`SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974 Case No. 12527-2023

BETWEEN:

SOLICITORS REGULATION AUTHORITY LTD. Applicant

and

JASBINDER SINGH SOHAL Respondent

Before:

Mr W Ellerton (in the chair)
Mrs L Murphy
Mr A Lyon

Date of Hearing: 18 June 2024

Appearances

Mr Montu Miah, barrister of Solicitors Regulation Authority Ltd of The Cube, 199 Wharfside Street, Birmingham, B1 1RN for the Applicant.

The Respondent did not attend and was not represented at the hearing.

JUDGMENT

Allegations

1. These proceedings were brought on the basis of allegations made in the Applicant's Rule 12 Statement dated 13 December 2023. The Applicant subsequently made additional allegations under Rule 14 of the Solicitors (Disciplinary Proceedings) Rules 2019. The allegations against the Respondent are separately dealt with in that order below.

Preliminary Matters

Adjournment

2. The Tribunal was provided with an email sent by the Respondent's sister on 16 June 2024 requesting an adjournment of the hearing essentially on the basis of the Respondent's alleged [REDACTED] and of ongoing criminal proceedings against the Respondent in parallel to these proceedings.

3. Referring to Rule 48(5) and Rule 48(6) of the Solicitors (Disciplinary Proceedings) Rules 2019, Counsel for the Applicant stated that while the Applicant opposes the application for an adjournment, the Applicant will not object to the email being considered by the Tribunal given that the Respondent's sister had written to the SRA on his behalf previously.

4. On the basis that the Respondent had given authority to his sister in a document signed on 17 June 2024, the Tribunal exercised its discretion to consider the email of 16 June 2024 as an application on behalf of the Respondent to adjourn the proceedings.

5. Counsel set out the relevant chronology and, referring to the evidence, established the facts that the Medical Report on file was dated 1 August 2019, that the SRA had made 23 requests between 14 October 2019 and 12 February 2021 to the Respondent for him to meet with an expert and/or for an update on his health and had not received any response, and that his sister subsequently sent a Medical Report dated 29 January 2021.

6. Counsel further pointed out that more recently, on 15 September 2023 a further request to update the medical evidence was made by the SRA. On 20 September 2023 the SRA was informed that the Respondent had, following a trial, been convicted of an offence and sentenced in July 2023.

7. The Court extract dated 18 October 2023 relating to those criminal proceedings showed that the Respondent consented to summary trial and entered a "not guilty" plea on 28 February 2023, and that the Respondent was present and was legally represented on 25 July 2023 when he was sentenced. The Pre-Sentence Report made prior to the July 2023 hearing makes brief reference to his health but was of limited assistance in the Tribunal proceedings. The Tribunal was satisfied on the evidence that the Respondent was not unable to be questioned or to provide instructions, or to engage with the SRA and these proceedings, as may perhaps have been the case at the time of the Medical Reports.

8. Counsel further stated that given the Applicant's numerous requests for up-to-date medical evidence, and given the circumstances, the Applicant was comfortable that it

had discharged its equality obligations after it had satisfied its evidential tests and the public interests tests, and it was satisfied that it was appropriate to bring the proceedings against the Respondent. The Tribunal was satisfied that the Applicant had done what it could and noted that no evidence had been provided in relation to any equality considerations in support of the application for an adjournment.

9. Given the circumstances, the Tribunal considered that the Respondent had had ample opportunity to present up-to-date medical evidence. There was no evidence to suggest that the Respondent's health deteriorated after July 2023.

10. Turning to the issue of ongoing criminal investigation, Counsel for the Applicant stated that very little detail was available to the SRA in this regard.

11. The Tribunal was doubtful as to how criminal proceedings, even were they found to be related to the misconduct in question, would be impacted by proceedings of a regulatory nature given that there was a different standard of proof.

12. In any event, the Tribunal noted that no documentary evidence had been adduced of those proceedings in support of the application for adjournment.

13. Having considered the Guidance Notes on Adjournments (2019) and on Health Issues (2021) and all the evidence, the Tribunal found the application for adjournment should be refused under Rule 23(1).

Proceeding in the Respondent's absence

14. Counsel stated that the proceedings were properly served and the Applicant's witnesses were on standby in case the Respondent wished to question them, but that there had been no engagement from the Respondent throughout the proceedings.

15. Counsel submitted that in accordance with the relevant case law, it was in the interests of justice for the hearing to proceed without adjournment and in the Respondent's absence.

16. The Tribunal was aware of the decisions in General Medical Council v Adeogba; General Medical Council v Visvardis [2016] EWCA Civ 16231 which in turn approved the principles set out in R v Hayward, R v Jones, R v Purvis QB 862 [2001], EWCA Crim 168 [2001] namely that proceeding in the absence of the Respondent was a discretion which a Tribunal should exercise with the utmost care and caution bearing in mind the following factors:

- The nature and circumstances of the Respondent's behaviour in absenting himself from the hearing;

- Whether an adjournment would resolve the Respondent's absence;

- The likely length of any such adjournment;
- Whether the Respondent had voluntarily absented himself from the proceedings and the disadvantage to the Respondent in not being able to present his case.

17. It was held in Adeogba that in determining whether to continue with regulatory proceedings in the absence of the accused, the following factors should be borne in mind by a disciplinary tribunal:

- the Tribunal's decision must be guided by the context provided by the main statutory objective of the regulatory body, namely the protection of the public;
- the fair, economical, expeditious and efficient disposal of allegations was of very real importance;
- it would run entirely counter to the protection of the public if a Respondent could effectively frustrate the process and challenge a refusal to adjourn when that practitioner had deliberately failed to engage in the process; and
- there was a burden on all professionals subject to a regulatory regime, to engage with the regulator, both in relation to the investigation and ultimate resolution of allegations made against them. That is part of the responsibility to which they sign up when being admitted to the profession.

18. Bearing those factors in mind and applying them to the circumstances of this case along with the submissions made by Counsel, the Tribunal considered the Respondent had been served and that it was abundantly clear on the evidence that he was aware of the proceedings. The Tribunal concluded that the Respondent's non-attendance was voluntary. It was in the interests of justice to proceed with the hearing in the Respondent's absence on the basis that it did not appear that an adjournment of any length would ensure the Respondent's attendance.

19. The Tribunal also took into account the serious nature of the allegations which had been made against the Respondent. These involved events that had allegedly taken place between 2018 and 2019. A significant period of time had elapsed since then and it was therefore in the public interest that this case should be concluded expeditiously and without further delay.

20. The Respondent had a duty to engage but had not done so.

Allegations in Rule 12 Statement

21. The allegations against the Respondent, Jasbinder Singh Sohal, made by the Applicant are that, while in practice as the sole owner and director of Sterlingking Limited ("the Firm"):

21.1. From around 3 August 2018 to 21 February 2019, the Respondent made improper payments from the client bank account of the Firm totalling up to £2,852,000.00. In doing so, he breached any or all of Principles 2, 4, 6, and 10 of the SRA Principles 2011 and Rules 1.2(c) and 20.1 of the SRA Accounts Rules 2011.

22. In addition, the Applicant advanced the above allegation on the basis that the Respondent's conduct was dishonest. Dishonesty was alleged as an aggravating feature of the Respondent's misconduct although it is not an essential ingredient in proving the allegations.

Documents

23. The Tribunal had, amongst other things, the following documents before it:

- Rule 12 Statement and Exhibit ECW1 dated 13 December 2023
- Witness Statement of Umar Mohamed dated 20 November 2023
- Witness Statement of Oliver William Baker dated 4 December 2023
- Rule 14 Statement and Exhibit ECW2 dated 22 February 2024

Professional Background

24. The Respondent, is a solicitor having been admitted to the Roll on 16 September 2002. The Respondent was the sole director and owner of the Firm from 29 July 2011 until it closed when the SRA intervened into the Firm on 16 May 2023. He was also the Firm's compliance officer for legal practice (COLP), compliance officer for finance and administration (COFA), and Money Laundering Compliance Officer (MLCO). The Respondent's practising certificate for 2018/2019 was suspended at the same time of the intervention into the Firm and he has not applied for a practising certificate since the intervention.

Findings of Fact and Law (Rule 12 Statement)

25. The Applicant was required to prove the allegations on the balance of probabilities. The Tribunal had due regard to its statutory duty, under section 6 of the Human Rights Act 1998, to act in a manner which was compatible with the Respondent's rights to a fair trial and to respect for his private and family life under Articles 6 and 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

26. Between 12 April 2019 and 7 May 2019, the SRA received eight reports out the Firm [ECW1, p. X41 – X43]. Six of these reports were made by individuals who said they transferred money to the Firm to purchase properties. The property purchases were not completed, and the money had not been returned to the clients despite requests.

27. Some of the individuals said they had been approached by an investment company, Company A, who introduced them to the Firm. Company A was incorporated on 24 August 2018 and dissolved on 28 January 2020. It had three directors, including Person B and Person C. Company A was involved in the buying and selling of real estate.

28. An urgent no notice forensic investigation visit to the Firm was commenced by a Forensic Investigation Officer (the FIO) on 8 May 2019 (the Forensic Investigation). The FIO met with the Respondent and his legal representative on 9 May 2019. During this meeting the Respondent made a series of admissions which were recorded by the FIO [ECW1, p. X23 – X32].

29. During the Forensic Investigation, the FIO identified that, between 3 August 2018 and 21 February 2019, a total of 14 improper transfers totalling £2,852,000.00 were made to Person C or other third parties from the Firm's client account [ECW1, p. X23 – X27]. This created a client account shortage of the same amount. The Respondent made admissions in relation to 7 of the transactions, advising that the transfers had been made at the direction of Person C [ECW1, p. X24 – X26]. The FIO also identified 7 additional transfers made to Person C. The Respondent has not made any admissions with respect to those 7 additional transfers made to Person C.

30. On 14 May 2019, a decision was made that the SRA should intervene into the practice of the Respondent [ECW1, p. X272 – X278]. Given the concerns identified in the eight reports about the Firm and during the Forensic Investigation, the recommendation to intervene was made without giving notice to the Respondent. Consequently, he was not asked to provide any comments on the above. The grounds for intervention included reason to suspect dishonesty on the part of the Respondent. At the time of the intervention, the Firm's client account was £244,714.20 in credit and the Firm's office account was £3,311.62 in credit [ECW1, p. X24].

Company E

31. On 2 May 2019, the SRA received a report from Chancellors Solicitors ('Chancellors') on behalf of Client D of Company E ('the Company E Report') [ECW1, p. X44 – X73]. This detailed that:

    31.1. In August 2018, Client D instructed the Firm in relation to the purchase of a property (the Company E Matter). He transferred a total of £1,050,000.00 to the Firm's client account for the purchase [ECW1, p. X67 – X73].

    31.2. On 4 December 2018, the Respondent advised Client D that the purchase was completed that day, and he was in the process of arranging the planned onward sale. The Respondent sent a copy of a TR1 form dated 4 December 2018 [ECW1, p. X50 – X52] to Client D to confirm this.

    31.3. Before sending the TR1 form to Client D, the Respondent insisted that Client D transfer £157,500.00 to the Firm's client account on the same day for Stamp Duty Land Tax (SDLT) [ECW1, p. X48]. Therefore, Client D transferred the requested sum to the Firm's client account the same day.

    31.4. After enquiries with the Land Registry showed that there had been no change in the Proprietor in the Title Register to the property in question or the leasehold reversion title [ECW1, p. X47 – X48], Client D became suspicious about the transaction, specifically regarding delay in completion and the planned onward sale.

31.5. Client D subsequently requested that the Respondent return his money on numerous occasions [ECW1, p. X48 and p. X53 – X66]. However, the money was never returned.

31.6. Client D's solicitors have advised that in fact the correct SDLT on the proposed property purchase would be in the region of £80,250.00 [ECW1, p. X48].

32. The FIO obtained the Firm's client ledger for the Company E Matter during the Forensic Investigation [ECW1, p. A36] which showed several payments in and payments out of the Firm's account.

33. Bank statements for the Firm's client account record the payments and transfers [ECW1, p. X279 – X296]. The Firm's bank, HSBC, have also provided records for the outgoing payments [ECW1, p. X297 – X312].

34. The Tribunal looked at the above evidence showing that those payments had been made.

35. During a meeting with the FIO on 9 May 2017, where he was accompanied by his legal representative, the Respondent stated that:

35.1. He was the only signatory to the Firm's client account and the only person who was able to authorise payments to be made [ECW1, p. X1526].

35.2. He had made a series of improper payments from the Firm's client account at the behest of Person C [ECW1, p. X24 – X25].

35.3. The first improper payment he made was the transfer of £58,444.69 to Latimer Lee Solicitors at Person C's direction. The Respondent claimed that he made the payment because Person C had told him about a friend whose home was going to be repossessed. The Respondent said he took pity on Person C's friend [ECW1, p. X24 – X25].

35.4. Subsequently, Person C 'blackmailed' the Respondent into making further payments [ECW1, p. X24 – X25].

35.5. All outgoing payments recorded on the client ledger for Company E's matter were improper [ECW1, p. X24 – X25].

36. The FIO recorded the Respondent's admissions about the above 7 improper transfers, in their handwritten notes (the Contemporaneous Notes) [EWC1, p. X28 – X32] and in a memorandum dated 10 May 2019 (the Memorandum) [ECW1, p. X23 – X27].

Company A

37. On 26 April 2019, Person B a made a report to the SRA [ECW1, p. X34 – X38]. Person B stated that Company A had been introduced to the Firm by an unnamed "business partner". It instructed the Firm to act on various conveyancing matters (the Company A

Matter). Company A's clients had transferred money into the Firm's client account for the purposes of funding the purchase of various properties. However, it was reported that only two or three transactions were completed. It was reported that the Respondent had withheld money from its client, as their money had not been returned when requested.

38. The FIO obtained the Firm's client ledger for the Company A Matter during the Forensic Investigation [ECW1, p. X40], which recorded five transfers totalling £1,062,000.00 to Person C. Bank statements for the Firm's client account record the payments and transfers detailed [ECW1, p. X279 – X296]. HSBC has also provided records for the outgoing payments [ECW1, p. X297 – X312]. The evidence showed that those payments had been made.

Additional Transfers to Person C

39. Additionally, the FIO identified two further payments to Person C from the Firm's client account [ECW1, p. X26 – X27]. Bank statements for the Firm's client account record the payments and transfers [ECW1, p. X279 – X296]. HSBC has also provided records for the outgoing payments [ECW1, p. X297 – X312]. The evidence showed that those payments had been made.

Compensation Fund Claims

40. Since the intervention into the Firm, the SRA's Compensation Fund has paid out a total of £3,847,090.91 in respect of applications for grants concerning the Firm [ECW1, p. X313 – X316].

41. The SRA received eight applications from the Firm's clients for grants from the SRA's Compensation Fund. These relate to 10 of the 11 payments into the Firm's client account documented on the client ledger for the Company A Matter. The applications are exhibited to and detailed in the witness statement of Umar Mohamed [ECW1, p. X313 – X316, exhibits at ECW1, p. X317 – X1034]. In each application, the client who made the payment(s) in question confirmed that their money was not used for its intended purpose, namely for the purchase of properties, and was not returned to them when requested. The SRA's Compensation fund paid out a total of £1,724,869.24 in respect of these applications, including principal grants of £1,699,000.00 for the sums lost by the client, £11,136.84 in lieu of lost interest and £14,732.30 for the costs of making the applications.

42. Further, the SRA received an application for a grant from the SRA's Compensation Fund from Client F, who paid £385,000.00 into the Firm's client account on 1 February 2019 [ECW1, p. X737 – X935]. The bank statements for the Firm's client account show that £385,000.00 was then immediately transferred to Person C [ECW1, p. X291]. Client F confirmed that the money was not used for its intended purpose, namely the purchase of properties, and was not returned to them when requested [ECW1, p. X755 – X759]. The SRA's Compensation fund paid out a total of £401,565.43 in respect of this application, including £1,959.03 in lieu of lost interest and £14,606.40 for the costs of making the application [ECW1, p. X936 – X954].

43. Client D also made an application to the SRA's Compensation Fund for a grant of £1,207,500.00 to recover the money paid into the Firm's client account (as documented in the client matter ledger for the Company E Matter) [ECW1, p. X313 – X316, exhibits at ECW1, p. X1035 – X1524]. A grant of £1,207,500.00 plus a payment for lost interest was recommended in a report dated 31 July 2023 [ECW1, p. X1040 – X1044]. In their application, Client D confirmed that they transferred £1,207,500.00 to the Firm's client account. The money was not used for its intended purpose and was not returned [ECW1, p. X1075 – X1077]. The recommendation was approved by an Adjudication Panel on 25 August 2023 [ECW1, p. X1512 – X1520] and a total grant of £1,267,375.95 was made. This sum included £59,875.95 in lieu of lost interest [ECW1, p. X1521 – X1524].

44. **Allegation 1.1**

44.1 On the basis of the above, the Tribunal found that that between August 2018 and February 2019:

44.1.1 A total of £2,786,500.00 was paid into the Firm's client account in respect of the Company A Matter and the Company E Matter. Both matters concerned the purchase of various properties.

44.1.2 Client F also paid £385,000.00 into the Firm's client account in respect of their matter.

44.1.3 £1,180,000.00 was paid out from the money held in the Firm's client account for the Company E Matter in seven payments. Two of those payments were to Person C.

44.1.4 The Respondent admitted to the FIO in the presence of his legal representative that the seven payments made from the money paid into the Firm's client account in respect of the Company E matter were improper, as the payments did not relate to the Company E matter. The Respondent confirmed to the FIO that all seven of the payments were made at the direction of Person C.

44.1.5 Five payments totalling £1,062,000.00 were made to Person C from the money held in the Firm's client account in respect of the Company A matter.

44.1.6 Two additional payments totalling £610,000.00 were made to Person C from the Firm's client account. Neither payment seems to have been recorded on a client ledger. However, one of the payments seems to have been made from the money paid in by Client F for their matter as the payment to Person C was made straight after the Firm received the money from Client F.

44.1.7 The 14 payments made to or at the direction of Person C described above caused a client account shortage of £2,852,000.00 on the Firm's client account as of 9 May 2019.

44.1.8 Ten applications have been made to the SRA's Compensation Fund from the clients whose money was used to make the 14 payments described above. The clients have confirmed that the money was not used for its intended purposes, namely the purchase of properties, and was not returned to them when requested.

44.1.9 The Respondent was the only manager and only signatory to the Firm's client account and the only person who was able to authorise the 14 payments described above. He was also the Firm's COLP and COFA.

Principle 2 (integrity) and 6 (maintaining trust)

44.2 In Wingate v Solicitors Regulation Authority v Malins [2018] EWCA Civ 366, it was said that integrity (i.e. moral soundness, rectitude and steady adherence to an ethical code) connotes adherence to the ethical standards of one's own profession. A solicitor of integrity in the position of the Respondent would understand that money held on client account belonged to others and was therefore to be treated as sacrosanct.

44.3 Public confidence in solicitors and in the provision of legal services would undoubtedly be undermined by a solicitor misusing client money. Clients need to trust that solicitors will keep their money safe when holding it in a client account on their behalf. Indeed, the trust that the public places in solicitors, and in the provision of legal services, depends upon the reputation of the solicitors' profession as one in which every member may be trusted to the ends of the earth.

44.4 The Respondent misused money held on client account by using it for purposes other than those intended by the client, causing a client account shortage. Instead of using the money for purposes for which the client intended, namely purchasing properties on behalf of the clients in question, the Respondent made 14 payments totalling £2,852,000.00 to Person C or to other third parties at the direction of Person C. By doing so, the Respondent did not treat client money as sacrosanct and therefore failed to act with integrity and to behave in a way that maintained the trust the public places in him and in the provision of legal services, in breach of Principles 2 and 6.

Principle 4 (act in the best interests of clients) and 10 (protect client money and assets)

44.5 By using client money for purposes for which the clients had not intended, the Respondent also did not act in the best interests of his clients, and failed to protect his clients' money and assets, in breach of Principles 4 and 10.

Rules 1.2(c) and 20.1 of the SRA Accounts Rules 2011

44.6 By making the 14 payments discussed above, the Respondent used money belonging to clients for purposes unrelated to those clients' own matters and made improper

withdrawals of funds from the Firm's client account, in breach of Rules 1.2(c) and 20.1 of the Solicitors Accounts Rules.

Dishonesty

44.7 The Applicant relied upon the test for dishonesty stated by the Supreme Court in Ivey v Genting Casinos [2017] UKSC 67, which applies to all forms of legal proceedings, namely that the person has acted dishonestly by the ordinary standards of reasonable and honest people:

> *"When dishonesty is in question the fact-finding tribunal must first ascertain (subjectively) the actual state of the individual's knowledge or belief as to the facts. The reasonableness or otherwise of his belief is a matter of evidence (often in practice determinative) going to whether he held the belief, but it is not an additional requirement that his belief must be reasonable; the question is whether it is genuinely held. When once his actual state of mind as to knowledge or belief as to facts is established, the question whether his conduct was honest or dishonest is to be determined by the fact-finder by applying the (objective) standards of ordinary decent people. There is no requirement that the defendant must appreciate that what he has done is, by those standards, dishonest."*

44.8 At the time that the Respondent made the 14 payments, he knew or believed that:

44.8.1 He was making the payments from money belonging to clients.

44.8.2 The clients had not intended for or consented to their money to be used for the purposes to which the payments related.

44.8.3 The payments were therefore improper and would create a client account shortage on the Firm's client account.

44.9 The Respondent received monies into the Firm's client account which he knew belonged to clients. Rather than using the money for the purposes for which those clients intended, the Respondent transferred substantial sums to Person C and other unrelated third parties. To do so was to misappropriate or otherwise misuse the sum of £2,852,000.00.

44.10 Taking or using someone else's money without their knowledge or agreement is an example of dishonesty, even if the solicitor did not intend to permanently deprive the other person of their money (Bultitude v Law Society [2004] EWCA Civ 1853).

44.11 Ordinary and decent people would not expect a solicitor to misappropriate or otherwise misuse money to which they were not entitled and which belonged to clients and would regard such conduct as dishonest.

The Tribunal's Findings on Allegation 1.1

44.12 The Tribunal carefully reviewed all the material before it, including evidence relating to payments made to the Firm, payments made out of its account and the recipients of

such payments, and found that Allegation 1.1 as well as dishonesty were proved at the requisite standard.

Allegations in Rule 14 Statement

45. Pursuant to Rule 14 of the Solicitors (Disciplinary Proceedings) Rules 2019, the Applicant referred the following additional Allegations against the Respondent, Jasbinder Singh Sohal, to those already before the Solicitors Disciplinary Tribunal:

> *1.2 Between 21 October 2021 and 25 November 2021 at Huddersfield, the Respondent engaged in a course of conduct that amounted to stalking and caused Person G serious alarm or distress, which had an adverse effect on Person G's usual day-to-day activities, when he knew, or ought to have known, that his course of conduct would case alarm or distress to Person G on each occasion, in that he (i) followed Person G into town and home again (ii) turned up at Person G's house on multiple occasions (iii) loitered outside Person G's house and (iv) sent Person G multiple unwanted emails, contrary to section 4A(1)(a)(b)(ii) and 5 of the Protection from Harassment Act 1997. In doing so, he breached any or all of Principles 2 and/or 5 of the SRA Principles 2019.*
>
> *1.3 The Respondent failed to notify the SRA of his conviction of 17 May 2023 for the offence detailed in allegation 1.2 and in doing so he breached any or all of paragraph 7.6(a) of the SRA Code of Conduct for Solicitors, RELS and RFLs (the Code) and Principles 2 and/or 5.*

Documents

46. The Tribunal had, amongst other things, the following documents before it:

- Rule 14 Statement and Exhibit ECW2 dated 22 February 2024

Findings of Fact and Law (Rule 14 Statement)

47. The Applicant was required to prove the allegations on the balance of probabilities. The Tribunal had due regard to its statutory duty, under section 6 of the Human Rights Act 1998, to act in a manner which was compatible with the Respondent's rights to a fair trial and to respect for his private and family life under Articles 6 and 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

48. **Allegation 1.2**

48.1 The Applicant relied on the Respondent's conviction for stalking, dated 17 May 2023, as evidence that the Respondent was guilty of that offence, and relies upon the findings of fact upon which that conviction was based on as proof of those facts.

48.2 Rule 32(1) of the Solicitors (Disciplinary Proceedings) Rules 2019 provides that:

> *"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."

48.3 The certificate of conviction [ECW2, p. R14-48 – R14-50] showed that the Respondent had been found guilty. The Tribunal was not provided with any exceptional circumstances and accordingly those findings under section 4A(1)(a)(b)(ii) and 5 of the Protection from Harassment Act 1997 were conclusive proof of Allegation 1.2.

Principle 5 (integrity)

48.4 The Respondent's actions amounted to a failure to act with integrity (i.e. with moral soundness, rectitude and steady adherence to an ethical code1) in breach of Principle 5. In Wingate v Solicitors Regulation Authority v Malins [2018] EWCA Civ 366, it was said that integrity connotes adherence to the ethical standards of one's own profession. The Respondent failed to act with integrity in that he engaged in a course of conduct which amounted to stalking and which he knew or ought to have known caused Person G serious alarm or distress, resulting in his conviction on 17 May 2023.

48.5 In Beckwith v SRA [2020] EWHC 3231 (Admin), 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 or Principle 6 may reach into private life only when conduct that is part of a person's private life realistically touches on her practise of the profession (Principle 2) or the standing of the profession (Principle 6). 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". (paragraph 54).

48.6 The SRA's Guidance, "Acting with integrity", last updated on 1 September 2022 states:

"In the Beckwith case the court considered the application of the principle of integrity to a solicitor's private life and was clear that the conduct must touch realistically upon the individual's practice of the profession and in a way that is demonstrably relevant.

We take the approach that the closer any behaviour is to the individual's professional activities, workplace or relationships, and/or the more it reflects how they might behave in a professional context, the more seriously we are likely to view it.

However, where no such connection exists we will still take action where the conduct is sufficiently serious and morally culpable as to call into question whether they meet the high personal standards expected from a member of the solicitors' profession".

48.7 Further, the SRA's Topic guide, 'Criminal offences outside of practice', last updated on 25 November 2019 [ECW2, p. R14-159 – R14-161], states that:

> *"Serious criminal conduct outside of practice raises questions of integrity and is likely to damage public confidence."*

48.8 Whilst the misconduct in this matter took place outside of the Respondent's professional practice, the misconduct was so serious, that it resulted in a criminal conviction for stalking. This resulted in a Community Order, a Restraining Order, and a Rehabilitation Activity Requirement was ordered as a direct alternative to custody.

48.9 In those circumstances, the Respondent failed to meet the high standards expected of him and acted in such a morally objectionable manner, that his conduct lacked integrity within the meaning of the regulatory framework. Accordingly, the Respondent breached Principle 5.

Principle 2 (maintaining trust)

48.10 The conduct alleged also amounted to a breach by the Respondent 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. The Respondent has been convicted of a serious criminal offence, stalking. Public confidence in the Respondent, in solicitors and in the provision of legal services is likely to be undermined by that conviction. The Respondent therefore breached Principle 2.

The Tribunal's Findings on Allegation 1.2

48.11 The Tribunal reviewed all the material before it and for the reasons given above found the allegation proved at the requisite standard.

49. **Allegation 1.3**

49.1 The Respondent was charged with the offence outlined in Allegation 1.2. above, and he did not inform the SRA either when he was charged with the offence or when he was convicted of the offence on 17 May 2023. He has not responded to correspondence from the SRA requesting information about his conviction.

49.2 This matter came to the attention of the SRA on around 20 September 2023 when West Yorkshire Police advised that on 25 July 2023 the Respondent was sentenced for a conviction for stalking his former partner, Person G [ECW2, p. R14-46 – R14-47]. He has not responded to correspondence from the SRA requesting information about his conviction.

49.3 Paragraph 7.6(a) of the Code states that:

> *"You notify the SRA promptly if you are subject to any criminal charge, conviction or caution, subject to the Rehabilitation of Offenders Act 1974."*

49.4 By failing to notify the SRA either when he was charged with or convicted of the offence outlined in Allegation 1.1, the Respondent breached Paragraph 7.6(a) of the Code.

Principle 2 (maintaining trust) and Principle 5 (integrity)

49.5 The test for integrity is stated above. A solicitor of integrity would comply with their regulatory requirements, including their positive duty to report their charge and conviction to the SRA.

49.6 Public trust and confidence in solicitors and in the provision of legal services is likely to be undermined by a solicitor obstructing the SRA's ability to carry out its regulatory function by failing to notify them of matters relevant to its regulation of solicitors and the provision of legal services.

49.7 By failing to report his conviction, the Respondent showed a lack of respect for his responsibilities as a regulated person and obstructed the SRA's ability to carry out its regulatory function. By doing so, the Respondent failed to act with integrity and to behave in a way that maintained the trust the public places in him as a solicitor and in the provision of legal services, in breach of Principles 2 and 5.

The Tribunal's Findings on Allegation 1.3

49.8 The Tribunal reviewed all the material before it and for the reasons given above found the allegation proved at the requisite standard.

Previous Disciplinary Matters

50. There was no record of any previous disciplinary findings by the Tribunal.

Mitigation

51. The Respondent had not engaged with proceedings but the Tribunal considered all information before it which the Tribunal could factor into its decision below.

Sanction

52. The Tribunal had regard to the Guidance Note on Sanctions (10th Edition – December 2022).

53. The Tribunal's overriding objective, when considering sanction, was the need to maintain public confidence in the integrity of the profession. In determining sanction, it was the Tribunal's role to assess the seriousness of the proven misconduct and to impose a sanction that was fair and proportionate in all the circumstances.

54. The approach set out in Fuglers and Others v Solicitors Regulation Authority [2014] EWHC 179 (per Popplewell J) was followed:

> *"There are three stages to the approach… The first stage is to assess the seriousness of the misconduct. The second stage is to keep in mind the purpose for which sanctions are imposed by such a tribunal. The third stage is to choose the sanction which most appropriately fulfils that purpose for the seriousness of the conduct in question."*

Rule 12 Misconduct

55. In assessing the level of culpability, the Tribunal took account of the Respondent's knowledge that the payments were improper and his motivation for doing so, that those series of improper payments could not be considered as being merely spontaneous on the evidence but were in fact planned and made over a period of time, that the Respondent acted in breach of a position of trust, that the Respondent had direct control and responsibility for the circumstances giving rise to the misconduct, and that the Respondent was experienced, and concluded that his level of culpability was very high.

56. In assessing harm, the Tribunal considered the impact of the improper payments on the relevant clients, on the public, as well as their negative impact on the reputation of the legal profession and concluded the level of harm was very high.

57. As aggravating factors, the Tribunal factored in the following:

- dishonesty was alleged and proven
- the misconduct was deliberate, calculated and repeated,
- the misconduct continued over a period of time,
- the misconduct constituted an abuse of a position of authority whilst handling clients' money,
- the Respondent had concealed the wrongdoing at least from those clients,
- the Respondent had placed the blame on others, for instance, by alleging that he had made improper payments under blackmail, which was unproven, and
- the Respondent clearly knew or ought to have known that the misconduct was in material breach of obligations to protect the public and the reputation of the legal profession.

58. The Tribunal further considered that:

- the allegation of blackmail could not be considered as a mitigating factor given that he had clearly admitted having made other similar improper payments merely out of pity for Person C's friend,

- the Respondent made early admissions for some of the improper payments but not in relation to other and he had subsequently not cooperated or engaged with the SRA.

59. The Tribunal concluded that the misconduct was very serious.

Rule 14 Misconduct

60. Turning to the Rule 14 misconduct, the Tribunal found that the Respondent's level of culpability was very high given his motivation for the misconduct and his level of experience.

61. The harm caused was substantial given the misconduct's impact on a member of the public and on the reputation of the legal profession and given that the harm was intended or should reasonably have been foreseen to be caused by the Respondent.

62. As aggravating factors, the Tribunal took account of the facts that:

- the Respondent had deliberately targeted a vulnerable person,

- that there had been an abuse of power, that the misconduct involved a form of violence,

- that the Respondent had concealed the wrongdoing until he was found guilty and had not reported it to the SRA,

- that after having been found guilty, the Respondent still placed the blame on his former partner who was the victim of the offence (Pre-sentence Report [ECW2, p. R14-36 – R14-45]), and

- that the Respondent ought to have known that the misconduct was in material breach of obligations to protect the public and the reputation of the legal profession.

63. No mitigating factor was identified in favour of the Respondent. The Tribunal once again concluded that the misconduct was very serious.

Conclusion on Sanction

64. On the basis of the above, and given the seriousness of the misconduct, the Tribunal did not consider that a fine or suspension would be sufficient or appropriate. The Tribunal ordered that the Respondent be struck off the Roll of Solicitors.

Costs

65. Counsel for the Applicant relied on the Schedule of Costs dated 4 June 2024 covering the entire proceedings, noting that it contained an estimate for attendance at the hearing on two days.

66. On the basis that the hearing had lasted only one day, a day's attendance was deducted from the Schedule of costs. Finding that the case had been properly brought by the Applicant, the Tribunal ordered costs in the sum of £16,280.50.

Statement of Full Order

67. The Tribunal ORDERED that the Respondent, JASBINDER SINGH SOHAL, 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 £16,280.50.

Dated this 17th day of July 2024
On behalf of the Tribunal

W. Ellerton

JUDGMENT FILED WITH THE LAW SOCIETY
17 JULY 2024

W Ellerton
Chair