

# SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No.12424-2023

## **BETWEEN:**

SOLICITORS REGULATION AUTHORITY LTD

Applicant

and

DANIEL DAVID PIPE

Respondent

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Before:

Ms T Cullen (in the Chair)

Mrs L Murphy

Ms J Rowe

Date of Hearing: 9 May 2023

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## **Appearances**

Victoria Sheppard-Jones, barrister of Capsticks, 1 St George's Road, Wimbledon, London SW19 4DR for the Respondent

David Wood, barrister, of 25 Bedford Row, London, WC1R 4HD for the Respondent

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## **JUDGMENT**

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## **Allegations**

1. The allegation against the Respondent, Daniel David Pipe, made by the SRA is that, while in practice as a Solicitor:
  - 1.1 On 15 April 2019, for the purposes of obtaining sexual gratification, he intentionally attempted sexual communication with a child under 16, and thereby breached Principles 2 and 6 of the SRA Principles 2011.
2. The Applicant relied on Mr Pipe's conviction on 6 September 2021, for one count of Attempted Sexual Communication with a child under 16, contrary to section 15A of the Sexual Offences Act 2003, as evidence that he was guilty of that offence and relied upon the findings of fact upon which that conviction was based as proof of those facts.

## **Executive Summary**

3. Mr Pipe admitted the fact of the conviction and accepted that his conduct breached Principle 2 and 6 of the SRA Principles 2011. The Tribunal reviewed the evidence and found that the admissions had been properly made by Mr Pipe. The Tribunal's reasoning can be found [here](#).
4. The Tribunal determined that the only appropriate sanction was to strike Mr Pipe off the Roll. The Tribunal's sanctions and its reasoning on sanction can be found [here](#).

## **Other Bookmarks**

- [The Finding of Facts and Law](#)
- [The Applicant's Case](#)
- [The Respondent's Case](#)
- [Costs](#)
- [Statement of Full Order](#)

## **Documents**

5. The Tribunal considered all the documents in the case which were contained in the electronic bundle.

## **Findings of Fact and Law**

6. The Applicant was required to prove the allegations on the balance of probabilities. The Tribunal had due regard to Mr Pipe'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.

## **Witnesses**

7. No witnesses were called to give evidence.

## **Factual Background**

8. Mr Pipe was a solicitor having been admitted to the Roll on 16 September 2002. At the time of the alleged misconduct, he held a practising certificate free from conditions and provided consultancy services to Jurit LLP.

## The Applicant's Case

9. The conduct came to the Applicant's attention on 9 September 2021, when it received a self-report from the Mr Pipe notifying the Applicant of his conviction for "*attempted sexual communication with a child under 16*".

10. Sexual communication with a child is an offence contrary to section 15A of the Sexual Offences Act 2003 which states:

“(1) A person aged 18 or over (A) commits an offence if-

(a) for the purpose of obtaining sexual gratification, A intentionally communicates with another person (B),

(b) the communication is sexual or is intended to encourage B to make (whether to A or to another) a communication that is sexual, and

(c) B is under 16 and A does not reasonably believe that B is 16 or over.

(2) For the purposes of this section, a communication is sexual if –

(a) any part of it relates to sexual activity, or

(b) a reasonable person would, in all the circumstances but regardless of any person's purpose, consider any part of the communication to be sexual; and in paragraph (a) “sexual activity” means an activity that a reasonable person would, in all the circumstances but regardless of any person's purpose, consider to be sexual.

(3) A person guilty of an offence under this section is liable-

(a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine or both;

(b) on conviction on indictment, to imprisonment for a term not exceeding 2 years.”

11. The facts of the offence were that Mr Pipe had engaged in sexual communication with a person online, who had identified themselves as a 13-year-old boy. In fact, the person with whom Mr Pipe was communicating was an undercover police officer, hence why the offence was charged as an attempt.

12. The chronology of relevant events is as follows:

- a) On 15 April 2019, Mr Pipe attempted sexual communication with a child;
- b) On 14 May 2019, Mr Pipe was arrested at his home address;
- c) On 6 September 2021, Mr Pipe was convicted after trial of attempted sexual communication with a child;
- d) On 9 September 2021, Mr Pipe made a self-report to the SRA regarding his conviction;
- e) On 23 November 2021, Mr Pipe was sentenced.

13. Mr Pipe's legal representatives advised the Applicant by email on that date that Mr Pipe had been sentenced to a two-year Community Order with the following requirements:
  - 35 sessions of Horizon programme, and
  - 35 RAR (Rehabilitation Activity Requirement) Days.
14. As a result of his conviction for a sexual offence, Mr Pipe was also made subject to the mandatory notification requirements, for a period of five years.

### The Allegation

15. On 15 April 2019, Mr Pipe was using social media application, "Grindr". Mr Pipe's profile name on the application was "Dad4Lad".
16. An undercover police officer had created a profile on Grindr with the profile name "Josh Josh" (hence forth referred to as "Josh"). On the profile page of "Josh" it said: "last week half term sooooooof[?] bored today, anyone wanna chat".
17. Mr Pipe initiated contact with "Josh" by saying "hi". "Josh" responded to the contact and stated that he was "chilling" because it was half term. To which Mr Pipe replied: "Nice. Just chilling too jerking my dick to some porn".
18. At this stage in the communication, "Josh" said that he was 13 years old. Mr Pipe replied to this information with, "No Probs" and then sent two sexually explicit photographs. Having sent the photographs, Mr Pipe asked "Josh" if he has ever "played with a fat one like that".
19. Mr Pipe went on to tell "Josh" that he was a lawyer and talked about his work. Mr Pipe then asked "Josh" what he was wearing and said that he was wearing a t-shirt and had his "cock out" as "I'm gonna be wanking it all evening". Mr Pipe told "Josh" that he should be wanking now as he was old enough.
20. Mr Pipe then suggested that he could give "Josh" oral sex and could show him how to do it. He added a thumbs up emoji to the message. Mr Pipe went on to say that he was married and that married guys "suck better".
21. Mr Pipe then asked "Josh" what he was up to at that moment because he had the house to himself. Mr Pipe sent a Google map with a pin on the road where he lives. Mr Pipe told "Josh" that he could visit him whenever he wanted and that they could get a takeaway and watch porn together. "Josh" asked when, to which Mr Pipe replied "now", but "Josh" replied that he was busy.
22. Mr Pipe provided his mobile number to "Josh". The communication on 15 April 2019 then ended. There was further communication between Mr Pipe and "Josh" up to 26 April 2019, the content of which was not sexual, and it did not form part of the offence.
23. Mr Pipe was arrested at his home address on 14 May 2019 and interviewed under caution. He gave a "no comment" interview; but provided a prepared statement in which he agreed that the communications took place but that he believed he was talking to an

adult who was role playing as a child. Mr Pipe advanced the same defence at trial and was convicted by a jury on 6 September 2021.

24. During his sentencing remarks on 23 November 2021, HHJ Lucas QC, said that despite having been convicted of the offence, Mr Pipe had sought to justify his conviction by telling the author of the pre-sentence report that he had been convicted by a majority of ten to two.
25. In determining the appropriate sentence, the Judge noted that there were no sentencing guidelines for the section 15A offence and that the maximum sentence was one of two years imprisonment. The proper approach was to determine Mr Pipe's culpability and the harm caused by the offence.
26. The Prosecution invited the Judge to consider that the invitation by Mr Pipe to "Josh" to come over and watch porn could well have fallen within a section 12 offence of facilitating a child sexual offence or causing a child to watch a sexual act. The Prosecution therefore invited the Judge to apply the guideline available for the section 12 offence which would have resulted in a starting point of two years imprisonment on the basis of the disparity of age between Mr Pipe and "Josh". The Judge advised Mr Pipe of the Prosecution's submissions so that Mr Pipe understood the "*seriousness of what you embarked on*".
27. In assessing the seriousness of the offence, the Judge noted the following aggravating features:
  - a) The disparity in age between Mr Pipe and "Josh";
  - b) Mr Pipe's communications were overtly sexual from the outset;
  - c) Immediately after being informed that "Josh" was 13 years old, Mr Pipe sent images of his penis;
  - d) Mr Pipe's hinting that oral sex take place between himself and "Josh";
  - e) Mr Pipe's invitation to "Josh" that he watch porn with him.
28. The Judge identified the following mitigating features, which he described as "*significant*":
  - a) The communication was limited to 15 April 2019;
  - b) The communication lasted for 90 minutes;
  - c) Mr Pipe desisted in the sexual communication by choice;
  - d) The delay between the offence and the sentencing date and the fact that there had been no further offences committed within that time;
  - e) Mr Pipe's positive good character;

- f) The letter from Mr Pipe in which Mr Pipe said he had changed the way he interacted online.
29. Having considered matters, the Judge formed the view that the offence was so serious that it crossed the custody threshold. Nevertheless, the Judge asked himself whether he needed to pass a custodial sentence in the particular circumstances of the case and was persuaded by Mr Pipe's counsel that the matter could be dealt with by way of a Community Order, with the requirements set out at paragraph 13 above.
30. The Judge declined to impose a Sexual Harm Prevention Order ("SHPO). The Judge noted during his sentencing remarks that Mr Pipe informed "Josh", "*no doubt showing off*", that he worked as a lawyer dealing with big cross border mergers. He further stated that, "*it will be for the governing body of your profession and not for me to determine, whether you are immediately[?], and overtly sexual communications with Josh, coupled with reference to your work as a lawyer, is something which brings your profession into disrepute*".

### The Alleged Breaches of the Principles 2011

#### *Principle 2 (integrity)*

31. Ms Sheppard-Jones said that Paragraph 5.1 of the "*Application of the SRA Principles outside practice*", within the SRA Handbook, states, "*In relation to activities which fall outside practice, whether undertaken as a lawyer or in some other business or private capacity, Principles 1, 2 and 6 apply to you if you are a solicitor, REL or RFL.*"
32. Ms Sheppard-Jones said this reflected the fact that acting with integrity is integral to a regulated person and should reflect the way in which they conduct their behaviour not only within their profession but also outside of it.
33. In Wingate and Evans v Solicitors Regulation Authority [2018] EWCA Civ 366, it was said that:
- "In professional codes of conduct, the term 'integrity' is a useful shorthand to express the higher standards which society expects from professional persons and which the professions expect from their own members... The underlying rationale is that the professions have a privileged and trusted role in society. In return they are required to live up to their own professional standards."*
34. By attempting sexual communication with a child, which resulted in his conviction and sentence, it was said that Mr Pipe failed to act with integrity, i.e., with moral soundness, rectitude and steady adherence to an ethical code. A solicitor acting with integrity would not have committed a serious sexual offence, which involved attempted sexual communication with a child, for the purposes of their own sexual gratification. The fact that the person with whom Mr Pipe was communicating was a police officer, did not mitigate Mr Pipe's culpability. As far as he was concerned, he was communicating with a 13-year-old child and it was luck, not judgement, that the child did not in fact exist.
35. Mr Pipe did not admit his conduct but was convicted after a trial and continued to seek to justify the conviction on the basis that it was by way of a majority.

36. As a result of the conviction, Mr Pipe received a two-year Community Order with conditions. Furthermore, because of the nature of Mr Pipe's offence, he will be subject to the notification requirements for a period of five years.
37. Accordingly, Mr Pipe's misconduct breached Principle 2 of the SRA Principles 2011.

*Principle 6 (maintaining trust)*

38. Ms Sheppard-Jones said that the conduct alleged also amounted to a breach by Mr Pipe of the requirement to behave in a way which maintains the trust placed by the public in them and in the provision of legal services.
39. In Bolton v Law Society [1993] EWCA Civ it was said that members of the public are entitled to expect that a "*solicitor will be a person whose trustworthiness is not, and never has been, seriously in question.*" Otherwise, "*the whole profession, and the public as a whole, is injured. A profession's most valuable asset is its collective reputation and the confidence which that inspires*".
40. Public trust in Mr Pipe and in the profession as a whole is undermined by Mr Pipe's behaviour. The public expects solicitors to be law abiding and to conduct themselves with absolute integrity. Whilst solicitors are not expected to be paragons of virtue, the public would be particularly concerned that a solicitor had been convicted of a child sex offence, and that as a result they were subject to notification requirements for five years. Accordingly, it was said by Ms Sheppard-Jones said that Mr Pipe had breached Principle 6 of the SRA Principles 2011.

Mr Pipe's Case

41. Mr Pipe affirmed and gave evidence to the Tribunal.
42. When questioned by Mr Wood he admitted that he had been convicted on 6 September 2021 of attempting sexual communication with a child under 16 on the 15 April 2019, an offence contrary to s.15A of the Sexual Offences Act 2003. The tone of the communication between him and "Josh" on the 15 April 2019 was of a sexual nature and "Josh" represented himself to be 13 years' old.
43. Mr Pipe accepted that on 23 November 2021 he was sentenced to a two-year Community Order and that he was also made subject to notification requirements for the mandatory period of 5 years. However, no Sexual Harm Prevention Order was sought or imposed.
44. Mr Pipe admitted that by reason of his conviction and the facts lying behind it that he had breached Principle 2 and Principle 6 of the SRA Principles 2011. He acknowledged the severity of the underlying conviction and accepted that a conviction for such an offence compromised the trust the public would have in the profession.
45. In his evidence Mr Pipe said he had thought "Josh" had been an adult role-playing as a child.

46. He did not accept that he volunteered the fact he was a lawyer to “Josh”. The conversation on this subject commenced when “Josh” asked if Mr Pipe worked, to which Mr Pipe had replied “*of course*”. He then asked what Mr Pipe did, to which he replied “lawyer”. The type of legal work was only set out when “Josh” asked if Mr Pipe could help someone “Josh” knew who had been arrested.
47. To close off this area of conversation and to distance himself from being involved in this type of work Mr Pipe said it was “*not that kind of law*” before giving details of the type of work he conducted only in response to questions from “Josh”. The references to his work were therefore very limited.
48. Mr Pipe denied the Applicant’s inference that he had initiated references to his profession, or in any way used it to facilitate the offence. He further denied that he had entered this part of the discussion to show off to “Josh”.
49. Mr Pipe accepted that his conduct had compromised the reputation of the profession and he was ashamed that he had brought the profession into disrepute; he had always been proud to be a solicitor.
50. He said that he was now more careful when online and that on the few occasions he had visited a dating site since his conviction he would not discuss sexual matters. He said that he had not been careful enough when he had communicated with “Josh”, and he should have made sure he was not talking to a child.
51. Mr Pipe explained that the rehabilitation courses he had taken as part of the community order had been beneficial to him in understanding the impact of his behaviour. The rehabilitation courses comprised a course of cognitive behavioural therapy, and one-on-one and group wellbeing work.
52. During cross-examination, Mr Pipe said he had engaged thoroughly with everything asked of him in terms of the community order and rehabilitation programme. He had worked very hard not to be embittered by the whole experience he had been through.
53. Mr Pipe said that this had been a one-off incident and that there would be no repetition, indeed there had been no repeat nor any behaviour on his part which would represent a continuing cause for concern in the 4 years which had elapsed since the commission of the offence.
54. Mr Pipe said that he was a tax specialist, with a niche practice. He did not work directly with the public and most of his clients were other solicitors who required his expertise for their clients. Having left a traditional firm due to health issues he had, through hard work and persistence, established his own practice and had developed a business model in which he able to provide his specialist services at an affordable price.
55. He was a well-respected solicitor in his field of expertise and always did the best for his client: he was trustworthy, as attested to by the character references which were put before the Tribunal for its consideration.



56. Mr Pipe said that working as a solicitor meant a lot to him and it was the only thing which gave his life purpose as he now lived a very constrained life. There was a lot of good he still could do in his work.
57. In cross-examination it was put to Mr Pipe that whilst he said that the reputation of the profession had been important to him, he had referred to that profession during the commission of the offence. Mr Pipe said he had only referred to himself as a solicitor when “Josh” had enquired about his work.
58. It was put to him that he had not accepted the jury’s guilty verdict and he had not fully appreciated the seriousness of the offence. He said that his stated expertise as a solicitor in a niche practice did not mitigate the seriousness of the conviction. Mr Pipe reiterated that he had engaged thoroughly with everything asked of him under the community order and rehabilitation programme.

### The Tribunal’s Findings

59. The Tribunal found the allegation proved in full to the requisite standard, namely on the balance of probabilities.
60. The Tribunal noted that it had been presented with a certificate of conviction relating to Mr Pipe’s conviction for the stated offence produced by an officer of the Crown Court and dated 6 September 2021.
61. The Tribunal further noted that Rule 32 of its own rules, The Solicitors (Disciplinary Proceedings) Rules 2019 states, amongst other things, the following:
 

*“(1) A conviction for a criminal offence in the United Kingdom may be proved by the production of a certified copy of the certificate of conviction relating to the offence and proof of a conviction will constitute evidence that the person in question was guilty of the offence. The findings of fact upon which that conviction was based will be admissible as conclusive proof of those facts save in exceptional circumstances.”*
62. The Tribunal found that in this case there were no exceptional circumstances to prevent it from treating the findings of fact upon which the conviction was based as conclusive and admissible proof of those facts.
63. The Tribunal found that a conviction for attempted sexual communication with a child under 16 was by degree and nature a matter which would touch upon the course of ordinary practice as a solicitor, where integrity was an essential component of such practice. The conduct also specifically touched upon Mr Pipe’s practice as a solicitor because, on the facts of this case, he invoked his profession by reference to his area of work and expertise.
64. The conduct therefore represented a breach of Principle 2 of the Principles, pertaining to integrity, and also a breach of Principle 6 of the Principles as conduct which would undermine the high esteem in which the profession is held by the public.
65. The Tribunal was satisfied to the requisite standard that Mr Pipe’s admissions to all the allegations and breaches of the Principles 2011 were properly made by him.

66. The Tribunal therefore found proved breaches of:
- Principle 2 of the Principles 2011 (lack of integrity)
  - Principle 6 of the Principles 2011 (diminishing public trust in the profession)

### **Previous Disciplinary Matters**

67. There were no previous findings.

### **Mitigation**

68. Mr Wood referred the Panel to the character references prepared on Mr Pipe's behalf. The author of each reference had known the circumstances of the conviction, and each were willing to set on record an assessment of his true character, which had been exemplary.
69. As a testament to his strength of character he had refashioned his career and business model following a health issue which had caused him to leave his work in a corporate law firm. He was now highly sought after for his competence and skill with tax issues.
70. Hitherto, Mr Pipe had never been subject to any disciplinary proceedings. No complaint had ever been made against him to his firm, the SRA, or ombudsman and his practising certificate had always been free of any conditions.
71. Mr Wood said Mr Pipe's devices were seized on the day of his arrest and it was confirmed that there was no indication at all of concerning behaviour contained upon them.
72. It was put forward that the offence had been a one-off, moment of madness lasting a relatively short time and it had been completely out of character. It had not been repeated in the intervening 4 years since its commission and there was no likelihood of repetition.
73. The matter had been charged as an attempt only, it had not been a contact offence, and there had been no real victim and no actual harm. The trial Judge had assessed the seriousness of the offending and had decided not to impose a custodial sentence, albeit he considered it had crossed the custody threshold.
74. The Judge had been impressed by the personal mitigation, further, the Judge concluded that a Sexual Harm Prevention Order did not need to be made. For such an Order, the Court must be satisfied that the offender presents a risk of sexual harm to the public and the Order is necessary to protect the public from this risk. By not making such an order the Judge concluded that Mr Pipe did not present such a risk to the public.
75. To his credit, Mr Wood said that Mr Pipe had reported himself to the SRA on the 9 September 2021 citing this conviction.
76. Mr Wood said that Mr Pipe accepted the seriousness of the offence, he was not blasé, and he had clear and compelling insight on his misconduct as evidenced by his admissions to the breaches of the SRA Principles.

77. Mr Pipe recognised the need to protect those under the age of consent from contact with sexual behaviour and encouragement to engage in activity to which they cannot consent.
78. Mr Wood said that it was accepted by Mr Pipe that the Tribunal would be considering the imposition of a sanction at the upper end of its powers, however, he urged the Tribunal not to strike Mr Pipe from the Roll, for all the factors he had set out.
79. Mr Wood referred the Tribunal to the decision in SRA v Main [2018] EWHC 3666 (Admin). Mr Main, a solicitor, was convicted of sexual assault and racially aggravated common assault. The solicitor had slapped the complainant on the bottom and made insulting remarks as to her nationality. He had been subject to a Community Order and a Restraining Order, and he was also required to comply with the notification requirements under the Sexual Offences Act 2003, commonly referred to as being on the sex offenders register, for a period of five years.
80. In that case the Administrative Court considered a suspension from practice for a period of 4 years was the appropriate sanction.
81. Whilst accepting Main had turned on its own facts, Mr Wood said that it was a good authority to support the contention that a conviction for a sexual offence did not mean strike off from the Roll would follow automatically, particularly, in cases where the protection of the public from the Respondent was not required. Mr Wood argued that this matter was such a case.
82. In Mr Pipe's case there had been no dishonesty, and he was a thoroughly competent solicitor.
83. Mr Wood urged the Tribunal therefore to consider a lesser sanction, namely a fixed term suspension set at a length and duration which the Tribunal considered commensurate to the misconduct.

#### Applicant's Submissions on Sanction

84. In a departure from the Tribunal's standard procedure, Ms Sheppard-Jones requested the Tribunal's permission to be heard on sanction on the basis that the facts of this case were not matters routinely seen by the Tribunal and it therefore fell into the category of cases which raised issues of difficulty and that the Tribunal may be assisted by the Applicant's submissions.
85. The Tribunal permitted Ms Sheppard-Jones to address it on sanction, for the reasons she had advanced.
86. Ms Sheppard-Jones urged the Tribunal to consider recourse to the ultimate sanction, namely strike off from the Roll and in her submission, this was a case which, by its nature, was so serious that no lesser sanction should be imposed to protect the reputation of the profession in the eyes of the public. Mr Pipe had attempted communication with a person aged 13, and it was luck that it had in fact been an undercover police officer and not a child with whom he had been in communication. Mr Pipe had continued with overtly sexualised communications, including sending pictures and his address in

circumstances where he could not be certain he was communicating with an adult, as he had suggested at trial.

87. Ms Sheppard-Jones said that in the present hearing Mr Pipe had still sought to justify his behaviour which demonstrated that the extent of his insight was limited to the potential hazards of dating apps and his underlying view that this had been the reason for his conviction. This perception was incorrect, he was convicted because he intentionally attempted sexual communication with a child under 16 as set out in the index offence.
88. His culpability was high and the harm great and Ms Sheppard-Jones asked whether the public could ever have confidence in a solicitor who had been convicted of a sexual offence relating to a child. Public confidence was the key consideration.
89. Ms Sheppard-Jones referred the Tribunal to its own decision made by a differently constituted Panel in SRA v Joseph Henry Fyles, a decision made in 2014. In that case the Respondent had been convicted of a number of counts of causing or inciting a child to engage in sexual activity and making indecent images of a child. He had been sentenced to a 2-year Community Order and while having no previous adverse regulatory and compelling personal mitigation he had been struck from the Roll.

### Sanction

90. The Tribunal first had regard to the observation of Sir Thomas Bingham MR (as he then was) in Bolton v Law Society [1994] 1 WLR 512 that the fundamental purpose of sanctions against solicitors was:

*“Any solicitor who is shown to have discharged his professional duties with anything less than complete integrity, probity and trustworthiness must expect severe sanctions to be imposed upon him by the Solicitors Disciplinary Tribunal.”*

*“... a penalty may be visited on a solicitor ... in order to punish him for what he has done and to deter any other solicitor tempted to behave in the same way ...”*

*“... to be sure that the offender does not have the opportunity to repeat the offence;”*

And:

*“... the most fundamental of all: to maintain the reputation of the solicitors’ profession as one in which every member, of whatever standing, may be trusted to the ends of the earth ... a member of the public ... is ordinarily entitled to expect that the solicitor will be a person whose trustworthiness is not, and never has been, seriously in question. Otherwise, the whole profession, and the public as a whole, is injured.*

*A profession's most valuable asset is its collective reputation and the confidence which that inspires.”*

91. The Tribunal next 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.
92. In assessing culpability, the Tribunal found that the motivation for Mr Pipe was one of self-interest and sexual gratification.
93. Mr Pipe’s actions may initially have been spontaneous but over the course of his 90-minute online interaction with “Josh” he sent sexual images and a Google map identifying his address where he suggested “Josh” should visit him. Such actions were indicative of a considered and calculated path of conduct, and he had had direct control and responsibility for the circumstances giving rise to the misconduct.
94. Mr Pipe had been a solicitor for 17 years and he was experienced enough to understand the consequences which flowed from his actions. However, irrespective of this consideration any adult should know that it is wrong to engage in sexualised conversation with a 13-year-old child. This also applied in circumstances where the adult could not be certain of their belief or suspicion that the other party was in fact an adult masquerading as a child.
95. The Tribunal did not find that Mr Pipe had misled the Regulator.
96. Overall, the Tribunal assessed Mr Pipe’s culpability as very high.
97. The Tribunal next considered the issue of harm. There was no evidence of direct harm to “Josh” as this had been a creation of a police officer. However, the consequential damage to the reputation of the profession by Mr Pipe’s misconduct was significant as the public would trust a solicitor not to engage in sexualised conversations or send explicit images to a person who they could not be certain was anything other than a 13-year-old child.
98. Mr Pipe’s conduct was therefore a significant departure from the complete integrity, probity and trustworthiness expected of a solicitor.
99. The extent of the harm was reasonably and entirely foreseeable by Mr Pipe who had had a clear knowledge of his actions.
100. The Tribunal assessed the harm caused as very high.
101. The Tribunal then considered aggravating factors.
102. This was not a case of dishonesty; however, the substantive conduct had involved the commission of a criminal offence and the sentencing Judge noted it had crossed the custody threshold, albeit in the event a Community Order was imposed.
103. The misconduct had been deliberate and calculated, and it had occurred over a 90-minute period. This could not be described a moment of madness given that in the hour and a half the online conversation took place Mr Pipe had initiated the sexualised chat; sent sexual images and then sent his address to “Josh”.

104. On the face of the conversation with “Josh”, Mr Pipe had been communicating with a person about whom he knew nothing save for what he was told by that person about themselves. He was told that he was speaking to a 13-year-old. This person would have been vulnerable by reason of their age.
105. There was no evidence that the misconduct arose through hostility or bullying. Mr Pipe had not concealed his conviction, nor had he placed the blame on others. However, he knew or ought reasonably to have known that his conduct was in material breach of his obligations to protect the public and the reputation of the profession.
106. The Tribunal next considered mitigating factors.
107. Mr Pipe had no previous disciplinary findings recorded against him and that he had had a hitherto unblemished career.
108. This had been a one-off incident and it had not been repeated in the years following its commission. He had self-reported his conviction to the Regulator and he had co-operated with its investigation.
109. With respect to the important question of insight the Tribunal accepted what Mr Pipe had said about his rehabilitation post-conviction and it also accepted that there was little or no risk of a repetition of the conduct which had brought him before the criminal courts and thereafter concerned the Regulator to the extent it had referred him to the Tribunal.
110. The Tribunal accepted also that he was a highly competent and skilled solicitor in his field of expertise. However, the Tribunal had concerns regarding the extent of Mr Pipe’s insight. From what he had told the Tribunal, Mr Pipe said that he had learned to be more careful online and that he had endeavoured not to become embittered by what had happened to him. Whilst this was no doubt true it appeared that Mr Pipe had not fully accepted the seriousness of his conduct and instead, he had cast himself as somewhat the victim.
111. In this respect his insight appeared to focus predominantly on his own position rather than standing back and appreciating how wrong it had been to continue with a sexualised conversation when he had been told that he was talking to a 13-year-old.
112. This had nothing to do with sexual role playing or online dating, all of which might be permissible between consenting adults. However, within the context of professional/regulatory conduct it had everything to do with Mr Pipe’s egregious lack of judgment in engaging in an activity which placed his own reputation and that of the solicitors’ profession at risk of serious disrepute.
113. The Tribunal had read all the character references put before it. The references spoke to Mr Pipe’s personal and professional qualities, however, in such a case as this they could not be sufficient to outweigh the level of the misconduct.
114. In all the circumstances of this case the Tribunal considered the seriousness of the misconduct to be extremely high and it decided that to make No Order, or to order a Reprimand or a Fine would not be sufficient to mark the seriousness of the conduct in this case.

115. As set out by both Mr Wood and Ms Sheppard-Jones the appropriate sanction would either be Suspension (fixed term of some length or indefinite) or Strike Off.
116. The Tribunal accepted that Mr Pipe had been punished by the criminal courts and it was not its role to heap further punishment upon him. The Tribunal had two main concerns, namely the protection of the public and the protection of the reputation of the profession in the eyes of the public.
117. With respect to the former, it was common ground that the nature of Mr Pipe's practice and the unlikelihood of re-offending meant that protection of the public *per se* was not a significant consideration. It was therefore the reputation of the profession which raised the greater concern.
118. With respect to the reputation of the profession the Tribunal referenced paragraph 30 of the judgment in Main:

*“Would public confidence in the profession be harmed if they found that a man recently convicted of offences such as these and still subject to the notification requirements as well as to a restraining order specifically directed to protect the complainant was currently practising as a solicitor?” If the Tribunal had focused on that question, I agree with Miss Carpenter's submission that there could only have been one answer to it. In reaching that conclusion, I bear very much in mind that the public, for this purpose, must be assumed to have knowledge of the relevant facts. It does not follow from that conclusion, and I do not suggest, that a period of suspension must always be coterminous with the term of orders imposed by a criminal court. Everything must depend on the circumstances of the individual case. In the present case, however, the Tribunal did, in my view, make an error of principle in failing properly to consider the issue and in therefore failing to conclude that a significantly longer period of suspension was necessary to allay public concern”.*

119. The Tribunal accepted that each case turned on its own facts but when looked at dispassionately this case was a stark one wherein an adult had pursued a highly sexualised conversation with a person who said he was 13 years old.
120. Notwithstanding strong personal mitigation this was misconduct at the highest level and no sanction other than Strike Off would be sufficient to protect the reputation of the profession in such circumstances.
121. The Tribunal therefore ordered that Mr Pipe's name be struck from the roll of solicitors.

### **Costs**

122. Ms Sheppard-Jones said the quantum of costs claimed by the Applicant was in the sum of £7,350.00.
123. As attested to by the Tribunal's findings and the sanction this had been a serious matter, therefore, the proceedings had been correctly brought by Applicant and it was right that it should recover its costs in doing so.

124. This was a Capsticks fixed fee case. However, for the Tribunal's information it had taken a total of 78.5 hours of fee earners time and there was a notional hourly rate £95 per hour.
125. Ms Shepperd-Jones said that the hours claimed by the Applicant were not excessive and were reasonable and proportionate in the circumstances of the case and that the Applicant was entitled to its costs.
126. Mr Wood said that Mr Pipe had not lodged a statement of means, however, Mr Pipe was sanguine as to the matter of costs and that the Tribunal would likely make one in the Applicant's favour.
127. Mr Wood asked the Tribunal to take into account that on Pipe's part the case had been litigated collaboratively and co-operatively. Mr Pipe had made admissions and it had been a short hearing.

#### The Tribunal's Decision on Costs

128. Having listened with care to the submissions made by the parties the Tribunal considered that it was in a position to summarily assess costs.
129. The Tribunal found the case had been properly brought by the Applicant as it had raised serious issues regarding Mr Pipe's conduct capable of having a serious and damaging impact upon the reputation of the profession.
130. The public would expect the Applicant to have prepared its case with requisite thoroughness and, in this regard, it had properly discharged its duty to the public and the Tribunal.
131. The Tribunal noted the following factors:
  - The substantive hearing had taken less than a day;
  - There had been no witnesses;
  - Factually it was a straightforward case;
  - It had no information from Mr Pipe about his means.
132. The Tribunal found that notwithstanding the matters raised by Mr Wood, the costs claimed by the Applicant were not excessive, and it was appropriate for Tribunal to make an order for costs and for the Applicant to recover its costs, in full, from Mr Pipe.
133. The Tribunal therefore ordered Mr Pipe to pay the Applicant's costs in the sum of £7,350.00.



**Statement of Full Order**

134. The Tribunal Ordered that the Respondent, DANIEL DAVID PIPE, 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 £7,350.00.

Dated this 31<sup>st</sup> day of May 2023

On behalf of the Tribunal



T Cullen,  
Chair

**JUDGMENT FILED WITH THE LAW SOCIETY**

**31 MAY 2023**