

# **SOLICITORS DISCIPLINARY TRIBUNAL**

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 11985-2019

**BETWEEN:**

SOLICITORS REGULATION AUTHORITY

Applicant

and

IGOR LEONIDOVICH KRIVOSHEKOV

Respondent

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Before:

Mr J. C. Chesterton (in the chair)

Ms T. Cullen

Mrs S. Gordon

Date of Hearing: 17 September 2019

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**Appearances**

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

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**JUDGMENT ON AN AGREED OUTCOME**

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## **Allegations**

1. The allegations against the Respondent, Igor Leonidovich Krivoshekov, made by the SRA are that:-
  - 1.1 Between 7 December 2016 and 13 June 2018, while a partner in Akin Gump LLP (“the firm”), he submitted expense claims to the firm, to a minimum value of £968.70, in relation to expenses which were not incurred for the purpose stated by the Respondent when making the claim. In so doing he acted in breach of Principles 2 and/or 6 of the SRA Principles 2011 (“the Principles”).
  - 1.2 By submitting as expenses amended electronic taxi receipts from 13 May 2018, totalling £55.55, which had been altered to show his own name as the person ordering the taxis instead of the original recipient, he breached Principles 2 and/or 6 of the Principles.
2. Dishonesty is alleged with respect to the allegations at paragraphs 1.1 and 1.2 but dishonesty is not an essential ingredient to prove those allegations.

## **Documents**

3. The Tribunal had before it the following documents:-
  - The Applicant’s Rule 5 Statement signed and dated 10 July 2019 with exhibit JRL1.
  - Joint Statement of Agreed Facts and indicated outcome signed and dated by the parties on 12 September 2019.

## **Factual Background**

4. The Respondent was admitted to the Roll of Solicitors in February 2012 through the Qualified Lawyers Transfer Test having previously been admitted to practice law in Illinois, USA in 1997. Between December 2016 and June 2018 he was a partner in Akin Gump LLP, London. As a partner he had control over his expense claims in respect of which he would:
  - (a) Submit a receipt to his assistant with notes endorsed thereon indicating the business purpose for the claim.
  - (b) His assistant generated an electronic reimbursement request in the firm’s expense system which the Respondent approved. It was then sent to the firms finance team for reimbursement.
5. In late May/early June 2018 the firm undertook a preliminary investigation in relation to the Respondent’s expense submissions. He was called to a meeting in that regard on 13 June 2018 at which he admitted that he had improperly submitted expense claims. He resigned from partnership shortly thereafter.

6. Further to his departure from the firm a more extensive investigation into the Respondent's expense claims was undertaken. It revealed that during his tenure as partner within the firm, the Respondent inappropriately claimed expenses which totalled £24,650.05. These conclusions were presented to the Respondent who acknowledged, through his legal representatives, the personal expenses incurred which he sought to claim reimbursement for through the firm. The Respondent accepted a reduction in the capital owed to him by the firm in the total sum of £24,650.05.
7. The firm reported the Respondent to the Applicant with whom the Respondent engaged throughout the investigation. The Respondent accepted responsibility for his misconduct at the outset of the investigation and acknowledged the seriousness of the same.

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

8. 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**

9. 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.
10. The Tribunal reviewed all the material before it and was satisfied beyond reasonable doubt that the Respondent's admissions were properly made.
11. The Tribunal considered the Guidance Note on Sanction (December 2016). In doing so the Tribunal assessed the culpability and harm identified together with the aggravating and mitigating factors that existed.
12. The Tribunal determined that the Respondent's admission to allegations of dishonesty required the sanction proposed namely that he be struck off the Roll of solicitors.

### **Costs**

13. Costs were agreed in the sum of £3,000.00 which the Tribunal concluded was reasonable and proportionate.

### **Statement of Full Order**

14. The Tribunal Ordered that the Respondent, IGOR LEONIDOVICH KRIVOSHEKOV, 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 £3,000.00.

Dated this 23<sup>rd</sup> day of September 2019  
On behalf of the Tribunal

A handwritten signature in black ink, appearing to be 'J.C. Chesterton', with a long horizontal line extending from the bottom right of the signature.

J. C. Chesterton  
Chairman

**JUDGMENT FILED WITH THE LAW SOCIETY**  
**23 SEPT 2019**

Number: 11985-2019

**IN THE MATTER OF THE SOLICITORS ACT 1974**

**SOLICITORS REGULATION AUTHORITY**

**Applicant**

**IGOR LEONIDOVICH KRIVOSHEKOV**

**Respondent**

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**STATEMENT OF AGREED FACTS AND INDICATED OUTCOME**

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1. Through an application and a statement dated 10 July 2019 made pursuant to Rule 5(2) Solicitors (Disciplinary Proceedings) Rules 2007 ("the statement"), the Solicitors Regulation Authority ("SRA") has brought proceedings before the Solicitors Disciplinary Tribunal concerning the conduct of Igor Leonidovich Krivoshekov.

**The allegations**

2. The allegations made against Mr Krivoshekov within the statement are that:
  - i. Between 7 December 2016 and 13 June 2018, while a partner in Akin Gump LLP ("the firm"), he submitted expense claims to the firm, to a minimum value of £968.70, in relation to expenses which were not incurred for the purpose stated by the Respondent when making the claim. In so doing he acted in breach of Principles 2 and/or 6 of the SRA Principles 2011 ("the Principles").
  - ii. By submitting as expenses amended electronic taxi receipts from 13 May 2018, totalling £55.55, which had been altered to show his own name as the person ordering the taxis instead of the original recipient, he breached Principles 2 and/or 6 of the Principles.
3. Dishonesty is also alleged in respect of both of the allegations at paragraph 2 above, but dishonesty is not an essential ingredient to prove those allegations.

**Admissions**

4. Mr Krivoshekov admits the allegations made against him in the statement, and as set above. Mr Krivoshekov also admits that his conduct was dishonest.

## Agreed Facts

5. The following facts and matters, which are relied upon by the SRA in support of the allegations set out above, are agreed between the SRA and Mr Krivoshekov:
  - 5.1 Mr Krivoshekov was admitted to the Roll of Solicitors in February 2012 through the Qualified Lawyers Transfer Test (having previously been admitted to practice law in Illinois, USA, in 1997).
  - 5.2 Between 7 December 2016 and 13 June 2018, Mr Krivoshekov was a partner in Akin Gump LLP of Eighth Floor, 10 Bishops Square, London, E1 6EG ("the firm").
  - 5.3 As a partner in the firm, Mr Krivoshekov had control over his expenses submissions. The process was, in summary, that he would:
    - a) Submit a receipt to his assistant, with handwritten notes on the receipt indicating the claimed business purpose / who he was entertaining (e.g. the relevant client). If the relevant item had an electronic receipt, it would be forwarded by Mr Krivoshekov to his assistant with similar written instructions
    - b) After his assistant had created the electronic reimbursement request in the firm's expenses system (with a scanned image of the receipt), Mr Krivoshekov would approve the submission in order that it would be sent to the firm's account / finance team
  - 5.4 In late May / early June 2018, the firm undertook a preliminary investigation into Mr Krivoshekov's expenses submissions. This raised concerns and he was invited to attend a meeting on 13 June 2018 with the firm's COLP, General Counsel and Deputy General Counsel. Mr Krivoshekov admitted at this meeting that some expenses had been improperly submitted and, shortly afterwards, resigned from his partnership effective from 13 June 2018.
  - 5.5 After his departure from the firm an extensive review of all expenses claims submitted by the Respondent was undertaken by the firm's General Counsel department.
  - 5.6 A further meeting was arranged by the firm with the Respondent, on 31 July 2018. At this meeting the firm presented their conclusions to the Respondent and sought his comment or objections.
  - 5.7 During his time as a partner at the firm, Mr Krivoshekov submitted claims for £45,854.35 in expenses. The firm requested after its investigation that Mr Krivoshekov reimburse £24,650.05 to the firm, which was the total amount assessed by the firm as having been claimed inappropriately.



- 5.8 Examples from some categories of expense claims provided by the firm to the SRA, with supporting documentation, included:
- a) A claim of £398.93 for a meal on 1 March 2017 at a restaurant in London – which the Respondent claimed as a dinner with a named client when a client was not present.
  - b) A claim of £107.94 for a dinner with a client on 4 April 2017, when a client was not present.
  - c) A claim for £325.41 for dinner with a client on 26 October 2017, when a client was not present.
  - d) Three claims for small lunches at a restaurant in London on 11 March 2017 (£23.68), 18 March 2017 (£12.38) and 3 June 2017 (£11.95), which the Respondent acknowledged should not have been claimed on the basis that they were.
  - e) A claim for £32.86 for several items of food and drink purchased by the Respondent on 19 March 2018, which the Respondent acknowledged were purely personal items and not legitimate expenses as he had claimed.
  - f) A claim for two Uber taxi journeys taken on Sunday 13 May 2018, totalling £55.55. The original receipts/emails were sent from Uber to another person, but the email receipts for the journeys submitted by Mr Krivoshekov as a claim for expenses had been amended to appear as if they had been sent to him.
- 5.9 In a letter of 7 September 2018 from his American lawyers to the Illinois Bar, it is stated that Mr Krivoshekov “acknowledges and regrets” that he “submitted certain personal expenses for firm reimbursement”.
- 5.10 The amount of £24,650.05 was reimbursed by Mr Krivoshekov to the firm, through a deduction from the capital otherwise due to him after resigning from his partnership.
- 5.11 After receiving a report from the firm, the SRA commenced an investigation into the conduct of Mr Krivoshekov.
- 5.12 In the course of that investigation, on 12 November 2018 an Investigation Officer wrote to Mr Krivoshekov asking him to answer allegations broadly the same as those set out in paragraph 2 and 3 above. The letter set out a summary of the explanation of the matter that had been provided by the firm at that time.
- 5.13 Mr Krivoshekov’s solicitor replied on his behalf on 3 December 2018. In this reply, it was stated that (in summary):

- i. Mr Krivoshekov accepts that the allegations should be referred to the Tribunal;
  - ii. The substance of the allegations are unlikely to be contested, although the Respondent may wish to provide mitigation evidence for context;
  - iii. They would wish to engage with the Legal & Enforcement department of the SRA and would hope to dispose of the matter by an agreed outcome.
- 5.14 On 6 February 2019, an Authorised Officer of the SRA decided to refer the conduct of Mr Krivoshekov to the Tribunal.
- 5.15 On 21 June 2019, in reply to another letter from the SRA, the Respondent confirmed (through his solicitors), that the matters exemplified above at paragraph 5.8 were improper expense claims and that he reimbursed the firm with £24,640.05 after discussions between them about the appropriate figure.

## **Mitigation**

6. The following mitigation, which is not endorsed by the SRA, is advanced by Mr Krivoshekov:
  - 6.1 This is the first occasion on which he has appeared before the Solicitors Disciplinary Tribunal.
  - 6.2 He promptly admitted, accepted responsibility for, and expressed regret for his conduct.
  - 6.3 He has fully and candidly cooperated with the investigations of the firm and the SRA, making admissions at early stages. Further, he promptly agreed to reimburse the firm, accepting the amount of £24,650.05 proposed by the firm for reimbursement without any objection or dispute, and made the reimbursement in full. He fully cooperated with the firm to transition client work to other lawyers to ensure that no clients were prejudiced by his resignation. Since his resignation, he has not attempted to work in the legal profession.
  - 6.4 He has also shown insight into the seriousness of his misconduct by accepting that he should be struck off the Roll.
  - 6.5 He has been diagnosed with adverse health issues, namely long-term severe depressive illness and high anxiety. His symptoms during the relevant time period included sleep disturbance, related chronic tiredness, difficulties concentrating, memory problems, and other symptoms of depression as well as the tendency to self-sabotage which manifested itself in certain irrational behaviour. In hindsight and with the benefit of the medical treatment (which



he has now sought), he recognizes that, while not an excuse, his illness impacted his judgment and contributed to his making poor decisions.

7. However, Mr Krivoshekov does not contend that the mitigation set out above amounts to exceptional circumstances which would justify the Tribunal in making any order other than that he be struck off the Roll.

#### **Proposed Penalty**

8. Mr Krivoshekov and the SRA agree that the seriousness of his misconduct is such that the Tribunal should order that he be Struck off the Roll of Solicitors, with any lesser sanction being inappropriate.
9. With respect to costs, Mr Krivoshekov agrees to pay the SRA's costs of the application fixed in the sum of £3,000.00.

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

10. Mr Krivoshekov has admitted dishonesty. The Solicitors Disciplinary Tribunal's "Guidance Note on Sanction (6<sup>th</sup> Edition)" ("the Guidance Note"), at paragraph 51 states that "*the most serious misconduct involves dishonesty, whether or not leading to criminal proceedings and criminal penalties. A finding that an allegation of dishonesty has been proved will almost invariably lead to striking off, save in exceptional circumstances (see Solicitors Regulation Authority v Sharma [2010] EWHC 2022 (Admin)).*"
11. Mr Krivoshekov submitted multiple improper claims for expenses over a period in excess of a year, benefiting personally. Within this process he held a position of trust as a partner at the Firm, but misled the Firm, for example by misusing real client names in the expense records and by changing the details on taxi receipts prior to submitting claims on his own behalf.
12. Given the nature of his conduct, Mr Krivoshekov agrees that his circumstances do not fall within those that would exceptionally mean that striking off would be a disproportionate sentence.
13. Accordingly, having regard to Mr Krivoshekov's admissions to the misconduct, the SRA and Mr Krivoshekov invite the Tribunal to make an order that Mr Igor Leonidovich Krivoshekov be struck off the Roll of Solicitors and pay the costs of the SRA's application fixed in the agreed sum of £3,000.00.

Dated this <sup>12<sup>th</sup></sup> ..... day of *September* 2019

Jonathan Leigh

On behalf of the SRA

Mr Igor Krivoshekov; or

Mr Iain Miller (Solicitor)

On Behalf of Mr Igor Krivoshekov