

# SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 12342-2022

**BETWEEN:**

SOLICITORS REGULATION AUTHORITY LTD.

Applicant

and

JAMES BROOKES

Respondent

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Before:

Mr R Nicholas (in the chair)

Mr P Lewis

Mrs E Keen

Date of Hearing: 6 October 2022

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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, James Brookes, made by the SRA were that, while in practise as a solicitor at Metrolaw Solicitors Limited he:
    - 1.1 Pursued a course of conduct towards the Father and the Father's partner, that he knew or ought to have known was likely to cause them significant distress without proper cause in that;
      - 1.1.1 Between August 2019 and October 2019 he attended the family home on up to five occasions in circumstances where it was inappropriate to do so.
      - 1.1.2 Between August 2019 and October 2019 he sent e-mail correspondence that was inappropriate.

and in so doing he:

breached 1 or more of Principles 2, 3 and 6 of the SRA Principles 2011 and Outcome 10.7 of the SRA Code of Conduct 2011.
  - 1.2 Attempted to take unfair advantage of third parties in that:
    - 1.2.1 On 12 September 2019 he served a 'without notice court order' on School A when no order had been made by the court.
    - 1.2.2 On 10 October 2019 at 23:11 he sent an e-mail to the Father's partner requesting a fee of £750.00 and compensation of £1,000.00 where there was no legal basis to do so.

and in doing so he:

breached one or more of principles 1, 2, 3 and 6 of the SRA Principles 2011 and Outcome 11.1 of the SRA Code of Conduct 2011.
- 1.3 *[WITHDRAWN]*
- 1.4 Allegation 1.2.1 is advanced on the basis that the Respondent's conduct was reckless. Recklessness is alleged as an aggravating feature of the Respondent's misconduct but is not an essential ingredient in proving the allegation.

## Documents

2. The Tribunal had before it an electronic bundle of papers which included a Statement of Agreed Facts and Proposed Outcome ("the Agreed Outcome") dated 30 September 2022.

## Background

3. Mr Brookes was admitted to the Roll of Solicitors in December of 2008. As at the time of consideration of the Agreed Outcome he held a practising certificate free from

conditions. From 11 January 2018 to 30 April 2021, he was an associate at Metrolaw Solicitors Limited (“the Firm”) practising criminal litigation.

4. The Father and Mother (former husband and wife) have two children, Child A and Child B. The Father is remarried to the Father’s partner. The Father and Mother were involved in a child arrangement dispute since 2008. The proceedings were moved to the Family Division of the High Court. The Mother had a number of different representatives throughout the proceedings. The Mother was subject to a number of Prohibited Steps Orders (“PSO”) during the course of the proceedings. The PSO dated 20 March 2019 prevented her, in a number of ways, from making contact with the Children, the Children’s School without prior permission and from attending the Father’s home where the Children resided with him and his Partner.
5. In the summer of 2019, Mr Brookes began assisting the Mother, who he described as a friend on a pro bono basis offering her advice on the law and court procedure in relation to the Children Act proceedings. He was acting outside of the Firm and Family Law was not his usual area of practice. The allegations and admitted misconduct arose from his representation of the Mother in the Children Act proceedings before the Family Division of the High Court.

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

6. 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**

7. The Applicant was required to prove the allegations on the balance of probabilities. The Tribunal had due regard to its statutory duty, under section 6 of the Human Rights Act 1998, to act in a manner which was compatible with 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.
8. The Tribunal reviewed all the material before it and was satisfied on the balance of probabilities that the Respondent’s admissions were properly made.
9. The Tribunal considered the Guidance Note on Sanction (Tenth Edition: June 2022). In doing so the Tribunal assessed the culpability and harm identified together with the aggravating and mitigating factors that existed.
10. With regards to culpability, the Tribunal found that Mr Brookes was motivated by a desire to help the Mother as he, in his own words, “felt sorry for her”. The admitted misconduct was planned, Mr Brookes was in direct control and reasonably experienced at the material time having been admitted to the Roll in 2008. The Tribunal concluded that Mr Brookes was solely and highly culpable.

11. With regards to harm, the Tribunal determined that Mr Brookes misconduct detrimentally impacted the Mother, the Father, the Father's partner and ultimately the Children. He further caused significant harm to the reputation of the profession which was severely undermined by solicitors offering their services in areas of law beyond their practice and expertise. The public relied on solicitors to assist them competently and professionally. To offer services beyond one's competence and ability, as Mr Brookes did, fundamentally undermined the reputation of the profession. The Tribunal concluded that the harm caused both to the individuals and the reputation of the profession was eminently foreseeable. Mr Brookes must have known that conducting litigation in an area of law of which he had no expertise was likely to cause harm.
12. With regards to aggravating features, the Tribunal found that Mr Brookes' misconduct was deliberate, calculated and repeated. It continued over a three-month period. Mr Brookes took unfair advantage by serving a without notice court order on the School when no order had been made and by seeking remuneration from the Father's Partner in circumstances where there was no legal basis to do so. The Tribunal further found Mr Brookes knew or ought reasonably to have known that the conduct complained of was in material breach of obligations to protect the public and the reputation of the legal profession given the demonstrable, and admitted, lack of integrity and failure to uphold the Rule of Law.
13. With regards to mitigating features, the Tribunal found that Mr Brookes demonstrated limited insight, given the late acceptance of and admissions to the allegations. The Tribunal accepted that there were no previous findings recorded against Mr Brookes.
14. Weighing all of the factors set out above in the balance, the Tribunal assessed the admitted misconduct as very serious. The proposed outcome was in line with that assessment, namely a Level 4 fine. The Tribunal was cognisant of the purpose of sanction which was to protect the overarching public interest. The public interest comprised of; (i) the need to protect the public from harm, (ii) the declaration and upholding of proper standards within the profession and (iii) maintenance of public confidence in the regulatory system.
15. The Tribunal considered the quantum proposed jointly by the parties (namely £40,000.00) was appropriate, proportionate and necessary to meet the overarching public interest.

### **Costs**

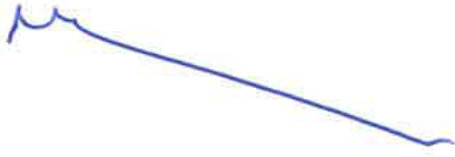
16. Costs were agreed in the sum of £10,000.00 which the Tribunal determined were reasonable and proportionate in all the circumstances.

### **Statement of Full Order**

17. The Tribunal Ordered that the Respondent, JAMES BROOKES, solicitor, do pay a fine of £40,000.00, such penalty to be forfeit to His Majesty the King, and it further Ordered that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £10,000.00.

Dated this 25<sup>th</sup> day of October 2022.  
On behalf of the Tribunal

**JUDGMENT FILED WITH THE LAW SOCIETY**  
**25 OCT 2022**

A handwritten signature in blue ink, consisting of a stylized initial 'R' followed by a long, slightly curved horizontal line.

R Nicholas  
Chair



**BEFORE THE SOLICITORS DISCIPLINARY TRIBUNAL**      **Case No: 12342-2022**

**IN THE MATTER OF THE SOLICITORS ACT 1974 (as amended)**

**AND IN THE MATTER OF:**

**SOLICITORS REGULATION AUTHORITY LIMITED**

Applicant

and

**JAMES BROOKES**

Respondent

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**STATEMENT OF AGREED FACTS AND PROPOSED OUTCOME**

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1. By its application dated 10 June 2022, and the statement made pursuant to Rule 12 (2) of the Solicitors (Disciplinary Proceedings) Rules 2019 which accompanied that application, the Solicitors Regulation Authority Ltd ("the SRA") brought proceedings before the Solicitors Disciplinary Tribunal making two allegations of misconduct against the Respondent.

**The allegations**

2. The allegations against the Respondent, made by the SRA are that, while in practice as a solicitor at Metrolaw Solicitors Limited he:

1.1 pursued a course of conduct towards the Father and the Father's partner, that he knew or ought to have known was likely to cause them significant distress without proper cause in that:

1.1.1 between August 2019 and October 2019 he attended the family home on up to five occasions in circumstances where it was inappropriate to do so

1.1.2 between August 2019 and October 2019 he sent email correspondence that was inappropriate

and in doing so he:

breached one or more of Principles 2, 3 and 6 of the SRA Principles 2011 and Outcome 10.7 of the SRA Code of Conduct 2011

1.2 attempted to take unfair advantage of third parties in that:

1.2.1 on 12 September 2019 he served a 'without notice court order' on School A when no order had been made by the court

1.2.2 on 10 October 2019 at 23:11 he sent an email to the Father's partner requesting a fee of £750 and compensation of £1,000 where there was no legal basis to do so

and in doing so he:

breached one or more of Principles 1,2,3 and 6 of the SRA Principles 2011 and Outcome 11.1 of the SRA Code of Conduct 2011

1.3 In relation to allegation 1.2.1 above, the allegation is advanced on the basis that the Respondent's conduct was dishonest. Dishonesty is alleged as an aggravating feature of the Respondent's misconduct but is not an essential ingredient in proving the allegation.

1.4 In the alternative allegation 1.2.1 is advanced on the basis that the Respondent's conduct was reckless. Recklessness is alleged as an aggravating feature of the Respondent's misconduct but is not an essential ingredient in proving the allegation.

3. The Respondent admits the allegations set out in paragraphs 1.1, 1.2 and 1.4 above.

4. The SRA applies to withdraw allegation 1.3. The SRA have reviewed the contents of the Respondent's Answer to the Rule 12 (2) Statement dated 20 July



2022 whereby he denies his conduct was dishonest and insists that he left a note at School A and that he spoke to a member of staff at School A to clarify that he was on his way to file the application at court. In the absence of a witness statement from the Deputy Head Mistress who had sight of the court order and was best placed to comment on the Respondent's conduct in relation to the serving of the order and what he told her, the SRA now considers that it is unable to prove that allegation on the balance of probabilities and seeks to withdraw it.

### **Agreed Facts**

5. The following facts and matters, which are relied upon by the SRA in support of the allegations set out within paragraphs 2 of this statement, are agreed between the SRA and the Respondent.
  
6. The Father and Mother (former husband and wife) have two children, Child A and Child B. The Father is remarried to the Father's partner. The Father and Mother were involved in a child arrangement dispute since 2008. The proceedings were moved to the Family Division of the High Court. The Mother had a number of different representatives throughout the proceedings.
  
7. The Mother was subject to a number of Prohibited Steps Orders ("PSO") during the course of the proceedings. The PSO dated 20 March 2019 prevented her:
  - 7.1. Attending the Father's home
  - 7.2. attending any place where she reasonably believed Child B to be
  - 7.3. attending Child B's school without prior appointment
  - 7.4. contacting Child B directly or via the telephone save where he agreed to see the Mother or he initiated contact with her
  - 7.5. The order did not prevent the Mother sending letters or cards to Child B via School A or the court appointed Guardian

8. In the summer of 2019, the Respondent began assisting the Mother, who he describes as a friend on a pro bono basis offering her advice on the law and court procedure in relation to the Children Act proceedings. He was acting outside of the Firm.
9. The PSO dated 20 March 2019 was appealed, and a new order was made on 7 June 2019. The PSO remained in place but enabled *inter alia* the Mother to send cards or letters to Child B once per week via the Guardian and to enable her to attend Child B's prize giving at School A in the summer of 2019.
10. On 19 September 2019 the Respondent accompanied the Mother to a CMH and was invited by the presiding judge, Her Honour Justice Pemberton to formally represent the Mother within the proceedings and go on the court record, which he duly did.
11. On 17 October 2019 the SRA received a report from the Father's partner regarding emails sent by the Respondent. On 18 December 2019 the Father submitted a report to the SRA concerning the Respondent.

**Allegation 1.1 That between August 2019 and October 2019 the Respondent attended the Property on up to five occasions and sent email correspondence that was inappropriate.**

**Email to the Father's partner on 10 October 2019**

12. The Father's partner assumed she would take parental responsibility for the children as she was the Father's partner and wanted it to be formally recognised so she applied to join the proceedings.
13. On 7 October 2019 at 17:18 the Father's partner emailed the Respondent and Maria Stanley (the solicitor for Cafcass) a copy of applications that she had filed at court that day. The Respondent replied on 7 October 2019 at 17:24 stating: *"With every respect...may I ask that you desist from involving yourself in the case of the Mother and your husband...the Father is representing himself in this matter and has not applied to have you put on record as a McKenzie Friend..."*

14. On 10 October 2019 at 21:51 the Father's partner emailed the Respondent, Maria Stanley and the Father a notice of hearing she received from the court that day, stating the parties had previously been served with her C2<sup>1</sup> application. The unstamped C100<sup>2</sup> application attached to the C2 application would not be issued as her application would be heard within the existing proceedings. The Respondent replied on 10 October 2019 at 23:11 stating he had told the Father's partner not to contact him twice and she had contacted him a third time therefore she would be responsible for his fee note of £750. He also requested compensation of £1000 stating she had "*..propagated my email address to third parties..*"

#### **Attendances at the home address and emails with the Father**

15. The Respondent attended the Father's and the Father's partner's home address ("the Property") to serve papers and/or deliver items to the children. On each occasion he was driven to the home by the Mother. The Respondent attended the Father and the Father's partner's home on the following 5 occasions and was engaged in the following email exchanges:

15.1. **Attendance 1** In early August 2019 to serve notice of an out of time application for a judicial review (to review the CPS decision not to prosecute the Father in relation to allegations made by the Mother that he assaulted her in 2005).

15.2. **Attendance 2** On 22 August 2019 to serve a pre action letter on the Father's partner giving notice of intention to sue her for defamation of character.

15.3. **Attendance 3 and 4** On 3 September 2019 there were two visits, he attempted to deliver a card to Child A first via the Father who refused to accept it. He returned later that evening and was warned by the Father's partner that the police would be contacted if he returned. The Father sent an email on 3 September 2019 at 18:21 stating; "*I do not want any contact with you nor for you to attend my house again...I will treat any further attempts to contact either*

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<sup>1</sup> A C2 is the form used to make an application in existing court proceedings relating to children

<sup>2</sup> A C100 is the form used to apply for a court order to make arrangements for a child or resolve a dispute about their upbringing

*me or my wife in any manner, or attendance at my house as deliberate harassment and inform the police.. I presume you are aware of the terms of the Prohibited Steps Order which prevent her [the Mother] from attending my property”.*

15.4. On 15 October 2019 at 14:40 the Father emailed the Respondent as he had not received a copy of the Mother's application for permission to appeal the court order dated 19 September 2019, the email stated: *“It seems that, despite repeated requests, you are continuing to fail to copy me into correspondence relating to the case. I note that I have not been served with any notice of application for permission to appeal. Nor have I been served with any of the Mother’s (sic) questions for the boys, the deadline for which passed at the end of last week. I should be grateful if you would rectify these matters.”*

15.5. The Respondent replied on 15 October 2019 at 16:18 stating: *“You are not a party to the appeal but I shall be happy to drop a copy over to you tomorrow, I shall be in Kingston on an other [sic] matter in the afternoon.”* Father replied stating: *“You were told by my wife after the second time that you attended our home recently that if you attend the property again, we would call the police. Under no circumstances are you to attend my home. Any documents that need to be served can be served by email or post. I repeat - I do not want you to come to my home. The Mother is prohibited from doing so; I will not accept you carrying out harassment as her agent. If you attend my property, I will file a formal complaint with both the Police and the SRA.”*

15.6. On 16 October 2019 at 11:57 the Respondent replied stating: *“You seem to misunderstand the situation you are in, allow me to explain. Consequent to your historic violence to your former wife, the Mother and children, you were ordered to keep away form (sic) your family. You did so and moved to the North. Time has moved on and you now have access to your two children. You have applied to the Court to firm up your current arrangements in your favour. Your application is being contested. There are a lot of documents in this matter that need to be exchanged by all parties. When a document is delivered it is referred to as being served. There are rules on how a document may be served. You have chosen to represent yourself and I will not advise you but it will assist me if you familiarise yourself with CPR Rule 6...If a document is served within those rules, the document is deemed served whether or not the recipient wants the document. Your ex-wife is*

*prohibited from attending your property without lawful reason and whilst she would have a lawful reason for attending the same to effect service she has elected to retain me to do so. It is therefore of no consequence what your current wife advanced the last time I attended your home, which was for a reason not connected with your matters at Court; if I have documents to serve and I choose to serve them in person I will do so. Indeed I will have a number of documents for you over the coming month."*

15.7. **Attendance 5** On 16 October 2019 there was a visit from the Mother's friend who accompanied the Respondent and the Mother in the Mother's car and one visit from the Respondent. The Father and the Father's partner were at a pub quiz and the children were being supervised by other adults. The Mother's friend attended the Property and attempted to give a bag containing gifts for Child B from the Mother. Child A refused to accept it. A few minutes later the Respondent presented himself holding papers and attempting to give the bag to Child A. Child A refused to open the door and called the Father informing him what had happened.

15.8. When the Father returned home shortly afterwards, he had to walk past the Mother's car to get to the Property. The Respondent, the Mother and her friend exited the vehicle and began shouting at the Father. The Father told them to leave as the PSO was in place and they were not permitted to be there. The Respondent began insulting the Father and called him a: "*bald wally*".

15.9. The PSO dated 7 June 2019 prohibited the Mother coming within 100 metres of the Property, however her car was on occasions parked within that distance.

15.10. Following the Respondent's fifth attendance, the Father emailed the Respondent on 17 October at 09:14 stating he had attended the Property again the previous night at 9pm and would contact the SRA to report his behaviour. The Respondent replied at 11:08 stating: *As far as referring me to the SRA, that is your privilege but I would caution you, I do this for a living. Your allegations will lead to a request for information form (sic) me by my professional body which I shall address. Any falsehoods in your report may precipitate a claim for damages under the defamation laws."*

15.11. Following an email from the Father to the Respondent on 18 October 2019 informing him not to visit his home and that they would agree to accept service by email or post and would provide timely confirmation of receipt, the Respondent said the following:

*"I will serve documents as my client requires me to....if you would care to withdraw the non-contact order she can serve them herself.....*

*My instructions are that the only parent in this matter that has ever beaten your children is you; the Mother cannot therefore be and has never been any risk to either of them. It is you that has repeatedly attacked Child A even having to be restrained by your current wife when doing so. It is you and your propensity to violence that is putting the children at risk, not the Mother.*

*Given you were in drink (sic) when you pushed back the Mother's car door on it being opened, having fulfilled my role for the evening - the service of the documents - my actions were of a man in a car aware that you have historically been so violent towards the Mother that you broke her ribs and later in the marriage pulled her hair and ears pushed her into a road by her throat and assaulted her in the presence of her mother who when she tried to intervene was assaulted herself.*

*Do you recall these incidents the Father?*

*Calling you 'wally' as I did was, I would posit, restrained. Again I did so as a man sitting in a car you approached when in drink (sic)."*

**Allegation 1.2 That he attempted to take unfair advantage of third parties by (i) serving a "without notice court order" on School A when no order had been made by the court and (ii) sending an email to the Father's partner requesting a fee where there was no legal basis to do so.**

#### **Serving a without notice court order**

16. Prior to coming on the court record (on 19 September 2019) the Respondent was in communication with School A and Cafcass regarding the proceedings. On 4 September 2019 at 17:15 the Mother emailed the Deputy Head Mistress at School A requesting disclosure of a Multi Agency Referral Form ("MARF")<sup>3</sup>. On 5 September 2019 at 19:56, the Mother emailed the Deputy Head Mistress making a further request and stating the Respondent could collect it the next day.

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<sup>3</sup> A MARF is form to request services from the Local Authority's Children and Family Wellbeing Service and Children's Social Care services

17. On 12 September 2019 the Respondent attended the school and left a sealed envelope with Secretary three. The envelope contained a court order for disclosure of the MARF to *"the applicant's counsel, James Brookes."* It required disclosure by 16 September 2019.

18. The 'court order' *inter alia* stated:

*"(c) This order was made at a hearing without notice to School A. The reason why the order was made without notice was because the information is required swiftly given the children's timetable"*

*(3) "This order shall be served on School A by James Brookes in unsealed form in the first instance to avoid delay"*

*(4) disclosure shall be filed and served by the Mother as soon as practicable on receipt"*

19. The Father was informed of the incident and he drafted a statement of events for the Deputy Head Mistress as he understood them. The Deputy Head Mistress stated the staff believed the 'order' to be a genuine court order. The SRA obtained accounts from Deputy Head Mistress, Secretary one, Secretary two and Secretary three (employees at School A) . The statements confirmed the Respondent's attendance on 12 September 2019. The Respondent told Secretary two he had papers to serve on the school and that he wanted to give an envelope to the Deputy Head Mistress. Secretary three asked him if he was a solicitor and he stated he was not. Given the Deputy Head Mistress was not available he left the envelope with Secretary three.

Email to the Father's partner

20. The Respondent emailed the Father's partner on 10 October 2019 at 23:11 stating: *"You have already been directed not to communicate with me in this matter; you are not a party to these proceedings, you were no notice to seek the appropriate route to facilitate your request and you have been advised previously that this is not it .Your conduct is wholly inappropriate, yours is not to involve yourself in the matter of the Father and the Mother and the issue of your wanting to acquire parental responsibility was not an issue to be raised in a hearing in the High Court, either by your husband but never by you. You are not a party to these proceedings. I am certain that you are being directed to conduct yourself in this way by another party but in any event I am not a layer (sic) with whom you can correspond without consequence. You were asked not to contact me twice, you have contacted me a third time and for that there will be a fee note raised in the sum of £750.00 for which you will be responsible.*

*You have also propagated my email address to third parties without my consent in breach of the current data protection legislation. To that end I will require compensation to the Order of £1,000.00. You will receive my fee note and formal claim for compensation within the next week. I trust that this will be the last time I need address you, I do not know you and do not wish to."*

## **Recklessness**

The Respondent admits that his actions were reckless in serving the court order at the school. Given the staff were lay persons and were unlikely to have any legal training there was a risk that the order could be viewed as a genuine court order that had been granted and required compliance. The Respondent did not make it clear that the order had not been made and as a result the school could have disclosed the items sought which may have put them in breach of GDPR.

## **Non-Agreed Mitigation**

- 21.1 The following mitigation, which is not agreed by the SRA, is put forward by the Respondent:
- 21.2 The Respondent, a qualified solicitor since 2008, has no previous history for failing to comply with his regulatory obligations.
- 21.3 The Respondent has demonstrated a commitment to justice over many years.
- 21.4 The Mother was someone he regarded as a friend but also a person that he understood had been the subject of longstanding physical and emotional abuse by the Father.
- 21.5 The Respondent's impression of the Mother was that she was vulnerable, had been taken advantage of and was now desperate to achieve contact with her children.
- 21.6 At all times throughout the family law proceedings, the Father acted in person. The Mother conveyed that she felt intimidated and scared. She requested the Respondent to attend the hearing for moral support and to relieve her of the burden of paying her court fees.
- 21.7 The Respondent felt sorry for the Mother, having been told by her that she was in desperate need of help (or she would face a financial penalty consequent on not having representation) and his initial approach was to simply guide her informally before he reluctantly agreed to go on the record.
- 21.8 At no stage was any payment taken from the Mother. The Respondent's motivation to assist was entirely altruistic, albeit based on misplaced loyalty and his commitment to justice.
- 21.9 The Respondent was dealing with a difficult lay client (the Mother), a challenging litigant in person (the Father), and was trying to act in the best interest of the Mother throughout. However, acting in an area of law unfamiliar to



the Respondent was inevitably challenging and matters were not helped by the Mother herself who was an extremely difficult client to deal with.

21.10 The relationship between the Father and the Respondent was already strained, the Father was aware that the Respondent had previously provided informal support to the Mother. This relationship was now aggravated as a result of the Respondent agreeing to act for the Mother.

21.11 From the outset of the SRA investigation, the respondent acknowledged where he had lapses of judgement and conduct, but these lapses were attributable to the highly contentious nature of proceedings and his lack of skill and expertise in family law rather than any act of dishonesty or any desire for personal gain.

### **Penalty proposed**

22. It is therefore proposed that the Respondent should be fined the sum of £40,000.

23. With respect to costs, it is further agreed that the Respondent should pay the SRA's costs in the sum of £10,000.

### **Explanation as to why such an order would be in accordance with the Tribunal's sanctions guidance 10<sup>th</sup> Edition**

24. In the circumstances, the seriousness of the Respondent's misconduct is such that a Reprimand would not be a sufficient sanction but neither the protection of the public nor the protection of the reputation of the legal profession justifies a strike off or a suspension. It is therefore proportionate and in the public interest that the Respondent should be fined.

25. The Respondent's level of culpability is high as he is an experienced solicitor who at the time of the misconduct had been qualified for some 11 years. Although he states he was inexperienced within Family Law proceedings he agreed to represent for the Mother in a complex matter which was heard in the High Court. He was directly responsible for his actions and accepts he "*got too*

close" to the Mother which may have clouded his judgment in the manner in which he progressed her case. He accepts the communication and behaviour towards the Father and the Father's partner was at times inappropriate.

26. The Respondent's conduct caused harm to the Father, the Father's partner and the children. The Father states: "*the Respondent's impact on me and my family was that he raised the anxiety and stress levels of already vulnerable people. Whilst he was not responsible for events before 2019, he did not appear to consider the damage that he would cause to vulnerable children, my wife and myself when he chose to begin a campaign of harassment and abuse, using his status as a solicitor as one of his main tools of abuse.*"

27. The Father's partner states: "*Following the attendances at our home address I began to think, what are the Mother and the Respondent going to do next? We were in the middle of important, intense child proceedings which were stressful enough. It was important all parties could focus on the hearing. As a result of the Respondent's actions my feelings were intensified. I was in a state of constant hyper-vigilance, always on edge, nervous of opening emails or answering the door. Given the Respondent's assertions I did not feel I could do anything to stop him coming to our home, I felt powerless to protect myself and my family.*"

28. The aggravating features of the Respondent's conduct are:

28.1 The conduct was planned; the emails were numerous, he attended the property on five occasions and he informed School A that he was intending

to make an application for an order for disclosure in advance of serving the court order.

28.2 The misconduct continued over a period of time, from August 2019 to October 2019.

28.3 His actions were deliberate, he was warned by the Father and the Father's partner not to attend the property yet he attended again which caused them distress. He engaged in emotive email correspondence which was inappropriate. He deliberately served a court order on the school and was reckless as to how the document could be interpreted.

29 The mitigating features of the Respondent's conduct are:

29.1 He felt pressure from the Mother to progress her matter and his judgment was clouded.

30 The imposition of a fine is a proportionate sanction to mark the misconduct and to maintain public confidence in the profession. The misconduct involves the Respondent acting without integrity and being reckless and can be rightly be categorised as very serious, falling within Level 4 of the fine band in the indicative fine bands in the SDT's guidance note on sanctions. The correct level of the fine, considering the seriousness of the offence, is £40,000.

Signed..

Date: 5 October 2022

Sarah Stockley  
Legal Adviser  
For and on behalf of the Solicitors Regulation Authority  
The Cube  
199 Wharfside Street  
Birmingham  
B1 1RN

**Signed (electronically)**

**James Brookes**

**Respondent**

**Date: 04.10.22**



- Principle 1 You must uphold the rule of law and the proper administration of justice
- Principle 2 You must act with integrity
- Principle 3 You must not allow your independence to be compromised
- Principle 6 You must behave in a way that maintains the trust the public places in you and in the provision of legal services

SRA Code of Conduct 2011

Outcome (11.1) you do not take unfair advantage of third parties in either your professional or personal capacity