

CASE NO.

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 -

NICHOLAS JACKSON**(SRA ID: 259219)**Respondent

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

I, **JAMES DANKS**, am a Solicitor and Partner at Blake Morgan LLP of Apex Plaza, Forbury Road, Reading, RG1 1AX.

I make this statement on behalf of the Applicant, the Solicitors Regulation Authority Limited ("the SRA").

The Allegations

1. The allegations against the Respondent, Nicholas Jackson, made by the SRA are that, whilst in practice as a Solicitor at Cullimore Dutton Solicitors Limited LLP ("the Firm"):
 1. On or around 6 July 2022, when acting for Company A in a property transaction, he:
 - (a) certified that copies of identification documents for Person A, Company A's director, were true and complete copies of the original document, when he had not seen recently and / or at all the original document; and

- (b) he provided the certified copy documents to another party in the transaction, when asked to “...supply copy colour photo identification (passport/photocard driving licence)...certified by your firm for each borrower, director, shareholder, beneficial owner and person with significant control.”

In doing so, the Respondent has breached any or all of Principles 2, 4 and 5 of the SRA Principles 2019, and any or all of Paragraph 1.4 of the Code of Conduct for Solicitors, RELs and RFLs.

Appendices and Documents

2. The following appendices are attached to and relied upon in this Statement:
 1. Appendix 1: Relevant rules and regulations.
 2. Appendix 2: Anonymisation Schedule.
3. I also attach to this statement a bundle of documents, marked **Exhibit JD1**, to which I refer in this statement. Unless otherwise stated, page references in this statement relate to that exhibit, using the format [**JD1, X**].
4. The bundle is divided into the following sections:
 1. Section A: Witness statement.
 2. Section B: Additional documentary evidence.
 3. Section C: Correspondence.

Professional Details

5. The Respondent was admitted as a solicitor on 1 August 2002.
6. The Respondent was employed as a solicitor at the Firm from 28 June 2021 to 16 January 2023.
7. The Respondent currently has a practising certificate and is employed at Blackstone Solicitors Limited ('Blackstone'), where he was also employed for a number of years prior to joining the Firm on 28 June 2021.

Background

8. The Respondent commenced his employment at the Firm as an employed solicitor, and Head of Commercial Property, on 28 June 2021.
9. As part of the Respondent's induction to the Firm, and to evidence his continued competence for the SRA's purposes, he undertook a number of courses and activities, including in respect of Anti-Money Laundering ('AML') and client care.
10. As part of the Firm's quality assurance process, on a monthly basis, file reviews were undertaken on fee-earners' matters.
11. By a client care letter dated 17 May 2022 [JD1, 53], the Firm was retained by Company A in respect of the purchase of a property in Halifax ('the Property').
12. Companies House records [JD1, 63 - 68] confirm that Company A was incorporated on 12 May 2022 and, from the date of incorporation, has had a sole director ('Person A'). Companies House records also confirm that Person A was the only person to have significant control of Company A.
13. Before joining the Firm, when employed at Blackstone, the Respondent had a professional relationship with Person A.
14. During a review by the Firm of Company A's matter, it was noted that copies of two identification documents ('the Documents') from Person A had been certified by the Respondent as being true copies of the originals without there being information as to whether the Respondent had, in fact, seen the Documents when certifying the Documents.

Allegation 1

15. Paragraphs 8 to 14 are relied upon.
16. On 16 May 2022 at 1126 [JD1, 33], Person A emailed the Respondent:

*"Hi Nick,
Passport and license attached.*

Regards"

17. The Documents were a copy of Person A's passport, issued on 22 April 2022, and Person A's driving licence dated 16 June 2021.
18. On 19 May 2022, Person A was asked by the Firm for identification '*...for the company for our files*' **[JD1, 55]**.
19. To facilitate the purchase of the Property, Company A required a mortgage with arrangements made for a loan to be provided by MS Lending Services Limited ('MS'), which was represented by Priority Law.
20. As part of MS's Pre-Loan Enquiries, amongst other questions, it asked the Respondent to:

"Please supply copy colour photo identification (passport/photocard driving licence)...certified by your firm for each borrower, director, shareholder, beneficial owner and person with significant control."

6 July 2022

21. The Respondent replied to MS's Pre-Loan Enquires by email of 6 July 2022 at 1033. In respect of the question stated in the paragraph above, he responded "Please find attached" **[JD1, 57]**
22. On 6 July 2022, Person A was Company's A sole director, sole shareholder and person with significant control.
23. The Documents, which had been sent to the Respondent by Person A, were attached to the Respondent's email to MS's solicitors, Priority Law, having been certified by the Respondent **[JD1, 36 – 37]**.
24. The certification of the Documents by the Respondent was made using a template stamp of the Firm, with free text for the date of the certification and for the person making the certification to provide their name.
25. The certification stamp of the Firm stated the following text:

"We hereby certify this page is a true and complete copy of the corresponding page of the

original

[BLANK FOR CERTIFIER'S NAME]

Solicitor

Cullimore Dutton Solicitors Ltd

20 White Friars Chester CH1 1XS

Dated: [BLANK]"

26. The Documents were dated as being certified on 6 July 2022, with the name of the Firm, rather than the individual solicitor, included by handwriting.
27. The Firm had no record of Person A attending at its offices on 6 July 2022 to allow for the original documents to reviewed, copied and properly certified on that date.
28. The Respondent's electronic work diary does not indicate that he met with Person A, on behalf of Company A, on that date **[JD1, 49]**.
29. The Firm's time-transactions record of work undertaken on the relevant client file for 6 July 2022 does not indicate any attendance by Person A at the office of the Firm. A number of 1-unit time entries were recorded by the Respondent on 6 July 2022, and a 30-minute task recorded, in respect of enquiries being made of the lender's solicitors **[JD1, 50]**.
30. The importance of having met a client in person, and having seen original documents, was emphasised by the Respondent, within an email of 6 July 2022 at 1605, to the solicitor of the seller of the Property, which included a question from Priority Law:
- “Please ask the seller’s solicitors whether the Solicitor (or its directors, shareholders, beneficial owners and any persons with significant control) are known to them and, if so, for how long. If not, please obtain a written reference as to the Seller’s identity from the firm of solicitors that dealt with the acquisition of the Property for the Seller, which should confirm their involvement in that transaction. If those solicitors cannot provide such a reference please explain why and provide a reference from any other firm of solicitors or accountants who do know the Sellers from previous dealings, stating how long they have known them. **As above, unless otherwise agreed by us in writing, the seller must have met the with the individual(s) and seen the original documents**”* [their emphasis].
31. On 20 July 2022, a “Certificate of Independent Legal Advice – Borrower” was completed **[JD1, 61]**. This document was signed by the Respondent, as solicitor to Company A, and by Person A, whose personal name is stated.

32. A Meeting of the Board of Directors of Company A took place on 20 July 2022, at the Firm, and approved the loan facility from MS [JD1, 60].

The Firm's Investigation

33. As part of the Firm's file review process, the apparent issue regarding the Respondent's certification of the Documents became apparent.

34. The Firm undertook an investigation, which included an interview with the Respondent, which was chaired by Stuart Hill, a Director of the Firm, and included two other members of staff: Sarah Davies, the Respondent's line manager, and Danielle Wright, the Firm's HR Manager.

35. The interview took place on 12 and 13 January 2023 [JD1, 40]. During this interview, the Respondent was asked a number of questions regarding the certification of the Documents.

36. The Respondent's answers, to the relevant questions, are recorded in the notes of the interview [JD1, 44] as:

"SH: Can you advise what happened with the ID and checks

NJ: I've worked for [REDACTED] for years. I would have done all of the previous checks at previous employer so I knew everything was above board

SH: How would you know this? What risk does it pose if the checks aren't done through us. Can you remember every single digit / letter on the ID to know it hasn't changed at all since you last viewed it at previous employment?

NJ: No, I know I shouldn't have don't [sic] it without seeing the original, I just took a commercial view

DW: Can you clarify what you mean by a 'commercial view' please?

NJ: Because I'd known him for years and everything's always been ok previously. Never had any issues with him

37. The Respondent was subsequently dismissed from his employment at the Firm. This was confirmed in correspondence from the Firm to the Respondent dated 17 January 2023 [xx to xx], who has not appealed the decision. The Firm referred the Respondent to the SRA by correspondence dated 19 January 2023.

Representations made by the Respondent in relation to allegation 1

38. On 6 March 2023, the SRA wrote to the Respondent regarding the referral received.

39. The Respondent responded by email on 12 May 2023, at 1555, [JD1, 73] stating the following:

"...By way of an explanation for my conduct, the reason for informing a third party (the client's lender) that I had verified original documents, was because I had acted for the client on a regular basis for over 5 years whilst employed by Blackstone Solicitors during the years 2016 – 2021, and all the verifications of original documents had been done by me whilst I was employed at Blackstone. The client has been a client of Blackstone since 2012.

One of the verifications in the lender's undertakings form asks 'Have you met with your client in person and seen their original ID and proof of residence documents?'. I have met the client on numerous occasions whilst acting for him at Blackstone, and I had previously seen the original of his passport, and residence documents whilst at Blackstone so I did certify the scans of the passport and residence documents that the client provided to me as originals. In addition I have also dealt with the lender on numerous occasions whilst employed at Blackstone.

I do accept that the certification of the client's original documentation should have been re-done and renewed whilst I was employed at Cullimore Dutton Solicitors, and for that oversight I accept full responsibility and offer my sincere apologies. I would also wish to assure you that such conduct would not be repeated under any circumstances and I would always renew the checks of original documentation prior to providing any certifications and/or undertaking verifications.

40. The Notice Recommending Referral of Conduct to the Tribunal ('the Notice'), dated 30 October 2023, was sent to the Respondent on 1 November 2023.

41. In his response, the Respondent completed the Representations on Notice [JD1, 89]. Within his response, the Respondent stated the following:

"Admitted that I did not see the originals on that occasion. I had seen the originals at earlier client meetings at a previous law firm.

By certifying documents as originals when I had not actually seen the originals, at Cullimore Dutton Solicitors. I have acted for [Person A] since 2016 -2021, at Blackstone Solicitors, and I confirm I have seen the original ID documentation whilst employed at Blackstone Solicitors, so I knew the copies I was certifying were true copies of the original ID documentation.

I accept I should have asked [Person A] to bring his original ID documentation to Cullimore Dutton Solicitors despite me previously having seen his original ID documentation at Blackstone Solicitors.

In mitigation, I only certified the copy ID documentation at Cullimore Dutton solicitors without seeing the original ID documentation as I have known and acted for [Person A] since 2016 whilst employed at Blackstone Solicitors and had seen [Person A's] original ID documentation whilst employed at Blackstone Solicitors on numerous occasions.

I fully admit my conduct fell below the standards expected of a solicitor. There is no excuse for this and I am not trying to make excuses but I would like to share that during 2022, I was going through a separation from my wife and we have a young child together. It was a horrific time in my life and I had a lapse of good judgment in my conduct. I am currently going through divorce proceedings.

42. Within further written representations dated 6 February 2024, the Respondent does not accept the allegation. He states that Person A did attend the Firm's office on 6 July 2022, with the Documents, which allowed the Respondent to certify the copies of the copies of the Documents that were sent by email to him in May 2022.
43. The written representations state that Person A will confirm that he attended the Firm's office on that date.
44. With regard to the apparent admission made during the Firm's investigation, the further written representations state that the responses given by the Respondent were made when he was under pressure, and that the approach of those interviewing him amounted to bullying and harassment.

45. The Respondent states that because he was told by the interviewers that he had not met Person A in person that was, in fact, the position.
46. The Respondent did not, however, have access to the relevant client file and, therefore, accepted what the interviewers said and gave answers that appeared appropriate considering the context of the facts being presented to him.
47. With regard to the response given by the Respondent in his email to the SRA on 12 May 2023 (see paragraph 39 above), it is explained that the Respondent, at this time, had not seen any more evidence than at the Firm's investigation meeting and, as the SRA had stated that he had made admissions at that meeting, the Respondent did not question the same and affirmed his position.
48. With regard to the admissions given by the Respondent in his Representations on Notice, as stated above at paragraph 41, these are withdrawn on the basis that they were given on the basis that the Respondent, incorrectly, assumed that the SRA held clear evidence against him. On the basis of paragraphs 42 to 47 above, the Respondent no longer does consider that to be the situation and, therefore, any admission given on the assumption is withdrawn.
49. The referral to the tribunal was subsequently revoked due to matters relating to information before the original ADM.
50. Within an updated response dated 7 July 2024 **[JD1, 144]**, the Respondent accepts that he certified the electronic documents of Person A, and did so to comply with the necessary AML requirements. Person A did attend on another solicitor, on 20 July 2022, with his original documents, in order for independent legal advice to be given to Person A, who was acting as a guarantor to Company A.
51. The Applicant disputes the Respondent's assertion that he did view the original documents on 6 July 2022, given the absence of any contemporaneous evidence that he met Person A in person on that date, his previous admissions that he had not done so, and previous positive assertion as to what had happened on 6 July 2022. This is corroborated by the details of the response stated in the paragraph above.
52. The Applicant also disputes that the certified Documents were only provided for AML purposes. The enquiry from Priority Law, which leads to the provision of the Documents, makes no reference to AML, and is a simple question.

53. Even were there to be reference to AML, the Applicant would still dispute that the certification of the Documents was appropriate as the Respondent did not review the original material before certifying the copies.

Breaches of the Principles and the Code of Conduct in relation to allegation 1

Principle 4 and Paragraph 1.4 of the Code

54. The Applicant relies upon the test for dishonesty stated by the Supreme Court in *Ivey v Genting Casinos* [2017] UKSC 67:

“When dishonesty is in question the fact-finding tribunal must first ascertain (subjectively) the actual state of the individual’s knowledge or belief as to the facts. The reasonableness or otherwise of his belief is a matter of evidence (often in practice determinative) going to whether he held the belief, but it is not an additional requirement that his belief must be reasonable; the question is whether it is genuinely held. When once his actual state of mind as to knowledge or belief as to facts is established, the question whether his conduct was honest or dishonest is to be determined by the fact-finder by applying the (objective) standards of ordinary decent people. There is no requirement that the defendant must appreciate that what he has done is, by those standards, dishonest.”

55. On 6 July 2022, the Respondent knew or was aware of the following facts:

1. The Firm was retained by Company A, and that Person A was the sole director of the Company;
2. He had received copies of Person A’s identification documents electronically by email on 16 May 2022;
3. Person A’s passport was dated as being issued on 22 April 2022, and he could not have viewed this document whilst employed at Blackstone;
4. Person A’s driving licence dated 16 June 2021, less than two weeks before the Respondent joined the Firm;
5. That Person A did not attend the Firm’s office on 6 July 2022 with the original Documents;
6. By certifying the electronic documents, and providing the certified documents to Priority Law, they would or could be misled to believing that the Respondent had seen the original documents on 6 July 2022.

56. Given this state of knowledge and belief, the Respondent acted dishonestly by the standards of ordinary decent people. Ordinary decent people would consider it dishonest for a solicitor to deliberately include a certification that they had seen the original documents, and the certified copies were true reflections of the original document, without having seen the originals at the time of certifying.

57. For the reasons stated above, the Respondent's conduct has breached Principle 4, and paragraph 1.4 of the Code.

58. Principle 5

59. In *Wingate v SRA* [2018] EWCA Civ 366, the Court of Appeal held that integrity connotes adherence to the ethical standards of one's profession. Lord Justice Jackson held:

"Integrity is a broader concept than honesty. 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".

60. The Respondent was in a position of trust and responsibility as a solicitor. A solicitor acting with integrity would not have provided confirmation that they had viewed the original documents, when making the certification that the copies were true and complete copies of the originals, without having done so.

61. A solicitor providing such a formal confirmation should ensure that what is being communicated to others is not misleading. By knowingly providing a certificate as to the authenticity of documents which he was not entitled to give, the Respondent breached Principle 5.

Principle 2

62. The Respondent was in a position of trust and responsibility as a solicitor who had the responsibility to ensure that information produced by themselves was accurate.

63. Sight of original documents by law firms is necessary in order for them to establish the identity of the persons with whom they are dealing, which they need to do in their role as gatekeepers against risks to the public such as money laundering and fraud. However, they clearly cannot be disseminated on a regular basis. It therefore follows that the certification process, and being able to rely on certified copies as being true copies, is integral to the proper conduct of legal business in a manner which adequately protects the public interest against such risk.
64. In any case, members of the public would expect any statement made by a solicitor in connection with their practice to be strictly true and accurate. Consequently, members of the public would not expect a solicitor to certify documents as being true copies of the originals without having seen the original documents.
65. Members of the public should also be able to place their trust in members of the profession, who are held in high regard. Any behaviour which undermines this trust damages not only the regulated person, but also the trust and confidence that the public places in the legal profession as a whole.
66. Consequently, by his actions, the Respondent diminished the trust placed in him and in the provision of legal services by members of the public..

The SRA's investigation

67. On 19 January 2023, the Firm referred the Respondent to the SRA.
68. On 6 March 2023, the SRA wrote to the Respondent notifying him of the referral and to request further information from him [JD1, 69].
69. On 4 May 2023, further correspondence was sent by the SRA to the Respondent. On 10 May 2023, the Respondent provided an initial holding response [JD1, 71], with a substantive response being provided by the Respondent on 12 May 2023.
70. The SRA issued a Notice, dated 30 October 2023, recommending referral to the Tribunal [JD1, 74].
71. The Respondent provided representations, which are undated but were sent by the Respondent on 15 November 2023 [JD1, 89].

72. On 29 November 2023, an Authorised Decision Maker ('ADM') of the SRA decided to refer the Respondent to the Tribunal.
73. Further representations dated 6 February 2024 were received [JD1, 96], on behalf of the Respondent, and detailed a failure to include in the bundle accompanying the Notice, an email from Person A. This email stated that the Respondent and Person A had met on many occasions and that the Respondent had always certified Person A's identification documents in person.
74. Following these representations, the SRA reviewed the referral using its powers under Rule 3.1(b) of the Application, Notice, Review and Appeal Rules 2019 (ANRAR), and applied for an amended Notice to be produced, which included the explanation from Person A as set out in the paragraph above.
75. The SRA issued a further Notice, dated 9 May 2024, recommending referral to the Tribunal [JD1, 128], to which the Respondent provided further representations dated 7 July 2024 [JD1, 144].
76. On 28 October 2024, an Authorised Decision Maker ('ADM') of the SRA decided to refer the Respondent to the Tribunal [JD1, 150],

Statement of Truth

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

Signed:



James Danks

Dated: 30 January 2025

CASE NO.

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 -

NICHOLAS JACKSON

(SRA ID: 259219)

Respondent

**APPENDIX 1 TO STATEMENT PURSUANT TO RULE 12 (2)
SOLICITORS (DISCIPLINARY PROCEEDINGS) RULES 2019
Relevant Rules and Regulations**

SRA Principles 2019

You act:

Principle 2 in a way that upholds public trust and confidence in the solicitors profession and in the legal services provided

Principle 4 with honesty

Principle 5 with integrity

SRA Code of Conduct for Solicitors, RELs and RFLs 2019

1.4 that solicitors must not mislead or attempt to mislead their clients, the court or others by their own acts or omissions or being complicit in the acts or omissions of others