

SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 11927-2019

BETWEEN:

SOLICITORS REGULATION AUTHORITY

Applicant

and

DONALD ANTHONY RAMSBOTTOM

Respondent

Before:

Ms T. Cullen (in the chair)

Mr M. Jackson

Mr M.R Hallam

Date of Hearing: 19 March 2019

Appearances

There were no appearances as the matter was dealt with on the papers.

JUDGMENT ON AN AGREED OUTCOME

Allegations

1. The Allegation against the Respondent, as redacted on the direction of the Tribunal, in the proceedings was that by virtue of his convictions on 19 October 2018 for two offences of sexual assault of a child and one offence of making indecent photograph/pseudo-photograph of a child and being sentenced for the offences on 16 November 2018 he had breached all, or any, of the following:
 - 1.1 Principles 2 of the SRA Principles 2011 ("Principles") by failing to act with integrity;
 - 1.2 Principle 6 of the Principles by failing to behave in a way that maintains the trust the public places in him and the provision of legal services.

Documents

3. The Tribunal had before it the following documents:-
 - Rule 5 Statement
 - Statement of Agreed Facts and Indicated Outcome ("the Agreed Outcome")

Factual Background

4. The Respondent was admitted to the Roll of Solicitors on 15 December 1988. At the date of the hearing Respondent remained on the Roll of Solicitors but did not hold a current practising certificate.

Application for the matter to be resolved by way of Agreed Outcome

5. The parties invited the Tribunal to deal with the Allegations against the Respondent in accordance with the Statement of Agreed Facts and Outcome annexed to this Judgment. The parties submitted that the outcome proposed was consistent with the Tribunal's Guidance Note on Sanctions.

Findings of Fact and Law

6. 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.
7. The Tribunal reviewed all the material before it and was satisfied beyond reasonable doubt that the Respondent's admissions were properly made.
8. The Tribunal considered the Guidance Note on Sanction (December 2018). In doing so the Tribunal assessed the culpability and harm identified together with the aggravating and mitigating factors that existed. The Respondent had committed extremely serious criminal offences and the Tribunal was entirely satisfied that the protection of the public and the reputation of the profession demanded that he be struck off the Roll. There were no exceptional circumstances that would make a lesser sanction appropriate.

Costs

9. The parties had agreed that the Respondent pay the Applicant's costs in the sum of £1,120.22. The Tribunal saw no reason to interfere with that arrangement.

Publication

10. The Tribunal directed that certain redactions be made to the Agreed Outcome document appended to this Judgment. The sole reason for this was to ensure that the victim(s) could not be identified by anything contained in the Tribunal's Judgment.

Statement of Full Order

11. The Tribunal Ordered that the Respondent, DONALD ANTHONY RAMSBOTTOM, 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 sum of £1120.22.

Dated this 29th day of March 2019
On behalf of the Tribunal

T. Cullen
Chair



Judgment filed
with the Law Society
on 29 MAR 2019

Number: 11927-2019

IN THE MATTER OF THE SOLICITORS ACT 1974

SOLICITORS REGULATION AUTHORITY

APPLICANT

DONALD ANTHONY RAMSBOTTOM

RESPONDENT

STATEMENT OF AGREED FACTS AND INDICATED OUTCOME

By its application dated 18 February 2019, and the statement made pursuant to Rule 5(2) Solicitors (Disciplinary Proceedings) Rules 2007 which accompanied that application ("the statement"), the Solicitors Regulation Authority ("SRA") brought proceedings before the Solicitors Disciplinary Tribunal ("Tribunal") against the Respondent.

The allegation

1. The allegation against the Respondent in the proceedings is that by virtue of his convictions on 19 October 2018 for 2 offences of sexual assault of a child and one offence of making indecent photograph/pseudo-photograph of a child and being sentenced for the offences on 16 November 2018 he has breached all, or any, of the following:
 - 1.1. Principles 2 of the SRA Principles 2011 ("Principles") by failing to act with integrity;
 - 1.2. Principle 6 of the Principles by failing to behave in a way that maintains the trust the public places in him and the provision of legal services.

Admissions

2. The Respondent admits the allegation made against him in the statement as set out in paragraph 1 above.

Agreed facts

3. The following facts and matters are agreed between the SRA and the Respondent:
 - 3.1 The Respondent was admitted to the Roll of Solicitors on 15 December 1988. At the date of this statement the Respondent remains on the Roll of Solicitors but does not hold a current practising certificate.

3.2 In the Crown Court on 19 October 2018 the Respondent pleaded guilty to two offences of sexual assault of a child and one offence of making indecent photograph or pseudo-photograph of a child.

3.3 In the Crown Court on 16 November 2018 the Respondent was sentenced. In relation to each offence he was sentenced to 4 months imprisonment which was suspended for 24 months. The sentences were to run concurrently.

3.4 In relation to each offence the Respondent was also ordered to undertake a Rehabilitation Activity Requirement for a maximum of 35 days as directed by an authorised provider of probation. He was ordered to pay a victim surcharge of £115 and to pay costs of £350 towards the costs of prosecution. The Crown Court ordered, under s143 of the Powers of Criminal Courts (sentencing) Act 2000, the forfeiture and destruction of the Respondent's computer. The Crown Court also made a Sexual Harm Prevention Order for a period of 7 years.

3.5 The Crown Court imposed reporting restrictions under Section 45 of the Youth Justice and Criminal Evidence Act 1999 and Section 1 of the Sexual Offences Amendment Act 1992 which restricted the names and identities of the victims of the crimes from being published and/or placed in the public domain.

3.6 The Crown Court have advised that no other restrictions regarding anything else in the case applied.

Proposed Sanction

4. The Respondent and the SRA agree that the seriousness of the Respondent's misconduct is such that the Tribunal should order that he be struck off the Roll of Solicitors, with any lesser sanction being inappropriate.
5. With respect to costs, the Respondent agrees to pay the SRA's costs of this application fixed and agreed in the sum of £1,120.22.

Explanation as to why such an order would be in accordance with the Tribunal's sanctions guidance

6. Having considered the Tribunal's guidance note on sanction the Respondent accepts that the level of culpability and harm from his misconduct is high.
7. The Respondent has been convicted of serious offences of a sexual nature. In relation to culpability, all of his convictions arose from conduct over which he had direct control and which would not be expected of a solicitor.
8. Harm was potentially caused to the victims of his criminal convictions for sexual assault.
9. The Respondent agrees that, by his conduct in relation to the criminal convictions, he has failed to act with integrity and that he has failed to maintain the trust the public places in him and in the provision of legal services.

10. The parties invite the Tribunal to impose the sanction proposed as it meets the seriousness of the admitted misconduct and is proportionate to the misconduct in the circumstances.

Mark Gibson
On behalf of the SRA

Donald Anthony Ramsbottom

Dated this 15th day of March 2019.