

SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 12531-2023

BETWEEN:

SOLICITORS REGULATION AUTHORITY LTD.

Applicant

and

DOMENICO (DOMINIC) PISANO

Respondent

Before:

Mr R Nicholas (in the Chair)

Mrs A Sprawson

Mr A Lyon

Date of Hearing: 22-23 July 2024

Appearances

Mr Matthew Edwards, barrister of Capsticks Solicitors LLP of 1 St George's Road, Wimbledon, London SW19 4DR, for the Applicant.

The Respondent did not participate and was not represented in the Hearing.

JUDGMENT

Allegations

1. The allegations against the Respondent, Domenico Pisano, made by the SRA are that, whilst in practice as a solicitor at Dominic Levent Solicitors Limited (“the Firm”) he:
 - 1.1 On various dates between 10 September 2021 and 3 April 2022 inclusive, behaved in a way, that he knew or ought to have known was likely to cause his colleagues harassment, alarm or distress, namely:
 - 1.1.1 On 10 September 2021, in the presence of a client, Person A, and her daughter, Person B, he put his face inappropriately close to the face of Maryam Abbasi and shouted at her.
 - 1.1.2 On 30 November 2021, when speaking with Maryam Abbasi and Tahoya Dawkins, used inappropriate and/or homophobic language in referring to a former employee of the Firm, namely “gaylord” and “battyman”.
 - 1.1.3 In or around November/December 2021, when talking to Colleague 1 in the office, showed her a picture of a woman’s vagina using his mobile telephone.
 - 1.1.4 In or around January 2022, when talking to Colleague 1 and Jelizaveta Vesko (“Lisa Vesko”) in the office, showed them a picture of a woman’s vagina using his mobile telephone.
 - 1.1.5 In or around February 2022, stated to Colleague 1 “I can’t look at you, you look sexy” before covering his eyes.
 - 1.1.6 On 11 February 2022, shouted at Benjamin Briggs and kicked the chair he was sitting on and kicked his ankle.
 - 1.1.7 On 22 February 2022, shouted at Lisa Vesko when criticising her work, swore at her and slammed a chair against a storage door.
 - 1.1.8 On 11 March 2022, made inappropriate and humiliating comments to Mabruck Shaban Mabruck including an inappropriate comment relating to Mr Mabruck’s religious beliefs.
 - 1.1.9 On 15 March 2022, in a telephone call with Mabruck Shaban Mabruck who was working from home, made an allegation that he was acting illegally and in breach of his contract by working from home and threatened to end his career.

His conduct was in breach of Principles 2, 5 and/or 6 of the SRA Principles 2019 and/or amounted to a failure to achieve Rules 1.2 of the Code of Conduct for Solicitors, RELs and RFLs.
 - 1.2 Between 11 March 2022 and 12 April 2022, made a series of inappropriate and unsubstantiated allegations about colleagues, namely:

- 1.2.1 On 11 March 2022, in a telephone conference with Levent Hasan, Lisa Vesko and Person C, he stated that Levent Hasan was not A5 professionally qualified to undertake work on Person C's file and said words to the effect that Levent Hasan was "an illegal lawyer" and acting in an "unlawful" way;
- 1.2.2 On 15 March 2022, in an email sent to, amongst others, Maria-Amalia Walker at 42 Bedford Row Chambers, the Firm's accountants and the SRA Professional Ethics inbox, he made unsubstantiated allegations that Levent Hasan was conducting family work without the requisite skill, training or supervision and doing so negligently whilst also alleging that Levent Hasan was concealing the fact that Person A lacked mental capacity to make decisions in her matter;
- 1.2.3 On 15 March 2022, in an email sent to, amongst others, the SRA Professional Ethics inbox, Maria-Amalia Walker, Levent Hasan and Maryam Abbasi, he made unsubstantiated allegations of criminality against Maryam Abbasi and Marija Sukyte.
- 1.2.4 On 12 April 2022, in an email sent to Brentford County Court, 42 Bedford Row Chambers and Person C, he alleged that Person C had been abandoned by Levent Hasan and Alexandra Harvey on four occasions, that Alexandra Harvey and Levent Hasan were not suitably qualified to conduct the matter, that work on the file was being "sabotaged" and that Alexandra Harvey and Levent Hasan were in breach of the SRA's Code of Conduct.

His conduct was in breach of Principles 2, 5 and/or 7 of the SRA Principles 2019 and/or amounted to a failure to achieve Rules 1.4 of the of the Code of Conduct for Solicitors, RELs and RFLs.

- 1.3 Between 12 and 14 April 2022, emailed the representative for the opposing side in Person A's matter alleging Person A lacked capacity when he knew or ought to have known this was not true.

His conduct was in breach of Principles 2 and/or 5 of the SRA Principles 2019 and/or amounted to a failure to achieve Rule 1.4 of the of the Code of Conduct for Solicitors, RELs and RFLs.

Executive Summary

2. The Tribunal found, on the balance of probabilities, that the Applicant has proven all the allegations, with the exception of allegation 1.2.1, and that the Respondent had breached Principles 2, 5, 6 and 7 of the SRA Principles 2019 and failed to achieve Outcomes 1.2 and 1.4 of the SRA Code of Conduct for Solicitors, REL's and RFL's.

Sanction

3. The Respondent, Mr Domenico (Dominic) Pisano was struck off the Roll of solicitors and ordered to pay £41,875.44 in costs.

Documents

4. The Tribunal considered all of the documents in the case which included but were not limited to:
 - Rule 12 Statement, dated 14 December 2023 and Exhibit HVL1
 - Respondent's Answer, dated 26 January 2024
 - Witness Statement of Mr Levent Hassan, dated 28 May 2024 and Exhibit bundle
 - First Witness Statement of Alexandra Harvey, dated 8 June 2022
 - Witness Statement of Benjamin Briggs, dated 17 September 2022
 - Witness Statement of Lisa Vesko, dated 15 June 2022
 - Witness Statement of Mabruck Shaban Mabruck, dated 8 June 2022
 - Witness Statement of Tahoya Dawkins, dated 15 August 2022
 - Witness Statement of Colleague 1, dated 25 July 2022
 - Witness Statement of Person A, dated 28 September 2022
 - First Witness Statement of Maryam Abbasi, dated 23 June 2022
 - Second Witness Statement of Maryam Abbasi, dated 6 December 2023
 - Witness Statement of James Robertson, dated 6 December 2023
 - Applicant's Statement of Costs, dated 14 December 2023 and 15 July 2024
 - Various correspondence between the Applicant and the Respondent

Preliminary Matters

The Applicant's application to proceed in the absence of the Respondent

5. The Tribunal noted that the Respondent had not been participating in the proceedings. The Applicant confirmed that it was seeking to proceed in the absence of the Respondent.
6. The Applicant explained the Respondent had filed his Answer in the proceedings and had attended a Case Management Hearing on 29 February 2024. In the First Case Management the Respondent had advised the Applicant and the Tribunal sitting at the Case Management Hearing that he suffered from a health condition that affected this ability to concentrate and that his health had deteriorated since the Applicant had commenced its investigation of him. The Respondent nevertheless confirmed in the

First Case Management Hearing that he would be able to cope with a full hearing subject to having regular breaks and shorter days.

7. In the First Case Management Conference, the Tribunal directed the Applicant to file and serve on the Respondent any documents it has in its possession or control corresponding to those documents requested by the Respondent. The Tribunal had also directed the Respondent to file and serve his Answer to the Applicant's Rule 12 Statement stating which of the allegations (if any) he admits and which he denies and with respect to any denials, the reasons for the denial.
8. Shortly after the First Case Management Hearing, the Applicant had invited the Respondent to attend an independent medical assessment to enable the Applicant to understand the Respondent's health condition. The Applicant had also offered to pay for the costs of such assessment. While the Respondent had provided some evidence of his health generally, including a document from the Department for Work and Pensions, he had not provided any formal evidence confirming that his health condition prevented him from participating in these proceedings.
9. The Respondent had not taken up the Applicant's offer. The Applicant had subsequently also confirmed that the offer to pay for the independent medical assessment was a standing offer.
10. Thereafter, the Respondent had failed to attend the Second Case Management Conference on 6 June 2024. In that hearing, the Applicant had applied to proceed in the Respondent's absence and presented an email from the Respondent, which in the Applicant's view, demonstrated that the Respondent was on notice of the hearing but had appeared to make an active choice not to attend the hearing. The Tribunal sitting in the Second Case Management was satisfied that the Respondent's non-attendance was voluntary and that it was in the interest of justice to proceed with the Case Management Hearing.
11. The Applicant had advised the Tribunal in the Second Case Management Hearing that it considered that it had disclosed all disclosable information to the Respondent. The Applicant further advised the Tribunal in the Second Case Management Hearing that the Applicant had obtained copies of the Respondent's medical records but the Respondent had declined to provide his consent for the Applicant to instruct medical expert to carry out an assessment and prepare a report, which may have provided assistance and insight on the types of reasonable adjustments which might have been made to enable the Respondent to participate in the proceedings.
12. The Applicant further explained that the Respondent's medical records without the medical assessment being carried out was of limited assistance.
13. In the memorandum prepared after the Second Case Management Hearing the Tribunal had urged the Respondent to take any and all opportunities to engage with the Applicant, particularly with respect to the health matters that the Respondent had raised.
14. Thereafter, the Respondent had continued to allege, among other things that he had been prevented from putting forward his case due to lack of evidence being made available to him, his medical evidence being ignored. Furthermore, he was prevented from

defending himself fully due to an injunction order being made against him and that to attend the final hearing in these proceedings would only worsen his health condition and that he was unable to find legal representation to represent him due to his financial circumstances.

15. The Applicant further pointed out that the Respondent had not applied to adjourn the substantive hearing, nor had he even made any indication that he wanted the substantive hearing to be adjourned. In the Applicant's view, there would be no benefit to adjourn the substantive hearing to a later date as there was no evidence that such an adjournment would result in the Respondent attending. Instead, the Applicant asserted that the adjournment would have a significant effect on the witnesses due to the nature of the allegations. The Applicant further considered that it was in the public interest to proceed with the substantive hearing in the absence of the Respondent.
16. The Tribunal first considered that it had discretion as to whether to proceed in the absence of the Respondent. In considering the matter, the Tribunal was mindful of the following principles set out by the Court of Appeal in *R v Hayward*, *R v Jones*, *R v Purvis* [2001] EWCA Crim 168 at [22]:

3 *“The trial judge has a discretion as to whether a trial should take place or continue in the absence of a defendant and/or his legal representatives.*

4 *That discretion must be exercised with great care, and it is only in rare and exceptional cases that it should be exercised in favour of a trial taking place or continuing, particularly if the defendant is unrepresented.*

5 *In exercising that discretion, fairness to the defense is of prime importance but fairness to the prosecution must also be taken into account. The judge must have regard to all the circumstances of the case including, in particular:*

(i) *the nature and circumstances of the defendant's behaviour in absencing himself from the trial or disrupting it, as the case may be and, in particular, whether his behaviour was deliberate, voluntary and such as plainly waived his right to appear;*

(ii) *whether an adjournment might result in the defendant being caught or attending voluntarily and/or not disrupting the proceedings;*

(iii) *the likely length of such an adjournment;*

(iv) *whether the defendant, though absent, is, or wishes to be, legally represented at the trial, or has, by his conduct, waived his right to representation;*

- (v) *whether an absent defendant's legal representatives are able to receive instructions from him during the trial and the extent to which they are able to present his defense;*
- (vi) *the extent of the disadvantage to the defendant in not being able to give his account of events, having regard to the nature of the evidence against him;*
- (vii) *the risk of the jury reaching an improper conclusion about the absence of the defendant;*
- (viii) *the seriousness of the offence, which affects defendant, victim and public;*
- (ix) *the general public interest and the particular interest of victims and witnesses that a trial should take place within a reasonable time of the events to which it relates;*
- (x) *the effect of delay on the memories of witnesses;*
- (xi) *where there is more than one defendant and not all have absconded, the undesirability of separate trials, and the prospects of a fair trial for the defendants who are present."*

17. The Tribunal also had regard to the Court of Appeal's judgment in *GMC v Adeogba* [2016] EXCA Civ 162 at [17-20], which established how the principles set out in *R V Hayward* apply in the context of professional disciplinary proceedings:

"... the principles set out in Hayward ..., provide a useful starting ... however, it is important to bear in mind that there is a difference between continuing a criminal trial in the absence of the defendant and the decision ... to continue a disciplinary hearing.

... it is important that the analogy between criminal prosecution and regulatory proceedings is not taken too far. Steps can be taken to enforce attendance by a defendant; he can be arrested and brought to court. No such remedy is available to a regulator....

Thus, the first question which must be addressed in any case such as these is whether all reasonable efforts have been taken to serve the practitioner with notice. That must be considered against the background of the requirement on the part of the practitioner to provide an address for the purposes of registration along with the methods used by the practitioner to communicate with the [regulator] and the relevant tribunal during the investigative and interlocutory phases of the case. Assuming that the Panel is satisfied about notice, discretion whether or not to proceed must then be exercised having regard to all the circumstances of which the Panel is aware with fairness to the practitioner being a prime consideration but fairness to the [regulator] and the interests of the public also taken into account; the criteria for criminal cases must be

considered in the context of the different circumstances and different responsibilities of both the [regulator] and the practitioner.”

18. After careful consideration, the Tribunal was satisfied that the Respondent was aware of the substantive hearing, he had been provided access to all the relevant documents and he had been afforded a reasonable opportunity to participate in the proceedings. The Respondent had initially participated in the proceedings and had sent correspondence in the proceedings a few days before the substantive hearing.
19. The Tribunal further noted that if the Respondent had consented to an independent medical expert's assessment, the Tribunal and the Applicant may have been able to form a view as to whether an alternative way to proceed was necessary and/or whether any necessary adjustments were needed to ensure that the Respondent was fully able to participate in the proceedings. The Tribunal agreed with the Applicant that access to the Respondent's medical records was of little assistance in the absence of a medical expert's assessment.
20. The Tribunal further noted that the Respondent had not applied for an adjournment of the substantive hearing and considered that no gain would have been in any event achieved from adjourning the proceedings. The proceedings had been on-going for a long time and the Respondent had indicated in correspondence that he was not going to participate in the proceedings. The Respondent is under a duty to engage with the Applicant as his regulator as well as under a duty to participate in the present proceedings.
21. In the circumstances, where the Respondent was aware of the present proceedings and had been offered a medical assessment which he had declined, the Tribunal decided that it was in the public interest to proceed in the absence of the Respondent, and that the public would expect the Tribunal to proceed.

Anonymisation

22. The Rule 12 Statement contains an anonymisation schedule. The names of the Respondent's former clients as well as the name of the Firm's former paralegal had been anonymised to protect their personal information. These persons have provided witness statements explaining the Respondents' conduct in their respective matters. The Tribunal confirmed that the anonymisation was appropriate.

Factual Background

23. The Respondent is a solicitor having been admitted to the Roll of Solicitors on 1 October 2001. At the time of the alleged misconduct the Respondent was a Senior Partner at the Firm. He does not hold a current practising certificate.
24. The Firm has been a recognised body since 1 November 2011. It operates from premises at 1345 High Road, Whetstone, London, Middlesex, N20 9HR. Up until 22 April 2022 the Respondent was listed as one of two Directors on Companies House for Dominic Levent Solicitors Limited. The co-director is Mr Levent Hasan, who is a Senior Partner at the Firm.

25. On 7 February 2022, the SRA published a guidance note entitled “*Workplace environment: risks of failing to protect and support colleagues.*” This guidance note was published on the SRA’s website, together with case studies. Furthermore, on 8 February 2022, the SRA published a news release about the resources available to law firms for support and guidance on creating healthy working environments.
26. On 4 March 2022, the SRA sent SRA Update issue 101 to everyone with a practising certificate who they have an email address for and who has not previously unsubscribed from the e-newsletter. In this email update, details were given to the SRA’s review into workplace culture and a link was provided to the SRA’s guidance note. A copy of this update was sent to dp@dominiclevent.com. The email was read/opened ten times, but no clicks were recorded on any of the links contained within the update.
27. The SRA received reports from the Firm regarding the Respondent’s conduct on 13 March 2022, 16 March 2022, 8 April 2022 and 6 May 2022.
28. The allegations relate to the conduct of the Respondent at the Firm between 10 September 2021 and 14 April 2022. Allegation 1.1 details his conduct towards six members of staff. In summary, the Respondent demonstrated offensive, intimidating and demeaning conduct towards these individuals. Allegation 1.2 concerns a series of inappropriate and unsubstantiated allegations allegedly made by the Respondent about his colleagues between 11 March 2022 and 12 April 2022. Allegation 1.3 arises from the Respondent’s emails to the representative for the opposing side in Person A’s matter alleging Person A lacked capacity when he knew or ought to have known this was not true.
29. **Factual Background relating to Allegation 1.1**

Allegation 1.1.1 – conduct towards Maryam Abbasi

- 29.1 In support of allegation 1.1.1, the Applicant relied on the first witness statement of Maryam Abbasi dated 23 June 2022, the document attached to that statement as well as her second witness statement dated 6 December 2023.
- 29.2 Maryam Abbasi is a solicitor at the Firm. She began working in at the Firm as a Legal Assistant during her placement year in 2017-2018. In June 2019 she returned to the Firm as a Trainee Solicitor and has been employed there ever since. The Respondent was her training principal and responsible for overseeing her work. She completed her training contract and qualified as a solicitor on 17 January 2022.
- 29.3 In the first witness statement Ms Abbasi exhibited a number of documents relevant to the allegations. Ms Abbasi described her relationship with the Respondent as initially being good. She outlined how they built their relationship during her placement year and how she felt that she was able to talk to him about work and that the Respondent would discuss personal matters/opinions with her.
- 29.4 Ms Abbasi first noticed a problem in the professional relationship with the Respondent around April 2021 which coincided with a leave of absence due to her having to travel to Pakistan due to her father’s ill health. Upon returning to the UK on 11 April 2021,

Ms Abbasi was required to quarantine in a hotel for two weeks due to Pakistan being on the Government's red list for international travel due to COVID-19.

- 29.5 Ms Abbasi explained that upon her return to work the Respondent was very cold towards her and would say to her that she was not doing her work properly or that she was picking her personal life over her work. During this time a meeting between Ms Abbasi and the Respondent was conducted by Levent Hasan to try and address the issues. During this meeting the Respondent was very agitated; he expressed that he was not supported, had been abandoned in the midst of COVID-19 and had been "*fucked in the ass.*"
- 29.6 Levent Hassan suggested regular one to one meetings between the Respondent and Ms Abbasi. Ms Abbasi described that she felt in these one to one meetings that the Respondent was trying to parent her and made comments about her personal and family life in conjunction with her professional life.
- 29.7 In around September 2021, the Firm were instructed by Person A in divorce proceedings. In these proceedings, an application for legal services payment had been made against Person A by the other party to the proceedings. Ms Abbasi was still a Trainee Solicitor at the time working under the supervision of the Respondent. Upon reviewing the application, Ms Abbasi suggested to the Respondent that it would be best to settle the matter outside of court. The Respondent disregarded these suggestions and insisted the matter proceed to a hearing. A remote hearing was held for the application which Ms Abbasi attended from the Firm's offices together with Person A and Person B. Person B was Person A's daughter. The hearing concluded with an Order being made against Person A.
- 29.8 After the hearing, Person A was very upset. The Respondent came into the meeting and started shouting at Ms Abbasi in front of Person A and Person B. She recalls the Respondent shouting that he knew this would happen and that Person A was being greedy. When shouting at Ms Abbasi, the Respondent got very close to her and was pointing his fingers in her face which made her feel very uncomfortable. Shortly after this incident, Levent Hasan entered the room to comfort the client and Ms Abbasi went for a walk with a colleague to let things calm down.
- 29.9 The Applicant also relied on a witness statement of Person A dated 28 September 2022. Person A described feeling a bit upset after the Legal Services Payment Order hearing, however, she explained that this was in no way directed at Ms Abbasi or counsel who she could see had done their best. Person A recalls the Respondent shouting at Ms Abbasi after the case and getting quite close to her face; something she found concerning as she did not think it was an appropriate way to treat staff or behave in such a way in a professional environment. She could see that Ms Abbasi looked distressed and uncomfortable before removing herself from the situation.

Allegation 1.1.2 – use of inappropriate and/or homophobic language

- 29.10 In support of Allegation 1.1.2, the Applicant relied on the witness statement of Tahoya Dawkins dated 15 August and documents attached to it. Tahoya Dawkins was a paralegal at the Firm from 2 August 2021 to 1 August 2022. During this time, she was completing a work placement as part of her university degree.

- 29.11 The Applicant also relied on the witness statement Ms Lisa Vesko, dated 15 June 2022 and various documents attached to it. Lisa Vesko was a paralegal at the Firm from 2 August 2021 to 1 August 2022. During this time, she was completing a work placement as part of her university degree.
- 29.12 In her statement, Ms Dawkins recalled on one occasion in October 2021, having a jovial conversation in the office regarding the phrase “*men are trash.*” The Respondent, present in the office at the time, gradually inserted himself into the conversation defending men and stating, “*if men are trash, you are dirty whores.*” Whilst Ms Dawkins was a little taken aback by this, she outlines how this was not unusual language for the Respondent who would use such vulgar terms as “*being raped*” or “*fucked in the ass*” when speaking about a difficult case he was working on.
- 29.13 Ms Dawkins states that shortly after this the conversation changed but the Respondent again inserted himself into the conversation to state that he knew a previous colleague of theirs was a “battyman”, a slur she understood to be predominantly used in Jamaican culture to refer to homosexuals. Ms Dawkins is of Jamaican descent and felt the Respondent was trying to provoke her, as this is not a term her colleagues would have used. Ms Dawkins responded to the Respondent saying something along the lines of “*if anyone should be able to speak about homosexuality it is the person who refers to being fucked in the ass regularly.*”
- 29.14 The Respondent did not speak to Ms Dawkins directly after this incident until around Christmas time. Maryam Abbasi was present during this conversation. She recalled the Respondent referring to a former colleague who was completing a university placement as a “battyman” and “gaylord”. She recalled telling the Respondent that this was inappropriate.
- 29.15 Ms Vesko stated in her witness statement that whilst she was not really taking part in the conversation as she was completing an urgent task, she recalled the Respondent referring to a previous placement student as a “gaylord” and “fruitcake”. Ms Vesko did not know what these terms meant but later understood them to be terms to relate to gay men. She recalled one of her colleagues calling the Respondent out on this behaviour.

Allegation 1.1.3 – showing an inappropriate picture to Colleague 1

- 29.16 In support of Allegation 1.1.3, the Applicant relied on the witness statement of Colleague 1, dated 25 July 2022 and documents attached to it. Colleague 1 was a paralegal at the Firm in their family department from 16 August 2001. Colleague 1 left the Firm on 1 August 2022, at the end of her placement.
- 29.17 In her witness statement Colleague 1 described her relationship with the Respondent as awkward and uncomfortable. She stated that he never treated her like a paralegal, more like a friend. She described how he would talk about his personal life and what he did in his spare time. He would also send her songs on Spotify and show her photos of his activities. It was only when a line was crossed that she began to feel uncomfortable.
- 29.18 In November or December 2021, Colleague 1 was sat at her desk which is in a secluded part of the office. The Respondent came up to her and started talking about what he had done at the weekend and started showing her pictures that were on his phone. As he

was going through his phone the Respondent said something like “*you shouldn’t be seeing this.*” Colleague 1 asked why, and the Respondent replied saying “*girls send me lots of pictures on WhatsApp, I don’t ask for them, they just send them.*” Out of the blue the Respondent then turned his phone and showed her a picture of a vagina which he held in front of her for more than a couple of seconds. Colleague 1 described seeing the picture clearly. The Respondent then laughed before walking off.

- 29.19 Colleague 1 found this experience really uncomfortable and not something she expected from her boss. However, she was not shocked that the Respondent had done this given she was so used to inappropriate behaviour and thought this was just another incident of him being himself.

Allegation 1.1.4 – showing an inappropriate picture to Colleague 1 and Lisa Vesko

- 29.20 In January 2022, a similar incident occurred when the Respondent was showing pictures of his trip to Lapland to staff in the Firm’s office. After scrolling through his camera roll and showing Colleague 1 and Ms Vesko some photographs, the Respondent said they couldn’t look at the whole camera roll as there may be some inappropriate images on there. A few seconds later the Respondent then showed them a picture of a vagina.

- 29.21 Colleague 1 believed this was the same picture the Respondent had shown her previously. She describes feeling numb to this but in a way glad that it had happened because it confirmed to her that she had not made the first incident up.

- 29.22 Ms Vesko describes not seeing the image, but she states that after he showed it to them, he laughed and ran off.

Allegation 1.1.5 – comment towards Colleague 1

- 29.23 During February 2022, Colleague 1 recalls a day where she went to work wearing a dress. Colleague 1 describes the dress as beige, knee length and with a small slit on the side to enable her to walk comfortably. Colleague 1 was in a meeting room with Alexandra Harvey and the Respondent awaiting a client meeting. After Ms Harvey left the room, the Respondent turned to Colleague 1 and said “*I can’t look at you, you look sexy*” before covering his eyes.

- 29.24 Colleague 1 did not say anything in response but awkwardly laughed the comment off. Colleague 1 states that the comment made her feel “*really uncomfortable*” and that she “*stopped wearing dresses to work after this incident until the time Mr Pisano had left the firm.*”

Allegation 1.1.6 – Shouting at Benjamin Briggs and kicking his chair/ankle

- 29.25 In relation to Allegation 1.1.6, the Applicant relied on the witness statement of Benjamin Briggs dated 25 July 2022 and a copy of the statement he made to his university after the following alleged incident. Mr Briggs began working at the Firm on a placement from the University of Surrey in August 2021. Mr Briggs left the Firm upon the advice of his University after he informed them of the 11 February 2022 incident which forms the subject of allegation 1.1.6.

- 29.26 On 11 February 2022, the Respondent asked Mr Briggs to arrange a meeting with Chris Piccos, one of the Partners of Avraam Associates the accountancy firm that the Firm used. Once the meeting was scheduled the Respondent enquired as to whether Mr Hasan and another colleague would be attending the meeting. This prompted Mr Hasan to mention to Mr Briggs that he had been in contact the previous day with the other Partner at Avraam Associates, Costas Avraam, about arranging a meeting. Upon hearing Costas Avraam's name, the Respondent began shouting and swearing and stating that he did not like him or want to see him. The Respondent then called the accountancy firm to complain about Costas Avraam having secret meetings with Mr Hasan and the conversation ended abruptly.
- 29.27 At the conclusion of the above call, the Respondent instructed Mr Briggs to sit at his chair and read out the definition of the "*Night of the Long Knives*" which was a tab open on his web browser. Whilst sitting in the Respondent's chair, the Respondent began shouting at Mr Briggs who described him being so close in his personal space that his saliva was projected onto his face. Mr Briggs described there then being a "switch" and the Respondent's anger was then directed at him, resulting in Mr Briggs fearing that he would be subject to a physical assault by the Respondent.
- 29.28 The Respondent began kneeling the chair Mr Briggs was sitting on which was being pushed into the wall. The Respondent then kicked a bag containing empty bottles and a lunch box. However, in kicking the bag, the Respondent used such force that his foot connected with the ankle of Mr Briggs. This caused Mr Briggs to reach and grab his ankle and tell the Respondent to stop.
- 29.29 This incident was witnessed by Maryam Abbasi. Ms Abbasi had asked if Mr Briggs was ok before telling the Respondent to calm down. She then took Mr Briggs out of the office to ensure that he was ok.
- 29.30 The Respondent later apologised to Mr Briggs. However, Mr Briggs questioned the sincerity of this apology. They later went for a walk where they discussed several things including the Respondent's future plans for the Firm and how Mr Briggs fitted into those. Mr Briggs described this as the Respondent's attempt at "power play" to remind him that he was powerful. After they had returned to the office, a suit that the Respondent had purchased for Mr Briggs arrived at the office. After this the Respondent said something to the effect of "*obviously this suit is not blackmail as it was ordered before.*"
- 29.31 After the incident, Mr Briggs describes feeling conflicted and having to consider the financial implications and how his degree might be affected should he choose to leave the Firm. He therefore decided to contact his university. They advised him to end his placement immediately.
- 29.32 Maryam Abbasi described the Respondent shouting at Mr Briggs before walking closer to him and towering over him. She told the Respondent to calm down at this point, but he did not listen to her, and he went on to kick a bag that was on the floor; in doing this, Ms Abbasi states the Respondent "ended up kicking Mr Briggs." Mr Briggs had looked very upset at this point and had tears in his eyes.

- 29.33 Ms Abbasi had then asked Mr Briggs if he was ok or if he got hurt. She states that Mr Briggs simply brushed this off saying he was fine. Ms Abbasi explained that shortly after this incident, she got Mr Briggs a glass of water and advised him to speak to Mr Hasan. Ms Abbasi recalls this was Mr Briggs's last day in the office.
- 29.34 Lisa Vesko also witnessed this incident in part. She described how the Respondent was exerting his anger at Mr Briggs and shouting at him. She had then heard a noise and people gasping which caused her to look up. She outlined how Mr Briggs looked "gobsmacked" and if "he was about to cry." Mr Briggs had then left the office and on his return, Ms Vesko heard the Respondent say, "is it swollen, are you ok, shall I get you an ice pack." Ms Vesko stated that she did not witness the Respondent kick Mr Briggs (she confirms she was told by others this had happened) but stated she does not think the Respondent would have asked Mr Briggs if he needed an ice pack if he had not kicked him as others had told her.
- 29.35 Tahoya Dawkins was also in the office on 11 February 2022 and recalled the Respondent screaming whilst in very close proximity to Mr Briggs. She described how the Respondent's anger had escalated, and she had then turned her focus to her work hoping that the tirade would end once the Respondent was not receiving any attention. At this point, Ms Dawkins heard a sound similar to a desk being hit. This caused her to look up to see Mr Briggs rubbing his ankle.
- 29.36 Alexandra Harvey was in a meeting room on 11 February 2022, when she heard some shouting from the main office floor. Once her meeting had finished, she went back to the main office to find that both the Respondent and Mr Briggs were not there. She believed that someone informed her about what had happened, and that Mr Briggs had been kicked by the Respondent. Ms Harvey had then come across Mr Briggs and the Respondent in the hallway. She described Mr Briggs as being upset so she asked him if he wanted to speak privately, which they did, and Mr Briggs informed her of what happened. Whilst she could not recall Mr Briggs saying much about what had happened, she did recall him telling her that he did not think he could continue working at the Firm.
- 29.37 Ms Harvey also described how Katy Peters from the University of Surrey had come to visit the Firm on 24 February 2022 to speak to the three remaining interns. Following these meetings, a further two interns left the Firm.
- 29.38 Mr Hasan outlined that Mr Briggs came to him to explain that the Respondent had been kneeling the chair that he was sitting on and this was pushing him into a wall. He had then described how the Respondent had gone on to kick plastic bottles that were in a bag but followed through and kicked his ankle which had really scared him. Mr Hasan recalled that while describing these events Mr Briggs had been emotional and on the verge of tears.

Allegation 1.1.7 – Shouting at Lisa Vesko and slamming a chair into a storage unit

- 29.39 On 22 February 2022, at approximately 3pm, Ms Vesko and the Respondent began working on a questionnaire together after Ms Vesko had requested feedback on the document that she had created. They were both sat next to each other at the Respondent's desk when the Respondent began heavily criticising the questionnaire.

- 29.40 At one point, whilst correcting a grammatical/formatting error, the Respondent raised his hand over Ms Vesko and froze it. Ms Vesko got really scared when he did this as it reminded her of the incident involving Mr Briggs. Ms Vesko did not know at this point if the Respondent was going to hit her or whether he was simply trying to assert his dominance over her. Ms Vesko described the Respondent getting quite angry whilst working on the questionnaire as his voice was getting deeper and his tone more assertive.
- 29.41 They carried on working on the document together and when Ms Vesko looked it was 5:30pm. Given that they were only approximately halfway through the document, Ms Vesko suggested they continue working on it tomorrow. She informed the Respondent that it was not due for another month and there was no rush.
- 29.42 In response to this suggestion the Respondent took a deep breath, and in a raised voice, he asked Ms Vesko “how she dare say that to a surgeon”. He also stated that he is a Partner of the Firm and that “if he started this surgery, he would finish it”. Ms Vesko states that the Respondent would often refer to himself as “a brain surgeon.”
- 29.43 The Respondent stated to Ms Vesko that “they would not go home until the document was finished”, before standing up and slamming his chair against the storage door behind where they were sitting which made a loud noise. It made her jump and feel scared. The Respondent then got up and began shouting and swearing at Ms Vesko, whilst she does not recall the words that the Respondent used, she states that they were not kind or professional.
- 29.44 The Respondent then left the office and Ms Vesko returned to her desk where she was approached by Jade Picksley (a paralegal from the family department), who asked whether she was ok. Ms Vesko indicated that she was, as she was concerned that if she started talking about what happened, she would start crying because she felt so distressed.
- 29.45 After the Respondent returned to the office smelling of cigarettes, he sat at Ms Vesko’s desk, and they continued to work on the document together until the Respondent had to leave after taking a call from his son.
- 29.46 Ms Vesko described feeling very anxious and stressed when she left the office that evening. When she got home, her parents noticed that she was upset and were concerned for her. Ms Vesko states that she has never experienced such a state of emotional distress before, and she believes she was on the verge of having a panic attack which is unusual for her. The following day she conveyed to Mr Hasan that she no longer wanted to work with the Respondent. After Mr Hasan stated that he would assist if they had to work together again, Ms Vesko agreed to this.

Allegation 1.1.8 – Inappropriate and humiliating comments to Mabruck Shaban Mabruck

- 29.47 The Applicant relied on the witness statement of Mabruck Shaban Mabruck, dated 8 June 2022, and a number of documents exhibited to the statement. Mr Mabruck started working at the Firm in August 2021 as a Senior Paralegal. Mr Mabruck is now a Trainee Solicitor at the Firm having commenced his training contract on 28 February 2022.

- 29.48 On 11 March 2022, Mr Mabruck arrived at the office at 9am. The Respondent usually arrived between 1-1.5 hours after 9am and during this time he would ask people to check his emails and let him know if there were any important tasks for the day upon his arrival. This was a task that Mr Mabruck would do for the Respondent, however, on this day he did not do this for him as he had to perform an urgent task for Mr Hasan.
- 29.49 The Respondent arrived at the office at approximately 9:30am and asked Mr Mabruck if he had checked his emails. When Mr Mabruck explained that he had not as he had other pressing tasks to complete, the Respondent angrily expressed to Mr Mabruck that this was not good enough. Mr Mabruck stated that this “created a scene” in the office.
- 29.50 Mr Mabruck explained that the Respondent asked him to assist immediately and when Mr Mabruck stated that he could not do so as he was completing a task for the commercial department but would be able to assist in less than two minutes, the Respondent vocalised his frustration. Mr Mabruck explained that this prompted Mr Hasan to intervene and release Mr Mabruck from the task he had given him to enable him to assist the Respondent.
- 29.51 Mr Mabruck explained that, when working with the Respondent that same morning, the Respondent kept saying to Mr Mabruck that he could not afford to forget to check the Respondent’s emails in the morning. Mr Mabruck informed the Respondent that he had not forgotten and that he had simply been tied up on other matters. The Respondent did not accept this explanation and he began to tell Mr Mabruck angrily that this was not good enough and asked him “what do I need to do to make sure you never forget this again, should I write this on my forehead?”
- 29.52 The same morning, the Respondent took issue with a set of pleadings that in his view had been done incorrectly. Mr Mabruck informed the Respondent that he had not drafted the pleadings and that these had been done by somebody else. As Mr Mabruck was trying to explain this, the Respondent told Mr Mabruck to be quiet and did so in front of the office and said, “don’t explain.” Mr Mabruck stated that he felt like the Respondent was trying to assert his dominance or embarrass him in front of the office. The Respondent stated to Mr Mabruck that he should simply apologise and say, “yes Dominic”. When Mr Mabruck simply responded by saying “yeah”, the Respondent got to within one metre of Mr Mabruck and again told him to say, “yes Dominic”. Mr Mabruck states that this continued until the Respondent said, “yes Dominic.”
- 29.53 Whilst discussing the pleadings, Mr Mabruck described how the Respondent went on to make comments that Mr Mabruck should obey and listen to him and “follow the teaching of the Quran.” Mr Mabruck found these comments to be very insulting and offensive. He is a practising Muslim, which all of his colleagues, including the Respondent, were aware of.
- 29.54 The Respondent went on to say that Mr Mabruck was not adequately trained which caused Mr Hasan to intervene and defend Mr Mabruck. Mr Hasan then sat closer to where the Respondent was sitting which caused the Respondent to accuse Mr Hasan of invading his personal space. The Respondent then stood over Mr Mabruck and repeatedly asked Mr Mabruck in an aggressive manner “who do you work for, me or Levent?”

- 29.55 This incident was witnessed by Ms Vesko who described the Respondent at one point being around five inches from Mr Mabruck's face at one point when telling him to say, "yes Dominic". Ms Vesko also recalled the Respondent making a comment about the teachings of the Quran which she thought was disrespectful.
- 29.56 In her email to Mr Hasan on 13 March 2022, Ms Vesko stated that the interaction between the Respondent and Mr Mabruck included the following exchange: "DP then told MSM to read the verse from the Quran and do as it teaches him, MSM should answer DP like he is being taught and say, "yes Dominic."
- 29.57 The same incident was also witnessed by Alexandra Harvey, who was sitting close to where it unfolded that morning. Whilst Ms Harvey did not recall everything that was said, she recalled a particular comment made by the Respondent to Mr Mabruck about the Quran. Ms Harvey described feeling overwhelmed and anxious by the whole incident and informed the Respondent that she could not work in such an environment any longer. She then left to work from home for the day.

Allegation 1.1.9 – Allegations of acting illegally and in breach of contract made towards Mabruck Shaban Mabruck

- 29.58 Following the incidents of 11 March 2022, Mr Hasan instructed all staff to work from home and only come into the office when necessary. This was to avoid any further incidents of staff being subjected to the Respondent's outbursts.
- 29.59 On 15 March 2022, the Respondent telephoned Mr Mabruck and asked if he was in the office. Mr Mabruck informed him that he was working from home on the advice of Mr Hasan. The Respondent stated that as Mr Hasan had not informed him of this decision, it was an illegal decision. He went on to say that by staying home Mr Mabruck was acting illegally and in breach of his contract. During this conversation the Respondent informed Mr Mabruck that he would end/ruin his career.
- 29.60 The Respondent ended the conversation by instructing Mr Mabruck to go to the office to check his emails. Despite Mr Mabruck informing the Respondent that he would do this, he did not do so.
- 29.61 After receiving the call Mr Mabruck informed Mr Hasan of what the Respondent had said to him via WhatsApp.

30. Factual Background relating to Allegation 1.2

Allegation 1.2.1 – making unsubstantiated allegations about Levent Hasan being an "illegal lawyer", acting unlawfully

- 30.1 On 11 March 2022, the Respondent took part in a telephone conference in the matter of Person C a client of the Firm. Levent Hasan, Lisa Vesko and Person C were also present in the meeting.
- 30.2 At the beginning of the meeting there was a discussion between Mr Hasan and Person C regarding a questionnaire that had been sent to Person C's husband. Person C agreed that the questionnaire was fine. Mr Hasan then asked the Respondent whether he was

happy. The Respondent asked Ms Vesko to take a note before going on to say that he cannot promise what he has advised will be actioned and that Mr Hasan should record that. The Respondent also said that Mr Hasan was interfering with the file and his opinion.

- 30.3 Mr Hasan responded to this by informing all those on the call that all the work that had been done on the file had been approved by the Respondent and overseen by him. Mr Hasan then indicated that he would excuse himself and that the Respondent would be responsible for the file. The Respondent replied to this by insisting that Mr Hasan must stay to take instructions before proceeding to shout at Mr Hasan. The Respondent asserted that he was a family lawyer, and that Mr Hasan was not professionally qualified to do any work on the file, he was an “*illegal lawyer*” and that he was acting unlawfully.
- 30.4 At this point Person A tried to say something but the note taker was unable to hear what she was saying due to the Respondent shouting over her. Mr Hasan repeated that he was stepping away. The Respondent replied by saying that he does not “have the resources” and left the room.
- 30.5 Person C then queried what was happening and Mr Hasan explained the position in respect of her matter and apologised. They agreed to talk again the following week.
- 30.6 There is a telephone attendance note dated 11 March 2022 between Ms Abbasi and the Respondent in which Ms Abbasi records that, after the telephone conference referred to above, the Respondent telephoned her and amongst other things repeated the allegation that Mr Hasan was “*practicing illegally*”. The basis for the Respondent’s assertion appears to be that, as recorded in Ms Abbasi’s note that “*DP said that [Mr Hasan] walked into a call and told the client he was a family solicitor and that was illegal and that he would report him*”. There is no reference to Mr Hasan making this assertion in the copy of the minutes to the meeting outlined above and no specific report about Mr Hasan’s conduct was made by the Respondent to the SRA.

Allegation 1.2.2 – making unsubstantiated allegations about Levent Hasan conducting family work and concealing information about a client of the Firm

- 30.7 At 02:37 on 15 March 2022, the Respondent sent the following email to amalia.walker@42br.com (counsel):

“Dear Amalia. I respectfully urge you to consider the attached correspondence: both are written on an open basis. Levent Hasan, my co-director, is conducting complex family work without skill, training, supervision and negligently: he refuses to accept this is fundamentally unacceptable. I would respectfully suggest 42 Bedford Row do not accept work from Levent Hasan: I do not accept responsibility for this work. More importantly, I now have founded and considered evidence which suggests overwhelmingly that [Person B] and Levent Hasan are consciously concealing our client Person A lacks mental capacity. I am certain now she does not understand all information given to her, nor does she retain information long enough to be able to make a decision. Levent is more than pressuring Maryam to progress matters free of any cost. There may be another serious matter to report to you if Levent continues to ignore professional etiquette and ethics. I believe Person A must be protected

by the Court of Protection. I believe the Court of Protection will decide what is in her best interests. Please confirm I can begin ending the retainer based on fraud and crime. I may be compelled to report another very serious matter if Levent continues to ignore my professional etiquette and ethics. If acceptable, Dominic Levent Solicitors will meet your fees. Kind regards. Dominic Pisano.”

- 30.8 Copied into the email were tw@dominiclevent.com, msa@dominiclevent.com, ah@dominiclevent.com, ca@avraam.co.uk (accountant), cp@avraam.co.uk (accountant), timd@42br.com and professional.ethics@sra.org.uk.
- 30.9 The case the Respondent was referring to involved a family member of Mr Hasan’s. Mr Hasan had no involvement in this matter, and this was a deliberate decision to ensure that the case was handled in an impartial manner. Mr Hasan’s decision to be uninvolved in the case was explained to the District Judge at the FDR and the final hearing. Person A has a condition that solely affects her physical, not mental, abilities. There is a medical expert report on file to confirm this which the Respondent should have been aware of.
- 30.10 Maryam Abbasi, the solicitor with conduct of the matter, confirmed:
- 1 The issue of Person A’s capacity was considered and medical reports from lead neurologists at UCLH and Person A’s GP records were obtained. All the information and documentation received confirmed that the client had full capacity to understand and process information.
 - 2 Person A does have difficulty with her speech as a result of her medical condition which means her preferred method of communication is written.
 - 3 The Respondent was aware that Person A did not lack capacity, this issue was discussed with him in detail and the witness statement and medical report were filed with the court.
 - 4 The Respondent was actively involved in the case up until the middle of February 2022.
- 30.11 In March 2022, the Respondent was named on the court record as the solicitor with conduct of the matter.
- 30.12 The Respondent supervised Ms Abbasi’s work on the file when she was a trainee solicitor, and he continued to work on the file until the client asked for him not to work on the matter on 15 March 2022.
- 30.13 In relation to the witness statement referenced above, Ms Abbasi recalled producing this with the Respondent and discussing its contents with him.
- 30.14 The time entries on the matter file also demonstrated the Respondent performed regular head of department file reviews on the file.

30.15 Person A was informed of the email sent by the Respondent to Ms Walker on 15 March 2022. Upon receiving this information, Person A requested that the Respondent have no further dealings with this matter.

30.16 Person A has also confirmed in a witness statement dated 28 September 2022, that the Respondent's allegations that she does not have capacity, and that Person B and Mr Hasan are somehow controlling her behaviour, are entirely incorrect.

Allegation 1.2.3 – making unsubstantiated allegations about Levent Hasan conducting family work and concealing information about a client of the Firm

30.17 In response to the Respondent's email sent at 02:37 on 15 March 2022, Maryam Abbasi sent emails to the various recipients to either (a) explain the position on Person A's capacity, or (b) request that the email be deleted.

30.18 At approximately 10am on 15 March 2022, the Respondent telephoned Ms Abbasi to ask her whether she had thought to consult him prior to sending her emails. Ms Abbasi informed the Respondent that she had not.

30.19 Following this call the Respondent sent the following email to professional.ethics@sra.org.uk, Costas Avraam, Chris Piccos, Levent Hasan, Maryam Abbasi and Amalia Walker (HVL1, p.510):

"I am reporting to our insurer's there is open sedition being fomented at Dominic Levent Solicitors Limited and Maryam Abbasi and Marija Sukyte are aiding and abetting and complicit in crime in circumstance where clients are desperate and complaining, whilst employees are being ordered to stay at home by Levent against all reason. I am being professionally scuppered and sabotaged by design illegally. In such circumstances I may invite the law society to intervene."

Allegation 1.2.4 – making unsubstantiated allegations about the competence of Levent Hasan and Maryam Abbasi

30.20 On 12 April 2022, in the matter of Person C, the Respondent sent an email to brentfordcountycourt@justice.gov.uk stating the following (HVL1, pp.84-85):

"Dear Sir. I apologise for contacting you directly. I am formally instructed and continue to represent Person C. As a Senior Partner, Solicitor and Officer of the Crown, I consider it paramount to bring and defend cases honestly. It is improper to mislead the court or other parties, and it is my professionally option [sic] that The Court should be seized of all relevant and material information and evidence in its exercise of the administration of Justice. I wish to act with integrity and professionalism while maintaining my overarching responsibility to ensure my first duty and obligation is to HMCTS. As a result of serious internal difficulties at Dominic Levent Solicitors Ltd, Person C has been professionally abandoned on 4 separate occasions by Mr Hasan, my commercial co-director, and Ms Harvey, a CILEX. There is other serious misconduct on this matter. The client has made complaints about misconduct and she is being shot-gunned by Mr Hasan and Ms Harvey, non-specialist

financial remedy solicitors at Dominic Levent Solicitors Ltd: Mr Hasan is not a Resolution member and not has trained in family law practice. Resolution and progression on the Client's matter is being consciously scuppered and sabotaged which is affecting the client detrimentally in that amongst other matters, I cannot file Form H or other prerequisite documents. Compliance with recent Directions is arduous as Mr Hasan in behaving wantonly and in breach of the Code and Principles, as is Ms Harvey. Please see email below for your information in relation to Mr Hasan's conduct. Please note that the Metropolitan Police are investigating Mr Hasan's conduct: Crime Report Reference: 24084698/22. The Law Society, Professional Ethics have been kept abreast of developments and are due to report on matters: expedition in this regard would likely solve all difficulties and The Court is respectfully urged to invite The Law society to reply expeditiously. Given the foregoing, I respectfully invite the Court to note the colossal difficulties the client is experiencing and exercise its discretion accordingly so as to ensure the client is not affected negatively by reasonable delays complying with the terms of the current order and cost penalties are avoided. Should the court require any further information, please do not hesitate to contact me. I can be reached 24/7 on 07584281298. Your Faithfully Dominic Pisano”.

- 30.21 The Metropolitan Police Service have confirmed they received a complaint from the Respondent on 6 April 2022 about Mr Hasan. The complaint made was in relation to Mr Hasan allegedly making abusive phone calls to the Respondent. The Metropolitan Police Service had received no prior complaints from the Respondent. However, they received a subsequent complaint from him on 13 November 2013, which related to Mr Hasan attending his address and serving documents. As of December 2023, the Metropolitan police could provide no update in respect of their investigations, save for the 13th November 2013 complaint which noted “victim advised there was no offences therefore called 101 to report the same”.
- 30.22 Ms Harvey is referred to as a “*non-specialist financial remedy solicitors [sic]*” in the email. Ms Harvey confirms she has been a specialist financial remedy solicitor since she qualified on 17 April 2019. Since joining the Firm, she practised solely in family law. She was trusted to work independently from the point of joining the Firm and in addition, to running a caseload independently, she managed a trainee solicitor and two paralegals in 2020 and two paralegals in 2021 and 2022.
- 30.23 Ms Harvey was unclear what the Respondent's concern was in respect of the file. As far as she could tell, the file had been managed correctly save for an excessive questionnaire that the Respondent had himself drafted, and she was not aware of any complaints made by the client that had a genuine basis.

Allegation 1.3 – between 12 and 14 April 2022, emailed the representative for the opposing side in Person A's matter alleging Person A lacked capacity

- 31.24 On 12 April 2022, the Respondent emailed Person B and Maryam Abbasi in an email chain titled “*Matter of Person A*” stating as follows:

“I have no professional connection with this matter. Mr Hasan has been reported to the SRA and the Metropolitan police: caution is required. Dominic Pisano.”

31.25 On 14 April 2022 at 07:19, the Respondent appeared to respond to the message he had sent on 12 April stating:

“I have no Professional connection with this Retainer. Dominic Pisano”

31.26 At 09:05 on 14 April 2022, Maryam Abbasi replied to the Respondent’s email stating:

“Dear Dominic, As you are aware, Person A has asked for you not to be involved on her matter and as such, please refrain from emailing her. Kind regards, Maryam Abbasi.”

31.27 The Respondent replied to this email six minutes later:

“Good morning I did not know: thank you for confirmation and acknowledgement. Thank you for confirming you and Mr Hasan are fully responsible for Professional Conduct of this matter and Retainer. Good morning [sic] NB I HAVE NOT SPOKEN TO THE CLIENT.”

31.28 Ms Abbasi then replied again to the Respondent at 09:17 stating:

“Dear Dominic, please refer to my email dated 16 March 2022 at 09:25am. Please also note, and as I trust you are already aware, Mr Hasan has not [sic] involvement in this matter save for in his capacity as COLP and COFA. Please also refrain from email [sic] the other side on this matter. Kind regards, Maryam Abbasi”

31.29 In a letter from Morr & Co LLP to the Firm sent at 10:30 on 14 April 2022, copying in the Respondent, it became apparent that the Respondent had emailed Morr & Co LLP in the following terms (HVL1, pp.347-348):

“Please be crystal clear I have no professionally [sic] connection with this matter nor do I accept or assume any responsibility for the matter. Dominic Pisano.”

31.30 The letter stated that Mr Levent Hasan had been copied into the correspondence together with the SRA and sought clarification on the contents of the Respondent’s email which they described as “odd yet noteworthy”. The letter also expressed their concerns regarding Mr Hasan’s involvement in the matter given a potential conflict. They also commented on the SRA involvement as being “another alarming feature”.

31.31 At midday on 14 April 2022, in reply to Morr & Co LLP’s letter, the Respondent stated as follows (HVL1, p.344):

“I have been muted Professionally. It is Professionally Reported. I am wrongly asked to disconnect from a client. I challenge capacity, cognition and veracity [sic] publicly. I am an Office of Crown. Dominic Pisano. NB I have email evidence of today’s [sic] date being Warned Off by Mr Hasan and Ms Abassi [sic]. Thank you.”

The Respondent's explanation about the above matters relating to Allegations 1.1, 1.2 and 1.3

- 31.32 The Respondent did not participate in the substantive hearing. In his Answer to the Applicant's Rule 12 Statement, the Respondent has stated that he makes no admissions whatsoever in respect of the allegations and facts asserted and matters pleaded against him. However, as the Tribunal sitting in the Case Management Hearing on 29 February 2024 found, the Respondent has not clearly set out reasons for his denial in respect of each allegation as was required under Rule 20(4)(a)(ii) of the Solicitors (Disciplinary Proceedings) Rules 2019 or the Standard Direction 2.
- 31.33 Instead, Respondent made some general comments about these proceedings and the witnesses in his Answer to the Applicant's Rule 12 Statement. Among other things, the Respondent has referred to the fact that before the commencement of these proceedings his professional reputation had been "*untarnished and impeccable*" and alleged that the "*ongoing calumny*" had contributed significantly to destroying his legal career and health. He had been in "*perfect mental and physical health*" before these proceedings.
- 31.34 The Respondent also made a number of allegations about Mr Hasan, including, among others that he is a self-interested witness and that he has breached the Code of Conduct and other rules and regulations on multiple instances. The Respondent further referred to the Judgment in litigation proceedings between the Firm and the Respondent, which according to the Respondent has a direct relevance to this matter. Therefore, the Respondent asserted that it was relevant to have regard to the Final Hearing bundle and transcript in the separate litigation proceedings between the Firm and the Respondent.
- 31.35 In the Respondent's view the evidence in this case is fundamentally flawed and he alleged that Mr Hasan and other witnesses had "*wilfully failed*" to provide the Respondent with "*essential and crucial evidence, information and documentations.*"
- 31.36 The Respondent made also further allegations about the employees or former employees of the Firm that have submitted witness statements in these proceedings. The Respondent further referred to the fact that his human rights had been breached, but it is not clear whether his rights had been allegedly breached in these proceedings or in the litigation proceedings between the Firm and the Respondent.
- 31.37 The Respondent further referred to the fact that he had been responsible for the Firm's "*well-written*" Office Manual, Employees Handbook and numerous other Policies and that these provided the employees of the Firm with a clear understanding of their responsibilities and created a framework to guide management and leadership. However, in the Respondent's view, none of the witnesses had shown any regard to the Handbook, Manual and their other important obligations. The Respondent further alleged that his attempts to communicate with the Applicant and the Tribunal had been ignored.

Witnesses

32. The Respondent failed to participate in the substantive hearing and no witnesses were heard.

Findings of Fact and Law

33. 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.

Allegation 1.1

34. Allegation 1.1 – On various dates between 10 September 2021 and 3 April 2022 inclusive, the Respondent behaved in a way, that he knew or ought to have known was likely to cause his colleagues harassment, alarm or distress, namely:

- 1.1.1. On 10 September 2021, in the presence of a client, Person A, and her daughter, Person B, he put his face inappropriately close to the face of Maryam Abbasi and shouted at her.
- 1.1.2. On 30 November 2021, when speaking with Maryam Abbasi and Tahoya Dawkins, used inappropriate and/or homophobic language in referring to a former employee of the Firm, namely "gaylord" and "battyman".
- 1.1.3. In or around November/December 2021, when talking to Colleague 1 in the office, showed her a picture of a woman's vagina using his mobile telephone.
- 1.1.4. In or around January 2022, when talking to Colleague 1 and Jelizaveta Vesko ("Lisa Vesko") in the office, showed them a picture of a woman's vagina using his mobile telephone.
- 1.1.5. In or around February 2022, stated to Colleague 1 "I can't look at you, you look sexy" before covering his eyes.
- 1.1.6. On 11 February 2022, shouted at Benjamin Briggs and kicked the chair he was sitting on and kicked his ankle.
- 1.1.7. On 22 February 2022, shouted at Lisa Vesko when criticising her work, swore at her and slammed a chair against a storage door.
- 1.1.8. On 11 March 2022, made inappropriate and humiliating comments to Mabruck Shaban Mabruck including an inappropriate comment relating to Mr Mabruck's religious beliefs.
- 1.1.9. On 15 March 2022, in a telephone call with Mabruck Shaban Mabruck who was working from home, made an allegation that he was acting illegally and in breach of his contract by working from home and threatened to end his career.

The Respondent's conduct was in breach of Principles 2, 5 and/or 6 of the SRA Principles 2019 and/or amounted to a failure to achieve Rules 1.2 of the Code of Conduct for Solicitors, RELs and RFLs.

The Applicant's Case – Allegation 1.1.

34.1 The Applicant asserted that the following conduct of the Respondent was inappropriate:

- shouting aggressively at junior colleagues whilst in the office (allegations 1.1.1 and 1.1.7);
- using unsuitable/homophobic language whilst in the office (allegations 1.1.2 and 1.1.5);
- showing colleagues pornographic pictures stored on his mobile telephone whilst in the office (allegations 1.1.3 and 1.1.4);
- physically assaulting a member of staff in the office (allegation 1.1.6);
- demeaning a junior colleague whilst in the office and telling him to follow the teaching of the Quran in the context of following his instructions (allegation 1.1.8); and
- threatening to end a junior colleague's career (allegation 1.1.9).

34.2 The Applicant alleged that the Respondent knew or ought to have known that his conduct was inappropriate. The Applicant further alleged that the Respondent's conduct was offensive, intimidating and insulting and it had caused physical and emotional harm. The conduct further amounted to bullying, harassment and an abuse of his position of seniority/ authority and therefore the Respondent breached Principles 2, 5 and/or 6 of the SRA Principles 2019 and Outcome 1.2 of the Code of Conduct.

Alleged Lack of Integrity (Principle 5)

34.3 The Applicant relied on *Wingate v Solicitors Regulation Authority v Malins* [2018] EWCA Civ 366, where it was said that:

"In professional codes of conduct, the term 'integrity' is a useful shorthand to express the higher standards which society expects from professional persons and which the professions expect from their own members... The underlying rationale is that the professions have a privileged and trusted role in society. In return they are required to live up to their own professional standards."
(paragraph 97)

34.4 The Applicant also relied on *Hoodless and Blackwell v Financial Services Authority* [2003] UKFTT FSM007, where it was said that integrity connotes moral soundness rectitude and steady adherence to an ethical code.

34.5 The Applicant asserted that a solicitor acting with integrity would not have treated members of staff in the way that he did, specifically in circumstances where there was such an imbalance of power between himself and the various individuals that are named in the allegations. In the Applicant's view, such a failure to behave appropriately amounted to a breach of Principle 5.

Alleged failure to maintain public trust (Principle 2)

34.6 The Applicant relied on *Beckwith v SRA* [2020] EWHC 3231 (Admin), where it was said at paragraph 44:

“The submission of the SRA in this appeal was that the standard to be derived from the Handbook relevant to the conduct alleged against the Appellant was that the public would have a “... legitimate concern and expectation that junior members [of the profession or of staff] should be treated with respect ...” by other members of the profession. We accept that submission; in our view it is a reasonable formulation having regard to the “outcomes” and “indicative behaviours” set out in Chapter 11 of the 2011 Code of Conduct. Seriously abusive conduct by one member of the profession against another, particularly by a more senior against a more junior member of the profession is clearly capable of damaging public trust in the provision of professional services by that more senior professional and even by the profession generally.”

34.7 The Applicant asserted that the public would be appalled at the behaviour of the Respondent, the Senior Partner of the Firm, in harassing and bullying junior colleagues through his position of authority at work. Therefore, the Respondent’s alleged conduct amounted to a breach of the requirement to behave in a way that maintains the trust placed by the public in the profession and in the provision of legal services.

Alleged failure to encourage equality, diversity and inclusion (Principle 6)

34.8 The Applicant asserted that the Respondent, being the Senior Partner of the Firm, should have created an environment that was inclusive and free from discrimination, bullying, harassment, or victimisation. He should have driven the standards for equality, diversity, and inclusion. Instead:

- a. he conducted himself and behaved in a way, which included using homophobic language and showing pornographic images to junior colleagues, which caused people to feel uncomfortable and distressed.
- b. he made a completely inappropriate equivalence between following his instructions to following the “teachings of the Quran”.

34.9 Therefore, in the Applicant’s view, the Respondent’s above describe conduct amounted to a breach by the Respondent of the requirement to encourage equality, diversity and inclusion.

Alleged abuse of position (Outcome 1.2 of the Code of Conduct)

34.10 The Applicant alleged that the Respondent breached 1.2 of the Code of Conduct by taking unfair advantage of the junior colleagues named in the allegations by harassing and bullying them in his professional capacity. The Applicant asserted that the expectation on the Respondent, as set out in the SRA’s workplace environment guidance, is that he will maintain public confidence in the integrity of the profession and in the legal workplace as a safe and inclusive environment. According to the Applicant, the behaviour as summarised in paragraph 131 above demonstrated the

Respondent's failure in this regard and fell a long way short of treating his colleagues fairly and with respect.

The Respondent's Case – Allegation 1.1

34.11 The Respondent failed to participate in the proceedings and did not provide any specific answer to the Applicant's allegations. The Respondent's Answer did not comply with Rule 20(4)(a)(ii) of the Solicitors (Disciplinary Proceedings) Rules 2019 or the Standard Direction 2.

The Tribunal's Findings – Allegation 1.1

34.12 The Tribunal was satisfied that on the balance of probability the Applicant had proven the facts relating to Allegations 1.1.1- 1.1.9. The Respondent had chosen not to challenge the Applicant's witnesses in cross-examination. Neither had the Respondent in his Answer to the Applicant's Rule 12 statement provided any meaningful responses to the Applicant's specific allegations. In fact, the Tribunal considered that the Respondent's comments, unsubstantiated allegations and attempts to blame others for his alleged conduct in the Respondent's Answer further assisted the Applicant in proving its case.

34.13 In contrast, the Tribunal considered that the Respondent had failed to substantiate the allegations, including the alleged procedural errors in these proceedings, that the Respondent raised in his Answer to the Applicant's Rule 12 Statement.

Alleged Lack of Integrity (Principle 5)

34.14 The test for integrity applied by the Tribunal was that set out in *Wingate and Evans v SRA and SRA v Malins* [2018] EWCA Civ 366, as per Jackson LJ:

“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 ... [Professionals] are required to live up to their own professional standards. [...]

Integrity connotes adherence to the ethical standards of one's own profession. That involves more than mere honesty. To take one example, a solicitor conducting negotiations or a barrister making submissions to a judge or arbitrator will take particular care not to mislead. Such a professional person is expected to be even more scrupulous about accuracy than a member of the general public in daily discourse.

The duty to act with integrity applies not only to what professional persons say, but also to what they do. [...]

Obviously, neither courts nor professional tribunals must set unrealistically high standards ... The duty of integrity does not require professional people to be paragons of virtue. In every instance, professional integrity is linked to the manner in which that particular profession professes to serve the public.”

- 34.15 The Tribunal also considered *Hoodless and Blackwell v Financial Services Authority* [2003] UKFTT FSM007, where it was said that integrity connotes moral soundness rectitude and steady adherence to an ethical code.
- 34.16 Following the test set out in *Wingate v Evans*, the Tribunal considered that acting with integrity means adhering to the SRA's ethical rules and professional standards. The Tribunal agreed with the Applicant's that the Respondent's conduct towards junior colleagues was entirely inappropriate and unacceptable: it was offensive, intimidating and insulting and it had caused physical and emotional harm. The Tribunal also agreed that the Respondent's conduct amounted to bullying, harassment and an abuse of his position of seniority/authority.
- 34.17 In the Tribunal's view, it should have been obvious to all solicitors, particularly an experienced solicitor in a position of a seniority and authority, that a solicitor that shouts at colleagues, uses unsuitable, insulting and/or homophobic language whilst in the office, shows colleagues pornographic pictures, physically assaults (whether recklessly or intentionally) a member of staff in the office and/or bullies, harasses and demeans colleagues whilst in the office, does not act with integrity.
- 34.18 Accordingly, the Tribunal found that, on the balance of probabilities, the Respondent had breached Principle 5 of the SRA Principles 2019 in relation to Allegations 1.1.1 – 1.1.9.

Alleged failure to maintain public trust (Principle 2)

- 34.19 The test for determining whether a solicitor has behaved in a way that maintains the trust the public places in a solicitor in question and the provision of legal services has been set out in *Wingate and Evans v SRA and SRA v Malins* [2018] EWCA Civ 366, as per Jackson LJ:

“Principle [2 which in the 2011 Principles was Principle 6] is directed to preserving the reputation of, and public confidence in, the legal profession. It is possible to think of many forms of conduct which would undermine public confidence in the legal profession. Manifest incompetence is one example. A solicitor acting carelessly, but with integrity, will breach Principle 6 if his careless conduct goes beyond mere professional negligence and constitutes “manifest incompetence”; see Iqbal and Libby.

In applying Principle 6 [Principle 2 in the 2019 Principles] it is important not to characterise run of the mill professional negligence as manifest incompetence. All professional people are human and will from time to time make slips which a court would characterise as negligent. Fortunately, no loss results from most such slips. But acts of manifest incompetence engaging the Principles of professional conduct are of a different order.”

- 34.20 The Tribunal considered that the public would not expect a solicitor to shout at junior colleagues, use the kinds of insulting and homophobic language that the Respondent seemed to be accustomed to use in an office environment, behave in a domineering and controlling manner, show obscene photographs to junior colleagues, spit on an employee's face, have a meltdown in front of employees and behave in an aggressive

manner and otherwise harass, bully and demean junior colleagues in the manner summarised in paragraph 131 above. The Respondent's conduct was appalling and went materially beyond conduct that could be described as simply careless.

- 34.21 The Tribunal also considered that the fact that the university had advised Mr Briggs and the other three interns on university work placement at the Firm to leave the Firm immediately is indicative of the Respondent's failure to maintain the trust that the public places in a solicitor. The Respondent's conduct would have undoubtedly caused the work placement students to view the solicitor's profession in a very negative light.
- 34.22 Therefore, the Tribunal found on the balance of probabilities that the Respondent's conduct had materially diminished public's trust and confidence in the legal profession and, thus, had breached Principle 2 of the SRA Principles 2019 in relation to Allegations 1.1.1 – 1.1.9.

Alleged failure to encourage equality, diversity and inclusion (Principle 6)

- 34.23 The Tribunal was satisfied that the Applicant had proven on the balance of probabilities that the Respondent had failed to act in a way that encourages equality, diversity, and inclusion. The Tribunal agreed with the Applicant that the Respondent had failed to create an environment in the Firm that was inclusive and free from discrimination, harassment, bullying and victimization.
- 34.24 The Tribunal was satisfied that the Applicant had proven on the balance of probabilities that the Respondent had used homophobic language, made an inappropriate sexual comment and showed pornographic images to female colleagues causing them to feel uncomfortable and distressed and had made inappropriate equivalence between following his instructions and following the "teachings of the Quran." Therefore, the Tribunal found that the Respondent had breached Principle 6 of the SRA Principles 2019 in relation to Allegations 1.1.1 – 1.1.8.

Alleged abuse of position (Outcome 1.2 of the Code of Conduct)

- 34.25 The Tribunal was satisfied on the balance of probabilities that the Applicant had proven that the Respondent had taken unfair advantage of his junior colleagues by harassing and bullying them in his professional capacity. The Tribunal further noted that the Respondent had by his conduct made the office environment in the Firm unsafe and toxic to the extent that Mr Hasan had had to ask the employees to work from home. Accordingly, the Tribunal found that the Respondent had failed to achieve outcome 1.2 of the Code of Conduct.

Allegation 1.2

35. Allegation 1.2 – Between 11 March 2022 and 12 April 2022, the Respondent made a series of inappropriate and unsubstantiated allegations about colleagues, namely:
- 1.2.1. On 11 March 2022, in a telephone conference with Levent Hasan, Lisa Vesko and Person C, he stated that Levent Hasan was not A5 professionally qualified to undertake work on Person C's file and said words to the effect that Levent Hasan was "an illegal lawyer" and acting in an "unlawful" way;

- 1.2.2. On 15 March 2022, in an email sent to, amongst others, Maria-Amalia Walker at 42 Bedford Row Chambers, the Firm’s accountants and the SRA Professional Ethics inbox, he made unsubstantiated allegations that Levent Hasan was conducting family work without the requisite skill, training or supervision and doing so negligently whilst also alleging that Levent Hasan was concealing the fact that Person A lacked mental capacity to make decisions in her matter;
- 1.2.3. On 15 March 2022, in an email sent to, amongst others, the SRA Professional Ethics inbox, Maria-Amalia Walker, Levent Hasan and Maryam Abbasi, he made unsubstantiated allegations of criminality against Maryam Abbasi and Marija Sukyte.
- 1.2.4. On 12 April 2022, in an email sent to Brentford County Court, 42 Bedford Row Chambers and Person C, he alleged that Person C had been abandoned by Levent Hasan and Alexandra Harvey on four occasions, that Alexandra Harvey and Levent Hasan were not suitably qualified to conduct the matter, that work on the file was being “sabotaged” and that Alexandra Harvey and Levent Hasan were in breach of the SRA’s Code of Conduct.

His conduct was in breach of Principles 2, 5 and/or 7 of the SRA Principles 2019 and/or amounted to a failure to achieve Rules 1.4 of the of the Code of Conduct for Solicitors, RELs and RFLs.

The Applicant’s Case – Allegation 1.2

- 35.1 The Applicant asserted that the conduct of the Respondent in:
- stating to a client that Levent Hasan was not professionally qualified to undertake work on her file and calling him an “illegal lawyer” (allegation 1.2.1);
 - communicating to counsel, the Firm’s accountants and the SRA that Levent Hasan was both conducting family work negligently and concealing the fact that the client lacked mental capacity when he knew this not to be the case (allegation 1.2.2);
 - communicating to counsel, the Firm’s accountants and the SRA that Maryam Abbasi and Marija Sukyte are aiding and abetting and complicit in crime when he knew this not to be the case (allegation 1.2.3); and
 - communicating to Brentford County Court to inform them that Person C had been “abandoned” on four occasions by the Firm, Levent Hasan was not suitably qualified, Alexandra Harvey was a non-specialist financial remedy solicitor, and that work on the file was being sabotaged was clearly inappropriate.
- 35.2 The Applicant alleged that the Respondent knew or ought to have known that what he was communicating to various parties was inaccurate. He was therefore acting in breach of Principles 2, 5 and/or 7 of the SRA Principles 2019.

Alleged Lack of Integrity (Principle 5 of the SRA Principles 2019)

- 35.3 Relying on *Wingate v Solicitors Regulation Authority v Malins* [2018] EWCA Civ 366 and *Hoodless and Blackwell v Financial Services Authority* [2003] UKFTT FSM007, as further described above, the Applicant asserted that a Solicitor and Partner acting with integrity would not communicate statements to his client or other parties which he knew, or ought to have known, were untrue.
- 35.4 According to the Applicant, the Respondent's behaviour, therefore, amounted to a breach of Principle 5 of the 2019 Principles.

Alleged failure to maintain public trust (Principle 2)

- 35.5 The Applicant alleged that the Respondent's conduct alleged also amounted to a breach of the requirement to behave in a way which maintains the trust placed by the public in the profession and in the provision of legal services. The Applicant argued that the public's confidence in the profession would be seriously undermined by the behaviour of the Respondent, the Senior/Managing Partner, in communicating information to other parties which he knew, or ought to have known, was untrue. The Respondent's behaviour amounted to a breach of Principle 2 of the 2019 Principles.

Alleged failure to act in the best interest of each client (Principle 7)

- 35.6 The Applicant alleged that the Respondent's amounted to a breach by the Respondent of the requirement to act in the best interests of each client. In client matters the Respondent informed both the court and counsel of things that he knew or ought to have known were untrue which could have had a significant impact on the client's case. In the Applicant's view, such behaviour constitutes a breach of Principle 7.

Alleged failure to achieve outcome 1.4 of the SRA Code of Conduct

- 35.7 The Applicant alleged that by making statements which he knew or ought to have known were untrue the Respondent misled or attempted to mislead his client, the court and others, and breached outcome 1.4 of the Code.

The Respondent's Case – Allegation 1.2

- 35.8 The Respondent failed to participate in the proceedings and did not provide any specific answer to the Applicant's allegations. The Respondent's Answer did not comply with Rule 20(4)(a)(ii) of the Solicitors (Disciplinary Proceedings) Rules 2019 or the Standard Direction 2.

The Tribunal's Findings – Allegation 1.2

- 35.9 The Tribunal was satisfied that the Applicant had proven on the balance of probabilities the facts relating to Allegations 1.2.2 - 1.2.4. The Respondent had chosen not to challenge the Applicant's witnesses in cross-examination and had not provided any meaningful responses to the Applicant's specific allegations in his Answer to the Applicant's Rule 12 statement.

35.10 However, the Tribunal considered that the Applicant had submitted insufficient evidence in relation to Allegation 1.2.1. In particular, the Tribunal considered that there was no independent evidence, on the basis of which it could have been verified what the Respondent said or did not say in a telephone conference with Levent Hasan, Lisa Vesko and Person C on 11 March 2023. Therefore, the Tribunal found that Allegation 1.2.1 was not proven to the requisite standard, namely the balance of probabilities.

Alleged Lack of Integrity (Principle 5 of the SRA Principles 2019)

35.11 The test for integrity applied by the Tribunal was that set out in *Wingate and Evans v SRA and SRA v Malins* [2018] EWCA Civ 366, where 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.

35.12 The Tribunal considered that the Respondent's statements about his client, Person A to third parties were malicious, insulting and degrading and the Respondent must have known that the statements were untrue, as there was clear medical evidence that showed that his statements were untrue.

35.13 Similarly, the Respondent's unsubstantiated damaging and untrue statements about his colleagues to a court and other third parties gave the wrong impression that the SRA was investigating the conduct of his colleagues and/or that the colleagues had been found to have breached the SRA's Code of Conduct and/or other Principles and Rules. The Tribunal considered that the Respondent had known or ought to have known that these statements were untrue and, thus, the Respondent had seemingly made these statements in a malicious attempt to put stains on his colleagues' professional reputation.

35.14 The Tribunal concluded that a solicitor acting with integrity would not have made the statements described in Allegations 1.2.2 -1.2.4. Accordingly, the Tribunal found on the balance of probabilities that the Respondent had breached principle 5 of the SRA Principles 2019 by communicating statements about his client and his colleagues to his clients, a court and other parties, which he knew or ought to have known, were untrue.

Alleged failure to maintain public trust (Principle 2)

35.15 As described further above, the Tribunal applied the test for maintaining public trust and confidence in the legal professions set out by Jackson LJ in *Wingate and Evans v SRA and SRA v Malins* [2018] EWCA Civ 366, where it was said that a solicitor acting carelessly but with integrity would undermine public confidence in the legal profession of the careless conduct goes beyond mere professional negligence and constitutes "*manifest incompetence.*"

35.16 In the present case, the Tribunal has found that the Respondent was not acting with integrity when he made the statements detailed in Allegations 1.2.2 – 1.2.4. In addition, the Tribunal considered that the public would not expect a solicitor to make false and unsubstantiated statements about his client and his colleagues to his clients, a court, and other parties that the Respondent had made, whilst he knew or ought to have known that those statements were untrue.

35.17 The Respondent's statements were entirely unprofessional and unacceptable. In making statements about his colleagues, a client, and a former client that the Respondent knew or ought to have known were untrue, the Respondent acted in a manner that went beyond mere carelessness and materially diminished the public's trust and confidence in the legal profession.

35.18 Therefore, the Tribunal was satisfied on the balance of probabilities that the Respondent had failed to maintain public trust and confidence in the legal profession and, thus, had breached Principle 2 of the SRA Principles 2019.

Alleged failure to act in the best interest of each client (Principle 7)

35.19 The Tribunal was satisfied on the balance of probabilities that the Respondent had not acted in the best interest of his clients when he made damaging statements about his clients to a court, counsel and other parties, which he knew or ought to have known were untrue and which could have had a significant impact on the client's case. Accordingly, the Tribunal found that the Respondent's behavior described in Allegations 1.2.2 and 1.2.4 constituted a breach of Principle 7 of the SRA Principles 2019.

Alleged failure to achieve outcome 1.4 of the SRA Code of Conduct

35.20 The Tribunal was satisfied that by making statements which he knew or ought to have known were untrue, as is described in Allegations 1.2.2 – 1.2.4, the Respondent misled or attempted to mislead his client, the court, and others. Accordingly, the Tribunal found that the Respondent had failed to achieve outcome 1.4 of the SRA Code of Conduct.

Allegation 1.3

36. Allegation 1.3 – Between 12 and 14 April 2022, the Respondent emailed the representative for the opposing side in Person A's matter alleging Person A lacked capacity when he knew or ought to have known this was not true. His conduct was in breach of Principles 2 and/or 5 of the SRA Principles 2019 and/or amounted to a failure to achieve Rule 1.4 of the Code of Conduct for Solicitors, RELs and RFLs.

The Applicant's Case – Allegation 1.3

36.1 The Applicant alleged that the conduct of the Respondent in emailing his former client's opponent's representative was in itself inappropriate. Informing them of things which he knew or ought to have known were not true, namely that the client did not have capacity, in the Applicant's view meant that he was acting in breach of his professional obligations.

36.2 According to the Applicant, the Respondent knew or ought to have known that what he was communicating to various parties was untrue. Therefore, the Applicant alleged that the Respondent was acting in breach of Principles 2, 5 and/or 7 of the SRA Principles 2019.

Alleged Lack of Integrity (Principle 5 of the SRA Principles 2019)

36.3 Relying on *Wingate v Solicitors Regulation Authority v Malins* [2018] EWCA Civ 366 and *Hoodless and Blackwell v Financial Services Authority* [2003] UKFTT FSM007, as further described above, the Applicant asserted that a Solicitor and Partner acting with integrity would not communicate things to his former client's opponent's representative which he knew, or ought to have known, was untrue. Therefore, the Applicant alleged that the Respondent's behaviour amounted to a breach of Principle 5 of the 2019 Principles.

Alleged failure to maintain public trust (Principle 2)

36.4 The Applicant alleged that the Respondent's conduct described in Allegation 1.3 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 the profession and in the provision of legal services.

36.5 The Applicant submitted that the public's confidence in the profession would be shattered by the behaviour of the Respondent, the Senior/Managing Partner, in communicating with his former client's opponent's representative and communicating information which he knew, or ought to have known, was untrue. Therefore, in the Applicant's view, the Respondent's behaviour amounted to a breach of Principle 2 of the 2019 Principles.

Alleged failure to achieve Outcome 1.4 of the Code

36.6 The Applicant alleged that the Respondent mislead or attempted to mislead his former client's opponent's representative and, thus, breached 1.4 of the Code.

The Respondent's Case – Allegation 1.3

36.7 The Respondent failed to participate in the proceedings and did not provide any specific answer to the Applicant's allegations. The Respondent's Answer did not comply with Rule 20(4)(a)(ii) of the Solicitors (Disciplinary Proceedings) Rules 2019 or the Standard Direction 2.

The Tribunal's Findings – Allegation 1.3

36.8 The Tribunal was satisfied that the Applicant had on the balance of probabilities proven the facts relating to Allegation 1.3. The Respondent had chosen not to challenge the Applicant's witnesses in cross-examination and had not provided any meaningful responses to the Applicant's specific allegations in his Answer to the Applicant's Rule 12 statement.

Alleged Lack of Integrity (Principle 5 of the SRA Principles 2019)

36.9 The test for integrity applied by the Tribunal was that set out in *Wingate and Evans v SRA and SRA v Malins* [2018] EWCA Civ 366, where 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.

36.10 The Tribunal agreed with the Applicant that a Solicitor and Partner acting with integrity would not communicate things to his former client's opponent's representative which he knew, or ought to have known, was untrue. The Tribunal also considered that the Respondent's untrue statements about his former client had the effect of undermining the client's case. Accordingly, the Tribunal found on the balance of probabilities that the Respondent had breached Principle 5 of the SRA Principles 2019 also with respect to Allegation 1.3.

Alleged failure to maintain public trust (Principle 2)

36.11 As described further above, the Tribunal applied the test for maintaining public trust and confidence in the legal professions set out by Jackson LJ in *Wingate and Evans v SRA and SRA v Malins* [2018] EWCA Civ 366. The Tribunal considered that the public would be abhorred to find that a solicitor and a Senior/ Managing Partner to communicate information about his former client to the former client's opposing legal representative, which he knew or ought to have known was untrue.

36.12 Therefore, the Tribunal found on the balance of probabilities that the Respondent had materially diminished the trust and confidence that the public places in the legal profession and had, thus breached Principle 2 of the SRA Principles 2019 also with respect to Allegation 1.3.

Alleged failure to achieve Outcome 1.4 of the Code

36.13 Given that the Tribunal was satisfied that the Applicant had proven on the balance of probabilities that the Respondent had mislead or attempted to mislead the former client's representative by making statements about Person A that the Respondent knew or ought to have known were untrue, the Tribunal found that the Respondent had also failed to achieve outcome 1.4 of the SRA Code of Conduct.

Previous Disciplinary Matters

37. There were no previous disciplinary matters against the Respondent.

Mitigation

38. The Respondent has not put forward any mitigating factors in these proceedings, nor has the Respondent answered the Applicant's specific allegations in any meaningful manner.

Sanction

39. In determining a sanction for the Respondent, the Tribunal considered the Solicitors Disciplinary Tribunal's Guidance Note on Sanction (10th Edition/June 2022) (the "Sanctions Guidance").

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

determining the seriousness of the misconduct, the Tribunal was to consider the Respondent's culpability and harm identified together with the aggravating and mitigating factors that existed.

41. In assessing the Respondent's culpability, the Tribunal found that the Respondent's culpability was at the highest level. Whilst the Tribunal was unable to determine the Respondent's motivation for his conduct and some of the Respondent's actions may have been impulsive, the Tribunal considered that for most part of the Respondent's conduct had been part of his character. In addition, the Tribunal considered that the Respondent had shown no insight into the effect of his behavior on junior colleagues and clients, the Respondent had been in direct control of his actions, he was an experienced solicitor, his misconduct had been deliberate, calculated and repeated over a period of at least 6 months.
42. Critical to the Tribunal's assessment of the Respondent's culpability were also the fact that the Respondent's misconduct involved violence, bullying and harassment that had caused both physical and emotional harm to the Respondent's junior colleagues and clients of the Firm, the Respondent had materially abused his position of seniority and authority and had materially breached the SRA Principles 2019 and the SRA Code of Conduct in many respects.
43. The Tribunal then considered the issue of harm. In the Tribunal's view, the Respondent had caused serious harm to his colleagues, clients and the reputation of the profession by bullying, harassing and abusing his position of seniority and authority, making unsubstantiated and damaging statements to clients and others that the Respondent knew or ought to have known were untrue and breaching the SRA Principles and the Code of Conduct repeatedly and in several respects.
44. Moreover, the Tribunal considered that the Respondent's culpability and the harm caused by the Respondent's misconduct was aggravated by the fact that the Respondent's misconduct involved violence, harassment, and coercion with and without sexual elements. The seriousness of the Respondent's misconduct was further aggravated by the fact that the Respondent had taken advantage of the vulnerability of a client thereby jeopardizing her case and acting against the client's best interests and had similarly taken advantage of university placement students and otherwise abused his position of seniority and authority in relation to several other junior colleagues.
45. Other aggravating factors that the Tribunal took into account in determining the seriousness of the Respondent's misconduct and the harm caused by the Respondent included the fact that the Respondent had not shown any insight as to the effect of his misconduct and had instead sought to place the blame on others and the Respondent must have known, or must have at least been reckless to, the consequences of the untrue and damaging statements that he was making about clients and colleagues to clients and others.
46. In light of the above described several aggravating factors, the Tribunal concluded that the seriousness of the Respondent's misconduct was at the highest level. Accordingly, the Tribunal considered that the only appropriate and proportionate sanction was to strike the Respondent, Mr Domenico (Dominic) Pisano off the Roll of Solicitors. The Tribunal rejected the lesser sanctions because, in its view, all the lesser sanctions would

have been inappropriate in light of the serious nature of the Respondent's miscount and would not have adequately protected the public and the reputation of the legal profession.

Costs

47. The Applicant's schedule of costs amounted to £ 41,875.44, which was reduced from £62,323.44 due to the shortened length of the Hearing. The majority of the Applicant's costs comprised the fees of five fee earners of varying seniority from Capsticks Solicitors LLP. The fees included disbursements and VAT.
48. The Respondent had not submitted any statement of means and/or in any other way commented on the Applicant's schedule of costs.
49. Having carefully reviewed and considered the Applicant's cost schedule, the Tribunal was satisfied that the Applicant's application for costs was reasonable and properly made.
50. Accordingly, the Tribunal ordered the Respondent to pay the Applicant's costs of and incidental to this application fixed in the sum of £ 41,875.44 including disbursements and VAT.

Statement of Full Order

51. The Tribunal ORDERED that the Respondent, DOMENICO (DOMINIC) PISANO, 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 £41,875.44.

Dated this 14th day of October 2024

On behalf of the Tribunal

R. Nicholas

R Nicholas
Chair

JUDGMENT FILED WITH THE LAW SOCIETY
14 OCT 2024