

SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 12494-2023

BETWEEN:

SOLICITORS REGULATION AUTHORITY LTD.

Applicant

and

PAUL FRASER LANGLEY

Respondent

Before:

Mrs C Evans (in the chair)

Mr J Abramson

Mr D Kearney

Date of Hearing: 1 February 2024

Appearances

There were no appearances as the matter was dealt with on the papers.

JUDGMENT ON AN AGREED OUTCOME

Allegations

1. The allegations against Mr Langley made by the Solicitors Regulation Authority LTD (“SRA”) were that, while in practice as a solicitor at Plexus Law (“the Firm”), he:
 - 1.1 Between 10 September and 30 September 2021, signed six Statements of Truth in defences to road traffic accident claims, by appending a colleague’s electronic signature to each defence without the colleague’s knowledge or consent. In doing so, he breached all or any of Principles 1, 2, 4 and 5 of the SRA Principles (“the Principles”) and paragraph 1.4 of the Code of Conduct for Solicitors, RELs and RFLs (“the Code of Conduct”).
 - 1.2 Filed or caused to be filed at Court the six defences bearing his colleague’s electronic signature, representing that they were each signed by his colleague when he knew or ought to have known they were not. In doing so, he breached all or any of Principles 1, 2, 4 and 5 of the Principles and paragraph 1.4 of the Code of Conduct.
2. Mr Langley admitted the allegations save that he denied that his conduct was in breach of Principle 4.
3. The SRA applied to withdraw the allegation of a breach of Principle 4 in allegations 1.1 and 1.2. The SRA considered that it was unable to substantiate that Mr Langley’s conduct was dishonest in accordance with case law, given the lack of evidence of Mr Langley’s state of mind at the time the Statements of Truth were signed.

Documents

4. The Tribunal had before it the following documents:-
 - Rule 12 Statement and Exhibit SLS1 dated 30 August 2023;
 - Respondent’s Answer dated 25 September 2023; and
 - Statement of Agreed Facts and Proposed Outcome dated 1 February 2024.

Background

5. Mr Langley was a solicitor having been admitted to the Roll in October 1995. At the time of the allegations, Mr Langley was a partner based in the Firm’s London office with responsibility for managing two team leaders, fifteen file handlers and six support staff. Mr Langley held an unconditional Practising Certificate.

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

6. The parties invited the Tribunal to deal with the Allegations against the Respondent in accordance with the Statement of Agreed Facts and Proposed Outcome annexed to this judgment. The parties submitted that the outcome proposed was consistent with the Tribunal’s Guidance Note on Sanctions.

Findings of Fact and Law

7. The Applicant was required to prove the allegations on the balance of probabilities. The Tribunal had due regard to its statutory duty, under section 6 of the Human Rights Act

1998, to act in a manner which was compatible with Mr Langley's rights 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.

8. The Tribunal reviewed all the material before it and was satisfied on the balance of probabilities that Mr Langley's admissions were properly made.
9. The Tribunal considered the Guidance Note on Sanctions 10th Edition - June 2022. In doing so, the Tribunal assessed the culpability and harm identified together with any aggravating and mitigating factors that existed. The Tribunal determined that the evidence upon which the SRA relied did not demonstrate that Mr Langley's conduct had been dishonest in breach of Principle 4 as originally alleged. Accordingly, the Tribunal granted permission to withdraw the allegation that his conduct was in breach of Principle 4.
10. The Tribunal found that Mr Langley's culpability was high. He was solely responsible for his conduct, having had direct control of the circumstances giving rise to the misconduct. He was an extremely experienced solicitor, who was a partner in the Firm with supervisory and management responsibilities. His misconduct was repeated across six different documents. In mitigation, the Tribunal noted that Mr Langley had self-reported and that he had taken immediate steps to rectify the situation by informing both the Court and the other side in all six matters. The Tribunal also noted that the matter having been reported, the Court granted permission for the defences to be amended and did not report any of the matters to the SRA.
11. The Tribunal considered that the misconduct was such that No Order, a Reprimand or a Financial Penalty did not reflect the seriousness of the misconduct and were, therefore, not appropriate sanctions. The Tribunal did not consider that the misconduct was such that a Restriction Order was necessary. The Tribunal did not find that the misconduct was so serious that the protection of the public and the reputation of the profession demanded that Mr Langley be struck off the Roll. Given the nature of the misconduct, the Tribunal determined that a short suspension was an appropriate and proportionate penalty in order to protect the public and the reputation of the profession. Accordingly, the Tribunal approved the proposed sanction of a 28-day suspension.

Costs

12. The parties agreed costs in the sum of £3,500. The Tribunal found that the costs agreed were reasonable and proportionate. Accordingly, the Tribunal ordered that Mr Langley pay costs in the agreed sum.

Statement of Full Order

13. The Tribunal ORDERED that the Respondent, PAUL FRASER LANGLEY solicitor, be suspended from practice for the period of 28 days to commence on the 1st day of February 2024 and it further Ordered that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £3,500.00.

Dated this 16th day of February 2024
On behalf of the Tribunal

C Evans

C Evans
Chair

JUDGMENT FILED WITH THE LAW SOCIETY
16 FEB 2024

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

AND IN THE MATTER OF:

SOLICITORS REGULATION AUTHORITY LIMITED

Applicant

and

PAUL FRASER LANGLEY

Respondent

STATEMENT OF AGREED FACTS AND PROPOSED OUTCOME

By its application dated 30 August 2023 and the statement made pursuant to Rule 12 (2) of the Solicitors (Disciplinary Proceedings) Rules 2019 which accompanied that application, the Solicitors Regulation Authority Ltd ("the SRA") brought proceedings before the Solicitors Disciplinary Tribunal making two allegations of misconduct against the Respondent.

The allegations

1. The allegations against the Respondent, made by the SRA are that, while in practice as a solicitor at Plexus Law LLP ("the Firm") he:

Allegation 1

Between 10 and 30 September 2021 he signed six Statements of Truth in defences to road traffic accident claims, by appending a colleague's electronic signature to each defence without the colleague's knowledge or consent. In doing so breached all or any of: 1.1. Principles 1, 2, 4 and 5 of the SRA Principles ("the Principles") and 1.2. Paragraph 1.4 of the Code of Conduct for Solicitors, RELs and RFLs ("the Code of Conduct").

Allegation 2

Filed or caused to be filed at Court the six defences bearing his colleague's electronic signature, representing that they were each signed by his colleague when he knew or ought to have known they were not. In doing so breached all or any of: 2.1. Principles 1, 2, 4 and 5 of the Principles and Paragraph 1.4 of the Code of Conduct.

2. The Respondent admits the allegations set out in paragraph 1 above but denies a breach of Principle 4.
3. The SRA applies to withdraw the breach of Principle 4 in allegations 1 and 2. The SRA has reflected upon the SDT's comments in the memorandum dated 16 January 2024. The SRA is now of the view that the first limb of the test for dishonesty as outlined in *Ivey v Genting Casinos (UK) Ltd t/a Crockfords* [2017] UKSC 67 is not made out. The SRA cannot evidence the Respondent's state of mind at the time the Statements of Truth were signed.

Agreed Facts

4. The following facts and matters, which are relied upon by the SRA in support of the allegations set out within paragraphs 1 of this statement (with the removal of a breach of Principle 4), are agreed between the SRA and the Respondent.
5. On or around 6 September 2021 one of the file handlers that the Respondent had responsibility for, Person A, an assistant solicitor at the Firm, went on unplanned sick leave. He returned to work on 30 September 2021. Person A had a case holding of around 130 files when he went on sick leave. The Respondent reviewed Person A's files and identified a number of matters which needed urgent action.

6. Due to a lack of capacity in the team, the Respondent undertook some of the most urgent work himself. He reviewed the files and prepared six defences and reviewed one defence that Person A had drafted before his absence from work. He signed six Statements of Truth affixed to the defences by copying and pasting Person A's electronic signature from a previously drafted defence signed by Person A. For two other defences, he signed them using his own signature.
7. On 30 September 2021 Person A returned to work. On 14 October 2021 Person A sent an email to the Respondent stating that he had noticed his signature was on a defence signed while he was on sick leave, and he was not comfortable with his signature being used on documents he had not drafted.
8. On 15 October 2021 the Respondent applied to the Court to file and serve an amended defence for each of the six matters where he had signed the Statements of Truth using Person A's signature. He included with the applications draft amended defences displaying his own signature. He emailed the claimants' solicitors for each claim seeking their consent to serve an amended defence; four consented, but the Court granted all six applications. Accompanying the amended defences, the Respondent included a witness statement dated 15 October 2021 which was tailored to each defence. Each witness statement contained a paragraph confirming that the Respondent had attached the photographic signature of Person A to the filed defence, and stated that the Respondent should have signed the defence himself. He also apologised for his conduct. On the matters of AF, AM and BCE he included consent orders dated 22 October 2021 confirming the parties' agreement to serve amended defences for the claims brought. The matter of MK also included a consent order but this was undated.
9. On 20 October 2021 Ms Barclay, the Firm's COLP reported the matter to the SRA. The Respondent also made a self-report that same day He stated: *"Having prepared the Defences, I then attached the photographic signature of Person A to the statement of truth of each of the defences, in his absence whereas I should have signed the defences myself as had satisfied myself that the facts stated in it were true. I am extremely sorry for my error. I clearly should have signed the statements of truth myself. In my haste to deal with the many very urgent tasks and my own work I did not take appropriate care."*

10. On 25 October 2021 the Court gave leave to file the amended defences, with no order as to costs, for all six matters (including the two matters that did not include consent orders). The Court orders were sealed on 3 November 2021.
11. On 13 December 2021 the Firm conducted a disciplinary hearing. The Respondent could not account for why he used Person A's signature but stated it may have been because they were his files so he used his signature. He was issued with a first written warning.

Non-Agreed Mitigation

12. The following mitigation, which is not agreed by the SRA, is put forward by the Respondent:

12.1 The Respondent prepared and filed the defences, along with carrying out other urgent work on Person A's caseload, with the intention of assisting the team member and protecting the interests of the client.

12.2 The Respondent dealt with these defences at a time when he was under extreme pressure because the team was understaffed and there was nobody else available with capacity to carry out this work.

12.3 Whilst the Respondent accepts that he attached the signature of Person A to the defences, when he was not entitled to do so, these were subsequently amended with the consent of the court to his own signature. These applications were made quickly, as soon as the Respondent became aware of his error and the contents, save for the signature, were accurate and remained unchanged. No loss or detriment was incurred to the client or their insureds as a result of the Respondent's actions.

Proposed sanction

13. It is therefore proposed that the Respondent should be suspended from practice for a fixed period of 28 days commencing from the date of the order. .

14. With respect to costs, it is further agreed that the Respondent should pay the SRA's costs in the sum of £3,500.

Explanation as to why such an order would be in accordance with the Tribunal's sanctions guidance 10th Edition ("the Guidance")

15. In the circumstances, the seriousness of the Respondent's admitted misconduct is such that neither a Restriction Order, Reprimand nor a Fine is a sufficient sanction or in all the circumstances appropriate. There is a need to protect the public and the reputation of the legal profession from the future risk of the Respondent but a Strike off Order is not justified. A 28 day suspension will punish and deter whilst being proportionate to the seriousness of the misconduct.

16. The Respondent's level of culpability is high as he is an experienced solicitor who at the time of the misconduct had been qualified for some 25 years. He was also in a position of authority and influence. He had been a partner at the Firm for 10 years and at the time of the misconduct had responsibility for managing two team leaders, fifteen file handlers and six support staff.

17. Although the court subsequently granted permission for the defences to be amended, the Respondent's conduct had the potential to cause serious harm. Six defences were filed and served in ongoing personal injury claims. Those reviewing the defences would have believed and understood that the contents had been verified by Person A when he had not had sight of them. Using the signature of someone else on documents placed before the court is an extremely serious matter.

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

18.1 The conduct occurred over a three-week period and concerned six defences;

18.2 It was only when Person A returned to work and raised it with the Respondent that he rectified the position meaning it was a number of weeks before the issue was rectified;

18.3 The Respondent when replying to Person A's email dated 14 October 2021 minimised his conduct by putting it down to "*taking a few short cuts.*";

18.4 There was no reason why he could not have signed the defences himself; and

18.5 The Respondent ought reasonably to have known his conduct was a material breach of his obligations to protect the public and the reputation of the legal profession.

19. The mitigating features of the Respondent's conduct in addition to those in paragraph 12 are:

19.1 upon being made aware of his actions by Person A, the Respondent took immediate steps to rectify the situation. He informed the Firm, the court, the other side in the various proceedings and the SRA; and

19.2 no loss was suffered. The court gave permission for the defences to be amended and were amended to reflect his own signature.

20. The appropriate sanction is suspension from practice for a period of 28 days commencing from the date of the order. The Respondent's conduct involves breaches of the SRA Principles 2019 and Code of Conduct 2019, including integrity.. The sanction is proportionate to the totality of the admitted acts of misconduct.

Signed... *Rebecca Edmonds*

Date: 1 February 2024

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

Signed *Paul Langley*

Date: 31 January 2024

Paul Fraser Langley
Respondent