

**SOLICITORS DISCIPLINARY TRIBUNAL**

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 12550-2024

**BETWEEN:**

SOLICITORS REGULATION AUTHORITY LTD.

Applicant

and

PAULINA MARIANNA JASTRZEBSKA

Respondent

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Before:

Mrs L Boyce (in the chair)

Mr U Sheikh

Mrs C Valentine

Date of Hearing: 18 April 2024

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**Appearances**

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

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**JUDGMENT ON AGREED OUTCOME**

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## **Allegations**

1. The allegations against Ms Paulina Jastrzebska, the Respondent, made by the SRA within its Rule 12 Statement dated 19 January 2024, were that:

Between 27 May 2016 and 9 January 2019, she possessed criminal property, namely credits totalling £63,770 and EUR 21,955, knowing or suspecting it to represent, in whole or part and whether directly or indirectly, the proceeds of criminal conduct. In doing so, her conduct breached any or all of Principles 1, 2 and 5 of the SRA Principles 2019 (“the Principles”).

The SRA relied upon the Respondent’s conviction on 8 November 2021 for possessing criminal property contrary to section 329(1) of the Proceeds of Crime Act 2002 as evidence that the Respondent was guilty of that offence and the findings of fact upon which that conviction was based as proof of the underlying facts.

The Respondent admitted the allegations set out above.

## **Documents**

2. The Tribunal had, amongst other things, the following documents before it:-
  - The Form of Application dated 15 April 2024.
  - Rule 12 Statement dated 19 January 2024 and exhibits.

## **Background**

3. The Respondent, who was born on 26 September 1980, was a solicitor having been admitted to the Roll on 1 June 2017.

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

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

## **Findings of Fact and Law**

5. The Applicant was required to prove the allegations on the balance of probabilities. The Tribunal had due regard to its statutory duty, under section 6 of the Human Rights Act 1998, to act in a manner which was compatible with the Respondent’s rights to a fair trial and to respect for their private and family life under Articles 6 and 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.
6. The Tribunal reviewed all the material before it and was satisfied on the balance of probabilities that the Respondent’s admissions were properly made.

7. The Tribunal considered the Guidance Note on Sanction (10th Edition). In doing so the Tribunal assessed the culpability and harm identified together with the aggravating and mitigating factors that existed.
8. A criminal conviction, particularly one involving the acquisition of criminal property, namely cash, through the supply and distribution of drugs is of utmost seriousness and the damage to the reputation of the profession was self-evident.
9. The Tribunal noted the matters set out within the non-agreed mitigation, however, notwithstanding those matters this was not a case where the Tribunal could find or be directed to any exceptional circumstances such to permit it to reach any decision on sanction other than the one set out in the document with which it had been presented.
10. The Respondent's misconduct could only be viewed as extremely serious and this fact, together with the need to protect the reputation of the legal profession, required that Strike Off from the Roll was the only appropriate sanction.

#### **Costs**

11. With respect to costs, it was further agreed that based upon the Statement of Means provided by the Respondent the SRA would not seek its costs.

#### **Statement of Full Order**

12. The Tribunal Ordered that the Respondent, PAULINA MARIANNA JASTRZEBSKA solicitor, be STRUCK OFF the Roll of Solicitors and it further Ordered that there be no Order for Costs.

Dated this 30<sup>th</sup> day of April 2024  
On behalf of the Tribunal

*L Boyce*

**JUDGMENT FILED WITH THE LAW SOCIETY**  
**30 APRIL 2024**

L Boyce  
Chair

**BEFORE THE SOLICITORS DISCIPLINARY TRIBUNAL**      **Case No: 12550-2024**

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

**AND IN THE MATTER OF:**

**SOLICITORS REGULATION AUTHORITY LIMITED**

Applicant

and

**PAULINA MARIANNA JASTRZEBSKA**  
**(SRA ID: 638386)**

Respondent

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**STATEMENT OF AGREED FACTS AND PROPOSED OUTCOME**

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1. By its application dated 19 January 2024, and the statement made pursuant to Rule 12 (2) of the Solicitors (Disciplinary Proceedings) Rules 2019 which accompanied that application, the Solicitors Regulation Authority Ltd (the SRA) brought proceedings before the Solicitors Disciplinary Tribunal making one allegation of misconduct against the Respondent.

**The allegations**

2. The allegations against Ms Jastrzebska, made by the SRA within that statement were that: -
  - 2.1. Between 27 May 2016 and 9 January 2019, she possessed criminal property, namely credits totalling £63,770 and EUR 21,955, knowing or suspecting it to represent, in whole or part and whether directly or indirectly, the proceeds of criminal conduct. In doing so, her conduct breached any or all of:

- 2.1.1. Principle 1 of the SRA Principles 2019.
- 2.1.2. Principle 2 of the SRA Principles 2019.
- 2.1.3. Principle 5 of the SRA Principles 2019.

The SRA relies upon the Respondent's conviction on 8 November 2021 for possessing criminal property contrary to section 329(1) of the Proceeds of Crime Act 2002 as evidence that the Respondent was guilty of that offence and the findings of fact upon which that conviction was based as proof of the underlying facts.

- 3. Ms Jastrzebska admits the allegation in full.

#### **Agreed Facts**

- 4. The following facts and matters, which are relied upon by the SRA in support of the allegations set out within paragraph 2 of this statement, are agreed between the SRA and Ms Jastrzebska.

#### **Professional Details**

- 5. Ms Jastrzebska who was born on 26 September 1980, is a solicitor having been admitted to the Roll on 1 June 2017. According to our records, which rely upon solicitors providing accurate information and keeping their employment records up to date, she was not working at a regulated entity on the dates of the offence (27 May 2016 and 9 January 2019 respectively).
- 6. Ms Jastrzebska does not hold a practising certificate for the current practising year. She remains on the Roll.

#### **Background**

7. The conduct in this matter came to the attention of the SRA when it received a report dated 23 November 2020 (the Report) from Mr Mark Ling, an investigator at the Medicines and Healthcare products Regulatory Agency ('MHRA') about its investigation into Ms Jastrzebska. The Report confirmed that its investigation had been ongoing since July 2018 and that on 24 January 2019 Ms Jastrzebska had been arrested. She was released pending further investigation. In the Report, Mr Ling confirmed a charging decision had just made been by the Crown Prosecution Service (CPS) and Ms Jastrzebska was summonsed to appear before Poole Magistrates Court on 17 February 2021.
  
8. The conduct occurred between approximately 27 May 2016 and 9 January 2019. In summary,
  - 8.1. The MHRA is an Executive Agency of the Department of Health. Its primary aim is to safeguard the health of the public by ensuring that medicines and medical devices work and are acceptably safe. For medicines, there is a system of regulation and licensing for human use. The supply and distribution of medicines is controlled within the European community. The MHRA has a statutory requirement to enforce medicines regulations and the MHRA's Enforcement Group is tasked to carry out investigations on behalf of Health Ministers in England, the Scottish Parliament in Scotland and the Welsh Assembly in Wales.
  
  - 8.2. On 17 February 2021, Ms Jastrzebska appeared before Poole Magistrates Court. She was jointly charged with her husband, Michael Lejmal, and the case was sent up to the Crown Court for a Plea Trial and Preparation Hearing (PTPH). The case against Ms Jastrzebska was that she had received criminal property namely cash through the supply and distribution of drugs.

8.3. On 07 May 2021, the SRA wrote to Ms Jastrzebska by email only informing her that the Report had been received about her from the MHRA (the Letter) which raised concerns regarding criminal charges brought by the CPS. The Letter set out the charges which the SRA were aware of and confirmed to Ms Jastrzebska that an SRA regulatory investigation into her conduct was being carried out.

8.4. In the Letter, Ms Jastrzebska was asked to provide the following information by 29 May 2021; (a) any documents she had received from the Courts in relation to her conviction; (b) a Statement explaining her actions relating to the charges made; and (c) details of her current employer. Ms Jastrzebska did not reply to the Letter.

8.5. On 9 June 2021, a PTPH was held at Bournemouth Crown Court. Ms Jastrzebska entered a Not Guilty plea and so a trial date was set for 21 February 2022.

8.6. On 8 November 2021, Ms Jastrzebska appeared before Bournemouth Crown Court and pleaded guilty to possessing criminal property, contrary to section 329(1) of the Proceeds of Crime Act 2002.

8.7. On 18 February 2022, the sentencing hearing was due to go ahead but due to bad weather (Storm Eunice) it was adjourned until 19 April 2022.

8.8. On 19 April 2022, in the Crown Court at Bournemouth, Ms Jastrzebska was sentenced to:

- (a) 4 months imprisonment suspended for 18 months;
- (b) 2 months curfew starting on 20 April 2022 between 19:00-07:00;
- (c) Victim Surcharge of £115; and
- (d) Forfeiture and destruction of controlled drugs.

9. At the sentencing hearing on 19 April 2022, the Judge made the following remarks:

- 9.1. *"So far as your role is concerned, you became aware, obviously not at the outset, of the way in which your partner Lejmal was dealing with matters, and had the benefit, albeit compared to his, the limited benefit, of some of the funds that were coming through the family unit as a result of his transactions and business dealings".*
- 9.2. *"Having become aware of those matters, you chose not to do anything about it. I accept, reading everything I have read about you, particularly in the report of Dr Saleem, that you were in all likelihood in a limited position in terms of actually having the ability to report the matter and the like."*
- 9.3. *"These are offences which, exceptionally, can avoid a custodial sentence to mark the matter. The custodial sentence which I indicated to Mr Thomas I regarded as appropriate in all the circumstances would have been 6 months' imprisonment, which I reduce to 4 month on the basis of your guilty plea entered and indicated at an early opportunity"*
- 9.4. *"The question then is whether or not that can or should be suspended. Having regard to the Sentencing Council's Guideline on suspension, although I understand why Mr Thomas raises whether it is necessary at all, it seems to me to mark offences of this nature. The public must appreciate that a sentence of imprisonment even if suspended is likely to flow from such offences. It follows therefore that 4 months' imprisonment is the appropriate sentence in my judgment, but I do, for all the reasons detailed in the doctor's report and the Pre-Sentence Report, suspend that sentence for the next 18 months."*

**Non-Agreed Mitigation**

10. The following mitigation, which is not agreed by the SRA, is put forward by Ms Jastrzebska:



10.1. I wish to refer to my personal and medical history as assessed and described by Dr. Saleem in his medical report.

10.2. I wish to point out that any correspondence up until late 2023 regarding the SRA's investigation was sent to email address that was no longer in use. Therefore, I was unaware of the SRA's investigation. As mentioned above I only became aware of the investigation at the time I received some correspondence from the SRA sent to my home address in late 2023.

**Penalty proposed**

11. It is therefore proposed that Ms Jastrzebska should be struck off the Roll of Solicitors.

12. With respect to costs, it is further agreed that based upon the Statement of Means provided by Ms Jastrzebska the SRA will not seek their costs.

**Explanation as to why such an order would be in accordance with the Tribunal's sanctions guidance (10<sup>th</sup> edition)**

13. The parties consider and submit that in light of the admissions set out above and taking due account of the mitigation put forward by Ms Jastrzebska, the proposed outcome represents a proportionate resolution of the matter, consistent with the Tribunal's Guidance Note on Sanction (10<sup>th</sup> edition).

14. It is agreed that:

14.1. With regards to culpability, Ms Jastrzebska's conduct was sustained over a significant period between approximately 27 May 2016 and 9 January 2019

14.2. The Respondent became aware of how her husband was dealing with matters and had the benefit of some of the funds that were coming through the

family unit as a result of his transactions and business dealings. Having become aware of those matters she chose not to do anything about it but continued to benefit.

14.3. Ms Jastrzebska benefitted from her criminal conduct financially directly and indirectly to sums totalling £63,770 and EUR 21,955 respectively.

14.4. With regards to harm, *Bolton v Law Society [1994] 1 WLR* sets out that "Any solicitor who is shown to have discharged his professional duties with anything less than complete integrity, probity and trustworthiness must expect severe sanctions to be imposed upon him by the Solicitors Disciplinary Tribunal". In addition, the Tribunal's Sanctions guidance states "The greater the extent of the respondent's departure from the "complete integrity, probity and trustworthiness" expected of a solicitor, the greater the harm to the legal profession's reputation". The commission of a criminal offence which resulted in financial gain through the selling of drugs albeit not directly by the Respondent, but indirectly received the financial benefit of, demonstrates a significant departure from "complete integrity, probity and trustworthiness" which in turn greatly harms the legal profession's reputation where a solicitor is involved in criminal conduct of this nature.

14.5. In terms of aggravating features, the Tribunal's Sanctions guidance notes that the commission of a criminal offence is a serious aggravating feature to the conduct as is misconduct continuing over a period of time.

14.6. Ms Jastrzebska had been sentenced to a term of imprisonment. As Sir Brian Leveson, then President of the Queen's Bench Division, noted in *SRA v Farrimond [2018] EWHC 321 (Admin)* at [34]: "... it is beyond argument that that a solicitor sentenced to any substantial term of imprisonment should not be permitted to remain on the Roll even if suspended indefinitely ..."

Whilst the term of imprisonment of 4 months can be described as at the lower end of 'any substantial term of imprisonment', it is still a term of imprisonment and the Judge noted in his sentencing remarks for Ms Jastrzebska's matter that "The public

*must appreciate that a sentence of imprisonment even if suspended is likely to flow from such offences. It follows therefore that 4 months' imprisonment is the appropriate sentence in my judgment".* This reflects the seriousness of the offence committed by Ms Jastrzebska and therefore, should not be permitted to remain on the Roll.

14.7. Whilst Ms Jastrzebska's conduct occurred in her private life, it is so serious because it realistically touches on her practice of the profession or the standing of the profession. There is a clear link between the commission of serious criminal offences by a solicitor and the resulting loss of the trust and confidence the public has in the profession if such a solicitor is permitted to practice without sanction. The proposed sanction of striking Ms Jastrzebska from the Roll is appropriate, proportionate and in accordance with the Sanctions Guidance.

14.8. Finally, we address a mitigating factor of Ms Jastrzebska. Her husband in the sentencing remarks identified as having created "*A sophisticated regime was created by you and others, but certainly in the UK to a large extent by you, when it came to the management of the importation, the storage of the drugs that had been imported, the supply of the drugs that had been imported...*". This denotes a leading role whereas the Judge for Ms Jastrzebska recognised her circumstances: "*I accept, reading everything I have read about you, particularly in the report of Dr Saleem, that you were in all likelihood in a limited position in terms of actually having the ability to report the matter and the like*". The Judge's remarks do not expand beyond this but they allude to potential pressure or coercion on Ms Jastrzebska.

15. The parties consider that in light of the admissions set out above and taking due account of the mitigation put forward by the Respondent, the proposed outcome represents a proportionate resolution of the matter, which is in the public interest.

John Quentin, Head of Legal and Enforcement



On behalf of the SRA

Paulina Jastrzebska  
Respondent