect of the Respondent and his alleged conduct towards two female colleagues, Person A and Person B. The conduct in question is alleged to have taken place between September 2021 and 24 March 2022.
8. At the time, the Respondent was a Managing Associate at the Firm. Person A was a paralegal and Person B was a Managing Associate and both worked in a different team from, and were located on another floor of the office to, the Respondent. Initially, the Respondent, Person A and Person B were part of a bigger team which was subsequently reconfigured.
9. The Firm commenced an investigation into the allegations when Person A and Person B reported the Respondent’s alleged behaviour to the Firm on around 6 March 2022. The Respondent resigned from the Firm on 14 April 2022, before the Firm’s investigation had concluded.
10. As a result of the report from the Firm, the SRA opened an investigation into the matters and obtained witness statements from Person A and Person B, and other witnesses **[LC1 pp22-287]**.

Allegation 1.1 – inappropriate and/or unwanted and/or sexually motivated conduct towards Person A

11. Person A provided a statement to the SRA on 27 June 2023 **[LC1 pp67-107]**. Her witness statement is relied on in support of this allegation.
12. She commenced employment at the Firm on 12 July 2021 as a paralegal in the Team, A **[LC1 p68 para 6]**.
13. Person A first met the Respondent on 12 August 2021 at a social event **[LC1 p69 para 15]**. She states that she had briefly seen him around the office previously as he used to visit Person B’s office and he and Person B would have lunch together.

22 September 2021

14. Person A states that the first interaction with the Respondent that she would describe as unusual took place on 22 September 2021 **[LC1 p70 para 21]**.

15. Person B had arranged a social event at Hijingo Bingo to play virtual bingo **[LC1 p70 para 22]**. A large group attended from the Firm **[LC1 p70 para 23]**.
16. When the Respondent arrived at the event, he sat diagonally opposite Person A who was sitting next to Person B with Person C (who was a managing associate at the time) opposite her next to the Respondent **[LC1 p70 para 25]**. Person A says that by the time the group left Hijingo Bingo she considers that she was at a six on a scale of one to ten in terms of how much alcohol she had drunk, with one being “stone-cold sober” **[LC1 p71 para 28]**.
17. The group went on to the London Cocktail Club, Old Street which was about a 5 minute walk; there were still around 15 – 20 people from the original group at Hijingo Bingo, including the Respondent **[LC1 p71 paras 29-30]**.
18. Person A states that everyone had had a lot to drink and they were all dancing **[LC1 p72 para 32]**, however there came a point when it was very much that the Respondent was dancing really close to her and that he “*got a bit handsy*” with her **[LC1 p72 paras 35-36]**. She states that he started with his hands on her waist, then moved around her body and began groping her with his hands on her bottom. She says that she gave him the benefit of the doubt at this point and was not initially alarmed, however she said there was a point at which it became unmanageable and beyond a point she was willing to accept as accidental **[LC1 p72 paras 36-38]**.
19. She describes the Respondent being behind her and that after he touched her bottom he then put his hand over her right shoulder and put his arm down across the front of her and grabbed her left breast. She states that she thinks he did it once and it felt intentional **[LC1 p73 paras 39-40]**. She states that she was mortified, she was with colleagues and was embarrassed as she was certain people had seen what had happened **[LC1 p73 para 41]**. She says that she moved his hand by brushing it away and moving to stand by two other colleagues on the other side of the room **[LC1 p73 para 42]**.
20. Person A says that at the point that the Respondent was touching her she was a seven to seven and a half on the same scale referred to earlier and when she left the club at 1:30 am she was three and a half on that scale **[LC1 p74 para 48]**.
21. She states that she would say that the Respondent was drunk because of how he was acting with her but that she cannot say that she has ever thought that he was particularly drunk on any night out where she had also been **[LC1 p74 para 49]**. At the time, she put his behaviour down to intoxication as opposed to poor character or

predatory behaviour and gave him the benefit of the doubt until it happened again in October 2021 **[LC1 p74 para 50]**.

22. At the end of the night Person A recalls chatting to the Respondent again.
23. Person A describes that the next day she felt embarrassed about what had happened and therefore did not go into the office, but worked from home instead. However there was a welcome lunch for two new joiners that day and she attended that **[LC1 p74 para 52]**. The Respondent was also there which she says she was anxious about as she was embarrassed about what had happened the night before and it was something she wished to just forget **[LC1 p75 para 54]**. She did not speak with the Respondent at the lunch **[LC1 p75 para 55]**, but afterwards when they were back in the office and she was at her desk, the Respondent (who had been in Person B's office) came out and stood next to Person A's desk. He said to her that someone had asked if they had kissed the previous night. Person A responded that that must have been because they had been dancing together. She states that the Respondent said this very discreetly but it made her feel a wave of embarrassment and shame that she had found herself in that situation with him where somebody had thought that they had kissed **[LC1 p75 para 57]**.
24. Person A says that after this the Respondent began to interact with her a lot more at work **[LC1 p75 para 58]**.

14 October 2021

25. Person A describes an incident at the Juno rooms on 14 October 2021. She describes this as a spontaneous after work team drinks with Person B, Person C, Person D and the Respondent **[LC1 p75 para 60]**.
26. She describes that initially the Respondent was seated opposite her diagonally but when she got up to tell Person D what she wanted to drink, the only seat available was next to the Respondent. She therefore sat next to him **[LC1 p76 para 61]**
27. Person A then describes how the Respondent "*randomly put his hand*" on her right thigh under the table **[LC1 p76 para 61]**.
28. She states that she felt frozen and weird, thinking "*I'm not sure what we are doing here*" as she was sat there with three other colleagues **[LC1 p76 para 62]**.
29. Person A says that the Respondent gave her thigh a small rub over her clothing but that he did not have his hand there long before she intercepted him with her arm to move his hand away **[LC1 p76 para 63]**.

30. Afterwards the Respondent and Person B continued on to another bar and she and Person D got the bus home **[LC1 p76 para 65]**.

20 October 2021

31. Person A states that the next social event was a wine tasting event organised by work for the wider team, at 5:30 – 7:30 pm on 20 October 2021 **[LC1 p76 para 66]**.
32. Person B had also arranged for people to go to dinner after the wine tasting at 8pm, at Apulia restaurant. There were about 15 people attending the event. They then went on to Karaoke Box, Smithfield and onto Beduin **[LC1 p76 paras 67-68]**.
33. Person A states that this was the night that she realised that there was a pattern of behaviour developing with the Respondent and that his behaviour no longer felt accidental **[LC1 p76 para 68]**.
34. Person A describes how everyone had been drinking at the wine tasting, they had taken left over wine for the walk to Apulia and they got to Beduin at around 1 am. Person A left Beduin at 3.10 am. At that stage, in Beduin, there was only her, Person E, the Respondent, Person F and Person D **[LC1 p77 paras 69-70]**.
35. Person A states that she stopped drinking when she got to Beduin and would put herself on a four of the same scale referred to previously **[LC1 p77 para 71]**. She states that a friend of the Respondent's, from PWC, was also there and that he was flirting with Person F, but that the Respondent was also touching Person F – on her bottom, "*exploring her body with his hands and touching her midriff*" **[LC1 p77 para 72]**.
36. When they were in Beduin, the Respondent who was standing next to her, kept on putting his hand on Person A's bum as if they were a couple. She states that she did not feel comfortable, he was not her boyfriend, she felt trapped and confused and worried who could see. She states that this was for a couple of minutes **[LC1 p77 para 74]**. She ended up going to the bathroom and Person D went with her and she told her how the Respondent was making her feel on nights out. She told her that the Respondent was being really "*gropey*" and Person D said to stick with her **[LC1 pp77-78 para 74]**.

9 December 2021 – Team B Christmas Party

37. This was a party organised by and funded by the Firm at Clays in Moorgate (clay pigeon shooting). All of the Team B were invited **[LC1 p78 para 78]**.

38. Person A arrived at about 7 pm **[LC1 p78 para 79]**. She says that everything was fine but she was “*hyper aware*”. Person D was also aware of things **[LC1 p78 para 80]**.
39. She says that during the evening the Respondent had been touching her bottom whenever they found each other alone at the bar together. She is unable to say how many times exactly. She states that she clearly remembers his inability to have a conversation with her without him having his hand on her body somewhere. He kept acting as if he were her boyfriend, although she says “*he was worse than a boyfriend, I would never want my boyfriend to touch me in ways Lewis did in public*” **[LC1 p79 para 81]**.
40. She says that about halfway through the evening, she saw an opportunity to speak to him about how she had been feeling and they were both sat on a sofa by the bar **[LC1 p79 para 82]**. She asked the Respondent why he was choosing her and said “*is it because I’m a paralegal?*”, she wondered if it was because she was really junior in the Firm and he was a managing associate and so thought she would be an easier target. She says that she doesn’t recall him responding to the question and she asked “*why do you keep doing this to me?*” and he said “*I think you’re fit*” **[LC1 p79 para 83]**.
41. Person A states that she felt that it was her level at work added to the fact that she was new to the Firm that made the Respondent think that she was an easy target and that she would be less likely to say anything about his behaviour and also that he had a solid group of friends in her team. She states that during this conversation, he mentioned that he came up to Person B’s office in order to see her (Person A) **[LC1 p79 para 84]**.
42. Person A states that after their conversation the Respondent’s behaviour did not change and he continued to touch her bottom; she says this was general unwanted attention, she cannot stress enough how often it happened and that it was a constant inconvenience. She felt that she spent most of her nights out dodging this **[LC1 p80 para 85]**.
43. Person A states that Person D was intercepting and pulling her away **[LC1 p80 para 86]**.
44. They went on to Beduin in Smithfields, getting there around 1 am **[LC1 p80 para 87]**.
45. The Respondent continued to touch her on her bottom, so she moved away. As she was moving away Person D tapped her on her shoulder. Person A looked around and Person B was stood next to the Respondent, with Person D just in front, who said that Person B had asked her to ask Person A if she wanted to “*shag*” the Respondent. Person A said no and moved away **[LC1 p80 para 88]**.

46. Person A states that she tried to stay away from the Respondent as much as she could that evening in order to prevent being touched **[LC1 p80 para 89]**. When she was waiting for a taxi home after 3:20 am the Respondent asked her if she wanted to share a cab home with him. She says that it is only with hindsight that this seemed more significant as he was suggesting getting a cab and dropping him off on the way, but this did not make sense due to where he lived in comparison to where she lived. On this occasion she said that she was waiting for Person B and they got a cab together with Person F and Person G **[LC1 pp80-81 para 90]**.
47. Person A says that the Respondent knew that she was dating at the time as she spoke about this openly in the office and on that particular night she had also spoken about it as she had been on a date the previous night. She had also spoken to the Respondent about a bad date she had previously been on **[LC1 p81 para 92]**.

16 December 2021

48. A Christmas curry night was arranged for 16 December 2021. The invitation referred to the 'associates' social – Christmas edition' and was arranged through work emails. **[LC1 p81 para 93]**
49. Person A describes the plans and arrangements for this event **[LC1 pp81-82 para 94-103]**.
50. She describes that they paid for food themselves, splitting the bill and bringing their own alcohol. There was a brief conversation at the table about expensing the bill as it was a work social but Person A says that they did not see the need to in the end.
51. Person A states that the Respondent was drinking a mix of wine and prosecco but did not appear to be intoxicated **[LC1 p82 para 99]**.
52. She states that "*conversations are a bit weird in the group and tend to explore quite controversial topics at times*" and that the majority of the group are "*big personalities*". She states that boundaries are not set within this group because they are all friends **[LC1 p82 para 100]**.
53. She states that they were at the curry house for a couple of hours and a lot of alcohol was consumed; Person A says she could walk unaided when they left but she cannot remember leaving the curry house or the walk to Person B's house **[LC1 p82 para 101]**.

54. They arrived at Person B's house at around 11 – 11:30pm. She puts herself at an eight on the scale in terms of intoxication **[LC1 p83 para 102]**.
55. They commenced in Person B's dining room and continued drinking; she states she would describe the Respondent at that time as when he was at work; he was not slurring his words and seemed coherent **[LC1 p83 paras 104-105]**.
56. She describes the Respondent doing a squat with Person B on his shoulders – and she produces a recording of him doing this from her phone – exhibit RC16 **[LC1 p83 para 106]**.
57. She describes what she was wearing and says that due to what then occurred she binned the whole outfit **[LC1 p83 paras 107 – 108]**.
58. She states that they had been chatting quite a while before the Respondent put his left hand on her leg in an affectionate way that you would not usually do if you were friends – he rested his left hand on the middle of her right thigh – on top of her jeans – whilst they continued to chat **[LC1 p84 para 109]**.
59. They then moved to Person B's living room and it was that move which stopped his hand from continuing to be on her thigh at that point. She says that at that point she felt that she was detached from her body *"like it was not me or I was just immune to it"* **[LC1 p84 para 111]**.
60. She describes how in the living the room the Respondent came to sit next to her and how she had covered her legs up to her stomach with a fleecy blanket. She says that the Respondent put his legs under the blanket and put his head on her right shoulder. She draped her arm round him in a relaxed way when he did this **[LC1 p85 para 117-118]**.
61. Then at some points his hands went under the blanket and he began to touch her inside right thigh in an up and down motion. She says that she cannot say which hand he used but he was touching the upper part of her right thigh and rubbing/stroking along the top of her right thigh (over clothing). She states that he was touching her very close to her vagina; she was frozen at this point and they were surrounded by people. *"All of his best friends were around me, I tried to keep my composure the best I could, so that nobody would notice what was happening and I could just watch the film"* **[LC1 p85 paras 119-120]**.
62. She says that the Respondent then fell asleep and at that point his arm was around her tummy **[LC1 p86 para 121]**.

63. Person A states - *"I was unsure what I was meant to do, I did not want to make a scene. [Person B] and [Person C] were [the Respondent's] best friends. I thought his behaviour was accepted, that I must be the weird one for thinking it was unacceptable. I felt like I was always in a lose, lose battle how to handle the situation with [the Respondent] and felt whichever way I chose I could not win. If I reported [the Respondent], I did not think that my colleagues would believe that of him, or I would be seen to be overreacting and I would be outcasted [sic]. However, by not speaking up I was having to endure his unwanted attention at social outings with work. I still felt new to the Firm, I enjoyed the team I worked with and enjoyed the work so I felt great fear that I would be excluded if I spoke out against [the Respondent] as he was a big character of the social group at the time, being [Person B's] best friend"* **[LC1 p86 para 123]**.
64. Person A then describes leaving Person B's house and that she and the Respondent were both trying to get taxis. The Respondent managed to get one first and said that he would drop Person A off on the way. She states that in terms of route her house would be the first drop only after around 10 minutes and that the Respondent was some 30 minutes beyond that. They left Person B's house at around 2:30 am **[LC1 p86 para 125]**.
65. She describes that after about 15 minutes into the journey she was confused and scared and tried to get the taxi driver to stop, but he would not and that she recalled seeing places she didn't recognise. They then arrived at the Respondent's flat and her understanding from the taxi driver was that this was his final and only stop **[LC1 p87 paras 130-131]**.
66. She says that the Respondent lives in what is like an industrial estate and that she remembers assessing that she might be safer inside his flat than outside in such a place and one she did not know **[LC1 p88 para 132]**.
67. Person A states that whilst she does not remember going into the Respondent's flat, she remembers around only three or four parts of what happened there. She says that going by when she left Person B's house and when she was picked up by a taxi from the Respondent's flat, she was at there for about an hour in total **[LC1 p88 para 133]**.
68. Person A then describes what occurred; that she was pulled on to the Respondent's lap from the edge of the sofa where she was sat, in a straddle position, still with her coat on. She says that her coat was opened and became undone and that the Respondent's hands were underneath her bodysuit and in her jeans. Person A describes how the Respondent was trying to pull up her body suit and when his hands were in her body suit he was exploring her upper body. She recalls him saying that

she had nipple covers on and this led her to think that that meant he was inside her bra and that he shouldn't be there **[LC1 p88 paras 136-137]**.

69. She says that she remembers his hands on her front, travelling up on the sides and that there was lots of groping and squeezing her breasts, skin on skin, without the nipple covers having come off **[LC1 p88 para 138]**.
70. She states that the Respondent also had his hands down her jeans but that he did not touch her anywhere near her vagina that she can recall **[LC1 p89 para 139]**.
71. She says that her focus was his face, that he was trying to kiss her and that she was pushing his head away to try to stop him from kissing her. Whilst she says she was able to prevent the Respondent from kissing her, she states *"his hands had free will of my body as my focus was on him not kissing me. I was on his lap; his face was right in my face. I remember wondering how on earth I had found myself in this situation"*. She said she really did not want him to kiss her and she felt so detached from her body that she focused on moving his face away with her hands **[LC1 p89 para 140]**.
72. She states: *"I felt I had to juggle his demeanour in the sense that I was aware I was in a position where I was trying to keep him on a level mood so as not to make the situation get any worse than it already was. I was being polite in the sense that I was not shouting at him, I was almost making light of the situation to ensure I was able to leave his house safely. I knew I needed to get out and I would be fine so I had to balance my reactions and keep calm enough to not tip him off to act in a way that became dangerous. From my body language I feel it was clear that I was not consenting to what was happening to me by continuously pushing him away, pushing his arms and his face but [the Respondent] continued"* **[LC1 p89 para 141]**.
73. Person A describes how she was essentially trying to keep it light and not to rile the Respondent, she did not want to end up in his bedroom and she knew she needed to get out of the situation **[LC1 p89 para 142]**.
74. She states that it felt like it went on for ever; the Respondent either came up behind her pulling on her body or he was groping her whilst she was on his lap **[LC1 p90 para 145]**.
75. She had her phone in her hand and when she could she was constantly trying to check for taxis as they kept cancelling each time she found a driver. She eventually got one at 4:09 am; when she got up and looked down at herself she saw that her bodysuit was halfway up her body and she felt violated and desperate to get out of the Respondent's flat **[LC1 p90 para 146-148]**.

76. Person A then describes the messages she exchanged with Person H who she was dating at the time [LC1 pp91-92 paras 151 – 158]; Person D [LC1 pp92-93 para 157] and also to Person I – her housemate [LC1 p93 para 159].

17 December 2021 and subsequently

77. Person A states that when she looks back at her interactions with the Respondent, and with the benefit of hindsight, he would always message the day after a night out to seemingly check that all was ok between them and that she was not going to say anything to him about inappropriate touching or tell anyone else [LC1 p93 para 160].
78. She states that they spoke on 17 December 2021 on Skype because she thought that she had left her hoodie at his flat but she then found it at her home. The Respondent said to her that he “*remembered more than I’d like to*” after she had said that she didn’t remember much from the previous night [LC1 p93 para 161].
79. Person A then describes the steps she took to try to process the situation and what had happened with the Respondent and the various people she communicated with about it [LC1 pp93-94 paras 162-166; pp95-96 paras 171-173; pp96-97 para 176-178 (discussion with therapist and boyfriend)].
80. She also describes an invitation from the Respondent for a business meeting with cheese and wine at his home on 28 January 2022, which she found an excuse not to attend and other interactions that she had with him in the office and the ongoing impact of what had happened that she continued to experience which led to her wanting to leave the Firm [LC1 pp93-94 para 167-170; p96 paras 174-175].

24 March 2022

81. Person A sets out that Person B had organised a night out to Tayyabs Curry House, for a trainee handover night which the Firm would pay the food bill for, with everyone bringing their own alcohol. The Respondent was there and Person A says that she did not interact with him very much [LC1 p98 para 184-185].
82. After the curry a number of the group went on to the Blues Kitchen in Old Street. Person A says that she was vigilant and concerned for the trainees in respect of the Respondent’s behaviour but that she thought that Person B was “*safe as houses*” when it came to the Respondent as they were best friends and she therefore thought that he would not target her if this was an issue that was more than just what she had experienced with the Respondent [LC1 p98 paras 187-188].

83. Person A states that the Respondent was “*being handsy*”, his hands were on Person B and Person C’s bodies, more so on Person B. Person A states that the Respondent was stood behind Person B with his hands around the front of her body, under her breasts on the area where the bra band is, so that the weight of Person B’s breasts would have been on the top of his hands **[LC1 p99 para 189]**.
84. Person A also describes the Respondent touching Person C around her waist area on her stomach **[LC1 p99 para 190-191]**. Whilst on the dance floor the Respondent also put his arm around Person A’s shoulders and she says that she and Person D looked at each other which the Respondent saw and he moved on **[LC1 p99 para 192]**.
85. Person A states that Person B was the most drunk that she had ever seen her. She states that the Respondent was not drunk; he was completely coherent and in full control of himself **[LC1 p99 para 193]**.
86. When Person A left to go home she states that the Respondent and Person B were going to continue on to a different venue; they were due to be paid their bonuses and she felt that the Respondent was particularly keen for Person B to stay out and that he wanted to celebrate. Person B was in two minds about whether to go home with Person A and others leaving at that time or to stay out, but did stay out **[LC1 pp99-100 para 194]**.

6 April 2022

87. Person A states that on 6 April 2022, Person B pulled her into her office and informed her that the Respondent had sexually assaulted her in a cab after the curry **[LC1 p100 para 196]**.
88. Person A also shared her experience with Person B and Person A felt that she let her own experience take over the conversation because it was both such a shock and also a relief to be able to tell Person B **[LC1 p100 para 197]**.
89. By 8 April 2022 both Person A and Person B had informed the Firm **[LC1 p102 para 207]**.
90. Person A describes further the impact of the Respondent’s conduct on her at paragraphs 210 to 222 of her witness statement **[LC1 pp103-106]**.

The Respondent’s account

91. The Respondent states that as a paralegal in Team A, Person A worked directly for Person B and for Person M, and that she and Person B were very close friends. He

states that he had no working relationship with Person A, other than some assistance on e-filing for court and was not in any way a direct supervisor to her and nor did he have any influence over her career **[LC1 p335 para 85]**.

92. The Respondent states that he believes that Person A was older than him and had worked in the legal profession for some eight years and so she is an older and more experienced member of the legal profession, he was therefore not senior to her in any real sense and she was in an entirely different department of the Firm **[LC1 p335 para 86]**.
93. The Respondent states that he and Person A regularly socialised together and were in the same social group and that he had considered that they were friends. He liked Person A, and thought that that was mutual, as did others at the Firm; he felt that Person A was encouraging and contributing to the relationship **[LC1 p335 para 88]**.
94. As a result he states that he has struggled to reconcile his understanding with her version of events and he firmly believed that she encouraged and played an active and willing role in all instances outlined. The Respondent states that he feels tremendously sorry for what he now understands Person A felt at the time but that he had no idea and it is only from her witness statement that he learned this **[LC1 p335 para 89; p348 paras 169-170]**.
95. The Respondent reiterates that the relationship was exclusively outside of a work setting and he honestly believed it was an appropriate and mutual relationship **[LC1 p335 para 90]**.
96. He then addresses instances of interaction between him and Person A, where he describes mutual physical touching, dancing at close proximity and Person A instigating such things, all in the context of after-work socialising. He denies any physical contact having happened at work or work-related events but that any touching that did occur in a social context was consensual and mutual **[LC1 pp335-348 paras 85-169]**.

Allegation 1.2 – inappropriate and/or unwanted and/or sexually motivated conduct towards Person B

97. Person B provided a statement to the SRA dated 18 May 2023 **[LC1 pp22-48]**. Her witness statement is relied on in support of this allegation.
98. At the time of the matters alleged by her against the Respondent, Person B was a Managing Associate in the Team A **[LC1 p23 para 5-6]**. She had joined the Firm in December 2019 and met the Respondent on his first day at the Firm and took him for

a welcome lunch which she recalls being in February or March 2020 before lockdown **[LC1 p23 para 8]**.

99. It was really only when there was the possibility to return to the office after the lockdown that Person B got to know the Respondent well and she states that they became friends **[LC1 p23 para 11]**.
100. They would communicate over Skype or Teams at work and on WhatsApp and Instagram outside work. Despite them being friends Person B is critical of the Respondent in respect of a sexist side to his sense of humour and also states that they would sometimes clash on work related matters such as time recording or inbox management/email filing **[LC1 p24 paras 16-19]**.
101. Person B describes how she and the Respondent would regularly socialise, with others, as a group of colleagues. She states that the group typically included, Person C, Person A, Person K, Person F and Person K. She sought to arrange cross department social events for people, particularly the trainees and new starters, to get to know each other. The senior lawyers usually paid for things themselves unless it was allowed to be as expenses **[LC1 p25 para 22-24]**.

24-25 March 2022

102. A trainee handover was booked in Tayyabs Curry House on 24 March 2022 by Person B; this was where a handover between outgoing and new trainees would take place. The Firm paid for the food, with everyone bringing their own drinks due to the policy of the restaurant **[LC1 pp28-29 para 45-47]**. There were 20 – 25 people on the invite list **[LC1 p29 para 50]**. Half the group attending met by the lifts shortly after 18:30, which included Person B, the Respondent, Person A, Person C, Person E, Person D and Person L, and travelled together to the restaurant by Tube **[LC1 p29 para 52]**. They were at the restaurant for about two hours from 19:15 **[LC1 p30 para 55]**. Person B says that she drank four medium glasses of wine and felt fine if a little tipsy. She doesn't recall the Respondent having drunk very much and states that he was filling her and Person C's drinks up more than his own, and thought that she had drunk more than him. She states that he gave no obvious indicators that he was drunk when they left the curry house **[LC1 p30 paras 57-59]**.
103. Person B paid the bill on her personal credit card and later claimed the expenses back from the Firm **[LC1 p30 para 60]**.
104. When they left Tayyabs, the group went to Blues Kitchen in Shoreditch; a venue with live music. They arrived there at around 11pm and left before it closed at around 1 am **[LC1 p30 paras 61 and 63]**.

105. At Blues Kitchen she drank quite a few gin and tonics in quick succession and bought a round for everyone and describes herself as being more drunk at that time than she had been at the dinner. At the time she thought that the Respondent was probably equally drunk as her at that time, but she states that in hindsight she doesn't think that he in fact was **[LC1 p31 para 67]**.
106. She and the Respondent were dancing on the dancefloor and she describes the Respondent putting his arm around her and then his hand slipping to her bottom before he then moved it away. She states that she had no issue with this as she was not usually uncomfortable with friends putting their arms around her and assumed that if she did feel uncomfortable and asked him to stop he would do so. Person B states that around 10 - 15 minutes later the Respondent touched her bottom again – still on the dancefloor. She states that this did not feel sexual, but that it was as if he had forgotten his arm was around her and his hand had dropped. She states she was confident that the Respondent understood that there was nothing between them or that nothing was going to happen between them as he had met her husband and did not imagine that he had any sexual intentions towards her. However a short while later the Respondent again touched her bottom. Person B states that she noticed that he was doing the same thing to Person C; she describes a specific memory of the Respondent being between them on the dancefloor and him putting both of his hands on both of their bottoms at the same time. Person B says that this time around she said “*enough*” and hit his hand away. She describes the Respondent as being unfazed by this reaction **[LC1 pp31-32 paras 69-72]**.
107. On leaving the Club at around 1 am, Person B and the Respondent walked Person C home **[LC1 p32 para 74]**. They then ended up in the same black cab home, having tried to book cabs independently, with the Respondent suggesting that they share the cab and that it could go via his home and then on to Person B's. This was a 40 minute drive from Shoreditch to the Respondent's house and then a further 25 minutes to Person B's **[LC1 p32 paras 76-77]**.
108. They both sat on the back seat, Person B in the middle and the Respondent to her right **[LC1 p32 para 78]**.
109. Person B previously in her statement describes that she was wearing a high v-neck long-sleeved wrap dress which tied at the waist and the length of which was to her mid-thigh level. It was made from soft pleated polyester and had a bit of stretch or give to it, tight fitting at the top, and underneath she had underwear and tights. She also had socks on and was wearing trainers, as well as having her winter down coat with her **[LC1 pp 30-31 paras 64-65]**.

110. Person B unzipped her coat to her waist **[LC1 p32 para 78]**. She describes getting a bit 'ranty' and talking about someone at work who had annoyed her and the Respondent put his arms around her, in what she describes as a bear hug, to say "*its all ok, calm down*". Person B says this was probably for only a few minutes and he released his hands and she kept talking **[LC1 p32 para 79]**.
111. This happened again some 10 minutes into their journey and she describes the Respondent again putting both of his arms around me like a sideways bear hug, one arm around the back of her and one across the front. She says that she didn't mind that **[LC1 p33 para 80]**.
112. However Person B goes on to state that the Respondent then proceeded to touch her without her consent, a number of times, despite her telling him not to **[LC1 p33 para 81]**.
- 112.1. She states that the first occasion he shoved his right hand into her top so that his hands were in her bra. He grabbed her left breast underneath the clothing, she could feel his skin on hers. Person B says that she does not remember the Respondent saying anything. His other arm was around her, trapping her. She said, "*what do you think you're doing? No*" and pulled his hand out and smacked it away **[LC1 p33 para 82]**.
- 112.2. Person B states that this happened a second time, quite quickly after the first time but not immediately after. The Respondent slipped his hand into her bra and used two of his fingers to squeeze her nipple. She states that she moved her left arm/elbow to get his hand out. She had crossed her arms after the first occasion so he had to push against them. Person B states that she told him no and not to do that and used her left arm to try to push him away **[LC1 p33 para 83]**.
- 112.3. The Respondent then touched her again. This time Person B grabbed his wrists in front of her body and said "*no, stop*". She grabbed both of his wrists with her hands and said "*no, you can't do that, stop*" **[LC1 p33 para 84]**.
113. Throughout Person B's description of the three incidents of touching, she describes her emotions; she was shocked and disgusted, and also very stressed and anxious, worried that because of how he was behaving it could end up with her being raped, and was trying to think about how to make the situation stop. She describes crouching down with her arms across her breasts in the back of the taxi, feeling disgusting and ashamed and states that this was the first time that she felt fear from being around the Respondent; she was in "fight or flight" mode. She did not think that he was capable of

doing what he had done as he was a friend and she thought he knew the boundaries. She also says that she felt the discomfort of someone other than her husband touching her **[LC1 pp 33-34 paras 85-87]**.

114. Person B describes the Respondent as being a *“big guy, not strong and quite overweight”*; that he is 5ft 5 and weight probably 80 kilos plus and she is 60 kilos and 5ft 6. She was trying to make sure that the situation did not escalate and was thinking that he was a colleague who she had to continue seeing at work. She says *“it was so confusing as I hadn’t realised he was capable of touching me like that, especially given I was telling him not to. It was such an obvious crossing of a boundary”* **[LC1 p34 para 88]**.
115. She states that she had purposefully made sure on multiple occasions that he had met her husband and states that she had done this because the Respondent had on occasion made comments to her along the lines of *“oh if you were single I would go for you”* and *“why can’t all women be like you”*. She also recollects one occasion where she felt that the Respondent had made a pass at her, when he had tried to kiss her when they were out for drinks and which she had avoided by putting her hands on his chest and saying *“absolutely not”* **[LC1 p34 para 89]**.
116. In her second statement, Person B states that this occurred on 14 October 2021 and was following a dinner at Obica which her husband had also attended. After the dinner her husband had gone home and some of the group (herself, the Respondent, Person C and Person A) went on to Juno Rooms and then on to Core. Whilst at Core the Respondent attempted to kiss her and she pushed him away. She left Core at around 2 am **[LC1 p635 para 12]**.
117. Person B states that whilst they were in the cab she tried to pretend nothing had happened and sat back and carried on talking but in terms of what she describes going through her mind she remained on high alert. She describes there being another 20 minute drive left in the taxi and that in this time the Respondent did not say anything, that there was no acknowledgement of what had done at all and it was as if to him it had never happened **[LC1 pp34-35 para 90 and 93]**.
118. When the taxi arrived at the Respondent’s house he got out and when she arrived at home she paid for whole of the taxi fare **[LC1 p35 para 95]**.
119. Person B states that the following morning she woke up feeling very confused and her first reaction was to see if she could nudge him into saying something, so she messaged the Respondent saying *“I’m not sure I’m alive”* **[LC1 p637 para 28 and p952]**. She states that they had a friendly chat and he didn’t say anything about what had happened **[LC1 p35 para 97]**.

120. That situation continued over the weekend when she and the Respondent continued to chat over WhatsApp and Teams; they carried on as if nothing had happened as Person B was still processing and coming to terms with what had happened and did not know how to deal with the situation **[LC1 p35 para 99]**.
121. On Monday 28 March 2022, when the Respondent sent her a message Person B says she was by that stage *“really pissed off that he hadn’t acknowledged what he did”* and she sent him a message saying *“I’m still upset about what you did on Thursday”*. The Respondent asked to speak to her and she said no but they then did speak **[LC1 p36 para 101]**.
122. Person B says that she said to the Respondent *“you know what you did”* but that she never told him on the phone exactly what happened and rather they talked around it. She said to him *“what you did was inappropriate”*. The Respondent was silent the whole call and then said *“Oh my god, I’m so sorry, I can’t believe it”* **[LC1 p36 para 102]**.
123. Person B said that *“it was ok that I can draw a line under it, but I needed to know that it will never happen again, when I say no, that’s it”* and that she told him that he could not breach that boundary. The Respondent said *“I’m so sorry, you mean so much to me, one of my best friends, I don’t want you hating me”*. He then said *“I don’t remember, I just know something inappropriate happened”*. Person B says that the Respondent said this during the call twice and had also said it over WhatsApp since **[LC1 p36 paras 103-104; LC1 p954-955]**.
124. Person B provides the screenshots of her conversation with the Respondent on 28 March 2022 **LC1 p36 para 105; p63]**.
125. Person B says that she told Person C that the Respondent had sexually assaulted her, without telling her the specifics, on 30 March 2022 before a pre-planned trip to Paris, because she wanted Person C to be aware of it so as to be able to help in any awkward situation or to step in if the Respondent got too physically close to her **[LC1 pp36-37 paras 106-110]**.
126. Person B then describes the trip to Paris and the uncomfortable situation that it was **[LC1 pp37-38 paras 111-137]**. The purpose of the trip was to celebrate obtaining bonuses and Person B, Person C, the Respondent and Person J travelled together.
127. Person B disclosed to Person J about what had happened on 2 April 2022 after he kept asking if she was okay during the day. Person B told Person J the Respondent sexually assaulted her and describes how she had been struggling to manage having

to spend time with the Respondent and where he had been – she felt – deliberately antagonistic towards her when questioning the purpose of marriage **[LIC1 p40 para 134]**.

128. Later that day she and the Respondent had a conversation about what had happened. The Respondent knocked on her bedroom door where they were staying and asked to have a chat. Person B says that he said to her *“it seems like you’re a bit off with me, I was joking about marriage, last night was just a joke”*. Person B said that she responded that it wasn’t about last night but that it was *“about when you sexually assaulted me”*. Person B states that the Respondent made a weird face as if to say *“oh this other thing that I did which has consequences”* – it was an exasperated expression and he put his hands over his face at the time. He said to her *“oh that’s why you’re mad at me, I thought we were fine”*. Person B responded that she was still processing it and the Respondent asked her how long it would be before they were ok. Person B states that she said *“I don’t know if I’m ever going to be ok now that I have thought about what happened”*. The Respondent said *“I don’t want you not in my life”* but Person B said *“you did something, you violated me physically, emotionally and my marriage, I don’t know how to be with you”*. She says the Respondent looked very sad and she asked him to leave **[LC1 p40 para 135]**.
129. On 4 April 2022 when they returned from Paris, the Respondent sent Person B a text message – *“Hey, I just wanted to say that this weekend must have been incredibly hard for you and I’m so sorry for causing that. I care about you so much”* **[LC1 p41 para 141 and p65]**.
130. Person B states that it was also on the 4 April 2022 that she told her husband about what had happened **[LC1 p41 paras 143-146]**.
131. She also told Person A about it on 7 April 2022 and describes the circumstances and reasoning of telling her **[LC1 p42 para 154]**. She says that she called Person A into her office and told her briefly what had happened, in that he had sexually assaulted her. Person A immediately started crying and said *“the exact same thing has happened to me”*. Person A said, *“he has done things to me”*. Person B then sets out what Person A told her **[LC1 p43 paras 155-162]**.
132. There was an investigation by the Firm and notes were taken by Halina Kasprowiak, Director of Administration. This ended when the Respondent resigned on around 11-12 April 2022 and his last day at the Firm was 22 April 2022 **[LC1 pp44-45 paras 171-174]**.
133. Person B describes the impact of the Respondent’s conduct on her at paragraphs 184 to 198 of her witness statement **[LC1 pp46-48]**.

The Respondent's account

134. The Respondent describes his relationship with Person B as complicated, intimate and highly personal and states that they became incredibly close over a relatively short time (approximately 2 years with breaks for Covid lockdowns) **[LC1 p317 para 21]**. He states that very early into their friendship it became very apparent that Person B was the unofficial social secretary of the Firm; she would regularly arrange social events as well as being an instigator for impromptu nights out. He states that when they would go out Person B would often drink very heavily and stay out later than everyone **[LC1 p317 para 20]**.
135. The Respondent states that Person B was a highly trusted friend and someone who he emotionally connected with early on; they would frequently go drinking, eating, clubbing with each other, often multiple times a week. They would confide in each other and offered emotional support to each other frequently **[LC1 p317 para 22]**.
136. The Respondent states that for context over the course of 12 months they sent each other over 13,000 WhatsApp messages, over 2000 Instagram messages and over 500 pictures. This was in addition to other group chats and internal communications and other communication platforms. He states:- *"I deeply valued our friendship, as I honestly believe [Person B] did, however I am acutely aware that it was frequently sexualised and went beyond a normal friendship. [Person B] was married and I regret how close we got, this was morally wrong and I undoubtedly played a key role in that. However, I vehemently deny that I did anything [Person B] did not consent to, all behaviour was entirely mutual. I firmly believe this accusation is an attempt to appease her husband and save her marriage. Although I understand this, I cannot emphasise how sad this makes me feel"* **[LC1 p317 paras 23-25]**.

24 March 2022

137. In relation to the 24 March 2022, the Respondent states as follows.
- 137.1. The dinner was an informal dinner arranged by Person B at Tayyabs curry house. He states that it is his understanding that there was a traditional handover dinner but it was not endorsed by the Firm **[LC1 p327 para 61]**.
- 137.2. During the dinner both he and Person B consumed a large amount of alcohol. This included multiple bottles of wine, tequila shots and G&Ts. Person B was administering 'penalty shots' of tequila to multiple juniors at the table, she had asked the Respondent to bring a bottle of tequila earlier that day for this purpose **[LC1 p327 paras 61-62]**.

- 137.3. Following the dinner a small group of around eight went to Blues Kitchen in Shoreditch. Once again both he and Person B continued to drink a significant amount including shots and mixed drinks. They stayed until closing time, 1 am, and danced very intimately with each other. Person B would 'grind' against the Respondent touching his bottom and chest, he was also touching Person B's bottom and breasts as they danced with each other **[LC1 p327 para 63]**.
- 137.4. Person B, Person C and the Respondent went to find another bar when they left Blues Kitchen and found a cocktail bar, but left almost immediately having decided that they had probably enough **[LC1 p327 para 64]**.
- 137.5. Once they had dropped Person C off at her home they tried to find a taxi and whilst waiting for a taxi Person B said she was cold, came towards the Respondent and put her hands around his waist just above his bottom. He put his hands on her waist. At this point Person B stated "*don't neglect my arse, I work so hard on it and it doesn't get any attention*" **[LC1 p327 para 65]**.
- 137.6. They eventually hailed a black cab and both got in; Person B thought they should share the cab **[LC1 p327 para 66]**.
- 137.7. In the taxi, Person B immediately led across the seats and placed her head in the Respondent's crotch. The Respondent states that the mutual touching continued with Person B stroking his inside thigh and crotch whilst his left hand was on her breast. This continued until he got to his flat. Person B did not object at any point, she did not ask him to stop and nor did she take her head out of his lap **[LC1 p327 para 67]**.
- 137.8. When they arrived at his flat he asked Person B if she would like to come in for a night cap. Person B stated that she shouldn't and gave him a hug and kiss on the cheek. She continued her journey **[LC1 p328 para 68]**.
- 137.9. During her journey onward Person B phoned him and they discussed their upcoming holiday to Paris and what the sleeping arrangements would be. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]. They continued to chat until she got home. The Respondent stated that he asked EE for a list of incoming

calls but they do not provide such a log without a court order **[LC1 p328 para 69]**.

137.10. The next day he woke up from messages from Person B, stating “*did I offend anyone?... I feel like I did*”. The Respondent responds “*I highly doubt it. Did I?! That feels more likely*”, to which Person B responds “*Don’t think so*”. She continued to send messages throughout the day to the Respondent, sending gifs, memes and jokes. He did not initiate the messages and their conversation was entirely normal **[LC1 pp328-330 paras 71-72]**.

After 24 March 2022

138. The Respondent states that over the weekend they continued to communicate as normal with Person B sending him photos of her sailing trip **[LC1 p330 para 73]**.

139. He says, it was only the following Monday that Person B messaged him saying that she was not happy with what happened on Thursday and she wanted an apology. He immediately asked if he could call her and she told him that she was unhappy with how he had acted with her but did not provide any specifics on the call. He states that although he did not believe he had done anything wrong he apologised for any behaviour she thought was inappropriate and stated that he would never mean to upset her or do anything she didn’t want him to do. They spoke for over an hour and agreed that they would drink less in future **[LC1 p330-331 paras 74-76]**.

140. The Respondent states that they continued to go for lunch and coffees together for the rest of the week and on Thursday went on holiday to Paris together **[LC1 p331 para 77]**.

Paris

141. The Respondent, Person B, Person J and Person C went on holiday together to Paris. They spent most of the weekend drinking, eating and also attended a naked Burlesque show called Crazy Horse **[LC1 p331 para 78]**.

142. Person B had told the Respondent a couple of weeks prior to the trip that her husband was very upset about the holiday and described it as a “couple’s trip”. The Respondent states that in hindsight this was a misguided trip that we should not have gone on given that Person B’s husband was not there [REDACTED]; it gave the appearance that something was going on even though it wasn’t **[LC1 p331 para 79]**.

143. The Respondent states that Person B was very distant while in Paris and so on the penultimate night he asked if they were ok and she said that she felt that she had to tell her husband what happened [LC1 p331 para 80].
144. The Respondent said that he understood and that if they could not continue to be close friends he would understand. Person B stated “*I have no intention of that being the outcome of this*”. They both told each other how much they meant to each other and did not speak about the incident again [LC1 p331 para 81].

Formal Representations made on behalf of the Respondent

145. Representations were provided on behalf of the Respondent on 23 February 2024.
146. In summary, it is submitted that the matters complained of have insufficient nexus to the Respondent’s practice as a solicitor, that they did not take place in a work setting, that the Respondent was not in a supervisory position or more senior role to either complainant and that he had a reasonable belief that both Person A and Person B were consenting. It is therefore contended that it cannot be said that the matters relate to his practice as a solicitor or that he abused his professional position as a solicitor.
147. The SRA does not accept such assertions and relies on the paragraphs below in response.

Regulatory/Legal Framework & Breaches of the Principles and the Code for Solicitors

148. Principle 2 requires solicitors (and others) to act in a way that upholds public trust and confidence in the profession and in legal services provided by solicitors and others. Principle 5 requires solicitors (and others) to act with integrity.
149. In *Beckwith v SRA* [2020] EWHC 3231 (Admin), the Court held that, whilst the two principles were distinct, they had common themes, when dealing with cases where the boundary between a solicitor’s work and private life is at issue.
150. In paragraph 54, the Court said (emphasis added):

“There can be no hard and fast rule either that regulation under the Handbook may never be directed to the regulated person’s private life, or that any/every aspect of her private life is liable to scrutiny. But Principle 2 or Principle 6 may reach into private life only when conduct that is part of a person’s private life realistically touches on her practise of the profession (Principle 2) or the standing of the profession (Principle 6). Any such conduct must be qualitatively relevant. It must, in a way that is demonstrably relevant, engage one or other of the standards of behaviour which are set out in or necessarily implicit from the Handbook. In this way, the required fair balance is properly

struck between the right to respect to private life and the public interest in the regulation of the solicitor's profession."

(It is noted for clarity that under the Principles then in force, Principle 2 was the equivalent of what is now Principle 5 (integrity) and Principle 6 was similarly worded to the current Principle 2 (public trust), the only material difference being the use, now, of the word, 'uphold' rather than 'maintain'. It is further noted that rather than the Handbook, under the Principles there is the Code for Solicitors).

151. There are, therefore, two important points which apply to both principles in slightly different ways:
 - 151.1. Whether the conduct touches upon the solicitor's practice of the profession or the standing of the profession; and
 - 151.2. Whether the conduct engages a standard of behaviour set out in or implicit from the Handbook/the Code for Solicitors.
152. As to the first point, the SRA's position is that non-consensual touching, in this instance of colleagues, which is sexually motivated, is so serious that it raises a regulatory issue irrespective of whether or not it could be considered to have happened outside of the Respondent's practice. In this way the alleged conduct does touch on the Respondent's practice of the profession and on the standing of the profession.
153. It is not conceded by the SRA that the matters alleged occurred outside the Respondent's practice; to the contrary it is submitted that there was an overlap and/or connection between the Respondent's professional life and the alleged conduct. Person A and Person B worked for the same Firm as the Respondent and the alleged conduct would not have occurred had it not been for the fact that they were colleagues from the same firm who attended Firm events, or social events organised for employees of the Firm and socialised around work together.
154. In this vein, the SRA would point to the SRA's Guidance on Sexual Misconduct which sets out (emphasis added):-

A firm social event

This is another common situation giving rise to complaints of sexual misconduct, both consensual and non-consensual. It also illustrates further the blurring of the line between professional and private life.

The link to professional life is weakened if a firm social event, which has been organised at one venue, moves on to another as the night progresses.

For example, attendees move to a restaurant or pub and/or the parties break away from a wider group of colleagues and move to a hotel room or home. However, the link is not always broken by such a transition. The working relationship remains the origin and the context - even if the misconduct itself takes place in other premises.

155. Whilst the Guidance post-dates the alleged misconduct it is nonetheless applicable because guidance issued by the SRA is reiterating what expected standards are rather than introducing any new requirement or expectation.
156. It is submitted that in this case the working relationship did indeed remain the origin and context of the alleged conduct.
157. However even if the matters alleged are considered to have happened outside the Respondent's practice and to not relate directly to his practice as a solicitor, it is submitted that, by virtue of the alleged matters having been non-consensual, that causes it to be so serious that it nonetheless raises a regulatory issue. Non-consensual sexual touching of colleagues (or anyone) is so serious that it would offend public trust and confidence irrespective of context and so the issue of proximity to practice does not necessarily arise, or does not have so much bearing or weight on whether matters should be pursued and put before the Tribunal.
158. As the SRA's Guidance on Sexual Misconduct sets out:-
 - 158.1. Whilst consensual sexual relationships between colleagues, will not – without more – be investigated or sanctioned by the SRA, the same perhaps obviously cannot be said for non-consensual conduct between colleagues.
 - 158.2. Non-consensual sexual touching is so serious, that notwithstanding the fact that it could be considered to have happened outside of the Respondent's practice and not directly relate to his practice as a solicitor, it nonetheless raises a regulatory issue.
 - 158.3. *Some sexual misconduct allegations totally removed from legal practice might still be so serious that they damage public confidence in the profession and therefore might still amount to professional misconduct. Examples include criminal convictions for sexual offences as well as serious non-consensual sexual touching even where no criminal proceedings are planned, current or concluded.*

159. As to the requirement that the conduct must engage a standard of behaviour, the Court in Beckwith stated at paragraph 44 (emphasis added):

“The submission of the SRA in this appeal was that the standard to be derived from the Handbook relevant to the conduct alleged against the Appellant was that the public would have a “... legitimate concern and expectation that junior members [of the profession or of staff] should be treated with respect ...” by other members of the profession. We accept that submission; in our view it is a reasonable formulation having regard to the “outcomes” and “indicative behaviours” set out in Chapter 11 of the 2011 Code of Conduct. Seriously abusive conduct by one member of the profession against another, particularly by a more senior against a more junior member of the profession is clearly capable of damaging public trust in the provision of professional services by that more senior professional and even by the profession generally.”

160. As the Court made clear above, the conduct complained about must engage one or other of the standards of behaviour which are set out in, or necessarily implicit from, the requirements (in the circumstances of this case) in the Code for Solicitors.

Paragraph 1.2 of the Code for Solicitors

161. It is the SRA's submission that in acting in the manner alleged the Respondent was not acting in accordance with paragraph 1.2 of the Code for Solicitors. The alleged conduct was unwanted and non-consensual and the Respondent was thus abusing his position by taking unfair advantage of Persons A and B. In this respect Paragraph 1.2 applies expressly.

Standards of behaviour implicit from the requirements in the Code for Solicitors

162. In addition to Paragraph 1.2, or in the alternative, it is the SRA's submission that it is implicit in the provisions in the Code for Solicitors that a solicitor has an obligation to treat other solicitors or employees from the same firm with respect and to not engage in unwanted and/or inappropriate and/or sexually motivated conduct towards them.
163. What the Court in Beckwith set out in paragraph 44 of its judgment supports the proposition that the public would expect members of the solicitors' profession to treat each other, and indeed others, with respect. It also recognises that the requirement to treat others with respect is a standard which can be derived from the Code for Solicitors even where the Code for Solicitors does not expressly set it out. Further, the Court considered that the proposition that the public would have a legitimate concern and expectation that members of the profession or staff should be treated with respect by

other members of the profession was a “*reasonable formulation*”. Whilst the Court in Beckwith referred to that in the context of treating junior members of the profession or staff with respect, because of the factual matrix of that case, it is submitted that there is no reason why the principle does not equally apply to how a solicitor treats another solicitor, or employee, of roughly equal seniority.

164. Together with the use of the word, “*implicitly*” in paragraph 54 of the judgment in Beckwith, it is submitted that the Court sought to make clear that it is not necessary for the SRA to identify specifically any express requirement of the Code (in this case the Code for Solicitors) which has been breached. The Code cannot catch every type of behaviour. As the Court made clear in paragraph 35 of its judgment:

“The Tribunal’s task when the complaint is that conduct which is not dishonest conduct, is a breach of the requirement to act with integrity, is to identify by reference to the contents of Handbook (in all likelihood, primarily, the contents of the 2011 Code of Conduct) whether and if so what ethical standards emerge that are relevant to the misconduct alleged. This exercise is best undertaken case by case. Any attempt to formulate a comprehensive list of what is prohibited and what is permitted detached from the circumstances of a specific case could only provide hostage to fortune.”

Principle 5

165. The leading authority on the notion of integrity, insofar as it applies to the solicitors’ profession, is *Solicitors Regulation Authority v Wingate* [2018] 1 WLR 3969, where Rupert Jackson LJ summarised the state of the case law in this way:

“95. Let me now turn to integrity. As a matter of common parlance and as a matter of law, integrity is a broader concept than honesty.

96. Integrity is a more nebulous concept than honesty. Hence it is less easy to define, as a number of judges have noted.

97. In professional codes of conduct, the term ‘integrity’ is a useful shorthand to express the higher standards which society expects from professional persons and which the professions expect from their own members. See the judgment of Sir Brian Leveson P in Williams at [130]. The underlying rationale is that the professions have a privileged and trusted role in society. In return they are required to live up to their own professional standards.

98. I agree with Davis LJ in Chan that it is not possible to formulate an all-purpose, comprehensive definition of integrity. On the other hand, it is a counsel

of despair to say: 'Well you can always recognise it, but you can never describe it.' ...

100. Integrity connotes adherence to the ethical standards of one's own profession. That involves more than mere honesty. To take one example, a solicitor conducting negotiations or a barrister making submissions to a judge or arbitrator will take particular care not to mislead. Such a professional person is expected to be even more scrupulous about accuracy than a member of the general public in daily discourse.

101. The duty to act with integrity applies not only to what professional persons say, but also to what they do.

102. Obviously, neither courts nor professional tribunals must set unrealistically high standards, as was observed during argument. The duty of integrity does not require professional people to be paragons of virtue. In every instance, professional integrity is linked to the manner in which that particular profession professes to serve the public. ...

166. It is submitted that in acting in the manner alleged the Respondent failed to act with integrity and therefore breached Principle 5 of the Principles.
167. As set out in *Wingate*, integrity connotes adherence to the ethical standards of one's own profession. A solicitor acting with integrity towards another solicitor, or towards a paralegal, at gatherings between colleagues – whether at a work event or socially, would not have behaved as the Respondent is alleged to have behaved.
168. In conducting himself in the manner he is alleged to have, the Respondent failed to apply a basic standard implicit in the Code for Solicitors – namely to treat others with respect, as well as a standard expressly referred to in paragraph 1.2 of the Code for Solicitors, namely to not abuse his position by taking unfair advantage of others. To apply that standard is not to set an unrealistically high standard but to recognise that solicitors may be held to a higher standard than those standards which may be said to apply outside the profession.

Principle 2

169. It is submitted that the Respondent's alleged behaviour would undermine public trust and confidence in the solicitors' profession and in legal services provided by authorised persons. In acting in the manner alleged, the Respondent failed to uphold public trust and confidence in the profession and in legal services provided by solicitors and others.

170. The public would properly expect a solicitor to act with due respect and propriety towards colleagues and not pursue unwanted touching or contact.
171. As the Court set out in *Beckwith* (and already referred to above), “*seriously abusive conduct by one member of the profession against another, particularly by a more senior against a more junior member of the profession, is clearly capable of damaging public trust in the provision of professional services by that more senior professional and even by the profession generally*”.
172. As that passage makes clear, it is not intended to be limited to conduct towards more junior members of the profession. It is submitted that principle applies here – to both Person A, who was a more junior member of the profession given her role, and also to Person B, who though not more junior to the Respondent, was equally entitled to not experience seriously abusive conduct.
173. It is submitted that there was an imbalance of power in respect of Person A notwithstanding her age and the fact that she did not work in the Respondent’s team or under his supervision or authority. As a paralegal she was in a more junior position to the Respondent because hers was not a ‘lawyer’ role. Furthermore, Person A clearly explains how being new to the Firm, and in her position as a paralegal, she was more junior and felt unable to manage the Respondent’s advances towards her given his relative seniority as well as his apparent popularity amongst the group of colleagues who regularly socialised together.
174. As far as Person B is concerned; she had made it clear to the Respondent in a number of different ways that their relationship was a platonic one; he abused that understanding and position.

Sexual motivation

175. The case of *Basson v GMC* [2018] EWHC 505 (Admin) defines sexual motivation as conduct which is done either in pursuit of sexual gratification or in pursuit of a future sexual relationship. It is submitted that either or both limbs apply in this case.
176. The conduct alleged can only sensibly lead to the conclusion that the Respondent’s behaviour was either in pursuit of sexual gratification or of a future sexual relationship or both.

The SRA’s investigation

177. The SRA has taken the following steps to investigate the allegations which it makes against the Respondent:

- 177.1. The SRA informed the Respondent of concerns they had received from the Firm on 15 and 29 June 2022 **[LC1 pp621-625]**;
- 177.2. The SRA obtained witness statements from Person A; Person B and other relevant individuals **[LC1 pp pp22-188]**;
- 177.3. A Notice dated 23 November 2023 was sent to the Respondent **[LC1 pp1-21]**;
- 177.4. The Respondent provided representations in response on 23 February 2024 **[LC1 pp288-620]**;
- 177.5. On 18 March 2024, an Authorised Decision Maker of the SRA decided to refer the conduct of the Respondent to the Tribunal **[LC1 pp626-630]**;
- 177.6. The Respondent was notified of the decision on 18 March 2024 **[LC1 pp631-632]**.

I believe that the facts and matters stated in this statement are true.

.....
Dated this 6 day of August 2024

BEFORE THE SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974 (as amended)

AND IN THE MATTER OF:

SOLICITORS REGULATION AUTHORITY LIMITED

Applicant

and

LEWIS BRADY

Respondent

**STATEMENT PURSUANT TO RULE 12 (2) OF THE SOLICITORS (DISCIPLINARY
PROCEEDINGS RULES) 2019**

**Appendix 1
Schedule A**

- 1.1.1 On or around 22 September 2021 when at The London Cocktail Club following a social event at Hijingo Bingo organised for and attended by employees of the Firm, he touched Person A's bottom and/or her left breast.
- 1.1.2 On or around 14 October 2021 when at The Juno Rooms for after work team drinks with colleagues from the Firm, he touched Person A's right thigh.
- 1.1.3 On or around 20 October 2021 when at Beduin following a Firm organised wine tasting event for Team B and an 'Afterparty' dinner at Apulia (and attendance at Karaoke Box), he touched Person A's bottom one or more times.
- 1.1.4 On or around 9 December 2021 when at the Firm's Team B's Festive Drinks at Clays Bar, he touched Person A's bottom one or more times.
- 1.1.5 On or around 10 December 2021 when at Beduin following the Firm's Team B's Christmas Party, he touched Person A on her bottom.
- 1.1.6 On or around 16 December 2021 when at Person B's house following an Associates' Christmas social event, he:

- (i) Touched Person A's thigh when they were sitting around Person B's dining table;
- (ii) Touched Person A's inside right thigh – rubbing and stroking along the top of her right thigh – whilst seated on a sofa with a blanket covering Person A and his laps.

1.1.7 On or around 17 December 2021 following the matters set out at 1.1.6 above, at the Respondent's home, he:

- (i) Pulled Person A onto his lap so that she was in a straddle position;
- (ii) Attempted to kiss her although Person A was trying to push his face away from hers in order to try to stop him from kissing her;
- (iii) Touched her upper body including her breasts;
- (iv) Put his hands down the back of her jeans.

BEFORE THE SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974 (as amended)

AND IN THE MATTER OF:

SOLICITORS REGULATION AUTHORITY LIMITED

Applicant

and

LEWIS BRADY

Respondent

**STATEMENT PURSUANT TO RULE 12 (2) OF THE SOLICITORS (DISCIPLINARY
PROCEEDINGS RULES) 2019**

**Appendix 2
Schedule B**

- 1.2.1 On 14 - 15 October 2021, at Juno, he attempted to kiss Person B.
- 1.2.2 On 24 - 25 March 2022, after a trainee handover dinner at Tayyabs Curry House and then having attended Blues Kitchen in Shoreditch, when sharing a taxi to get home, he:
- (i) Touched Person B's left breast underneath her clothing;
 - (ii) Despite Person B saying words to the effect of "*what do you think you're doing? No*" and pulling his hand out and smacking away, he again put his hand into her bra and touched her breast including squeezing her nipple;
 - (iii) Despite Person B again telling him not to and pushing him away, he touched her breast again.

BEFORE THE SOLICITORS DISCIPLINARY TRIBUNAL

Case No:

IN THE MATTER OF THE SOLICITORS ACT 1974 (as amended)

AND IN THE MATTER OF:

SOLICITORS REGULATION AUTHORITY LIMITED

Applicant

and

LEWIS BRADY

Respondent

**STATEMENT PURSUANT TO RULE 12 (2) OF THE SOLICITORS (DISCIPLINARY
PROCEEDINGS RULES) 2019**

**Appendix 3
Relevant Rules and Principles & Paragraphs of the Code**

SRA Principles 2019

Principle 2

You act in a way that upholds public trust and confident in the solicitors' profession and in legal services provided by authorised persons.

Principle 5

You act with integrity

SRA Code of Conduct for Solicitors, RELs and RFLs

1.2 You do not abuse your position by taking unfair advantage of clients or others