

# SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 12346-2022

## BETWEEN:

SOLICITORS REGULATION AUTHORITY LTD.

Applicant

and

RACHEL PICKLES

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, Rachel Pickles, made by the SRA were that:
  - 1.1 On 29 October 2018, by driving when the proportion of:
    - 1.1.1 a controlled drug, namely Methylenedioxyamphetamine in her blood, namely not less than 36 microgrammes per litre of blood; and
    - 1.1.2 a controlled drug, namely Benzoylcegonine in her blood, namely not less than 96 microgrammes per litre of blood;

which exceeded the specified limit contrary to section 5A(1) (a) and (2) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988 she breached either or both of Principle 2 and Principle 6 of the SRA Principles 2011.
  - 1.2 On 29 October 2018, by being in possession of controlled drugs, namely:
    - 1.2.1 0.61 grams of cocaine, a controlled drug of Class A in contravention of section 5(1) of the Misuse of Drugs Act 1971;
    - 1.2.2 1.06 grams of Methylenedioxyamphetamine, a controlled drug of Class A 1 in contravention of section 5(1) of the Misuse of Drugs Act 1971;
    - 1.2.3 1.6 grams of cannabis resin, a controlled drug of Class B, in contravention of section 5(1) of the Misuse of Drugs Act 1971; and
    - 1.2.4 19 tablets of Diazepam, a controlled drug of Class C in contravention of section 5(1) of the Misuse of Drugs Act 1971

contrary to section 5(2) of and Schedule 4 of the Misuse of Drugs Act 1971 she breached either or both of Principle 2 and Principle 6 of the SRA Principles 2011.

## **Documents**

- 2 The Tribunal had before it the following documents:-
  - Rule 12 Statement dated 22 June 2022.
  - Respondent's Answer to the Rule 12 Statement dated 15 August 2022.
  - Statement of Agreed Facts and Proposed Outcome dated 13 September 2022

## **Background**

3. The Respondent was admitted to the Roll of Solicitors in September 2014. At the material time she was not practising as a solicitor and had not had a practising certificate since her practicing certificate for the year 2015/2016 was terminated in December 2016 as part of the bulk practising certificate revocation. The Respondent remained on the Roll of Solicitors and held a current practising certificate for the year 2021/2022 free from conditions.

4. The Respondent was arrested, breathalysed and searched following a road traffic accident on 29 October 2019. At the material time, the Respondent was working in events management. On 28 October 2019, the Respondent had been at a work event, a Halloween Masked Ball, and had intended to drive back to London that day but was persuaded to stay to attend the after-event staff party.
5. The Respondent did not drink at the after-event staff party, mindful that she had to drive to London the following day, but stated that she foolishly accepted a tablet following reassurances that there was “nothing illegal in it”.
6. The following morning the Respondent felt fine but decided to defer the drive to London until 11am to ensure she was safe to drive. She had only passed her test a few months earlier. The Respondent was involved in a four car collision when driving home. She was taken to hospital, where, when asked, the Respondent alerted a nurse that she might have taken drugs, who in turn alerted the police who searched her belongings.
7. The Respondent appeared before the Truro Magistrates Court on 29 April 2019 where she pleaded guilty to the six offences listed above and was sentenced to financial penalties and a disqualification from driving.
8. The Respondent self-reported her convictions to the Applicant on 21 June 2021.

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

9. 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**

10. 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 her private and family life under Articles 6 and 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.
11. The Tribunal reviewed all the material before it and was satisfied on the balance of probabilities that the Respondent’s admissions were properly made.
12. 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, all of which were properly set out in the Agreed Statement of Facts and Proposed Outcome.
13. The Tribunal considered the gravamen of the offending was driving whilst unfit to do so. That offence was aggravated by the Respondent’s possession of cannabis, cocaine and MDMA, all of which were illegal substances. The Tribunal assessed the level of the admitted misconduct as “more serious” such that a Level 3 financial penalty was required to protect the overarching public interest namely the protection of the public,

the declaration and upholding of proper standards within the profession and maintenance of public confidence in the regulatory system.

14. The Tribunal considered that the jointly proposed financial penalty of £10,000.00 was appropriate and therefore approved the same.

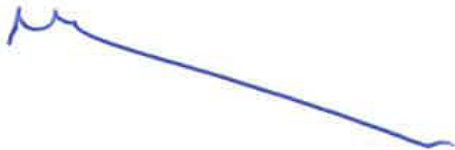
#### **Costs**

15. Costs were agreed in the sum of £2,500.00 which the Tribunal considered to be reasonable and proportionate to the application.

#### **Statement of Full Order**

16. The Tribunal Ordered that the Respondent, RACHEL PICKLES, solicitor, do pay a fine of £10,000.00 , such penalty to be forfeit to His Majesty the King, and it further Ordered that she do pay the costs of and incidental to this application and enquiry fixed in the sum of £2,500.00.

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



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

R Nicholas  
Chair

**BEFORE THE SOLICITORS DISCIPLINARY TRIBUNAL**

**Case No: 12346-2022**

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

**AND IN THE MATTER OF:**

**SOLICITORS REGULATION AUTHORITY**

Applicant

**And**

**RACHEL PICKLES**

Respondent

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**STATEMENT OF AGREED FACTS AND AGREED OUTCOME**

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1. By an application dated 22 June 2022, 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 Ms Rachel Pickles (the Respondent).
2. The allegations made against the Respondent within that statement were that:
  - 2.1 On 29 October 2018, by driving when the proportion of:
    - 2.1.1 a controlled drug, namely Methylendioxyamphetamin in her blood, namely not less than 36 microgrammes per litre of blood; and
    - 2.1.2 a controlled drug, namely Benzoyllecgonine in her blood, namely not less than 96 microgrammes per litre of blood;

which exceeded the specified limit contrary to section 5A(1) (a) and (2) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988 she breached either or both of Principle 2 and Principle 6 of the SRA Principles 2011.

2.2 On 29 October 2018, by being in possession of controlled drugs, namely:

- 2.2.1 0.61 grams of cocaine, a controlled drug of Class A in contravention of section 5(1) of the Misuse of Drugs Act 1971;
- 2.2.2 1.06 grams of Methylenedioxymethylamphetamine, a controlled drug of Class A in contravention of section 5(1) of the Misuse of Drugs Act 1971;
- 2.2.3 1.6 grams of cannabis resin, a controlled drug of Class B, in contravention of section 5(1) of the Misuse of Drugs Act 1971; and
- 2.2.4 19 tablets of Diazepam, a controlled drug of Class C in contravention of section 5(1) of the Misuse of Drugs Act 1971

contrary to section 5(2) of and Schedule 4 of the Misuse of Drugs Act 1971 she breached either or both of Principle 2 and Principle 6 of the SRA Principles 2011.

### **Admissions**

3 The Respondent admits both of the allegations against her in their entirety.

### **Agreed Facts**

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

4.2 The Respondent, is a solicitor having been admitted to the Roll of Solicitors on 1 September 2014. Her practicing certificate for the year 2015/2016 was terminated in December 2016 as part of the bulk practising certificate revocation, following her decision to cease practising as a solicitor. She had not practised as a solicitor since October 2016 and was not practising as a solicitor at the material time, being October 2018.

4.3 The Respondent remains on the Roll of Solicitors and now has a current practising certificate for the year 2021/2022 free from conditions.



- 4.4 The Respondent was arrested, breathalysed and searched following a road traffic accident on 29 October 2018.
- 4.5 At the time, the Respondent was working in events management. On 28 October 2018, the Respondent had been at a work event, a Halloween Masked Ball, and had intended to drive back to London that day but was persuaded to stay to attend the after-event staff party.
- 4.6 The Respondent did not drink at the after-event staff party, mindful that she had to drive to London the following day, but states that she foolishly accepted a tablet following reassurances that there was "nothing illegal in it".
- 4.7 The following morning the Respondent felt fine but decided to defer the drive to London until 11am to ensure she was safe to drive. She had only passed her test a few months earlier.
- 4.8 However, the Respondent was involved in a four car collision when driving home. She was taken to hospital, where, when asked, the Respondent alerted a nurse that she might have taken drugs, who in turn alerted the police who searched her belongings.
- 4.9 The Respondent appeared before the Truro Magistrates Court on 29 April 2019 where she pleaded guilty to the six offences listed above at paragraphs 2.1 and 2.2 above.
- 4.10 The Respondent advised that following her guilty pleas to those offences she was sentenced to:
- 4.10.1 A fine in the sum of £458;
  - 4.10.2 Costs in the sum of £85;
  - 4.10.3 Victim surcharge in the sum of £45; and
  - 4.10.4 16 months disqualification from driving.
- 4.11 There was also an order for forfeiture and destruction in relation to the drugs in her possession.
- 4.12 The Respondent advised the SRA of the above convictions by an email dated 21 June 2021. (She has stated that she had not previously reported

this to the SRA as she had mistakenly believed her reporting obligations to the SRA had ended following her non-renewal of her practising certificate).

### Mitigation

- 5 The following mitigation is advanced by the Respondent, and is not endorsed by the SRA:
- 5.2 The Respondent pleaded guilty to the two offences with which she was charged, and she has expressed genuine remorse, regret and insight for her errors of judgment and the harm caused.
- 5.3 At the time of the convictions the Respondent was not practising as a solicitor and had not done so for a period of time, during which period she had not held a Practising Certificate.
- 5.4 The Respondent offers her sincere, and genuine apology for the identified, and to her credit, admitted breaches as particularised in the allegations.
- 5.5 Other than the convictions the subject of the current proceedings, the Respondent is a person of impeccable, exemplary, and unblemished character, with no adverse regulatory or disciplinary history.
- 5.6 The representations submitted on behalf of the Respondent provide explanation and context to the road traffic accident and the subsequent convictions and does not seek to abdicate responsibility.
- 5.7 The qualification as a solicitor was a matter of immense pride to the Respondent and fulfilled a long held ambition, and justified the commitment on the part of the Respondent, to qualification.
- 5.8 Factors mitigating the seriousness of the identified breaches include, but are not limited:
- the absence of any allegation of dishonesty.
  - the Respondent entered guilty pleas to the charges at the earliest opportunity.



- open and frank admissions at an early stage, and full co-operation with the SRA during the course of its investigation and full co-operation following the issue of the SDT proceedings.
- Genuine insight as to her regulatory obligations and responsibilities.

5.9 The Respondent repeats her genuine, and sincere, apology to the Tribunal for the conduct giving rise to the allegations, the subject of these proceedings.

5.10 Nothing adverse is known to the Respondent's detriment since the facts giving rise to the proceedings, that is to say, the incident on 28 October 2018 which gave rise to the associated convictions on 29 April 2019, over 3 years ago.

5.11 The impact of the accident and subsequent convictions on the Respondent physically and mentally have been adverse, significant and profound, details of which are set out in the Representations submitted to the SRA dated 25 August 2021, and subsequent Representations in response to the Notice recommending referral to the SDT dated 12 April 2022, and which include reference to matters of a very confidential nature relating to the Respondent's health and personal circumstances in her life and which as such, are not repeated in this document.

### **Outcome in respect of the Respondent**

- 6 Having considered the Solicitors Disciplinary Tribunal's Guidance on Sanctions, the Respondent accepts that the seriousness of her admitted conduct is such that a reprimand is not a sufficient sanction.
- 7 The SRA accepts that, in the circumstances of this matter, neither the protection of the public nor the protection of the reputation of the profession requires the Respondent to be suspended from practise or struck off the Roll of Solicitors.
- 8 A fine appears to be a sufficient sanction to mark the seriousness of the misconduct and to protect the public and reputation of the profession.

- 9 The Respondent, with the agreement of the SRA, submits to the Tribunal that the Tribunal should order that she pay a fine of £10,000, such penalty be forfeit of Her Majesty the Queen.
- 10 The level of fine has been determined after consideration of Paragraphs 26-28 of the SDT's guidance note on sanctions, Paragraph 35 of Fuglers and Others v Solicitors Regulation Authority and the indicative fine bands.
- 11 It is submitted that in light of all the circumstances of this matter, including the aggravating and mitigating factors, the Respondent's conduct falls within Level 3 of the indicative fine bands as the misconduct can rightly be categorised as more serious. A level 3 fine band is £7,501 to £15,000.

**Costs**

- 12 The Respondent agrees to pay the SRA costs of the application in the sum of £2,500, such costs to be paid within 28 days of the date of this agreement.

Emma Priest  
Senior Legal Adviser  
On behalf of the SRA

Ms Rachel Pickles

Dated 13 September 2022