

# SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 12353-2022

## **BETWEEN:**

SOLICITORS REGULATION AUTHORITY LTD.

Applicant

and

ANDREW ROY JAMESON

Respondent

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Before:

Mr G Sydenham (in the chair)

Mr J P Davies

Mrs S Gordon

Date of Hearing: 14 September 2022

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## **Appearances**

There were no appearances as the matter was considered on the papers.

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## **JUDGMENT ON AN AGREED OUTCOME**

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## **Allegations**

1. The allegations against the Respondent were set out in a Rule 12 Statement dated 4 July 2022. The allegations were based on the Respondent's conviction for serious criminal offences. The conviction resulted in a sentence which included a period of over 4 years' imprisonment.
2. It was alleged that the convictions and the conduct on which they were based amounted to a breach of Principles 2 and 5 of the SRA Principles 2019 ("the Principles").
3. Principle 2 requires that solicitors act in a way which upholds public trust and confidence in the solicitors' profession and in legal services provided by authorised persons. Principle 5 requires that solicitors act with integrity.

## **Documents**

4. The Tribunal considered all the documents contained within an electronic bundle prepared and agreed by the parties.

## **Background**

5. The Respondent was admitted to the Roll of Solicitors in 1992. From 2010 he was a Director of AJ Legal Limited. He worked as a Wills and Probate consultant and locum.
6. At the date of the Rule 12 Statement, the Respondent remained on the Roll but did not hold a current Practising Certificate.

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

7. The parties invited the Tribunal to deal with the allegations against the Respondent in accordance with a Statement of Agreed Facts and Outcome submitted in support of the joint application. The parties submitted that the outcome proposed was consistent with the Tribunal's Guidance Note on Sanctions.
8. The proposed sanction was that the Respondent be struck off the Roll of Solicitors.

## **Findings of Fact and Law**

9. The SRA 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 ("ECHR").
10. The Tribunal reviewed all the material before it and was satisfied on the balance of probabilities that the Respondent's admissions were properly made.
11. The Tribunal considered the Guidance Note on Sanction (10<sup>th</sup> Edition/June 2022) ("the Sanctions Guidance"). In doing so, the Tribunal assessed the culpability and harm identified together with the aggravating and mitigating factors that existed.

12. The Tribunal noted that the Respondent had been convicted of offences which had led to a lengthy custodial sentence. Sir Brian Leveson, then President of the Queen’s Bench Division, in SRA v Farrimond [2018] EWHC 321 (Admin), stated at [34]:

*“... it is beyond argument that that a solicitor sentenced to any substantial term of imprisonment should not be permitted to remain on the Roll even if suspended indefinitely ... “*

13. Whilst not relating to his practice, the Tribunal found that 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, proportionate and in accordance with the Sanctions Guidance.

### **Costs**

14. The parties agreed that the Respondent should pay costs in the sum of £1,692. The Tribunal determined that the agreed amount was reasonable and appropriate. Accordingly, the Tribunal ordered that the Respondent pay costs in the agreed sum.

### **Publication**

15. Having carefully weighed the requirements of open justice against the countervailing factors and risks in the specific circumstances of this case and considered the competing Article 8 and Article 10 ECHR rights, the Tribunal directed, pursuant to Rule 35(9) of the Solicitors (Disciplinary Proceedings) Rules 2019, that nothing beyond the summary above and this public judgment should be published in this case (without permission of the Tribunal). In the specific circumstances of this case the Tribunal considered that any such publication could cause exceptional harm and/or prejudice and that this risk outweighed the principles of open justice. In any event the detail of the conviction was not necessary for the profession and public to understand the reason the Respondent had been struck-off. He had been convicted of a serious criminal offence and the only appropriate sanction was his name being removed from the Roll.

### **Statement of Full Order**

16. The Tribunal ORDERED that the Respondent, Andrew Roy Jameson, 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 £1,692.

Dated this 30<sup>th</sup> day of September 2022  
On behalf of the Tribunal

**JUDGMENT FILED WITH THE LAW SOCIETY**  
**30 SEPT 2022**



G Sydenham  
Chair