

SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 12098-2020

BETWEEN:

SOLICITORS REGULATION AUTHORITY

Applicant

and

MICHAEL PHILIP PULSFORD

Respondent

Before:

Mr R Nicholas (in the chair)

Mr A N Spooner

Mrs N Chavda

Date of Hearing: 25 August 2020

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 is that, by virtue of his conviction for matters set out below the Respondent breached either or both of: -
 - 1.1 Principle 2 of the SRA Principles 2011; and
 - 1.2 Principle 6 of the SRA Principles 2011.

Documents

2. The Tribunal had before it the following documents:-
 - The Form of Application dated 29 May 2020
 - Rule 12 Statement dated 29 May 2020
 - Statement of Agreed Facts and Proposed Outcome dated 21 August 2020

Factual Background

3. The Respondent, born in 1951, is a Solicitor having been admitted to the Roll of Solicitors on 1 July 1980. The Respondent remains upon the Roll of Solicitors, with his most recent practising certificate being for the year 2017 - 2018, which was free from conditions.
4. The Respondent was a Director at Jeary & Lewis LLP from 1 November 2017 until 7 September 2018.
5. On 7 September 2018, the Respondent was charged with 12 counts of historic indecent assault against children. In early 2019 he was charged with an additional 4 counts of the same.
6. On his own admission, the Respondent was convicted:
 - At Southampton Magistrates Court on 16 October 2018 for 12 offences of indecent assault on boys and girls under the age of 16
 - At Southampton Magistrates Court on 11 March 2019 for 3 offences of indecent assault on boys and girls under the age of 16.
 - At Southampton Crown Court on 14 March 2019 for one offence of indecent assault of boys and girls under the age of 16.
7. On 18 April 2019, the Respondent received a combined custodial sentence of 8 years and 8 months, comprising of:
 - 64 months imprisonment for Case No: S20180234 (16 October 2018) (4 counts in respect of a boy under 16, 8 counts in respect of a girl under 16)
 - 40 months imprisonment for Case No: S20190070 (11 March 2019) (3 counts in respect of a girl under 16)

- 6 months imprisonment for Case No: T20197030 (14 March 2019) (1 count in respect of a girl under 16).
8. The first two sentences were to be served consecutively, with the latter to be served concurrently.
 9. The Respondent was also to be placed on the Barring List by the Disclosure and Barring Service and is to sign on the Sex Offenders Register indefinitely. The Respondent is currently serving his custodial sentence.
 10. The Respondent admits that by virtue of his conviction for the offences set out above he breached both Principle 2 and Principle 6 of the SRA Principles 2011.

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

11. 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

12. The Applicant was required to prove the allegations on the balance of probabilities. The Tribunal had due regard to the Respondent's rights to a fair trial and to respect for their private and family life under Articles 6 and 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.
13. The Tribunal reviewed all the material before it and was satisfied on the balance of probabilities that the Respondent's admissions were properly made.
14. The Tribunal considered the Guidance Note on Sanction (November 2019). In doing so the Tribunal assessed the culpability and harm identified together with the aggravating and mitigating factors that existed.
15. The Respondent's convictions were as a result of repeated serious sexual offending on young people: described by the sentencing Judge as a gross breach of trust. Public confidence in the profession and the reputation of the profession required no lesser sanction than that the Respondent be removed from the Roll. The Tribunal found that the proposed sanction of striking the Respondent from the Roll was appropriate and proportionate in all the circumstances.

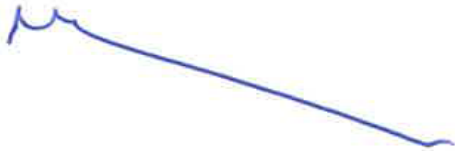
Costs

16. The parties agreed that the Respondent should pay costs in the sum of £1,300. The Tribunal determined that the agreed amount was reasonable and appropriate. Accordingly, the Tribunal ordered that the Respondent pay costs in the agreed sum.

Statement of Full Order

17. The Tribunal Ordered that the Respondent, MICHAEL PHILIP PULSFORD 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 £1,300.00.

Dated this 4th day of September 2020
On behalf of the Tribunal

A handwritten signature in blue ink, consisting of a stylized 'R' followed by a long, sweeping horizontal line that tapers off to the right.

R Nicholas
Chair

JUDGMENT FILED WITH THE LAW SOCIETY
04 SEPT 2020

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

Applicant

and

MICHAEL PHILIP PULSFORD

Respondent

AGREED OUTCOME

1. By an application dated 29 May 2020, accompanied by the statement made pursuant to Rule 12(2) of the Solicitors (Disciplinary Proceedings) Rules 2019, the Solicitors Regulation Authority ("SRA") brought proceedings before the Solicitors Disciplinary Tribunal concerning the conduct of Michael Philip Pulsford.
2. The allegation against the Respondent, Mr Michael Philip Pulsford, is that by virtue of his conviction for the offence described at paragraph 4.4 of this statement, he breached either or both of:
 - 2.1 Principle 2 of the SRA Principles 2011; and
 - 2.2 Principle 6 of the SRA Principles 2011.

Admissions

3. In respect of the allegation at paragraph 2 above:
 - 3.1 The Respondent admits that by virtue of his conviction for the offence described at paragraph 4.4, he has breached both Principle 2 and Principle 6 of the SRA Principles 2011.

Agreed Facts

4. The following facts and matters are agreed between the SRA and the Respondent.

Professional Details

- 4.1 The Respondent, born on 1951, is a Solicitor having been admitted to the Roll of Solicitors on 1 July 1980. The Respondent remains upon the Roll of

Solicitors, with his most recent practising certificate being for the year 2017 – 2018, which was free from conditions.

- 4.2 The Respondent was a Director at Jeary & Lewis LLP from 1 November 2017 until 7 September 2018, having previously been a member at Jeary and Lewis LLP from 2 January 2013 to 4 January 2018. He had also been a consultant at Jeary & Lewis and Jeary & Lewis LLP from 2 January 2008 to 31 January 2011 and 1 February 2011 to 1 January 2013 respectively.

Criminal Proceedings

- 4.3 On 7 September 2018, the Respondent was charged with 12 counts of historic indecent assault against children. In early 2019 he was charged with an additional 4 counts of the same.
- 4.4 On his own admission, the Respondent was convicted:
- i) At Southampton Magistrates Court On 16 October 2018 for 12 offences of indecent assault on boys and girls under the age of 16
 - ii) At Southampton Magistrates Court On 11 March 2019 for 3 offences of indecent assault on boys and girls under the age of 16.
 - iii) At Southampton Crown Court on 14 March 2019 for one offence of indecent assault of boys and girls under the age of 16.
- 4.5 On 18 April 2019, the Respondent received a combined custodial sentence of 8 years and 8 months, comprising of:
- i) 64 months imprisonment for Case No: S20180234 (16 October 2018) (4 counts in respect of a boy under 16, 8 counts in respect of a girl under 16).
 - ii) 40 months imprisonment for Case No: S20190070 (11 March 2019) (3 counts in respect of a girl under 16)
 - iii) 6 months imprisonment for Case No: T20197030 (14 March 2019) (1 count in respect of a girl under 16).
- 4.6 The first two sentences were to be served consecutively, with the latter to be served concurrently.
- 4.7 The Respondent was also to be placed on the Barring List by the Disclosure and Barring Service and is to sign on the Sex Offenders Register indefinitely.
- 4.8 The Respondent is currently serving his custodial sentence.

Facts of the Offence

- 4.9 The offences occurred between the period of 1974 to 1989 when the Respondent was between the ages of 23 to 38 years and was acting as a leader in a local youth organisation.
- 4.10 The offences took place while he was training to be a solicitor/qualifying as a solicitor.

- 4.11 Part of the Respondent's subsequent practice was in criminal law.
- 4.12 In his sentencing remarks on 18 April 2019, HHJ Henry states that the Respondent would serve no more than half of his sentence before he is released on license and supervision. He would be the subject of notification requirements for the rest of his life and his name will appear on a list barring him from working with children for life.
- 4.13 HHJ Henry also states that the Respondent was *"in a position of considerable influence over impressionable children" and that he "took advantage of that relationship to abuse those children sexually for his own gratification and with no regard to the damage that he was potentially doing and indeed it turns out had done to them"*.
- 4.14 The sentencing remarks also state:

"And whilst it might be said, as has been referred to in one or two of the references, that in the 1970s and 1980s the public was less attuned to the seriousness and impact of sexual abuse on children you would have been well aware of it and yet you went ahead to put your own needs first. Throughout this period you were, as I have said, in a position of considerable power, influence and trust and what you did over this period amounted to a gross breach of that trust. I accept that the abuse stopped in 1989 and it is to your credit that you must have realised that it could not and should not and must not go on and there is no evidence that you have lived anything but a law-abiding life since that time. I accept that many people have found you to have been a very positive influence on their lives and speak highly of your character..... and has described you as a mixed bag who has done much evil but also much good"

"You pleaded guilty at the earliest opportunity and that really is your best mitigation together with the fact that there have been no complaints since 1989. I accept that you do have, apart from this of course, an unblemished career as a solicitor. There are bound to be further repercussions including being struck off..."

"I also have to have regard to the damage that you have done to the lives of six people and to the heartfelt emotion and pain expressed in the Victim Personal Statements"

Mitigation

5. The following mitigation is put forward by the Respondent and is not endorsed by the SRA:
- 5.1 The Respondent pleaded guilty in the criminal proceedings at the first opportunity.
- 5.2 The Respondent has fully cooperated with the investigation conducted by the SRA. When presented with a notice recommending referral to the Solicitors Disciplinary Tribunal by an Investigation Officer employed by the SRA, the Respondent stated in his response that he did not wish to contest the recommendation and agreed that he had breached Principle 1 and 6 of the SRA Principles 2011.

Outcome

6. Having considered the Solicitors Disciplinary Tribunal's Guidance Note on Sanctions, the SRA's position is that the only adequate penalty in this matter is for the Respondent to be struck off the roll of solicitors.
7. The Respondent agrees that this is the correct sanction.

Costs

8. The Respondent agrees to pay the SRA costs of the application in the sum of £1,300.

Dated

2020

Signed:

On behalf of the SRA

Mr Michael Philip Pulsford