

SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 12559-2024

BETWEEN:

SOLICITORS REGULATION AUTHORITY LTD

Applicant

And

GEOFFREY WHITE

Respondent

Before:

Mr E Nally (in the chair)
Mr U Sheikh
Mr R Slack

Date of Hearing: 13 August 2024

Appearances

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

Geoffrey White of 18 Hazel Way, Crawley Down, Crawley, RH10 4JR, for the Respondent

JUDGMENT

Allegations

1. The allegations against the Respondent, Mr Geoffrey White, are that on 28 May 2021 and 14 July 2021 respectively, whilst in practice as a solicitor in a courtroom at Crawley Magistrates Court when the court was not in session, he made offensive and/or, inappropriate and/or unwanted comments about Person A which were directed towards her and/or overheard by her, in that he:

- 1.1. showed Person A an image on his mobile phone of a naked woman lying down on a table [with bottles covering her breasts] and said words to the effect of “[Person A] *it looks a bit like you*” and/or “*your hair looks the same;*” and

PROVED

- 1.2. referring to a female client he was representing who Person A understood was suspected of having sex on a train, said “[Person A] *knows all about that, standard probation practice.*”

In doing so, he breached any or all of the following 2019 SRA’s Standards and Regulations:

- i. Principle 2 - you act in a way that upholds public trust and confidence in the solicitors’ profession and in legal services provided by authorised persons.
- ii. Principle 6 - you act in a way that encourages equality, diversity, and inclusion.
- iii. Paragraph 1.5 of the Code of Conduct for Solicitors, RELs and RFLs.

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Executive Summary

2. In the course of his duties whilst in a courtroom at Crawley Magistrates Court at a time when the court was not in session, Mr White showed Person A an image or “meme” on his mobile phone of a naked woman lying down on a table with bottles covering her breasts and stated that the person in the image resembled Person A. Secondly, on a separate occasion in the same setting, Mr White made an offensive and inappropriate comment about Person A which could be understood as alluding to her or colleagues within the Probation Service engaging in sexual activity linked or arising from her professional duties.
3. Mr White admitted the allegations brought by the Applicant.

The Facts can be found [here](#)

The Applicant’s Case can be found [here](#).

The Tribunal’s Findings can be found [here](#).

Mr White’s Mitigation can be found [here](#).

Sanction

4. The Tribunal ordered that [Mr White be Reprimanded](#).

Documents

5. The Tribunal considered all of the documents in the case which included:
 - Rule 12 Statement and Exhibit LC1 dated 14 February 2024.
 - Respondent's admission/s dated 19 March 2024.
 - Agreed Statement of Facts dated 10 July 2024
 - Applicant's Schedule of Costs dated 5 August 2024.

Preliminary Matters

6. The Applicant applied for permission to make submissions as to sanction and in particular to address the Tribunal on aggravating features. The Tribunal determined that submissions from the Applicant were not required, and therefore the application was refused.

Applications considered during the Proceedings

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

Agreed Factual Background

9. The parties had agreed the following factual background which the Tribunal accepted:
10. Mr White was admitted to the Roll on 1 March 1993. He set up his sole legal practice, Geoff White Solicitors based in Harley, Surrey, specialising in criminal defence work in 2008. He is its COLP and COFA. Mr White holds a practising certificate free from conditions.
11. Person A was at the material time, a Probation Service Officer for Sussex Probation Service. Person A split her time between courts and would usually spend two days per week at Crawley Magistrates Court, where both of the alleged incidents took place.
12. **Allegation 1.1 - The Respondent showed Person A an image on his mobile phone of a naked woman lying down on a table [with bottles covering her breasts] and said words to the effect of "[Person A] it looks a bit like you" and/or "your hair looks the same"**

- 12.1 On 28 May 2021, Person A was in a court room at Crawley Magistrates Court. She was in the back row and Mr White was in the row in front (others were sitting nearby).
- 12.2 The court was not in session and Person A saw Mr White showing something on his phone to the solicitor sitting next to her. Person A heard Mr White say (something to the effect of) that he had been sent the image that he was showing to the solicitor next to Person A at the weekend and Mr White then said something like “[Person A] *it looks a bit like you*” and “*your hair looks the same*” and he then showed her the picture on his phone.
- 12.3 Person A stated that from her brief glance at the picture, it was a photograph of a woman lying down on a table at a barbecue and that she appeared to be naked, with bottles around her, some of which she were covering the breasts of the woman in the picture. Person A states that the picture had a caption which said something to the effect of “*if you have left your wife at the BBQ please come and get her*”.
- 12.4 Person A stated that she did not know how to react to this situation, that she was not sure why Mr. White showed her the photograph on his phone or what he was hoping to achieve, and that it was “*all very weird*”. She stated that it was not the environment to be showing such photographs and that she felt awkward, embarrassed and uncomfortable because the person in the picture was naked.
- 12.5 Person A stated that the solicitor to whom Mr White had also shown the picture appeared to go along with the joke. This was because the solicitor chuckled at the image and made a comment that implied they thought it was funny.
- 12.6 Person A stated that after Mr White had made the comments towards her, the Magistrates returned to the Court room, and proceedings resumed at which point Person A reported that she was too embarrassed to challenge the Respondent as she is not a confrontational person.
- 12.7 Person A further stated that even though Mr White’s behaviour had made her feel uncomfortable and self-conscious she did not think much about it afterwards, but during a Microsoft Team’s call with her manager, at some point afterwards - and likely before mid-late June 2021, Person A informed her manager of what had occurred.
13. **Allegation 1.2 - The Respondent referred to a female client he was representing who Person A understood was suspected of having sex on a train and said “[Person A] *knows all about that, standard probation practice*”**
- 13.1 Person A described how on 14 July 2021, Mr White was representing a female defendant and both she and Mr White were present in the courtroom at Crawley Magistrates Court. The court was not in session.
- 13.2 Mr White was talking to the CPS Prosecutor and there were other people present in the court. Mr White was sitting in the front row next to the Prosecutor and Person A was sat behind the Prosecutor.
- 13.3 Person A explained that Mr White was representing a female client who had been arrested for having sex on a train and that Mr White was trying to joke about it with

the prosecutor and said “[Person A] *knows all about that, standard probation practice*”. Person A stated that the comment was directed at the prosecutor following which the Respondent looked at her.

- 13.4 Person A stated that she immediately said something like “*oh Mr White*” to Mr White as her manager had encouraged her to challenge such behaviour. Mr White brushed it off by laughing and that was the end of the matter.
- 13.5 Person A stated that when Mr White said “[Person A] *knows all about that*” she thought that he was specifically suggesting that she had sex on a train all the time, and that when he said it was “*standard probation practice*” she took that to mean that it was standard probation practice to have sex on a train and that people who worked in the probation service routinely engaged in such activity.
- 13.6 She stated that Mr White’s comments made her feel awkward and “*really uncomfortable because it is a totally outrageous thing to say and not at all appropriate*”.
- 13.7 Person A further stated that she was also annoyed at this point because it was not the first time that Mr White had made such inappropriate comments towards her. She mentioned Mr White’s comment to a colleague a few days later and also reported it to her manager shortly afterwards.

Impact on Person A

- 13.8 Person A detailed the impact of Mr White’s comments towards her and stated that they made her feel uncomfortable when she was around him both at the time and subsequently. Person A was reassured by the SRA investigation into his conduct and because in reporting Mr White this had brought an end to any similar comments directed towards her by him.
- 13.9 Person A stated that she remained conscious whenever she is involved in a case in which Mr White represents a defendant. She remained concerned that if in the course of her duties she was required to say something bad about Mr White’s client then he may cite her complaint against him to discredit her in court. Person A confirmed though that notwithstanding such concerns this did not subsequently occur.
- 13.10 Person A described how Mr White apologised to her, around 31 December 2021, when he saw her in court and asked to speak to her in private. She stated that Mr White apologised and said that he had just wanted to make people laugh but that he had got it wrong with her. Mr White said something along the lines of “*everything I do is to make people laugh, with you I got it catastrophically wrong and I am truly sorry, We will let the SRA do whatever they are going to do*”. Person A stated that she acknowledged his apology.
- 13.11 Person A reported that Mr White’s behaviour towards her changed following her complaint and her view was that he made specific effort not to make inappropriate comments towards her personally. Person A confirmed that she was required to be alone when she sees Mr White in the course of her duties and that she continues to feel apprehensive or slightly uneasy when she sees him or speaks to him.

- 13.12 Person A confirmed that she did not consider that Mr White’s comments towards her amounted to sexual harassment or that they were sexually motivated and that she understood Mr White’s general approach was to ‘*get a laugh*’ out of people rather than make sexual advances. Person A stated that Mr White was trying to joke around “*but that his sense of humour is not appropriate because it is not professional to make these types of Jokes’ in the workplace*”.

Witnesses

14. No oral evidence was received, and 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.

Findings of Fact and Law

15. The Applicant was required by Rule 5 of The Solicitors (Disciplinary Proceedings) Rules 2019 to prove the allegations to the standard applicable in civil proceedings (on the balance of probabilities). The Tribunal had due regard to its statutory duty, under section 6 of the Human Rights Act 1998, to act in a manner which was compatible with the Respondent’s rights to a fair trial and to respect for their private and family life under Articles 6 and 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.
16. **Allegation 1.1 - The Respondent showed Person A an image on his mobile phone of a naked woman lying down on a table [with bottles covering her breasts] and said words to the effect of “[Person A] *it looks a bit like you*” and/or “*your hair looks the same*”**

Allegation 1.2 - The Respondent referred to a female client he was representing who Person A understood was suspected of having sex on a train and said “[Person A] *knows all about that, standard probation practice*”

The Applicant’s Case

- 16.1 The Applicant referenced the facts agreed by the parties and summarised above.

Principle 2

- 16.2 The Applicant submitted that Mr White’s comments were of a nature capable of undermining Person A’s professional position and humiliating her; indeed, they made her feel awkward and embarrassed in front of people with whom she had regular professional contact and working relationships. Mr White’s alleged conduct temporarily interfered with Person A’s ability to conduct her role and also seems to have been directed towards Person A because of her gender, given the description of the meme.

- 16.3 The comments and their context, were sexual in nature in that they referenced (i) Person A looking like a woman posing naked in a picture and (ii) Person A (and others in the probation service) engaging in illegal sexual activity. There were therefore sexual connotations to the comments and to the image shown. This was also in the context of the power imbalance between Mr White as a senior and experienced male criminal defence solicitor and Person A as a female, younger, less experienced probation officer.
- 16.4 Such conduct was therefore not behaving in a way which maintains the trust placed by the public in solicitors. Public confidence in Mr White, in solicitors and in the provision of legal services, is likely to be undermined by the making of such inappropriate and sexualised comments towards another professional person in court. Mr White therefore breached Principle 2 of the SRA Principles 2019.

Principle 6 and Paragraph 1.5 of the Code of Conduct for Solicitors, RELs and RFLs

- 16.5 Principle 6 required Mr White to act in a way that encourages equality, diversity and inclusion. The Applicant submitted that by acting in the manner alleged, Mr White breached Principle 6 as his comments and conduct were clearly contrary to those requirements and tenets.
- 16.6 Paragraph 1.5 of the Code of Conduct for Solicitors, RELs and RFLs required Mr White to treat colleagues fairly and with respect and not bully or harass them or discriminate unfairly against them. Mr White's comments did not treat Person A with respect and had elements which could be perceived as bullying, harassment and discrimination towards Person A. The conduct towards Person A was unwanted, offensive to her, potentially undermining and was arguably due to/in respect of her sex as a female and had the effect of creating a degrading or offensive environment for Person A.
- 16.7 Mr White in acting in the manner alleged was not maintaining public confidence in the integrity of the profession and in the legal workplace as a safe and inclusive environment. Further, he failed to be aware of how his comments might be perceived or could be considered to be inappropriate and offensive, rather than being 'banter' or jokes, particularly given his position of seniority towards a more junior professional colleague in the criminal justice system.
- 16.8 Mr White's comments to Person A were plainly inappropriate, could appear to be derogatory - in terms of being disrespectful and were also puerile and hurtful. Mr White was a senior and experienced solicitor and working in the environment that he was, should have been well aware of different interpretations of such comments and should have known not to presume that they would necessarily be taken lightly or as jokes, especially given the inappropriate and sexual connotations to the comments. Such comments were thus not treating Person A with respect or in a way that encourages equality, diversity and inclusion and therefore breached of Principle 6 of the 2019 Principles and Paragraph 1.5 of the Code of Conduct for Solicitors, RELs and RFLs.

The Respondent's Case

- 16.9 Mr White admitted the factual matrix of the allegations and the breaches of the Principles as alleged against him by the Applicant. Mr White submitted character testimonials that he invited the Tribunal to have regard for.

The Tribunal's Findings

- 16.10 The Applicant was required to prove the allegations on the balance of probabilities. The Tribunal had due regard to Mr White's right 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.
- 16.11 The Tribunal noted the unequivocal admissions made by Mr White which it considered were properly made. The Tribunal had regard for the evidence underpinning the allegations and found all allegations proved.

Previous Disciplinary Matters

17. None.

Mitigation

18. Mr White described his conduct as indefensible and provided context and background to the Tribunal. Mr White had spent the entirety of his career in the Magistrates Court in various roles spanning approximately 50 years. Having qualified a solicitor in 1993 Mr White commenced criminal litigation work and eventually opened his own practice, representing an estimated 25,000 clients over a 30-year period.
19. Mr White stated that he was more comfortable in a court room than in a normal social environment and that he had failed to ensure professionalism was maintained during exchanges with others inside the court room when the court was not in session.
20. Mr White maintained that he had no intent to cause upset to Person A and accepted that he had acted foolishly in sharing content from his phone with Person A.
21. Mr White acknowledged that his conduct as described at Allegation 2 was particularly serious. The nature of his work in criminal litigation placed him in a setting where he dealt with people at their worst. He faced aggression and abusive behaviour from people through his line of work over a prolonged period and consequently used flippant humour as a coping mechanism to brush off such unpleasantness.
22. There was no particular financial incentive to the line of work that Mr White practised in because of the nature of the legal aid contract under which he operated his firm. However, he was able to help those that could not help themselves and he was proud of this.
23. Mr White apologised to Person A in the aftermath of the events described at Allegations 1 and 2. Person A had seemed nervous in her role and Mr White had unwisely attempted to lighten the mood.

24. Mr White stated that his financial circumstances had worsened during the pandemic and that he would be working for some years to repay loans taken out during that period. Mr White had been transparent with his finances and submitted evidence to which he referred the Tribunal.
25. Mr White stated that he had dedicated his life to his profession and that the numerous character references, many of which he had received unsolicited from colleagues who had become aware of these proceedings, attested to this. He had practised for many years without complaint and had no previous adverse regulatory history.
26. Mr White stated that he was beyond embarrassed and ashamed of his conduct. He had worked in an honourable and principled manner for many years but had gotten it horribly wrong on the occasions in question.
27. Mr White confirmed that he not received any specific EDI or workplace sensitivity training. He had qualified into a culture of “*robing room banter*” that made light of difficult work by relying on inappropriate humour. Mr White acknowledged that the world had moved on and he with it as evidenced by the absence of further complaints since the incidents detailed at Allegations 1 and 2.

Sanction

28. The Tribunal considered the Guidance Note on Sanction (10th Edition - June 2022) (“the Sanctions Guidance”). In doing so the Tribunal assessed the culpability and harm identified together with the aggravating and mitigating factors that existed.
29. In determining the level of culpability, the Tribunal considered that the Respondent’s motivation was an attempt to lighten the mood in a professional environment through ill-judged humour.
30. Mr White had direct control of and responsibility for the circumstances giving rise to the misconduct. This was a pattern of behaviour arising from Mr White’s style of using edgy humour amongst professional colleagues in Court in between matters being called on. Mr White had significant experience in the Magistrates Court and had reported feeling more comfortable and at home there than in any social setting. Mr White’s perspective was narrowed by this lifetime in court room settings.
31. The Tribunal assessed the harm arising from Mr White’s conduct and noted that it had impacted on Person A and the wider public by affecting the reputation of the profession. There was no deliberate intent to cause harm to Person A however Mr White should have reasonably foreseen the impact that his conduct would have on her. Person A was a junior colleague and was not well known to Mr White.
32. The Tribunal considered factors that may aggravate the seriousness of Mr White’s misconduct and noted that it had been repeated on two occasions. Solicitors are first and foremost Officers of the Court and Mr White was a senior professional in a position of responsibility and authority. There was clear imbalance between the Respondent and Person A in the environment in which the misconduct occurred.

33. The misconduct included a bullying element and involved sexualised content and comments being directed towards Person A.
34. The Tribunal also considered that this was misconduct where Mr White knew or ought reasonably to have known that the conduct complained of was in material breach of obligations to protect the public and the reputation of the legal profession.
35. The Tribunal also considered factors that could mitigate the seriousness of the misconduct. Mr White had made a fulsome apology to Person A and had demonstrated insight from an early stage of his reflections in the aftermath of the complaints being made against him. Mr White had been open and frank in his dealings with the Applicant and the admissions made in respect of the allegations he faced with no attempt to obfuscate or minimise his actions. The misconduct arose from brief incidents in an otherwise unblemished extensive career. The Tribunal also took into account the positive character references submitted on behalf of Mr White which attested to a dedicated and respected solicitor in his field of practice
36. The Tribunal considered that the risk of repetition was very low. Mr White had been practising and operating professionally in court over a 50-year period (taking account of his roles in the Magistrates courts prior to his qualification as a solicitor) and would in the view of the Tribunal benefit from further Equality, Diversity and Inclusion training. The profession had moved on since he started working in the law and attitudes have changed over this period. Attempted humour of the sort used here by Mr White was entirely misplaced, old fashioned and rooted in the distant past, having no place in a current setting. Solicitors must have regard to and be conscious of the impact of ‘banter’ when in a professional setting particularly as in this case when engaging with a more junior colleague of a different gender. . The Tribunal nonetheless taking all these factors into account assessed Mr White’s overall culpability as low.
37. The period over which the investigation and proceedings had taken place involved significant personal and professional impact upon Mr White and coming before the Tribunal had been a salutary and embarrassing experience for him. The Tribunal noted Person A’s indication that she welcomed the process adopted following her complaint in respect of Mr White’s conduct towards her and that she had stated that she felt better with regulatory action having been taken.
38. The Tribunal had regard to the seriousness of the respondent’s misconduct and the need to ensure the protection of the public and the reputation of the legal profession and determined that it was appropriate to impose a Reprimand in this case.

Costs

39. The Applicant applied for its costs in bringing the proceedings and also invited the Tribunal to have regard for the position agreed between the parties regarding costs.
40. The Applicant had filed a Schedule of Costs dated 5 August 2024 which detailed a total amount claimed of £18,262.80. However, reference was made within the document to an agreement between the parties as to the amount of costs that should be payable as a consequence of the proceedings. This was stated as being £12,000.

41. Mr White had filed a Statement of Means dated 27 March 2024 along with his accounts verifying the information provided. Mr White did not oppose the Applicant's costs application and confirmed that £12,000 was an amount agreed between the parties.
42. The Tribunal considered the Applicant's Schedule of Costs, Mr White's Statement of Means and supporting documents and heard from the parties as to the basis on which the lower figure of £12,000 had been arrived at. The Tribunal noted that the approach taken by the Respondent in cooperating with the Applicant and narrowing the issues throughout warranted a reduction in the total costs payable.
43. The Tribunal considered that the agreed amount of £12,000.00 was appropriate in the circumstances and ordered costs be payable in that amount.

Statement of Full Order

44. The Tribunal ORDERED that the Respondent Geoffrey White, solicitor, be REPRIMANDED and it further Ordered that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £12,000.00.

Dated this 25th day of September 2024

On behalf of the Tribunal

JUDGMENT FILED WITH THE LAW SOCIETY
25 SEPT 2024

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Chair