

# SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 12490-2023

## BETWEEN:

SOLICITORS REGULATION AUTHORITY LTD.

Applicant

and

FREDERICK WILLIAM ADAMS

Respondent

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Before:

Mr B Forde (in the chair)

Mr J Johnston

Mr D Kearney

Date of Hearing: 30 January 2024

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## Appearances

Victoria Sheppard-Jones, Counsel, of Capsticks LLP, 1 St George's Road, Wimbledon, London, SW19 4DR, for the Applicant.

Nicholas Walker, Counsel, of Walker Exchange Chambers, Oxford House, Oxford Row, Leeds, LS1 3BE, for the Respondent.

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## JUDGMENT

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## **Allegations**

1. The allegation against the Respondent, Frederick William Adams, made by the SRA is that, while in practice as a Solicitor at Plexus Legal LLP (“the Firm”):
  - 1.1 On 12 December 2019, whilst at a Christmas party arranged by the Firm, he engaged in the following conduct that was inappropriate and/or unwanted and/or sexually motivated:
    - a. He touched the bottom and/or thigh of Person A.
    - b. He made a sexually explicit comment to Person A.

In doing so, he breached one or both of Principles 2 and 5 of the SRA Principles 2019 and/or Paragraph 12 of the Code of Conduct for Solicitors, RELs and RFLs.

## **PROVED**

### **Executive Summary**

2. The allegations emanate from Mr Adams’ sexual misconduct towards Person A during the Firm’s Christmas party in 2019. In the Tribunal proceedings, Mr Adams accepted that he behaved in the manner alleged but asserted that it was entirely out of character and as a consequence of his extreme intoxication. Mr Adams accepted that by virtue of his conduct he had breached the Principles alleged and the Code of Conduct as alleged in which he was obliged to operate.

### **Sanction**

3. An Order Suspending Mr Adams from practice for [3 months](#) was imposed by the Tribunal.

### **Documents**

4. The Tribunal considered all of the documents in the case which included:
  - Applicant’s Rule 12 Statement and Exhibit MLR1 dated 15 August 2023.
  - Respondent’s Answer (unsigned and undated).
  - Applicants Reply to the Answer dated 13 October 2023.
  - Respondent’s response to the Reply dated 9 November 2023.
  - Applicant’s Schedule of Costs dated 22 January 2024.
  - Respondent’s Schedule of Means dated 3 January 2024.

**Preliminary Matters (*if required*)***Application for anonymity*Applicant's Submissions

- Ms Sheppard-Jones applied for anonymity in respect of the complainant (Person A) of Mr Adams' admitted sexual misconduct, and sensitivity of the same Ms Sheppard-Jones further applied for anonymity as regards Person B and C who were colleagues of Person A at the material time. Persons B and C had not provided witness statements in the Tribunal proceedings and did not consent to details pertaining to them being ventilated in the public domain.

Respondent's Submissions

- Mr Walker did not oppose either limb of the application.

The Tribunal's Decision

- The Tribunal carefully considered the application. In so doing, it was plain that Person A should be anonymised given the nature of the admitted misconduct. As regards Persons B and C, the Tribunal noted their refusal to participate in the Tribunal proceedings and lack of consent in their details being made public. Furthermore, there remained a risk of jigsaw identification as regards Person A if they were named in the proceedings. The Tribunal therefore GRANTED the application for anonymity in full.

**Factual Background**

- Mr Adams was admitted to the Roll of Solicitors in 2016 and employed as a junior solicitor at the Firm at the material time, 12 December 2019. The Firm reported Mr Adams to the Applicant on 19 December 2019 further to receiving Person A's complaint. The Firm advised the Applicant that Mr Adams had been suspended pending the Firm's investigation. He was dismissed from the Firm for gross misconduct, as regards the facts giving rise to the allegations, in January 2020.
- As at the date of the substantive hearing Mr Adams was employed as a solicitor at Horwich Cohen Coghlan Limited.

**Witnesses**

- The written evidence of witnesses is quoted or summarised in the Findings of Fact and Law below. The evidence referred to will be that which was relevant to the findings of the Tribunal, and to facts or issues in dispute between the parties. The absence of any reference to particular evidence should not be taken as an indication that the Tribunal did not read, hear or consider that evidence.
- For the avoidance of doubt, the Tribunal did not receive any live evidence and determined the allegations on the basis of the parties' respective submissions.

## Findings of Fact and Law

12. The Applicant was required to prove the allegations beyond 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 right to a fair trial and to respect for their private and family life under Articles 6 and 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.
13. **Allegation 1.1 On 12 December 2019, whilst at a Christmas party arranged by the Firm, he engaged in the following conduct that was inappropriate and/or unwanted and/or sexually motivated:**
- a. **He touched the bottom and/or thigh of Person A.**
  - b. **He made a sexually explicit comment to Person A.**

**In doing so, he breached one or both of Principles 2 and 5 of the SRA Principles 2019 and/or Paragraph 12 of the Code of Conduct for Solicitors, RELs and RFLs.**

## Applicant's Submissions

- 13.1 On 6 December 2019, the Managing Partner at the Firm sent an email to all employees as regards expected levels of behaviour at the Firm's annual Christmas party. She stated:

*"... If ... you choose to attend ...you remain an ambassador of the Firm...*

*What you do outside work is capable of affecting the Firm's reputation just as much as your own so, when attending social events ... the Firm still expects you to hold yourself up to the highest standards of behaviour and conduct...*

*Our priority is to ensure that everyone who chooses to attend events like this feels able to enjoy themselves and keep safe ... In particular, we want to emphasise that excessive alcohol consumption will not be accepted as an excuse for unacceptable behaviour..."*

- 13.2 On 12 December 2019, the Firm's Manchester branch office party took place at the Malmaison Hotel. Mr Adams and Person A had been seated at the same table for dinner along with five others. After the dinner, there was dancing and socialising.
- 13.3 On 13 December 2019, concerns were raised about the conduct of some individuals at the party. "Roll on Friday" [an online legal news platform] published an article about the same. On the same date, Person A spoke to a partner at the Firm about the events at the party.
- 13.4 On 18 December 2019, Person A provided a statement to the Firm in which she stated:

*“... around 11pm/midnight, Fred Adams (FA) kept physically grabbing [her] backside and touched the front of [her] thigh. [She] said that one of her friends was trying to get someone to stand between them both...”*

*As [she] was leaving the party around 1-130pm ... FA came up to [her] and said, ‘I would really like to fuck you, would you like to fuck me?’ ...”*

13.5 On 19 December 2019, the Firm made a verbal report of Person A’s complaint to the Applicant.

13.6 On 23 December 2019, Person B provided a statement to the Firm in which she stated that, whilst on the dance floor she could see that Mr Adams tried to:

*“...put his hand on [Person A’s] backside on quite a few occasions...”*

13.7 Person B further stated that whilst she was at the bar, Person A relayed that Mr Adams had said:

*“... I would really like to fuck you, would you like to fuck me?...”*

13.8 On 27 December 2019, Amera Manjra provided a statement to the Firm in which she stated that she had seen Mr Adams:

*“... touch [Person A’s] backside on the dancefloor...”*

13.9 Ms Manjra further stated that she and Person C:

*“... were concerned and therefore they were taking turns on the dancefloor to dance with [Person A] and stand between her and [Mr Adams]...”*

13.10 On 6 January 2020, Person C provided a statement to the Firm in which she stated that:

*“... towards the end of the party both herself and Person B were aware that with Person A being fairly junior they needed to keep an eye on her as she was getting a lot of male attention particularly on the dance floor...”*

*Before the party ended, Person A told Person C that Mr Adams had said he wanted to f\*\*\* her. Person C thought it was a throw away remark and Person C did not think that this was a serious proposition on either of their behalf...”*

13.11 On 8 January 2020, Tim Short, solicitor and Fixed Share Member of the Firm, attended Malmaison Hotel to view the available CCTV footage which existed. That footage related to the bar area and he gave his interpretation of the same in circumstances where the Hotel would not release a copy of the footage.

13.12 On 7 January 2020, Paula Redman (HR Business Partner) had a telephone conversation with Mr Adams regarding Person A’s complaint.

13.13 On 8 January 2020, Paula Redman advised Mr Adams that he was required to attend a disciplinary hearing.

13.14 On 10 January 2020 the disciplinary hearing took place for consideration of Person A's complaint as regards his conduct at the Christmas party. Mr Adams attended the disciplinary hearing. At that time, the CCTV footage was not available for Mr Adams to view. He was provided with the statement of Mr Short as to the content of the same. Mr Adams submitted a prepared statement which read:

*"... I had initially denied the allegations on the basis that I have no recollection of these incidents and because such behaviour would be completely out of character for me..."*

*I have since received the evidence provided to me by HR on 8 January 2020 and whilst I still have no recollection of these events and have not had sight of the CCTV footage referred to ... I accept that the evidence ... does appear to support the allegations against me.*

*The evidence has come as a complete shock to me, and I wish to take this opportunity to offer my sincerest apologies to Person A for any upset caused by my actions...*

*Upon reflection of the evidence, I am unable to explain what possessed me to behave in this manner. I appear to have drunk more alcohol than I intended and realised that night and I apologise in addition to Person A and to the firm for this ..."*

13.15 On 15 January 2020, Mr Adams was dismissed for gross misconduct predicated upon the sexual harassment of Person A which consequently brought the Firm into disrepute. Mr Adams did not appeal against that decision.

13.16 On 17 January 2020, the Firm formally reported Mr Adams to the Applicant and set out the basis of his dismissal from their employ. The Applicant commenced its investigation.

13.17 On 4 August 2020, the Applicant obtained a copy of the CCTV in respect of the bar area of Malmaison on the evening of the Christmas party.

13.18 On 11 November 2020, Person A provided a witness statement to the Applicant in which she repeated the evidence previously provided to the Firm and added that:

*"... [she] kept stepping away from him.*

*One of [her] colleagues, Amera Manja (AM) was trying to get someone to stand between me and [Mr Adams] so as to avoid him touching [her] ..."*

13.19 As regards Mr Adams comment at the end of the evening, Person A stated that she:

*"... was stunned/shocked by this ... [it was] entirely inappropriate behaviour and it made [her] feel extremely uncomfortable at the possibility that I might see him again at work, even though I had not done anything wrong..."*

*His behaviour also made [her] feel very angry that somebody would feel it appropriate to ask such a thing ...”*

- 13.20 On 13 November 2020, Ms Manjra provided a statement to the Applicant in which she repeated the evidence previously provided to the Firm. She confirmed that Person A had relayed the comment made to her by Mr Adams at the end of the evening. Ms Manja further confirmed that she had not consumed any alcohol that evening and:

*“... was probably the only sober person at the party ...”*

- 13.21 On 26 March 2021, having been provided with the statements obtained by the Applicant during the course of its investigation, Mr Adams was invited to make representations as regards the allegations. Mr Adams stated that:

*“... the office Christmas party was a lively affair, and it seems many of the staff were intoxicated. Mr Adams agrees that he was also very drunk, and he has very little recollection of what took place after the meal ...*

*He recalls an unusual conversation at the table when Person A pointed to various people on the dance floor and asked Mr Adams whether he would “f\*ck them?” Mr Adams recalls this conversation was instigated by Person A...*

*The SRA has submitted a statement by Tim Short who has observed some CCTV footage of the evening. The SRA has not disclosed this footage to Mr Adams. Should the SRA pursue with this investigation, we invite the SRA to disclose the footage seen by Mr Short to us...*

*Mr Adams has no recollection of behaving inappropriately with Person A. He does not however accept that the verbal or physical behaviour as described is appropriate or acceptable behaviour and he is very sorry for any inappropriate conduct on his part...”*

- 13.22 In conjunction with the representations referred to above, Mr Adams submitted a reflective statement dated 22 March 2021 in which he expressed his regret and shame. He referred efforts made on his part to “... broaden [his] knowledge on the issues surrounding sexual harassment” and having “... sought to gain insight by attending training courses, watching online seminars and by speaking to and reading others’ experiences of sexual harassment...” Mr Adams further submitted nine testimonials all speaking to his character and one of which emanated from his employer, HCC Solicitors.

- 13.23 On 18 July 2022, the Applicant sought a supplementary statement from Person A having shown her the CCTV footage. In so doing, Person A confirmed that she was seated at the same table as Mr Adams, denied having made the remark attributed to her by Mr Adams and contended that she was “...appalled...” by the suggestion that she had. Person A accepted having engaged in conversation with Mr Adams both at the table and in the bar area and averred that was consistent with her being a “... very talkative and confident person ...” She further stated that the bar area was very loud and she had to lean into Mr Adams in order to hear what he was saying. Person A

confirmed that she could be seen touching the tie and arm of Mr Adams which aligned with her character as a “... *tactile person* ...” Person A identified the point which Mr Adams placed “... *his right hand on my backside*...” in the bar in response to which she reacted by “... *turning away from him* ...”

13.24 On 6 December 2022, a copy of the CCTV was provided to Mr Adams but it was not accessible. A further copy was provided on 5 January 2023 which was accessible, and which represented the first time that Mr Adams had viewed the same.

13.25 On 3 March 2023, Mr Adams responded to the Applicant’s Notice to refer him to the Tribunal for the allegations made by Person A. Mr Adams, through his representatives, broadly stated that (i) he did not accept the statements of Person A or Mr Short as regards the content of the CCTV footage, (ii) the CCTV did not appear to:

“... *reflect the behaviour of someone who felt uncomfortable in Mr Adams presence*...” (iii) Person A “... *was clearly flirting with Mr Adams. It [was] not difficult to see how Mr Adams would have considered her behaviour as flirtatious*...”

13.26 Mr Adams further asserted that whilst he accepted that some of his behaviour was inappropriate, he did not appreciate that it was unwanted because he believed that Person A’s behaviour towards him:

“... *was equally sexual in nature* ...” Mr Adams submitted that the Principles alleged had not been breached as “... *they do not cover inappropriate sexual behaviour*...”

and there was not evidence that Mr Adams had taken unfair advantage of Person A.

### *Professional Misconduct*

13.27 **Principle 5** required Mr Adams to act with integrity.

13.28 Ms. Sheppard-Jones relied upon the principle promulgated in Wingate and Evans v Solicitors Regulation Authority [2018] EWCA Civ 366, namely 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*...”

13.29 Ms Sheppard-Jones further relied upon the principle promulgated in Beckwith v Solicitors Regulation Authority [2020] EWCA 3231 (Admin) in which it was held:

“... *There can be no hard and fast rule either that regulation under the Handbook may never be directed to the regulated person’s private life, or that any/every aspect of her private life is liable to scrutiny. But Principle 2 [the previous iteration of Principle 5 as regards integrity] or Principle 6 [the*



previous iteration of “public trust”] *may reach into private life only when the conduct that is part of a person’s private life realistically touches on her practise of the profession ... or the standing of the profession ... Any such conduct must be qualitatively relevant. It must, in a way that is demonstrably relevant, engage one or other of the standards of behaviour which are set out in or necessarily implicit from the Handbook...*”

- 13.30 Ms Sheppard-Jones submitted that the conduct upon which the allegations were predicated did not take place in Mr Adam’s private life. It took place at a work Christmas party, organised by the Firm and attended by employees of the Firm. The email sent prior to the Christmas season reminded employees that they remained ambassadors of the Firm at such events and that the expectation was they would:

*“hold [themselves] up to the highest standards of behaviour and conduct...”*

- 13.31 Ms Sheppard-Jones contended that Person A and Mr Adams were colleagues. Person A had provided consistent evidence in the local investigation conducted by the Firm, to the Applicant in the course of its investigation and in the unchallenged evidence placed before the Tribunal, that Mr Adams conduct towards her was inappropriate, unwanted and left her feeling uncomfortable. The conduct was witnessed and corroborated by others in attendance and shown, in part, on the CCTV.
- 13.32 Ms Sheppard-Jones stated that Mr Adams had repeatedly averred that he was so drunk at the Christmas party that he had no recollection of the same. Ms Sheppard-Jones submitted that the conduct of Mr Adams demonstrably lacked integrity contrary to Principle 5.
- 13.33 **Principle 2** required Mr Adams behave in a way that upheld public trust and confidence in the solicitors’ profession and the provision of legal services.
- 13.34 Ms Sheppard-Jones submitted that the public would be appalled at Mr Adams repeated touching of a colleague’s bottom whilst extremely intoxicated, in circumstances where the colleague did not consent to the same. Ms Sheppard-Jones further submitted that public trust in Mr Adams and the profession was equally undermined by his use of sexually explicit language again in circumstances where he was heavily intoxicated and such language was not wanted.
- 13.35 **Paragraph 1.2 of the Code of Conduct for Solicitors, RELs and RFLs (“the Code”)** required Mr Adams not to abuse his position to take advantage of others. Ms Sheppard-Jones contended that Mr Adams breached the same by virtue of having taken unfair advantage of Person A who was entitled to attend a work party without being subject to non-consensual sexual touching and sexually explicit language. Ms Sheppard-Jones submitted that a heavily intoxicated Mr Adams repeatedly took advantage of Person A on the dance floor and at the bar in circumstances when she ought to have felt safe amongst colleagues from her Firm.

### Respondent's Submissions

13.36 In his Answer to the Rule 12 Statement, Mr Adams stated:

*"... Mr Adams admits the allegations. He accepts that on 12th December 2019 he touched Person A's bottom and made a sexually explicit comment to her.*

*Mr Adams has little recall of the incident in question as he was drunk. He accepts that he should not have drunk to the point where he acted as alleged...*

*... Having watched the CCTV footage Mr Adams accepts that in his drunken state he likely misinterpreted his interactions with Person A. He does not seek to excuse his behaviour and apologises unreservedly for what he did..."*

13.37 Mr Adams did not give evidence to the Tribunal.

13.38 Mr Walker confirmed to the Tribunal that Mr Adams admitted the allegations in their entirety. He further confirmed that Mr Adams accepted "the case as put by the Applicant."

### The Tribunal's Findings

13.39 The Tribunal firstly considered whether the admissions were properly made. In so doing, the Tribunal noted that Mr Adams had been legally represented throughout the Applicant's investigation (firstly by Messrs Slater Gordon then subsequently by Brabners LLP). Mr Adams was also represented by Counsel in the Tribunal proceedings. Mr Adams engaged with the Tribunal proceedings from issue and was present at the hearing. Given all attendant circumstances, the Tribunal was satisfied that the admissions were properly made and accepted the same.

13.40 The Tribunal therefore found, on the evidence before it, the submissions received and the admissions made, the factual matrix, breach of Principles 5 and 2 and a failure to comply with Paragraph 1.2 of the Code PROVED on a balance of probabilities.

### **Previous Disciplinary Matters**

14. None.

### **Mitigation**

15. Mr Walker stated that Mr Adams appeared in "a devastated state" before the Tribunal having acknowledged that he had, by virtue of his misconduct, "let himself, those dear to him, the Firm and ex-colleagues" down. Mr Walker submitted that Mr Adams was "ashamed" of his misconduct and acknowledged that it reflected "badly on him, on the profession and the Firm." Mr Adams advanced an "unreserved apology to all that he had let down and specifically to Person A" to whom he confirmed his previous offer of sending a letter apologising for his actions.

16. Mr Walker made plain that Mr Adams did not seek to justify his misconduct, accepted that it was offensive in nature and “not in keeping with expected standards” of the profession.
17. Mr Walker stated that Mr Adams graduated from university in 2009, commenced his legal career as a paralegal then proceeded to undertake the Legal Practice Course. He joined the Firm on 2011 (as a paralegal) and qualified, during the course of his employment, as a solicitor in 2016.
18. Mr Walker stated that at the time of the admitted and demonstrable misconduct, Mr Adams was relatively junior in that he was three years post qualification. His employment was terminated as a consequence of his behaviour which Mr Adams accepted as the appropriate outcome and did not challenge. Mr Walker averred that nothing in his submissions on behalf of Mr Adams sought to mitigate the precariousness of his position before the Tribunal which Mr Adams accepted.
19. Mr Walker commended the Tribunal’s Guidance Note on Sanction and in so doing made the following submissions.
20. As regards culpability, Mr Walker submitted that Mr Adams “only [had] himself to blame” and accepted that “despite the Firm’s warning he drank to excess”. Mr Adams misconduct was not planned and was “the result of a drunk man entirely misreading the situation.” Mr Adams did not “ascribe any blame on Person A”.
21. Mr Walker contended that it was an isolated incident, was not part of a continued course of conduct and occurred in circumstances whereby no complaint of this, or any other nature, had been levelled against Mr Adams preceding or following the 12 December 2019.
22. As regards harm, Mr Adams accepted that, as a consequence of his misconduct, Person A felt uncomfortable, angry and in shock. Mr Adams further accepted unreservedly that his, misconduct caused reputational damage to the Firm and to the profession.
23. Mr Walker submitted that there were no aggravating features present, rather that there were numerous mitigating features namely that Mr Adams;
  - (i) did not set out to act in the manner which he did,
  - (ii) did not take advantage of his seniority/did not abuse his position within the Firm;
  - (iii) did not “particularly target” Person A;
  - (iv) had a previously unblemished regulatory record; and
  - (v) made full admissions which ultimately meant that Person A and others were not required to give evidence before the Tribunal.

24. In light of all attendant circumstances, Mr Walker submitted that Mr Adams should be given full credit for his admissions and demonstrable insight and remorse as to the impact of his misconduct. Mr Walker contended that the shock of the events on Mr Adams, his sincere apologies to Person A, the Firm and the profession made plain his deep regret and militated against any risk of reoccurrence.
25. Mr Walker referred the Tribunal to Mr Adams reflective statement in which he set out the steps taken by reading in and attending courses in relation to sexual harassment, his previously distorted relationship with alcohol (which he had relied upon to boost confidence but refrained from doing so since the incident), the fact that he no longer consumes alcohol at work events and the painful lessons learnt.
26. Mr Walker therefore invited the Tribunal to impose a financial sanction (taking into account Mr Adams limited means) or a short term of suspension either of which would proportionately meet the gravamen of the proven misconduct.

## **Sanction**

### Applicant's Submissions

27. Ms Sheppard-Jones stated that she was able to assist the Tribunal as regards the appropriate sanction if it felt that such submissions would usefully assist.

### Respondent's Submissions

28. Mr Walker made no submissions further to the mitigation set out above.

### The Tribunal's Decision

29. The Tribunal determined that, as a professional and experienced Panel, it did not require submissions from the Applicant to assist in its determination.
30. The Tribunal referred to its Guidance Note on Sanctions (Tenth Edition/June 2022) when considering sanction and applied the guidance promulgated therein. The Tribunal further took into account the numerous testimonials advanced on behalf of Mr Adams as well as his extensive reflective statement dated 2 December 2023.
31. The Tribunal kept the purpose of sanction at the forefront of its deliberations namely the need to impose a proportionate sanction to reflect the seriousness of the misconduct and protect the public interest. The public interest comprised of
  - (i) protection of the public from harm,
  - (ii) the declaration and upholding of proper standards within the profession and
  - (iii) maintenance of public confidence in the regulatory framework.
32. As regards culpability, the Tribunal determined that Mr Adams misconduct was sexually motivated but accepted that it was borne out of intoxication as opposed to being planned or premeditated. That having been said, Mr Adams was solely

responsible for his behaviour in circumstances where he had direct control over his alcohol consumption. Mr Adams chose to consume an excessive amount notwithstanding the Firm's earlier warning as regards the potential consequences of so doing. Mr Adams was entirely culpable for his deplorable behaviour.

33. As regards harm, Person A provided a graphic description of Mr Adams' conduct and the detrimental impact it had upon her both at the material time and thereafter. Her account makes plain that, in circumstances whereby she (as any individual) was entitled to attend a work event absent fear of being sexually harassed, her evening was marred considerably by Mr Adams' misconduct. That harm perpetuated to colleagues of Person A who felt it obliged to intervene between Person A and Mr Adams on the dancefloor to militate against his unwanted physical contact. Whilst the Tribunal accepted, to a limited extent, that the misconduct was a single incident (in that it occurred solely on 12 December 2019), it was repeated. It commenced on the dancefloor by unwanted physical contact which continued in the bar area and culminated in the graphic sexual comment made at the end of the evening. The harm to Person A and colleagues was protracted in terms of the complaint made to the Firm, the Firm's local investigation, the report to the Applicant and its consequential investigation which included taking a supplementary statement from Person A in August 2022 when she was asked to view (and inherently relive) the CCTV evidence of the 19 December 2019. Mr Adams also caused harm to the reputation of the Firm who, by virtue of its "warning email" sought to eradicate behaviour caused by intoxication. Mr Adams further caused harm to the reputation of the profession in that the public was entitled to expect that solicitors would not make inappropriate, unwanted and sexually motivated advances on another.
34. As regards aggravating features, the Tribunal found it irrefutable that Mr Adams knew or ought 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.
35. As regards mitigating features, the Tribunal accepted, as alluded to above, that the misconduct represented a single incident of brief (namely hours) duration in the context of a previously unblemished career. The Tribunal gave credit to Mr Adams for his admissions but noted that such admissions were equivocal up to Day 1 of the substantive hearing. Until that point, it was ambiguous on the face of the papers whether there remained a dispute of fact in relation to words allegedly said/behaviour of Person A. His admissions thereto appeared to have been qualified and were not resolutely made until Mr Walker clarified the position in his oral submissions. Consequently, the Tribunal found it difficult to reconcile, until the substantive hearing, the purported level of insight set out in Mr Adams' responses during the Firm's local investigation, the Applicant's investigation and the Tribunal proceedings, with the evincible level of insight advanced on his behalf at the substantive hearing.
36. Weighing all of the relevant considerations set out above, the Tribunal determined that the misconduct found was so serious that making No Order or issuing a Reprimand was not sufficient. The Tribunal proceeded to consider whether a Restriction Order was appropriate but determined that in circumstances where the mischief sought to be addressed was behavioural as opposed to technical (such as having breached the Solicitor's Accounts Rules), such an Order did not meet the gravamen of the misconduct.

37. The Tribunal considered at length whether the imposition of a financial penalty, in principle, appropriately met the seriousness of the misconduct and was aligned with the fundamental public interest. The Tribunal determined that it did not. Sexual misconduct of any nature was extremely serious such that due consideration should be given to the solicitors' suitability to continue to practice. The Tribunal assessed the nature of the sexual misconduct and in so doing determined that it was not at the highest end of the spectrum such that neither the protection of the public nor the protection of the reputation of the legal profession justified an Order Striking Mr Adams from the Roll. The Tribunal was therefore satisfied that an Order Suspending Mr Adams from the Roll was proportionate and appropriate to meet the overarching public interest in all of the circumstances.

## **Costs**

### Applicant's Application

38. Ms Sheppard-Jones referred the Tribunal to the Applicant's Statement of Costs dated 22 January 2024 which claimed costs in the sum of £20,018.16. In so doing, Ms Sheppard-Jones conceded that a reduction was required in light of the fact that the time taken to conclude the hearing had been 1 day as opposed to the 2 days previously anticipated and claimed.
39. Ms Sheppard-Jones contended that the hourly rate claimed was £142.00 which was reasonable and proportionate to the nature and complexity of the case. She similarly contended that the time spent, both as regards the Applicant's hourly rate and the time spent on progressing the matter up to a substantive hearing (74.9) hours from 3 April 2023 – 30 January 2024.

### Respondent's Submissions

40. Mr Walker referred to Mr Adams' Statement of Means dated 3 January 2024 and supporting documents which demonstrated a disposable income of circa £1,250.00 per month with savings in the region of £20,000.00. Mr Walker reminded the Tribunal that the costs awarded to the Applicant should not be viewed through the prism of "additional punishment" and should take into account the fact that Mr Adams has had to fund his own defence throughout the Applicant's investigation and the proceedings before the Tribunal.

### The Tribunal's Decision

41. When determining the application for costs, the Tribunal considered the manner in which the investigation had proceeded. It was concerned to note that, notwithstanding the fact that the CCTV evidence was available to the Applicant from August 2020, that was not disclosed to Mr Adams in a viewable format until January 2023. Sight of the CCTV evidence quite properly would have impacted upon Mr Adams' response to the allegations, the nature of his admissions and the necessity (or otherwise) of requiring Person A to prepare a supplementary statement. It was plain to the Tribunal that once viewed, the contentious issues between the parties narrowed considerably.

42. Similarly, had the CCTV evidence been disclosed in a viewable format upon receipt it would have mitigated against the delay in the investigation, the attendant time spent on reviewing the file by the Applicant and more likely than not would have shortened the delay in the matter being heard by the Tribunal which ultimately drew matters to a conclusion.
43. Given all attendant circumstances, the Tribunal concluded that some of the costs claimed by the Applicant were disproportionate and unreasonable. Consequently, on summary assessment and in light of Mr Adams' limited means, the Tribunal GRANTED the application for costs in principle but reduced the quantum to £10,000.00.

**Statement of Full Order**

44. The Tribunal Ordered that the Respondent, FREDERICK WILLIAM ADAMS, solicitor, be suspended from practice as a solicitor for the period of 3 months to commence on the 30th day of January 2024 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 7<sup>th</sup> day of March 2024  
On behalf of the Tribunal

*B Forde*

B. Forde  
Chair

**JUDGMENT FILED WITH THE LAW SOCIETY**

**07 MARCH 2024**