

SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 12554-2024

BETWEEN:

SOLICITORS REGULATION AUTHORITY LTD.

Applicant

and

TAKESHIGE SUGIMOTO

Respondent

Before:

Mr G Sydenham (in the chair)

Ms H Hasan

Mr P Hurley

Date of Hearing: 19 August 2024

Appearances

Louis Weston, Counsel, instructed by Capsticks Solicitors LLP, 1 St George's Road, Wimbledon, London SW19 4DR on behalf of the Solicitors Regulation Authority Ltd of The Cube, 199 Wharfside Street, Birmingham B1 1RN for the Applicant.

Tom Nicholson, Counsel, 2 Harcourt Buildings, Temple, London, EC4Y 9DB for the Respondent

JUDGMENT ON AN AGREED OUTCOME

Allegations

1. The allegations made by the SRA against the Respondent, Takeshige Sugimoto, who is not a solicitor, are that he has been guilty of conduct of such a nature that in the opinion of the SRA it would be undesirable for him to be involved in a legal practice in that he, while a Registered Foreign Lawyer “RFL” and Member of Bird & Bird LLP (UK) and Bird & Bird LLP (Belgium):
 - 1.1 **[WITHDRAWN]**
 - 1.2 Between around January 2019 and March 2019, pursued a course of conduct which he knew or ought to have known was unwanted and/or inappropriate towards Person B which included,
 - 1.2.1 engaging in conduct towards her on any or all of the occasions as set out in Schedule 3;
 - 1.2.2 sending WhatsApp messages which were inappropriate in both volume and/or content, including those messages set out in Schedule 4;
 - 1.2.3 touching her in such a way, on any or all of the occasions, as set out in Schedule 5,and in doing so breached Overseas Principles 2 and/or 6 of the SRA Overseas Rules 2013.

PROVED

2. His conduct as described above was sexually motivated and an abuse of position.

PROVED

3. The Applicant applied to withdraw Allegation 1.1 at the outset of the proceedings and to amend Allegation 1.2. The Applicant submitted that shortly prior to the commencement of the Substantive Hearing listed between 19 – 27 August 2024 it had received notification of Mr Sugimoto’s admissions on a basis that it considered acceptable, which included consent to the imposition of an order pursuant to Section 43 of the Solicitors Act 1974 (control of solicitors’ employees and consultants).
4. The parties therefore invited the Tribunal to deal with the Allegations against Mr Sugimoto in accordance with the Statement of Agreed Facts and Proposed Outcome annexed to this judgment.

Documents

5. The Tribunal had before it the following documents: -
 - Rule 12 Statement and Exhibit MLR1 dated 30 January 2024;
 - Mr Sugimoto’s Answer dated 4 March 2024; and
 - Statement of Agreed Facts and Proposed Outcome dated 16 August 2024

Background

6. Mr Sugimoto was a Registered Foreign Lawyer (“RFL”). He was registered on 31 May 2018. On 31 October 2019, Mr Sugimoto’s status terminated, as he did not renew his registration, and he remains unregistered to date.
7. Mr Sugimoto was a Manager and Partner at Bird and Bird LLP (UK) and Bird and Bird LLP (Belgium), based in the Brussels branch, between 14 June 2018 and 23 July 2019, until he was expelled by the Firm in relation to conduct that forms the basis of the allegations set out above.
8. Bird and Bird LLP UK is a recognised body regulated by the SRA. As an RFL, employed by a regulated law firm, Mr Sugimoto was involved in a legal practice for the purposes of Section 43 Solicitors Act 1974.

Preliminary Applications

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

9. The parties invited the Tribunal to deal with the Allegations against Mr Sugimoto in accordance with the Statement of Agreed Facts and Proposed Outcome annexed to this judgment. The parties submitted that the outcome proposed was consistent with the Tribunal’s Guidance Note on Sanctions.
10. The timing of the application required the parties to seek leave of the Tribunal to consider the Agreed Outcome out of time. It was unfortunate that this application had arrived at a late stage particularly given the potential impact on the witnesses arising from prolonged proceedings. However, the Tribunal was satisfied that it would serve no useful purpose to refuse to consider the Agreed Outcome at this stage and so it granted the application for leave.

Application/s considered during the Proceedings

11. Whilst the proceedings were ongoing the Tribunal received an application from a non-party (media organisation) for disclosure of the Agreed Statement of Facts and Proposed Outcome document that had been submitted by the parties in advance of the Substantive Hearing.
12. The parties were neutral in respect of the application and the Tribunal directed that the document be disclosed to the non-party applicant subject to any appropriate redactions that may be required.

Findings of Fact and Law

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

14. No oral evidence was received; the Tribunal considered all of the evidence and submissions made by the parties. The evidence is quoted or summarised in the Findings of Fact and Law below. The evidence referred to will be that which was relevant to the findings of the Tribunal, and to facts or issues in dispute between the parties. For the avoidance of doubt, the Tribunal read all of the documents in the case. The absence of any reference to particular evidence should not be taken as an indication that the Tribunal did not read, hear or consider that evidence.
15. The Tribunal was satisfied on the balance of probabilities that Mr Sugimoto's admissions were properly made.
16. The Tribunal granted the Applicant's application to amend the allegations in line with that detailed in the Agreed Facts and Proposed Outcome document annexed to this judgment to more accurately reflect the evidence in the case and on the basis that the amendments did not preclude the outcome proposed by the parties.
17. The parties in submissions adopted the jointly endorsed Statement of Agreed Facts and Proposed Outcome as their position and invited the Tribunal to make findings on that basis. The Tribunal considered the evidence in the case in detail and, having determined that the allegations should be withdrawn and amended in line with those set out in the Statement of Agreed Facts and Proposed Outcome and that Mr Sugimoto's admissions were properly made, the Tribunal found Allegation 1.2. (as amended) and Allegation 2 **Proved** on the balance of probabilities.

Sanction

18. The Tribunal considered the Guidance Note on Sanction (10th Edition, June 2022). In doing so the Tribunal assessed the culpability and harm identified together with the aggravating and mitigating factors that existed.
19. The Tribunal was satisfied that this was a serious case. The admitted conduct was undoubtedly serious enough to warrant the regulatory control over Mr Sugimoto which a Section 43 order would provide going forward.
20. Mr Sugimoto's level of culpability was high; he was an experienced lawyer who at the time of the misconduct was a partner at the firm. He was in a position of authority and influence and used the imbalance of power created by his seniority to take advantage of a junior female consultant.
21. By reference to the Guidance Note on Sanction (10th Edition), the aggravating features of Mr Sugimoto's conduct were that the misconduct was repeated, persisting over a period of 2 months and amounted to an abuse of power and position of authority. It also included a sexual element, in view of the sexual motivation behind the misconduct.
22. The Tribunal found that the public interest would be adequately protected by the imposition of a Section 43 order for a period of 5 years, noting that Mr Sugimoto has not worked for a firm regulated by the SRA since 23 July 2019 and has not been an RFL since 31 October 2019.

Statement of Full Order

23. The Tribunal ORDERED that as from 19 August 2024 for a period of 5 years except in accordance with Law Society permission (through the Solicitors Regulation Authority): -

- (i) no solicitor shall employ or remunerate, in connection with his practice as a solicitor Takeshige Sugimoto.
- (ii) no employee of a solicitor shall employ or remunerate, in connection with the solicitor's practice the said Takeshige Sugimoto.
- (iii) no recognised body shall employ or remunerate the said Takeshige Sugimoto.
- (iv) no manager or employee of a recognised body shall employ or remunerate the said Takeshige Sugimoto in connection with the business of that body.
- (v) no recognised body or manager or employee of such a body shall permit the said Takeshige Sugimoto to be a manager of the body.
- (vi) no recognised body or manager or employee of such a body shall permit the said Takeshige Sugimoto to have an interest in the body.

and the Tribunal further Ordered that the said Takeshige Sugimoto do pay the costs of and incidental to this application and enquiry fixed in the sum of £36,000.

Dated this 25th day of September 2024

On behalf of the Tribunal

G Sydenham

G Sydenham
Chair

JUDGMENT FILED WITH THE LAW SOCIETY
25 SEPT 2024

BEFORE THE SOLICITORS DISCIPLINARY TRIBUNAL

Case No:

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

AND IN THE MATTER OF:

SOLICITORS REGULATION AUTHORITY LIMITED

Applicant

and

TAKESHIGE SUGIMOTO

(unadmitted)

Respondent

AGREED OUTCOME PROPOSAL

Pursuant to Rule 25 of the Solicitors (Disciplinary Proceedings) Rules 2019

Introduction/ Executive Summary

1. By an Application and Statement made by Mark Rogers on behalf of Solicitors Regulatory Authority Limited (“the SRA”), pursuant to Rule 12 of the Solicitors (Disciplinary Proceedings) Rules 2019 dated 31 January 2024, the SRA has brought proceedings before the Tribunal raising allegations of professional misconduct against Mr Sugimoto. The matter has been listed for a substantive hearing before the Tribunal to commence between 19 August and 27 August 2024.
2. Having reviewed the position, and having taken advice from his Counsel, the Respondent (who is unadmitted) is now prepared to make admissions which are acceptable to the SRA and, subject to the Tribunal’s approval, to consent to an order pursuant to section 43 of the Solicitors Act 1974 (control of solicitor’ employees and consultants), as particularised in paragraph 54 below.
3. For its part, the SRA is prepared to seek leave of the Tribunal to amend the allegations by way of a separate application under Rule 24 when seeking the Tribunal’s approval of this statement. This separate application is made on the basis that the SRA takes the view that a full trial of any outstanding allegations

not admitted would be unlikely to make a material difference to sanction, and it would, therefore, be disproportionate and not in the public interest to proceed to trial.

4. The SRA has considered the admissions being made and whether those admissions, and the outcomes proposed in this document, meet the public interest having regard to the gravity of the matters alleged. For the reasons explained in more detail below, and subject to the Tribunal's approval, the SRA is satisfied that the admissions and outcome do satisfy the public interest.

Statement of Agreed Facts and Admissions

5. The SRA has given very careful consideration to the Respondent's position and the concessions and admissions he has made.
6. In considering the wording of the statement of agreed facts and the appropriate sanction, the SRA has had in mind (and invites the Tribunal to have in mind), the fact that the SRA has experienced difficulties in ensuring the attendance of witnesses who reside overseas, and the understandable anxiety about the prospect of providing evidence to the Tribunal which will involve reliving the events in question. Person B is prepared to travel to the UK but has been permitted to have special measures in place to enable her to give evidence effectively. The Respondent has been made aware of these difficulties.
7. In these circumstances, and although the SRA considers that the allegations were properly brought on the evidence, the SRA is now prepared not to proceed with allegations which go beyond that which is set out below.

Admissions

8. Accordingly for the purposes of agreeing a disposal, the parties are agreed on the following facts:

The allegations admitted by the Respondent, Takeshige Sugimoto, who is not a solicitor, are that he has been guilty of conduct of such a nature that in the opinion of the SRA it would be undesirable for him to be involved in a legal practice regulated by the SRA in that he, while a Registered Foreign Lawyer "RFL" and Member of Bird & Bird LLP (UK) and Bird & Bird LLP (Belgium):

[Allegation 1.2] Between around 21 January 2019 and 27 March 2019, pursued a course of conduct which he knew or ought to have known was inappropriate towards Person B which included:

- 1.2.1 *engaging in conduct towards her on any or all of the occasions as set out in Schedule 3 paras a, b, d, f and h;*
- 1.2.2 *sending WhatsApp messages which were inappropriate in both volume and/or content, including those messages set out at paragraphs 76 to 79¹;*
- 1.2.3 *touching her in such a way, on any or all of the occasions, as set out in Schedule 5, a, b and d.*

and in doing so breached Overseas Principles 2 and/or 6 of the SRA Overseas Rules 2013.

[Allegation 2] *His conduct as described above was sexually motivated and an abuse of position.*

Agreed Facts

Professional details

- 9. The Respondent, who was born in 1981, was a Registered Foreign Lawyer (“RFL”). He was registered on 31 May 2018. On 31 October 2019, the Respondent’s status terminated as he did not renew his registration and he remains unregistered to date.
- 10. The Respondent was a Manager and Partner at Bird and Bird LLP (UK) and Bird and Bird LLP (Belgium), based in the Brussels branch, between 14 June 2018 and 23 July 2019, until he was expelled by the Firm in relation to conduct that forms the basis of this case.
- 11. Bird and Bird LLP UK is a recognised body regulated by the SRA. As a RFL, employed by a regulated law firm, the Respondent was involved in a legal practice for the purposes of section 43 Solicitors Act 1974.
- 12. The Respondent was the Head of a team at the Brussels branch. Person B was a junior legal consultant and reported directly to the Respondent. The Respondent is currently employed in Japan, by a firm that is not regulated by the SRA.

¹ of the Rule 12 statement dated 31 January 2024

Background

13. In May 2019, Bird and Bird LLP Belgium (“the Firm”) commenced an internal investigation into the conduct of the Respondent, due to concerns about his behaviour that had been raised.
14. During the course of its investigation, the Firm interviewed Person B. The Firm’s investigation report was sent to the Respondent on 2 July 2019.
15. The Respondent provided his observations on the report. He denied the allegations. He admitted that his behaviour towards Person B had been “*misguided*” and lacked judgment but that it was consensual. He provided WhatsApp messages between himself and Person B in order to support his account that his behaviour was not unwanted.
16. On 15 July 2019, the Firm notified the SRA of its internal investigation. On 24 July 2019, the Firm updated the SRA to advise that the Board had decided to terminate the Respondent’s membership of Bird and Bird LLP. The Respondent had been notified of the decision on 23 July 2019.
17. The Firm also reported the Respondent’s conduct to the Brussels Bar Association on 24 July 2019. On 19 March 2020, the Brussels Bar Association notified the Respondent’s legal representative that it was taking no further action.
18. As part of its investigation, the SRA issued a section 44B Notice on the Firm and obtained the documents relating to the internal investigation.
19. The SRA made contact with the complainant, who resided outside of the UK. Person B provided a signed witness statement dated 13 May 2021.
20. In summary, in her witness statement to the SRA, Person B said that the Respondent had:
 - i. On more than one occasion, asked her very personal questions of an intimate and sexual nature.
 - ii. Sent inappropriate and sexualised messages to her.
 - iii. Made repeated declarations of his intense feelings to her.
 - iv. Made repeated requests to meet her socially.
 - v. Waited outside the office to walk with her.
 - vi. Waited outside her home in attempts to see her.

- vii. Would ask her for meetings at work and then discuss personal matters with her, sometimes multiple times a day.
 - viii. Touched her inappropriately including by taking her hand and trying to hug her.
 - ix. Spoke to her about inappropriate subjects including intimate or sexual matters which the Respondent asserts was part of mutual personal conversations
21. She had repeatedly told him that she did not want to have a personal relationship with him.
22. Person B sets out the profound impact of the Respondent's conduct on her within her witness statement.

Allegation 1.2 – the Respondent has been guilty of conduct of such a nature that in the opinion of the SRA it would be undesirable for him to be involved in a legal practice regulated by the SRA when between around January 2019 and March 2019, pursued a course of conduct which he knew or ought to have known was inappropriate towards Person B

23. Person B joined the Firm [REDACTED] in the Respondent's Team on 21 January 2019. During her time at the Firm, she worked "solely with/for" the Respondent, reporting directly to him. She left the Firm on 19 July 2019.
24. On her first day of employment with the Firm, the Respondent invited her to dinner which he stated was tradition for newcomers. During the dinner, the Respondent asked Person B personal questions that were not connected to work, including whether she had a boyfriend. He told her she was different from the other girls in the team and that he liked her a lot. This conduct falls within allegation 1.2.1, Schedule 3, paragraph a.
25. At the end of the meal, the Respondent insisted on walking Person B back to where she was staying. She told him multiple times that she preferred to walk alone but the Respondent still insisted on walking her at least part of the way. This conduct relates to Schedule 3, paragraph b.
26. Before she left him for the evening, Person B states that the Respondent took her hand, which she withdrew. This conduct relates to, Schedule 5, paragraph a.
27. The behaviour exhibited towards Person B by the Respondent on the first evening was to be repeated throughout the next two months. Person B states that the

Respondent persisted during this period in asking very personal questions about her relationship status, including whether she had a boyfriend, what kind of men she liked and whether she was meeting up with male friends.

28. The Respondent also told Person B on more than one occasion of his strong feelings for her, that he loved her and wished to pursue a relationship with her. This conduct relates to, Schedule 3, paragraph d.
29. The Respondent told Person B that she had to be available for him on the phone “*at all times*” in case he needed her for any work-related matters. However, as the WhatsApp messages show, the Respondent in fact messaged Person B in relation to non-work-related matters.
30. The WhatsApp messages between Person B and the Respondent shows that between 22 January 2019 and 27 March 2019, the Respondent sent Person B 989 messages. Of which, 751 were sent out of hours, including at weekends (sometimes the Respondent was in a different time zone). On occasion, the Respondent sent high volumes of messages in a short time frame. For example, on 10 February 2019, the Respondent sent Person B 91 messages.
31. The messages were not work related the majority of the time. They were highly personal, including declaring his intense feelings for Person B and making requests to see her out of work hours. For example, on the period from 26 January 2019 to 27 January 2019, only several days after she started working at the Firm, the following exchange took place:

26 January 2019

- 09:06:51 Tak: *Good morning [Person B] (smiling emoji) How are you? Are you feeling better than yesterday evening? I guess that you are already in train to go to Amsterdam, I hope that you have a nice trip there (smiling or kiss emoji)*
- 09:44:50 Person B: *Good morning Take! I am a little better yes, I literally forgot to eat yesterday so I was a bit down and tired. I'm taking a bus to Utrecht soon and have some reading materials with me :) hope you are well*
- 09:47:32 Tak: *Your message makes me really happy. I literally fall in love with you. I wanted to drive you somewhere with my car. Would you be interested in doing a short trip next weekend or following weekend? Maybe Paris, maybe Milan. Do you have any destination which is interested in trying?*
- 09:48:01 Tak: *Oh, I am sorry to hear that you forgot to eat yesterday because of my assignments for you*
- 09:50:20 Tak: *I will read your work product tonight in Japan and prepare for a response in Japanese to the news editor. I will give my feedback*

- 09:58:34 Tak: *I will come back to Brussels Thursday morning. Can I please assist you moving into your new place and also eat something together after that Friday evening?*
- 09:59:49 Tak: *Next weekend I can take you to Ikea or anywhere you need to go to shop anything for your new life by car*
- 10:04:18 Tak: *I don't think that you know that I did not expect that I receive a message back from you with town exclamation mark "!" I think I should forget about you a little bit because I am thinking about you all the time.*
- 10:05:01 Tak: *Bringing reading materials is positive as a professional :-)*
- 10:24:03 Person B: *Thank you so much Take but my roommate has already decided to help me with the moving and I can't say no :) And don't worry it's not your fault that I forgot to eat, it happens a lot!*
- 10:26:15 Tak: *(sad face emoji)*
- 11:52:01 Tak: *I understand [Person B]. Would you be free for a drink next Thursday?*
- 13:06:59 Tak: *What is your favourite cuisine?*
- 13:07:41 Tak: *How is your bus trip going?*
- 13:09:33 Tak: *Sorry, I should stop asking you questions. At least I should speak about myself*

27 January 2019

- 07:07:31 Tak: *Good morning [Person B] (smiling face emoji) I am hoping that you have been having a good time with your friends in the Netherland and that you are well in your health. Have a safe trip back (kiss emoji)*

32. The messages were intense and clearly show that the Respondent was seeking a relationship with Person B. For example,

1 February 2019

- 22:01:41 Tak: *[Person B], I can tell you that spending time with you is the happiest moment for me in my 37 years of my life*
- 23:04:59 Person B: *That is a VERY big thing to say! Remember, I maybe a trump-voting ku klux clan member heroin addict Russian spy but also a double agent working for some opposite client :)*
- 23:08:59 Tak: *Yes, all of them are fine with me*
- 23:09:34 Tak: *I want to accept everything about you whatever the real you is*
- 23:10:22 Tak: *My existence is telling me that you are the person who I have been looking for*

33. Some of the messages were intimate and overtly sexual in nature. For example,

2 February 2019

20:42:12 Person B: *Which case do I read first this weekend?*
20:43:18: Tak: *[Person B] v Take CJEU Judgment*
.....
20:48:30 Tak: *I cannot control myself – miss you*
20:52:19 Person B: *Haha what would our case be about*
20:53:58 Tak: *Whether Take is allowed to kiss [Person B's] lips or not – a very difficult legal question under EU law – fundamental right issue*

9 February 2019

23:36:33 Tak: *My meeting with you is far much extremely stronger pleasure for me than having sex with anyone. Thank you for giving me such unbelievable pleasure experiences to me in my life*

18 February 2019

07:37:09 Tak: *[Person B], I have found myself childish when I tried to deepen my relationship with you last night. It was apparent that you were not in love with me. So, there was not any reason for you to kiss me. I was trying to get a proof of which did not exist....*

16 March 2019

20:07:23 Tak: *Do you dislike that I have sex with other girls? Do you see that I have sex with other girls as an indication of that I don't have serious feelings towards you?*
20:08:37 Person B: *I don't form opinions about who other people have sex with :)*

34. The messages also reveal the persistence of the Respondent in seeking to see Person B out of work hours, including waiting outside her flat for her. For example,

1 February 2019

07:45:02 Tak: *Good morning [Person B]. How are you? My proposal for our weekend on Saturday below. What do you think – watching your favourite DVD at home together; and I want to know more about your family if we have a chance to talk today See you later!*

6 February 2019

19:56:01 Tak: *Can I take Uber to take you to your place and wait for you around your place?*

20:47:50 Person B: *Take, I'm really sorry, I will need to stay home longer to take care of some things, it's really important and I cant postpone. Is it alright we raincheck until tomorrow?*

20:48:07 Tak: *I am around your place*

20:48:51 Tak: *Okay*

20:49:17 Person B: *Really? I can come out for a few minutes but I need to come back soon*

20:49:35 Tak: *you should stay at home*

20:50:13 Tak: *Would it be possible to have a bit of drink after you get things done soon*

9 February 2019

12:10:48 Tak: *It rains for a couple of hours this afternoon so I come by car. We go Antwerp briefly and eat Chinese. How does it sound?*

12:11:37 Person B: *No I can only have a brief coffee today, I need to go buy some things today*

12:12:56 Tak: *I want to go shopping together*

12:13:23 Tak: *what do you need to buy?*

12:13:32 Person B: *I will be faster alone :)*

12:13:56 Tak: *I will act as a shadow which will not stop you*

12:14:25 Tak: *Please*

12:16:11 Person B: *No Take I prefer to do it alone*

12:18:29 Tak: *(okay hand emoji)*

12:20:36 Tak: *let's see each other after you finish shopping*

35. The persistence of the Respondent in trying to see Person B out of work hours, waiting for her after work and outside her apartment, which is evident from the WhatsApp messages set out in Schedule 3, paragraphs f, and h.

36. In respect of the alleged touching, Person B says that on more than one occasion, the Respondent took her hands and hugged her. This conduct is set out in Schedule 5, paragraphs a-d.

37. She did not complain of the Respondent's behaviour at the time it was happening because she was dealing with "*extreme anxiety, feelings of disgust and blame towards myself*". She worried that maybe she had been too polite or too friendly. Furthermore, he was a partner in the Firm and her line manager. She had only just moved to the country to take up the position at the Firm. In the circumstances she felt there was little she could have done.

Breach of Principles

Lack of integrity (Principle 2 of the Overseas Rules 2013)

38. The Respondent had direct control over Person B's career. There was a significant power imbalance between the two of them and the Respondent and he inappropriately attempted to pursue a romantic relationship which was an abuse of his position.
39. The Respondent's behaviour was to persist for two months, with the Respondent inundating Person B with requests to see him. To the extent that he waited outside the office and her home to see her. The Respondent also made intense and persistent declarations of his feelings towards Person B.
40. The Respondent's behaviour extended to touching Person B. The touching included taking her hands and trying to hug her.
41. As can be seen from the WhatsApp messages, she attempted to be polite and replied to many of the Respondent's messages. However, she did not return his feelings and did not initiate any messages which suggested that she wanted a relationship with him. Given Person B's position, it is understandable why she did not feel able to rebut or complain about the Respondent's advances.
42. The effect of the Respondent's behaviour on Person B was profound.
43. A solicitor acting with integrity would not behave in the manner alleged by Person B. Accordingly, the Respondent has breached Principle 2 of the Overseas Rules 2013.

Bringing the profession into disrepute (Principle 6 of the SRA Overseas Rules 2013)

44. The conduct alleged at allegation 1.2, also amounted to a breach by the Respondent of the requirement not to do anything which will or will be likely to bring into disrepute the overseas practice, himself as a regulated individual or by association, the legal profession in and of England and Wales. It is submitted that the Respondent's conduct in pursuing a course of conduct in respect of Person B that was inappropriate in the ways set out in schedules 3-5, was likely to bring him and the profession into disrepute.

Sexual motivation

45. The Respondent admits that his conduct was predominantly sexually motivated insofar as they were carried out in pursuit of a future sexual relationship. The evidence in respect of Person B is very clear that the Respondent was seeking a romantic relationship with her and the WhatsApp messages provide strong support

for this. The Respondent admits that he was seeking a romantic relationship with Person B.

Abuse of position

46. The Respondent admits that he abused his position as Person B's direct line manager. Person B was junior and inexperienced. She too reported directly to the Respondent in a team where there was no other Partner. She had recently moved to Brussels and had no family or friends nearby. The Respondent knew or ought to have known that he held a particular position of authority in respect of Person B and as such that he was required to behave professionally and maintain appropriate boundaries. Instead, the Respondent used his position to pursue a course of conduct that was highly inappropriate.

Non-agreed Mitigation

47. The Respondent advances the following points by way of mitigation but their inclusion in this document does not amount to acceptance or endorsement of such points by the SRA.

47.1. Mr Sugimoto sought to pursue a romantic and intimate relationship with person B, in the context of a growing friendship and where he was under the impression she so consented. In that sense, his behaviour was sexually motivated. He did so at a time of personal crisis, following on from the death of his father in January 2019 and separation from his family, so that he was alone in Brussels, suffering from significant depression. In that context, Mr Sugimoto accepts he became fixated on person B for a short period.

47.2. Mr Sugimoto accepts that he did so without proper consideration of the professional boundaries that should have been in place, or the difficulty it might cause to person B, given the power imbalance, and thus caused an abuse of position.

47.3. Mr Sugimoto accepts that the Whatsapp messages become personal, intimate and on occasion sexualised. But they should be seen against a background of his message on 24.01.19 at 12:00hrs [at X26] (asking permission for personal messages and reassuring her re consequences if she was not interested) and her response, seemingly encouraging him, "*I don't feel uncomfortable, don't worry, I would tell you. I really don't mind talking to you and hanging out with you, I just like taking time to get to know people slowly and in depth, but that takes time, no?*".

47.4. There are similar sentiments throughout the two months of messages, for example on 02.02.19 at 09:34:35: "*Take, I'm sorry, I slept really late today and just woke up, I think I was exhausted of all the moving around and always being surrounded by people, I love that but after a while it makes*

me completely...I don't know - emotionally exhausted. And I need some alone time to recharge. I REALLY hope you didn't wake up early just for me! Anyhow. Having said that and reading what you wrote, I'm not scared to spend time with you and get to know you. Slowly ;) I need some alone time always from time to time regardless of how amazing people around me are. I hope you understand that. So. How would you feel if today we had a tea somewhere and talk and not rush into everything all at once? Tell me honestly of course".

- 47.5. Person B was extremely sympathetic to Mr Sugimoto at a time of emotional turmoil, which affected his judgment and led him to cross the professional boundary in error. When Mr Sugimoto understood that there was no chance of a romantic relationship, his actions towards her ceased, and he took no retaliation.
- 47.6. Mr Sugimoto accepts some physical contact, in terms of taking person B's hand or hugging. Mr Sugimoto did not know that any physical contact made person B uncomfortable or was non-consensual, and would have stopped had this been made clear.

Proposed sanction including explanation of why such order would be in accordance with the Tribunal's Guidance Note on Sanction

48. Subject to the Tribunal's approval (including giving leave to withdraw those allegations which do not form part of this order), it is agreed that for a period of **5 years** from the date of the Tribunal's order except with permission of the Law Society (through the Solicitors Regulation Authority):
 - 48.1. no solicitor shall employ or remunerate, in connection with his or her practice as a solicitor, the Respondent;
 - 48.2. no employee of a solicitor shall employ or remunerate, in connection with the solicitor's practice, the Respondent;
 - 48.3. no recognised body shall employ or remunerate the Respondent;
 - 48.4. no manager or employee of a recognised body shall employ or remunerate the Respondent in connection with the business of that body;
 - 48.5. no recognised body or manager or employee of such a body shall permit the Respondent to be a manager of the body;
 - 48.6. no recognised body or manager or employee of such a body shall permit the Respondent to have an interest in the body.
49. In reaching this agreement the parties have considered and had regard to the Tribunal's Guidance Note on Sanctions [Guidance Note on Sanctions - 10th Edition - Solicitors Disciplinary Tribunal \(solicitortribunal.org.uk\)](#).

50. The admitted conduct is undoubtedly serious enough to warrant the regulatory control over the Respondent which a section 43 order would provide going forward.
51. The Respondent's level of culpability is high as he is an experienced lawyer who at the time of the misconduct was a partner at the firm. He was in a position of authority and influence and used the imbalance of power created by his seniority to take advantage of a junior female consultant.
52. By reference to the Guidance Note on Sanction (10th Edition), the aggravating features of the Respondent's conduct are that the misconduct:
- 52.1. was repeated;
 - 52.2. was persistent for a two months;
 - 52.3. amounted to an abuse of power and position of authority; and
 - 52.4. included a sexual element, in view of the sexual motivation behind the misconduct.
53. In summary, the SRA considers that the public interest would be adequately protected by the imposition of a section 43 order for a period of 5 years, noting that the Respondent has not worked for a firm regulated by the SRA since 23 July 2019 and has not been an RFL since 31 October 2019. The duration of the SRA investigation was four years.
54. The parties would of course be pleased to address this issue further in oral submissions at a case management hearing if that would assist the Tribunal to reach a decision.

Costs

55. As noted above, subject to the approval of this Agreed Outcome Proposal, it is agreed that the Respondent shall pay, towards the SRA's costs of the Application and Enquiry, costs in the sum of **£36,000.00 (inclusive of VAT)** to be paid over 12 months from the date of the Agreed Outcome, in 3 instalments, with the caveat that as a non-EU national based outside the EU, the Respondent has queried whether VAT is payable on costs incurred in disciplinary proceedings against him. The SRA undertakes to repay the VAT portion of £6,000 to Mr Sugimoto, if HMRC confirms that no VAT was applicable in such circumstances. The Respondent agrees that the responsibility to make any enquiries with HMRC falls on him and the SRA agrees to reasonably assist the Respondent with such enquiries.
56. The SRA is satisfied that this is a reasonable and proportionate contribution by the Respondent in all the circumstances.

Signed:



On behalf of the SRA

Signed:

Takeshige Sugimoto

Respondent

Dated: 16 August 2024

Schedule 3

Allegation 1.2.1
a. On or around 21 January 2019, during a dinner which he described as a tradition for newcomers, he asked her personal questions including whether she had a boyfriend and/or told her multiple times that she was different from the other girls in the team and/or that he liked her a lot, or words to that effect;
b. On or around 21 January 2019, insisted on walking her home or part of the way home despite her telling him multiple times that she preferred to walk alone;
c. On more than one occasion, engaged in conversations with Person B which included intimate or sexual matters.
d. On more than one occasion told her that he loved her, and/or wanted to have sexual intercourse with her, and/or wanted to have children with her;
e. – not admitted
f. Persistently requested to meet her out of work hours;
g. – not admitted
h. – not admitted
i. – not admitted
j. – not admitted
k. – not admitted
l. – not admitted

Schedule 5

Allegation 1.2.3
a. On or around 21 January 2019, took her hand;
b. On more than one occasion, he took her hands
c. denied
d. On more than one occasion hugged her;
e. denied
f. denied