

SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 11583-2016

BETWEEN:

SOLICITORS REGULATION AUTHORITY Applicant

and

RYSZARD WITOLD JOHN PIETROWSKI Respondent

Before:

Mrs J. Martineau (in the chair)

Mr J C Chesterton

Dr S Bown

Date of Hearing: 11 April 2017

Appearances

Mr Robin Horton, solicitor, of The Solicitors Regulation Authority, The Cube, 199 Wharfside Street, Birmingham B1 1RN, for the Applicant.

The Respondent, Mr Ryszard Witold John Pietrowski, was not present or represented.

JUDGMENT

Allegations

1. The allegations against the Respondent, Mr Ryszard Witold John Pietrowski, made in a Rule 5 Statement dated 6 December 2016 were that:

1.1 By virtue of the Respondent's conviction on the following charges:

- (a) One count of distributing indecent photographs or pseudo-photographs of a child;
- (b) Three counts of making indecent photographs or pseudo-photographs of a child

the Respondent has breached all or alternatively any of the following Principles of the SRA Principles 2011 ("the Principles"):

- 1.1.1 Principle 1 – uphold the rule of law and the proper administration of justice;
- 1.1.2 Principle 2 – act with integrity;
- 1.1.3 Principle 6 – behave in a way that maintains the trust that the public places in him and in the provision of legal services.

Documents

2. The Tribunal reviewed all of the documents submitted by the parties, which included:

Applicant: -

- Application dated 6 December 2016
- Rule 5 Statement, with exhibit "RH1", dated 6 December 2016
- Schedule of costs at issue
- Schedule of costs dated 3 April 2017
- Sentencing remarks of HHJ Climie, 29 September 2016
- Statement of Agreed Facts and Outcome, 5 April 2017

Respondent: -

- Letter from the Respondent to the Tribunal dated 21 December 2016
- Correspondence from the Respondent's solicitors dated 25 January 2017 and 29 March 2017
- Respondent's statement of means, submitted on 29 March 2017

Other: -

- Tribunal's standard directions dated 9 December 2016
- Amended directions order 6 January 2017.

Preliminary Matter – Respondent’s non-attendance/submission of a proposed Agreed Outcome

3. In correspondence from the Respondent’s solicitor, Mr Buglear of Buglear Bate & Co (of 31 Guildford Road, Woking, Surrey GU22 7QQ) on 25 January 2017, there was a request to excuse the attendance at the substantive hearing of both the Respondent and his solicitor. It was explained that the Respondent was presently in prison – as a result of his conviction and sentence. In a letter of 29 March 2017 Buglear Bate & Co informed the Tribunal that the Respondent may write to the Tribunal in advance of the substantive hearing.
4. The Tribunal noted that the Respondent had admitted the allegations and indicated that he would not attend; to do so would be impracticable and would cause him difficulty. The Tribunal also noted that the Respondent’s solicitors had also asked to be excused attendance in order to mitigate the costs.
5. The Tribunal determined that the Respondent was aware of the proceedings and this hearing. He had notified the Tribunal, through his solicitors, that he would not attend and would not be represented at the hearing. The Tribunal was satisfied that it was just and proportionate to proceed in the Respondent’s absence. The Tribunal would, of course, take into account the written submissions from the Respondent and his solicitors.
6. On the evening of 5 April 2017, the parties submitted a Statement of Agreed Facts and a proposed Agreed Outcome. The Respondent admitted the allegations and the factual background to those allegations. The proposed Outcome was that he would be struck off the Roll of Solicitors and would pay the Applicant’s costs in the agreed sum of £1,951.50. The Respondent further offered an undertaking not to apply for reinstatement onto the Roll.
7. The matter was already listed to be heard on 11 April 2017. The Tribunal was therefore asked to consider the matter on the basis of the Agreed Outcome and Agreed Statement of Facts rather than deal with a contested application.

Factual Background

8. The Respondent was born in 1954 and was admitted to the Roll of Solicitors in 1980. From 1987 to 4 October 2016 the Respondent practised on his own account as Richard Pietrowski & Co at 4, The Mount, Guildford, Surrey GU2 4HN.
9. The Respondent’s name remained on the Roll at the date of the hearing, but he did not hold a current Practising Certificate.

Facts supporting the allegation – agreed by the Respondent

10. On 9 December 2015 the Police arrested the Respondent for various offences involving indecent photography of children. On 1 July 2016 the Respondent was charged with one count of distributing an indecent photograph or pseudo-photograph of a child and three counts of making an indecent photograph or pseudo-photograph of a child.

11. On 9 August 2016 the Respondent pleaded guilty to the charges. The Crown Court at Guildford accepted the guilty pleas and made the Respondent subject to a Sexual Offender Notification Requirement.
12. On 29 September 2016, the Court sentenced the Respondent to four concurrent sentences on the charges, the longest being 20 months. The Court ordered the Respondent to pay a victim surcharge of £100, imposed a Sexual Harm Prevention Order and ordered the Respondent to sign on the Sex Offenders Register for 10 years.
13. The Rule 5 Statement exhibited the certificate of conviction, the schedule of charges and details of sentence.

The Applicant's Investigation

14. On 30 August 2016 the Applicant wrote to the Respondent seeking his comments on the convictions and asking why he had not told the Applicant of his arrest or conviction.
15. On 9 September 2016 the Respondent replied and said:
 - 15.1 he had no comment to make on his convictions;
 - 15.2 he had not informed the Applicant about his arrest, as he assumed the Police would do so. The Respondent stated that the Police told him that they would, "as a matter of course notify your office."
16. On 10 October 2016 an authorised officer of the Applicant decided to refer the Respondent's conduct to the Tribunal.

Witnesses

17. No witness evidence was heard, as the Respondent admitted the allegation.

Findings of Fact and Law

18. The Applicant was required to prove the allegations beyond reasonable doubt. The Tribunal had due regard to the Respondent's rights to a fair trial and to respect for his private and family life under Articles 6 and 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

Applicant's Submissions, in the Rule 5 Statement

19. The Applicant submitted that the Respondent was an officer of the Court and was expected to uphold the rule of law. It was submitted that he had breached Principle 1 as a result of his conviction for distributing and making indecent photographs of children. In committing serious offences, and by virtue of his conviction, he had breached Principle 2 and Principle 6 as he had acted without integrity and failed to behave in a way that maintained the trust placed in him.

The Tribunal's Decision

20. The Tribunal noted that the Respondent had admitted the allegations. It was satisfied that the Respondent had been convicted, as pleaded in the Rule 5 Statement, and that by virtue of the conviction he had been in breach of Principles 1, 2 and 6.

Previous Disciplinary Matters

21. There were no previous disciplinary matters recorded against the Respondent.

Mitigation

22. There was no specific mitigation offered.
23. The Tribunal noted from the contents of the proposed Agreed Outcome that the Respondent accepted the seriousness of his offences and that he should be struck off the Roll.
24. Mr Horton informed the Tribunal that the Applicant had been concerned that the Respondent had not reported that he had been charged with a criminal offence. However, the Respondent had been advised not to make a report until he was convicted. That advice had been incorrect – a solicitor should report to the Applicant if charged with an offence – but the Respondent should not be further blamed for that default.
25. Mr Horton submitted that it was to the Respondent's credit that he had admitted the allegations and facts. He had co-operated with the Applicant and, in the circumstances, had dealt with these proceedings with some dignity. Mr Horton also informed the Tribunal that Mr Buglear of Buglear Bate & Co had been acting pro bono for the Respondent. Mr Buglear had stepped in to assist a friend, in what Mr Horton submitted was in the best traditions of the profession.

Sanction

26. The Tribunal had regard to its Guidance Note on Sanction (December 2016), to all of the facts of the case and the submissions of the parties.
27. The Tribunal noted and appreciated the comments Mr Horton had made about Mr Buglear. The assistance of this solicitor had enabled the proceedings to be dealt with properly, expeditiously and at the least possible cost. It was to Mr Buglear's credit that he had assisted the Respondent.
28. The Tribunal also noted and accepted that it was to the Respondent's credit that he had co-operated with the Applicant and had admitted the allegations. That co-operation was reflected in the modest costs claimed in these proceedings.
29. The Tribunal found that the Respondent was solely culpable for what he had done. The offences he had committed were serious and had continued over a period of time. The nature of the offences was such that harm was caused to vulnerable children through dissemination of the images in which the Respondent participated by his own

admission. His actions were in material breach of his obligations to protect the reputation of the profession, and had harmed the reputation of the profession. Significant harm had been caused to the victims of his offences.

30. The Tribunal determined that the seriousness of the Respondent's misconduct was at the highest level, such that a lesser sanction was inappropriate and that the protection of the public and the protection of the reputation of the legal profession required the Respondent's name to be struck off the Roll.

Costs

31. The Tribunal noted that the Applicant's costs schedule at the date of issue of these proceedings totalled £1,232.50, including case work costs of £712.50. The costs schedule at the date of hearing totalled £1,951.50 including travel and accommodation costs – apportioned with other matters – totalling £140 (plus VAT).
32. The Tribunal noted Mr Horton's submission that the Applicant would proceed proportionately in seeking to enforce the costs order, being aware that the Respondent would have to seek work after his release from prison.
33. The Tribunal noted that the Respondent had agreed to pay costs in the sum claimed. The Tribunal was satisfied that the costs claimed were reasonable and proportionate, and that it should award the Applicant its costs as claimed.

Statement of Full Order

34. The Tribunal Ordered that the Respondent, Ryszard Witold John Pietrowski, solicitor, be STRUCK OFF the Roll of Solicitors and it further Ordered that he do pay the costs of and incidental to this application and enquiry fixed in the agreed sum of £1,951.50.

Dated this 16th day of May 2017

On behalf of the Tribunal



J. Martineau
Chairman